



Exploring the successes, opportunities, and challenges of business immigration frameworks in the Middle East

Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates

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The Business Advisory Group on Migration is housed at the International Organisation of Employers (IOE), the largest network of the private sector in the world, which vision is to create a sustainable economic environment around the world, in collaboration with its members and partners, that promotes free enterprise and is fair and beneficial to both business and society.

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Executive summary

Over the last four decades, the six Gulf Cooperation Council countries,ⁱ Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE, have seen consistent growth in immigration of persons originating from a wide range of countries. The growth of foreign national populations exponentially increased as a result of the discovery of hydrocarbons in the Gulf region when foreign expertise was needed to build the infrastructure for the extraction and processing of crude oil. As the local population became wealthier due to the success of the industry, the demand for domestic workers from abroad increased, as well as the triggering of large-scale construction projects that drew migrants to the region to fulfil low-skilled labour needs. As a result, there is a large migrant population in the region, one that is significantly larger than the native population, particularly in Bahrain, the UAE and Qatar. According to United Nations data from 2019ⁱⁱ, the GCC accounts for over 10 per cent of all migrants globally, whilst Saudi Arabia and the UAE host the third and sixth largest migrant populations in the world respectively.ⁱⁱⁱ

Such high-volume migration has contributed significantly to the growth of GCC countries' economies as well as the private sector. It has, however, also created the need to ensure migration frameworks and policies are not only robust enough to cater for such large-scale migration, but also to be flexible enough to develop and reform to meet the needs of governments, businesses and migrant workers. Furthermore, the Covid-19 pandemic has added to the complexity of the current landscape and has made the task of creating suitable migration frameworks and policies even harder. The Business Advisory Group on Migration seeks to increase the role that businesses play in shaping migration and skills mobility policies by contributing to the Global Forum on Migration and Development, the implementation of the Global Compact for Migration and regional consultative processes.^{iv} The Business Advisory Group is hosted at the International Organisation of Employers, which is comprised of over 160 member organizations and represents businesses in employment policy debates at the International Labour Organization, the United Nations, the G20 and other forums.^v

Purpose

This paper, which the Business Advisory Group on Migration has partnered with the Global Immigration Firm and industry experts, Fragomen, sets out to enhance the dialogue on business immigration between the private sector and GCC governments and to increase the understanding of issues which arise on both sides, by:

- presenting an overview of general business needs in immigration systems, specifically addressing how the private sector translates the Global Compact on Migration into fundamental operating principles.
- understanding some of the challenges faced by governments in the region.
- identifying private sector needs.
- proposing recommendations to enhance current policies and legal frameworks to create more effective immigration systems.

In developing this paper, we have consulted with subject matter experts on the six GCC countries and discussed issues and opinions with representatives from multinational companies. We also issued a formal survey of 18 questions to employers in the region on topics ranging from the ease of obtaining work permits and visas to challenges arising from family sponsorship issues. We have included the results of the survey throughout the paper.

Summary of research

Due to the circumstances of the region, there are many unique challenges which have shaped migration policy in the Middle East. For example, although there are large numbers of foreign workers living and working in the GCC, the greater Middle East and North Africa region faces the highest rate of youth unemployment (ages 15-24) worldwide, which stood at 26.9% in 2019.^{vi} As a result, governments of GCC countries, which traditionally have heavily regulated economic activity^{vii}, have favoured nationalization policies, restricting most government sector and some private sector jobs to their own citizens to help generate opportunities and reduce youth unemployment rates. Additionally, the economies of GCC countries have traditionally been reliant on the hydrocarbon industry and have had to focus on diversifying their economies. To grow industries such as tourism and the financial sector, GCC countries have sought foreign investment and skilled workers to fill labour needs that cannot readily be met by the local population.^{viii} Furthermore, as with all countries, security and regional geopolitics play a major role in immigration frameworks; GCC countries are required to balance immigration policies with security needs while also monitoring private recruitment agencies, which play a large role in the GCC immigration pipeline, to ensure that they are maintaining fair and ethical practices.

The private sector also faces several challenges in the region from an immigration perspective. Like the GCC governments, private companies also have reported challenges in finding certain skills in the local population, more recently in STEM (Science, Technology, Engineering and Mathematics) fields, and must rely on foreign workers to fill these positions. Additionally, skills assessment systems in the GCC are usually based on an applicant's proposed professional title, which are often linked to educational qualifications. Moreover, when employers turn to the immigration system to recruit workers, many GCC immigration frameworks do not provide much-needed immigration pathways, such as flexible short-term visas, long-term permanent residence visas and intra-company transfers. Businesses also face challenges with migration governance, as policies or procedures can change without prior announcement or consultation with stakeholders. Limitations on family migration can make it harder to recruit employees with family members who may not be able to accompany them to the respective GCC country for employment. Many of the existing challenges faced by the private sector have also been further exacerbated by the Covid-19 pandemic.

More broadly, however, there has been a number of positive changes in the region, which are discussed in more detail in the paper. For example, each country has introduced its own National Vision for the future, many of which focus on re-skilling the local labour force and increasing the employment of women. Additionally, there has been an increase in the number of long-term visa types created in the region in recent years, in order to incentivize highly skilled talent to remain in the country for longer than a temporary job placement would have them.

Proposals for reform

In order to address some of the challenges to governments and the private sector, we have outlined proposals for reform by GCC governments in our recommendations section of the paper, which we have summarized below.

Proposal	Details
Increase Private Sector Stakeholder Engagement	<ul style="list-style-type: none"> • Create a framework where stakeholder engagement is central to the review of existing immigration policies and the creation of new policies • Create further opportunities for the private sector to provide broader input, such as through a bi-annual consultation process
Enhance Intra- and Intergovernmental Coordination	<ul style="list-style-type: none"> • Increased need for data sharing among governments due to security risks in a globalized world • Adopt additional regional labour mobility agreements which will also increase protections for migrant workers • Enhance Intra-Governmental Department Coordination to ensure both consistency of law making and providing a clearer framework to assist companies to remain compliant
Create More Work Authorization Pathways	<ul style="list-style-type: none"> • Expand types of work visas to include Intra Company Transfers, short-term visas, entrepreneurship visas and permanent residence • Create agile legislative process to enable flexibility in rule changes and an immigration framework which can allow Governments to create innovative pathways for work authorization
Apply Skills Mapping	<ul style="list-style-type: none"> • Undertake comprehensive skills assessment and create more robust framework to assess skills • Map skills of foreign workers with demand clusters using input from public and private sectors
Undertake Holistic Review of Eligibility and Documentary Requirements	<ul style="list-style-type: none"> • Relax degree requirements or allow for alternative requirements • Create flexibility within quotas by considering alternative requirements • Create credential transparency and adopt the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents
Adopt and Implement Fair Recruitment Policies and Practices in Relation to Low Skilled Workers	<ul style="list-style-type: none"> • Participate in consortiums to understand the value of setting regulatory frameworks that are conducive to responsible recruitment • Enhance available information at key stages of migrants' journeys
Create Policies Supporting Dependents	<ul style="list-style-type: none"> • Liberalize dependent policies in accordance with international best practice

	<ul style="list-style-type: none"> Consider simultaneous applications to allow dependants to accompany rather than follow main applicant
Introduce Trusted Employer Schemes	<ul style="list-style-type: none"> Introduce these programs for companies with a track record of upholding the highest standards of compliance Being on such a Trusted Employer Scheme should serve as a means to incentivise companies to adopt such best practices across the market and provide for benefits including expedited processing options/relaxed requirements
Improve Transparency and Objectivity of Immigration Decisions and Proactively Manage Changes in Rules/Procedures	<ul style="list-style-type: none"> Create clearly defined documentary requirements/comprehensive supplementary Guidance which is applied consistently across government agencies Provide better information in relation to status updates/reasons for rejections of immigration applications Set out a clear framework on how discretion can be applied in any immigration application/procedure Publicize new laws and regulations as well as transition periods in advance
Increase Efficiencies and Enhance Use of Online Systems But Not at the Expense of In-Person Interaction	<ul style="list-style-type: none"> Require immigration applications to be adjudicated within a specified range of time Further introduce and streamline user friendly online system to create more efficient and accurate processing This initiative should not, however, be at the expense of in person access to decision makers

Conclusion

There has been significant positive reform and development in the GCC countries. Technological advances and GCC countries' pursuance of their own National Visions should continue the trend of advancement in immigration policies and frameworks. We consider that our proposals for reform provide recommendations based on national private sector's experiences and international best practices that GCC governments would benefit from implementing; they will not only help to create a more transparent, agile and flexible immigration framework but will also allow the GCC governments to best utilize their migration frameworks for their respective country's needs. We also stress the continued need for cooperation between governments and the private sector as immigration systems will need to be revised to align with ever-changing global circumstances. Although the interests of businesses and governments will not always be perfectly aligned, we believe a continued dialogue on immigration frameworks between the relevant stakeholders will allow the region to continue to thrive and become an even more attractive destination for foreign businesses and skilled workers.

Section 1. What does business look for in an immigration system?

Before considering specific challenges faced by the government and the private sector in the GCC countries, it is important to also understand more broadly what businesses look for in immigration systems. Governments across the world have started to recognise the value of private sector engagement and sought dialogue with the business community through various forums, including discussion on the implementation of the UN Global Compact for Migration (GCM) in 2018. This non-binding agreement sets out common principles and recommendations to create safer and more effective migration systems.^{ix} Notably, all six GCC member states are parties to the agreement and are working to implement the GCM, showing their commitment to these ideals.

Although business needs vary globally and may differ operationally due to distinct labour markets and socioeconomic conditions, there are some fundamental principles which apply to well-functioning business immigration systems across the world:

- **Transparency.** Employers can make the best choices for their future when they are provided with appropriate information to input into their decision-making framework. In the immigration context, this form of transparency, as referenced in Objective 12 of the GCM^x, can occur when they are given governmental data related to the mechanics of the immigration system, including information on standard processes and their processing times, guidance on how applications are adjudicated and issues that may cause delays in adjudication.
- **Flexibility.** Immigration systems can sometimes lack appropriate visa categories to respond to current business needs. Enhancing the flexibility of pathways for regular migration is included in Objective 5 of the GCM^{xi} and is particularly important for businesses as free movement regimes, visa liberalization and multi-country visas all allow foreign nationals to move across the world more easily both within a corporate structure and also from employer to employer. Specifically, intra-company transfer visas are sought after by employers as they allow companies to deploy their existing staff overseas to a host location for a temporary period to impart their skills and knowledge on the local workforce. Short-term visa options are also valuable as employment models become more project-based, allowing companies to deploy employees with specific skills quickly for short periods of time.
- **Efficiency.** Efficiency can be a significant factor in cost savings for a business, something that is heavily considered by employers as the world recovers from a global recession. Objective 5 of the GCM^{xii} explains that digitisation and the implementation of online processes can help shorten the time it takes to collect and submit documents and can reduce discrepancies in processes from one governmental agency to another.
- **Consistency and predictability.** Businesses need to understand how regulations are applied to the adjudication process and the likelihood of success of work permit and visa applications. Consistency and predictability, as specified in Objective 12 of the GCM^{xiii}, allow businesses the opportunity to plan for their future projects and goals.
- **Government engagement.** Another objective of the GCM^{xiv} focuses on the need for improving relations between the public and private sector to improve migration frameworks. This type

of engagement is critical as governments and businesses both seek to have well-functioning immigration systems. Governments can learn the specific challenges that businesses face that can prevent them from reaching their economic potential in the region. Conversely, businesses can better understand why certain policies are implemented. These dialogues should be encouraged, not least because they lead to more effective policies that incorporate the needs of both sides. The importance of governmental and private sector cooperation is referenced over 16 times in the GCM, stressing the importance of a “whole-of-society” approach to migration governance.

- **Recognition and assessment of skills.** The GCM, in Objective 18^{xv}, also envisages investing in skills development and the facilitation of the mutual recognition of skills qualifications and competences as a major objective. Governments with immigration systems that recognize and assess different skills and qualifications can provide accurate statistics on where skill shortages exist and can invite the business community to help fulfil these specific labour needs. Furthermore, governments can adjust their educational systems to better prepare graduates, both national and foreign, for jobs in growing sectors of the labour market.
- **Responsible recruitment framework.** GCM Objective 6^{xvi} explains that there is a global obligation to facilitate fair and responsible recruitment practices through migration frameworks. These practices can include enhancing oversight regulations and restricting the use of unregulated third-party providers or intermediaries, to better ensure the protection of migrant workers. By having all parties abide by the same set of enforced recruitment regulations, the standard of recruitment rises, leading to a more level playing field for businesses that follow these rules while simultaneously inhibiting unethical practices.

Section 2. Characteristics of immigration frameworks in the Middle East

Historical context and recent progressive reforms

Historically, foreign nationals in the GCC typically filled roles that were considered undesirable or that could not be filled by locals who themselves often lacked the necessary skills. Foreign nationals were traditionally viewed as temporary workers who would return to their countries of origin due to the time-restricted nature of their contracts.

In addition, the GCC countries faced allegations of unfair treatment of foreign workers (particularly low skilled workers). Those allegations have, in part, accelerated policies to reform immigration and employment laws to strengthen migration frameworks and prevent such practices. These reforms have grown in number in the recent years, when new policies emerged to enhance protections for migrant workers, strengthen their rights and combat human trafficking.^{xvii}

Specifically, Bahrain^{xviii} and the UAE^{xix} were the first countries in the region to introduce government campaigns against human traffickers. In 2018, the Dubai International Financial Centre (DIFC) introduced a law providing whistle-blower protections.^{xx} In 2019, Saudi Arabia introduced similar legislation^{xxi} and in 2021, Qatar launched an online platform for workers to file labour complaints.^{xxii} Furthermore, in 2019, the UAE implemented mandatory labour awareness training for foreign national employees in the mainland, making it a requirement for a labour contract to be issued. This training ensured that private sector employees understood their labour rights and served to increase transparency in the labour market.^{xxiii} Moreover, Qatar abolished the requirement for foreign nationals to obtain exit permits and removed the requirement for foreign nationals to obtain permission, in the form of a Non Objection Certificate, to change sponsors as well as being the first country in the GCC to implement a non-discriminatory minimum wage^{xxiv}. In 2017, Bahrain launched a flexible Work Permit program allowing foreign nationals whose residency visas expired or were cancelled by a specific date, but who had not yet departed Bahrain, to obtain a flexible work permit without sponsorship with a validity of up to two years, with the possibility of extension.^{xxv} This was announced, amongst other reasons, as a means to combat the practice of foreign nationals entering the country under visit or tourist visas and subsequently overstaying and working illegally in the country without any worker protections.^{xxvi}

GCC countries have also entered into several bilateral agreements with foreign governments, which also contain provisions for the protection of migrant workers. A recent example is the Memorandum of Understanding signed between the governments of Kuwait and India to provide Indian domestic workers who are working in Kuwait with legal protections and a mechanism for 24-hour assistance if issues arise.^{xxvii} These bilateral agreements to protect domestic workers have become common in the region, providing standard provisions for employment conditions, and regulating the involvement of recruitment agencies, among other worker protections.

Moreover, all GCC countries ban the practice of employers withholding their foreign nationals' passports while working in the countries. GCC countries have also established wage protection systems which seek to ensure that wages are paid in full and on time to employees through a centralized government-run system.

National visions

Each of the GCC countries have announced exciting and progressive, multi-year visions of their future, which articulate the need to not only diversify their economies, but also to invest in human capital by upskilling the labour force. In GCC countries, school-aged females generally outperform males. However, female labour participation for those over 15 years of age is low across the GCC at 22% in Saudi Arabia and 30% in Oman, as compared to OECD countries, where the participation rate for females over 15 years of age is 60% (although Qatar is an exception with an average of 58%). These statistics evidence the untapped potential in the labour market for women.^{xxxviii} Recognizing this, Saudi Arabia has placed a significant emphasis in its Vision 2030 on increasing the participation of Saudi women in the workforce and has implemented policies to support this, including special quotas for women in several sectors as part of the Saudization program.^{xxxix}

In addition to increasing female participation in the labour market, Saudi Arabia's Vision 2030 contains many more far-reaching development goals. For example, the program envisions the city of Riyadh becoming a financial and cultural centre for the country through a USD 800 billion investment in urban renewal and the creation of incentives for businesses to relocate to the city.^{xxx} Moreover, the country is focused on giga-projects, including the Red Sea Development^{xxxi}, which would attract tourism to Saudi's western coast; NEOM^{xxxii}, a territory which will feature futuristic technology and which will be connected by "the Line", a 106-mile-long belt of connected communities powered by clean energy; and Ad Diriyah, which will transform a more than 300-year-old city into a cultural destination.^{xxxiii}

Bahrain outlined in its Economic Vision 2030, in which the government will invest oil revenue for future generations while using recurrent revenue for its daily expenditures. In this way, Bahrain will seek to invest in strengthening its educational system, among other areas, focusing the curriculum on critical thinking and technological skills sought after in today's labour market.^{xxxiv} Transformations in educational systems are so paramount that all six GCC countries have outlined it as a priority in their Visions.

Although Qatar, in its National Vision 2030, focuses on the need to increase labour force participation of its nationals, it is likely to remain reliant on foreign nationals for the foreseeable future to avoid labour shortages. As a result, the country has outlined its Labour Market Sector Strategy, which seeks to rebalance the labour market structure; increase work efficiency in different sectors; develop the capacities of nationals; attract and retain skilled and highly experienced workers and improve the labour market information system.^{xxxv}

Immigration systems and immigration reforms will play a key role in determining the success of these National Visions as they are expected to create significant numbers of jobs for both GCC and foreign nationals. It is likely that each country will adopt immigration reforms in order to best serve the objectives of their respective National Visions, such as expanding citizenship and long-term residence options to attract highly skilled foreign nationals with needed skill sets or increasing nationalization levels to employ additional local workers.

Although each GCC country has individually implemented numerous reforms and future policy outlines, they are also working through several collaboration frameworks and projects to reform the migration system. For example, the Abu Dhabi Dialogue was launched to address temporary labour mobility between countries of origin (which benefit from migration due to remittances), and destination countries (which benefit from being able to fulfil their labour needs). The dialogue

commits all involved countries to ensuring the protection of migrant workers, empowering workers to fulfil their goals and affording workers the opportunity to benefit from temporary labour migration.^{xxxvi} The Abu Dhabi Dialogue, as a regional consultative process, has continued to adopt principles of the GCM in moving towards a multi-stakeholder consultative process by including members of the private sector and civil society organisations.

Digitalisation

The region has become known for its innovative technology, which has been deployed throughout its immigration systems. In our survey, over 74% of employers utilizing GCC immigration technology platforms find technology platforms to be effective. More recently, the UAE was featured in the top quartile in a survey which evaluated the ability of countries to utilize opportunities offered by information and communications technology.^{xxxvii} The Dubai Paperless strategy, which seeks to remove paper from all internal operations and customer-facing services, successfully eliminated paper-based medical certificates; these certificates have been replaced by an electronic link which can be sent directly from a clinic to the immigration system.^{xxxviii} Additionally, Saudi Arabia has launched online platforms for the issuance of visas for tourism and premium residency, effectively streamlining these processes. In Qatar, the Metrash2 application has revolutionised the use of technology in immigration applications by creating an easy-to-use mobile platform for a number of standard submissions. Digitization of such processes allows for employers to more efficiently and accurately complete and submit immigration applications, while government employees can process applications more quickly. It can also increase compliance and can provide better decision making as it can reduce human error. This not only results in faster processing times but allows foreign workers to enter the respective country and begin working more quickly. It can also, as mentioned in Objective 18 of the GCM^{xxxix}, allow for better mutual recognition of skills and informally-acquired competencies across countries. Additionally, the region's technological prowess was shown through the use of sophisticated online tracking apps and immigration systems during the Covid-19 pandemic. This acceleration in technology will further change the immigration landscape in the GCC as the needs of the business sector shift from lower-skilled workers whose jobs may become automated and as the economies of these countries transition from low-cost and labour-intensive industries to capital intensive industries.

Impact of Covid-19

The Covid-19 pandemic which has caused the death of many millions of people and affected the health of many millions more has created unique challenges for Governments and businesses alike across the world. Aside from the health and safety impact, the pandemic caused a global economic crisis. GCC countries suffered as oil prices plummeted, losing an estimated USD 42 billion in GDP, reflecting how important the GCC's plans for diversification will be for the future strength of their economies.^{xl} The tourism industry also faced a sharp decline due to the inability for many to travel during the Covid-19 pandemic, causing GCC countries to potentially lose up to 400,000 jobs in this sector.^{xli} Bahrain, Saudi Arabia, Qatar and the UAE took steps to create exemptions from tourist levies and other fees in order to help the sector recover. Additionally, to promote domestic travel, Saudi Arabia launched a "Saudi Summer" campaign^{xlii} and the UAE launched the "World's Coolest Winter" campaign.^{xliii}

The region's overall health management strategies, including high vaccination rates and strong penalties for non-compliance with quarantines and curfews, has allowed industries to restart much more quickly than in other areas of the world. Additionally, the pandemic has led many GCC countries

to increase support for their healthcare industry and as a result, create opportunities to grow the private sector healthcare industry. For example, the UAE and Saudi Arabia both partnered with foreign countries and private companies to support vaccine research, which could provide future opportunities for the healthcare sector.^{xliv}

Section 3: Challenges to immigration systems

The characteristics listed in the previous section have led GCC countries to face similar challenges to their respective immigration systems, despite their unique domestic, political, social, and economic situations. Understanding these challenges will ultimately aid both governments and businesses alike to identify mutually agreeable initiatives for reform. We discuss some of these challenges in turn in the following section.

Youth demographics and nationalisation

In GCC countries, as mentioned earlier, foreign nationals comprise over half of all workers, including over 75% of workers in the private sector.^{xlv} At the same time, the region has the one of the highest youth unemployment levels (15-24 years) in the world. Since many of the GCC's young nationals are not actively contributing to the economy, GCC countries are finding that this comes at a significant cost to their GDPs. Furthermore, in general, once former workers are out of work for long periods of time, it can often require greater incentives or training to get them back into the workforce.^{xlvi}

In this region, the youth population have generally viewed the public sector as more desirable than the private sector. Public sector jobs usually offer higher wages, better benefits, and more job security. This has created a glut of workers waiting for scarce positions and holding expectations for jobs that cannot always be met in the private sector. In a survey taken in 2019, 80% of Kuwaiti nationals stated that they preferred working in the public sector to the private sector.^{xlvii} Additionally, GCC countries generally offer favourable unemployment benefits which could have the unintended effect of nationals ending up preferring unemployment rather than taking so-called undesirable jobs.

As the employment market continues to shift significantly because of the changes brought on by the Covid-19 pandemic, access to entry level roles will likely be impacted. Businesses have been forced to operate remotely, limiting as much person-to-person contact as possible, while also implementing cost savings. Many business features have moved online, accelerating the already-in-motion digital transformation. As a result, some lower-skilled and entry level jobs, which may have originally been taken by younger workers, could be effectively eliminated by automation.

There is a common perception that some young workers in GCC countries lack the required skills or even ability to enter the private sector on their own. For example, although Saudi Arabia has liberalized its policies and no longer requires male guardians to provide permission for females to work in the private sector, some companies still seek out this permission due to social customs.^{xlviii} A lack of previous work history can hamper many young people in obtaining jobs in the private sector, where employers would rather hire more experienced candidates.

Furthermore, countries in the region tend to have strict employment protections, such as hurdles to terminating local nationals, irrespective of performance. In Oman, for example, the government mandated that during the pandemic, employers must continue to pay their local employees in full and could only terminate employees if the company was undergoing bankruptcy. As a result, companies continue to be somewhat hesitant to take on local nationals and are fearful of hiring young, inexperienced workers since there are fewer perceived avenues for early termination if the employee is not appropriately skilled to do the job. It has been reported that inflexible labour laws support employers maintaining existing workers instead of hiring new, younger talent.^{xlix}

As a result of high youth unemployment, among other issues, many governments in the region began introducing nationalization programs to increase local hiring and decrease unemployment levels of their citizens. Since 2011, Saudi Arabia has used the Nitaqat program to create mandatory ratios of nationals to foreign nationals (Saudization targets) in the workforce. Employers are then assigned to a colour scheme based on their compliance with the Saudization ratio. Companies compliant with the ratio receive a platinum or green band and are granted incentives, such as unrestricted approval of new visas; those who are non-compliant and fall in the red band may be restricted from hiring foreign nationals under new work permits or renewing existing permits. The Nitaqat program has also become part of Saudi Arabia's Vision 2030, which aims to use the program to produce over 340,000 jobs for Saudi nationals by 2024. The program is also expected to produce policies which encourage female employment in the workforce and raise the average pay of Saudi nationals.ⁱ

Oman also introduced a nationalization program, called Omanization, to replace foreign workers with Omani nationals. Since 2017, Oman required employers in the private sector to register their plans for Omanization online with the Ministry of Manpower. Over the past few years, the program has expanded to an outright ban of employment of foreign nationals in certain sectors, such as information technology, engineering, and accounting and finance. The program is further expanding to require the nationalization of all professions in the education sector in 2022.

Moreover, Kuwait announced in 2020 that it will stop issuing work permits for foreign nationals over the age of 60 without a university degree. This new rule aids the government's initiative to cut the number of foreign nationals in the country by as much as 360,000 workers, with as many as 150,000 of those foreign nationals being in this age category.ⁱⁱ

In addition to nationalization, countries in the region have begun to set up additional policies to address high youth unemployment. Saudi Arabia launched a new electronic platform for job seekers in both the public and private sector to standardize and improve the efficiency and transparency of information and procedures for recording job opportunities, documenting job applicants' data and qualifications and linking them with the databases of other government agencies. Other countries, including Bahrain and the UAE, have also developed similar job portals to connect companies with skilled workers seeking employment and to reduce the recruitment of foreign workers. Furthermore, some countries, including Bahrain, Kuwait and Saudi Arabia, are developing national youth policies to provide comprehensive governmental plans to decrease unemployment in this age group.

Skills Shortage

There has arguably been a misalignment of the skills available in the local population in GCC countries and the needs of local employers. One of the major factors driving the skills shortage in the region is the discrepancy between skills required in the labour market and those of students coming out of the educational system. 47% of respondents in our survey considered that skills shortage is one of the main reasons why they seek foreign talent. Employers have reported that candidates lack critical thinking and problem-solving capabilities and fail to gain real-life work experience before leaving school.ⁱⁱⁱ In Saudi Arabia, this has partially contributed to large numbers of unemployed men and women who hold bachelor's degrees, at 7.5% and 33.5%, respectively. Although this ratio is lower than those with less education, the returns on education are extremely low, particularly for the female population.ⁱⁱⁱⁱ

As most industries become digitized, skills pertaining to technology are increasingly in demand; however, these skills are often lacking, even in the most developed countries around the world. Specifically, a study found that in the GCC countries, only one of 10 skills most cited by digital professionals in the region match the fastest-growing skills found globally on LinkedIn.^{liv}

Even when nationals are employed, there can sometimes be a form of “masked unemployment”, where local workers are added to payrolls due to nationalization programs with quotas or localization ratios; however, their skills do not match the requirements of the job position. Masked unemployment can result in a lack of productivity for the company, where the national may not be equipped for the position and their skills may be underutilized.^{lv}

Additionally, in-demand skills in the region are often ones that would arise from completing vocational programs, as opposed to university degrees. Yet, many in the region hold a negative perception of these types of programs and the public sector generally guarantees employment based on credentials, not skills. Moreover, some employers and federal universities, in countries such as the UAE, will tie a graduate’s salary to their degree, resulting in lower salaries for those graduating from vocational programs, and making these programs undesirable for applicants.^{lvi}

There has, however, been some positive movement in this respect. For example, in Bahrain, the Higher Education Council initiated a study in 2014 to build upon a previous skills gap analysis and identify the needs of employers. Based on the results, the Bahrain Authority for Quality and Training now requires all educational institutes to justify new course development decisions based on labour market needs, including those outlined by the Higher Education Council’s labour market needs.^{lvii} Programs such as these can be critical to both employing youth in the labour market and filling skills gaps.

Foreign investment

Around the world, cumbersome immigration regulations can stifle foreign investment as companies seek predictability, transparency, and favourable conditions from governments when they open businesses abroad. Labour quota requirements, restrictive rules surrounding corporate entity setup, requirements for local ownership in certain business sectors, and restrictions on foreign ownership cause bureaucratic issues that in turn cause issues for businesses.

Additionally, as the public sector is dominant in many GCC countries, it has been suggested that the private sector is forced to compete more aggressively to win contracts and ensure business access.^{lviii} This has the potential to stifle foreign direct investment as prospective companies may not believe that they can compete on a fair playing field with those engaged with the public sector.

Nonetheless, many countries in the GCC have sought to liberalise regulations to attract more foreign investments, using different strategies to do so. Saudi Arabia recently announced that beginning in 2024, international businesses without a regional headquarters in the country will not be able to contract with agencies, institutions and funds owned by the Saudi government. Furthermore, companies will be required to set up or relocate their headquarters in Saudi Arabia to be exempt from Saudization requirements. The law is part of a new strategy to encourage foreign investment in Riyadh, which is expected to become one of the world’s top urban centres, with a population estimated to be around 15 to 20 million by 2030, and relatively inexpensive infrastructure and real estate development costs.^{lix} Other measures which will improve quality of life for residents in Saudi Arabia are also being implemented, including the opening of the Riyadh Metro, expansive afforestation measures, and more cultural events, among other social reforms. These changes are

expected to create an attractive business and living environment, bringing talent and highly skilled individuals from all parts of the globe into the country.

Other GCC countries have tended to favour a more incentivized approach to attract foreign investment. For example, Qatar's Council of Ministers recently approved a draft law which will allow foreign investors to own up to 100% of the capital of companies listed on the Doha Stock Exchange; previously, foreign investors could only own up to 49% of companies listed on the local stock exchange and 100% of unlisted companies and real estate.^{lx} Once the law is implemented, it is expected that the country may see foreign investment flow into the country in excess of USD 1.5 billion.^{lxi} Moreover, the UAE recently implemented a decree allowing foreign nationals to fully own a company anywhere in the country, with minimal exceptions, without requiring an Emirati shareholder or agent, significantly increasing the number of businesses that can operate in the country.^{lxii}

Additionally, many of the countries in the region operate Free Zones, which provide more favourable environments for businesses to operate. In the UAE, Free Zones generally allow 100% foreign ownership of companies, with no requirements of local sponsors or service agents and provide income and export tax exemptions. Due to the favourable conditions, the UAE's Jebel Ali Free Zone (JAFZA), has gone from registering 19 companies in 1985 to over 8,000, including over 100 Global Fortune 500 companies^{lxiii} and the Dubai International Financial Centre has become the region's largest jurisdiction for financial services, with over 25,000 professionals working across more than 2,400 active registered firms.^{lxiv} Furthermore, the Dubai Development Authority oversees development across certain free zones and other communities, including Dubai Media City, a major regional hub for media organizations^{lxv}; and Dubai Internet City, which has over 1,600 registered companies (including major tech companies such as Amazon, Google, Microsoft, IBM, and HP)^{lxvi}. Additionally, the formation process for a company is much faster than in the mainland, and recruitment processes are often expedited.^{lxvii} In Qatar, the Qatar Financial Centre, a business and financial centre located in Doha, has become such an attractive location for businesses that, despite the Covid-19 pandemic, witnessed an increase of 63.7% in the number of new firms licensed on its platform in 2020, including a record increase of 139.5% in the digital sector.^{lxviii}

Saudi Arabia also has ambitious projects in the works. One is NEOM, which is expected to add SAR 180 billion to the domestic GDP; create 380,000 jobs; and diversify its economy away from oil.^{lxix} NEOM covers a vast geographical area comparable to the size of Belgium, and is expected to link Saudi Arabia, Egypt and Jordan and serve as a major commercial hub that will embrace digital technologies and services. Additionally, the regulations governing NEOM are expected to be as business friendly as possible to attract further direct investment in the project.^{lxx}

Security and regional geopolitics

Among the benefits for Bahrain, Oman, Kuwait, Qatar, Saudi Arabia, and the UAE of belonging to the GCC is a regional policy allowing foreign nationals to obtain a visit visa if they hold a residence permit in another GCC country. There is an even greater benefit for those holding employment visas in Saudi Arabia—those foreign nationals and their dependents can obtain residence status (but not full residency) in Bahrain. Additionally, Saudi Arabia recently launched a self-sponsored visa for tourism for residents and nationals of certain countries, including residents of GCC countries.^{lxxi} However, despite their ties through the GCC, member countries have become increasingly self-reliant due to the fast-changing dynamics in the region and increased competition to attract investment that will help diversify their economies away from a heavy reliance on hydrocarbons.

As GCC countries continue to focus on their own national interests, complexities also arise in relation to security considerations particularly as not all GCC members follow identical foreign policies. As such, all GCC countries employ their own national security measures that have a direct impact on immigration policies; largely that can be seen with the concept of “restricted nationalities” i.e. certain nationals that are either not able to obtain work visas or undergo enhanced security checks as part of their immigration application. Organisations can therefore find themselves in a position where they can mobilise an employee to one country in the GCC but not necessarily be able to allow that same employee to travel to another GCC member state, thereby inhibiting intra-GCC mobility of talent.

Moreover, over the past year, there was a major regional geopolitical shift when both the UAE and Bahrain took steps to normalize relations with Israel, opening diplomatic relations and creating economic ties. The agreement, entitled the Abraham Accords, was signed mostly to increase cooperation on shared security threats to the region, but will also spur travel and business between nationals and residents of the countries.^{lxxii}

Recruitment practices

GCC countries have been making great strides in relation to recruitment practices as the region seeks to become a global destination for worldwide talent on par with Australia, the United States and the European Union. GCC countries have realized that to compete on this stage, their recruitment policies must meet generally recognized standards for international corporations and as such, have made numerous reforms to their labour systems specifically in relation to lower skilled workers.

GCC countries generally employ a kafala system which grants companies’ sponsorship permits to employ foreign workers (officially, both Qatar and Saudi Arabia have abolished the system, but most immigration processes in the GCC are still heavily based on the concept of sponsorship). The employer is expected to cover or contribute to travel expenses and accommodation, and workers are generally more dependent on their employer than they may be in other countries. Private recruitment agencies have played a large role in the business immigration system, as agencies hire foreign workers in countries of origin and serve as a contact point between workers and employers. Some agencies have reportedly made prospective workers’ pay for their services upfront in the country of origin, but also sometimes deduct expenses from the workers’ future pay checks in the country of destination. There have also been numerous reports of migrant workers, once arriving in the country, being subjected to a new contract of employment with considerably different and more onerous conditions known as “contract substitution”, thus creating a system rife with the potential for abuse. To combat these unethical practices, many GCC countries have introduced a number of initiatives including public-private partnerships which allow for e-recruitment through websites that track workers, creating more oversight and transparency in the recruitment process.^{lxxiii} Qatar has created a number of Qatar Visa Centres in countries which provide a large portion of low skilled labour to the country which allows foreign nationals to sign their employment contract before entering the country, thus creating further transparency in the process.

As a further result of workers’ rights issues with certain employers, GCC governments have started creating and enforcing stricter compliance laws and have relaxed regulations that make workers less reliant on their employers to comply with their obligations. For example, Saudi Arabia and Qatar implemented a Wage Protection System which requires employers to create a payroll file and disburse salaries through the system, to ensure that workers are receiving their full wages on time. Other countries in the GCC have implemented similar systems, including Bahrain and Oman. Non-compliant

employers are often sanctioned— employers found to be violating the Wage Protection System rules may face suspension of immigration- and labour-related transactions.

As mentioned earlier, Saudi Arabia and Qatar have removed the requirement to obtain permission from an existing sponsor to change sponsors. Such a drastic change in policy will ultimately lead to more companies improving their own standards to avoid losing key talent.

Section 4. Challenges faced by the private sector in the GCC

Within the context of labour shortages set out above, the private sector has always been a substantial user of the immigration systems in the GCC. Despite several positive reforms, particularly over the last few years, the private sector continues to face challenges across a number of different areas. In this section we will set out some of those challenges in more detail as well as providing some real-life case examples and the subsequent impact on business.

Availability of skills

Migrant workers are an important part of the global workforces; international migration is an effective instrument to meet skill demand in sectors or occupations where domestic skill supply is insufficient. With the scaling up of automation high on the agenda in the GCC, in the future, it is expected that employment across the GCC region will fall by approximately 13%, with losses as high as 900,000 jobs in the UAE and 1.7 million in Saudi Arabia; the migrant worker population in some countries may drop by as much of 10%^{lxxiv}.

The substantial outflow of migrant workers accelerated because of the Covid-19 pandemic. To their credit, however, several GCC governments had introduced initiatives to increase workforce mobility during the height of the pandemic.

Case study

Government support during the pandemic to source skills

Due to the Covid-19 pandemic, available workers or skilled workers in populations in GCC countries were in short supply, primarily due to foreign workers not being able to fill these positions due to travel restrictions and the suspension of work permits. To enhance the flexibility and stability of the labour market, discourage potential foreign workers who were unemployed from repatriating and retain talent already in the country, labour authorities in the region created new online recruitment platforms or repurposed existing platforms initially used for labour market testing.

Some examples include:

- Talent Portal in Bahrain;
- Unified National Employment Platform in Saudi Arabia;
- Labour Re-employment Platform in Qatar; and
- Virtual Labour Market Platform in the UAE

These platforms provided a way for employers to search for potential new talent from within the local labour market and for employees to apply for positions with companies directly, without the need to source for candidates via recruitment agencies, a benefit to both employers and employees.

Whilst these platforms have been beneficial tools to both companies and job seekers during the period where recruitment from outside the region was not possible, it is difficult to see whether these will continue to have any favorable impact on finding the right skills in the local market.

As economic activity gradually recovers, however, there are concerns that any continued outflow will lead to labour shortages and have an adverse effect on key sectors, such as hospitality, construction, education and healthcare. The outflow of highly skilled migrants carries risks for economies in the Gulf region, as many sectors could find it difficult to replace skilled labour despite ongoing efforts of training and workforce nationalization across the region^{lxxv}.

Furthermore and thinking further ahead, consideration must also be given to the jobs that will be required as a result of what is commonly referred to as the “future of work”, where a number of trends are expected to continue e.g. the automation of jobs; remote working; STEM (Science, Technology, Engineering, Mathematics) skills becoming needed for emerging digitization technologies; and the growth of new areas such as Cyber Security, artificial intelligence, Big Data Analytics (BDA), Cloud Computing, Block chain, Robotic Process Automation (RPA) and IoT (Internet of Things) – which bring a demand for engineers, information technology technicians, and data analysts among other technical experts. With the high demand for these professionals, these skills may not be readily available domestically and thus the continued need for migrant workers will be required. In due course this will also mean that people will likely move roles more regularly and so immigration regulations must be flexible enough to allow people to gain new skills.

For instance, according to a study conducted by National Skill Development Corporation, while Saudi Arabia’s economy continues to offer avenues for low-skilled migrant employment in extractive industries, it is diversifying into other sectors such as agriculture and personal care services, and opportunities are growing for technical and high skilled professionals in information technology and manufacturing. The study also found that in the UAE, although demand for skills is expected to grow in financial services, tourism, hospitality, and healthcare, there will be a higher demand for skills in emerging technologies.^{lxxvi}

On the whole, the messaging is clear; there is a need to create an agile workforce both in training and educating resident labour, but also allowing business access to foreign talent to plug skills gaps.

Determining skills needs

Companies seeking new talent consider a myriad of factors before making a hiring decision; educational qualifications, technical qualifications and experience, to name a few. In demand-led immigration systems, the onus and choice of hiring foreign nationals is generally placed on the private sector; companies themselves are best at assessing and identifying the skills they need now and in the future. Governments, on the other hand, must also understand the skills available within the country, to be able to plan for the future and understand how they can assess and decrease skill shortages whilst effectively managing the flow of migrant workers into the country.

The current skills assessment systems in the GCC generally determine skills based on the applicant’s proposed professional title, some of which are linked to an appropriate educational qualification. For skilled roles, this generally translates to a bachelor’s degree in a field relevant to the professional title. In some countries, degrees taught online are not accepted for the purposes of the immigration process. Work experience and other skills are not necessarily considered when defining job roles. Considering the relatively limited list of available professional titles by the Labour authorities in the GCC, this can be somewhat inflexible. For example, in the GCC, when selecting the professional title General Manager, a bachelor’s degree is typically a mandatory requirement - if the candidate does not hold a degree, companies may then choose a title where a degree is not required. In addition, if

an applicant holds a degree, it must be legalized for use in the respective country. The legalization processing time, depending on the country in which the degree was issued, can take up to 5 months, considerably delaying the company onboarding process.

In relation to degrees in particular, it is interesting to note that many global organizations, such as Apple, Google, Hilton and Bank of America,^{lxxvii} have eliminated the requirement for candidates to hold a bachelor's degree for many of their top positions, to increase their hiring pool and be able to consider other factors such as skills and experience gained through vocational training in a specific industry-related sector; the candidate's ability to learn; and leadership and character / professional references. On-the-job training is often seen as more beneficial to both the employer and employee, as it can be job specific^{lxxviii}. Google has recently introduced an initiative where it offers a professional training certificate in Project Management, IT Support, Data Analytics etc., with the opportunity for a training apprenticeship at the end of the program^{lxxix}. In our survey, only 8% of respondents considered educational qualifications to be a priority when hiring new talent. In the context of the GCC immigration framework, whilst the move away from considering degrees is positive from a recruitment perspective, it creates difficulties in the immigration process.

Outside of educational requirements, countries such as Qatar, Saudi Arabia, Kuwait and Oman, also require companies applying for a visa quota (often referred to as 'block visa') to confirm the gender and nationality of the potential candidate. Employers generally do not select candidates based on nationality or gender, and as above, tend to make hiring decisions based on the skills, qualifications and expertise required to fill a role. In fact, our survey indicated that skills, and experience were the highest rated factors when considering new talent. Therefore, the current quota system – which requires employers to make requests for a quota based on a pre-determined set of professional titles, nationality and gender – is no longer a practical reflection of the criteria companies use to select their talent.

Case studies

United Arab Emirates

Policy limitations on defined professional titles and the mandatory legalization of an education certificate, led to Company A hiring a General Manager, under the profession of Filing Clerk. The processing time for the legalization in the individual's home country was expected to take 4 weeks. Therefore, to enable Company A to hire the individual by the intended start date, the decision was to opt for a lower "unqualified" profession, where a degree was not required. Once the legalization had been completed, Company A amended the title. This was not an ideal nor an efficient solution, as it meant processing a job title amendment later and the new hire having to attend a mandatory labour awareness training session (required for low skilled workers), and additional costs incurred by the company.

Saudi Arabia

Policy limitations on defined professional titles, requiring a bachelor's degree in the relevant field and the mandatory legalization of a degree, led to several-week-long delays in Company B being able to onboard a new hire. The desired candidate did not hold a degree but had specific training certificates obtained through his previous role and many years of experience in his field of expertise. Company B attempted to apply for the work permit relying on the specific training certificates but was rejected.

Company B was very keen to secure the services of this candidate and spent a significant amount of time making representations to the relevant government authorities to instead accept evidence of the candidate's experience to approve the work permit. Ultimately, the application was approved, but with significant delays along with incurring additional expenses and considerable uncertainty for the business and the candidate.

Migration pathways

a) Short term options

Temporary short-term assignments are a common practice for companies who need to deploy staff, often on an urgent basis, to complete critical missions or for work projects. To facilitate this, companies need to have the relevant flexible visa option available, which some countries in the GCC do not have. There has been some progress made in relation to short term solutions:

- **UAE single-entry Mission Work Permit.** A local employment contract is required, but allows hands-on work for up to 90 days (although this is not available to companies in the free trade zones).
- **Saudi Arabia's Temporary Work Visit Visa (TWVV).** Valid for one year, with the option of single or multiple entry, for entry up to 90 days at a time, in place of the Work Visit visa. A TWVV quota is required and this is granted based on a payment of approx. SAR 1000, dependent on the number of quotas required.
- **Oman Short-Term Employment Visa.** Valid up to nine months. A local employment contract is required.
- **Qatar Short-Term multiple-entry visa.** Valid for an initial period of 90 days and requires a quota to be approved first. Currently available for companies that have projects with governments.

Despite these developments, however, there are drawbacks to the short-term visa options that these countries offer that provide an opportunity for development. For example, none of the above options provide the opportunity for the visa holder to sponsor dependents. Processing times can often vary and sometimes be lengthy, due to visa quota or nationalization requirements. In addition, some countries still require the employee to first legalize their educational qualification, which can cause challenges, particularly where short-term assignments are of a temporary nature are often urgent.

Case studies

Saudi Arabia

In October 2019, Saudi Arabia unexpectedly removed the Work Visit Visa and Commercial Visit Visa category and replaced it with a Visit Visa for business, which stated 'not permitted to work' on the visa sticker, therefore, eliminating all options for hands-on work. This affected many companies that used this visa type for employees travelling to the Kingdom for work on a short-term basis. This meant that companies had to obtain a standard work permit and place employees on a long-term local employment contract, or place projects on hold until a compliant alternative visa for short-term work was put in place. A Temporary Work Visit Visa was introduced in February 2021, which was initially considered a great relief to companies but has onerous documentation requirements and extensive timelines associated with it, which reduces its useability in practice.

United Arab Emirates

UAE's policy limitations on defined professional titles and the mandatory legalization of an education certificate, led to a delay with Company C being able to obtain a Mission Work Permit for an employee who was required on site within 10 days, for a three-month assignment. This meant that the service they were providing to their customer was severely impacted. If the individual did not need a legalized bachelor's degree before the work permit could be processed, the permit would have been issued within seven days.

b) Longer-term visa options

With the Middle East being commonly known as a home to transient expats on assignments that last one, two or three years with residency permits linked to their employment, loss of employment invariably means termination of residency and therefore losing highly skilled, talented individuals. Historically, routes to longer-term residency without the need for a sponsor and citizenship have seldom been available in the GCC. Based on experience in other jurisdictions, however, the availability of foreign nationals with the ability to work freely in the local economy provides a rich source of talent from within the resident labour market whilst also increasing the attractiveness of the country as a destination for highly skilled foreign nationals.

There has been some positive movement in this context. Countries in the GCC have been considering ways to encourage individuals to work and reside in the country for longer periods and at attracting professionals to the region, by offering long-term residence visa options and remote work visas. The UAE, Bahrain and Oman, offer long-term residence visas for investors and owners of properties, ranging from two to 10 years. In 2019, the UAE expanded the eligibility criteria for the Golden Visa, a long-term residence program, by making it available to skilled/talented individuals, scientists, physicians, executives, entrepreneurs, outstanding students, and recently engineers. The Visa has been a way for the country to retain skilled / talented individuals. In addition, the UAE is anticipated to soon start offering citizenship to investors and highly skilled professionals. Furthermore, Qatar introduced a permanent residence pathway allowing a limited number of foreign nationals per year to become permanent residents, with access to the local economy. Saudi Arabia has implemented the Premium Residency Program (Green Card), which offers residency for an annual or an unlimited period, based on investment in the country. The program allows foreign nationals to purchase property, own transport, work in the private sector and change jobs, etc., benefits which were strictly limited to Saudi nationals. The Ministry of Investment recently announced a further review and expansion of the scheme is underway to make it more widely available including to categories such as retirees.

Considering the Covid-19 pandemic, the UAE also introduced the Virtual Working Program (Remote Work Visa), valid for one year, to foreign national professionals (and their dependents) seeking to work remotely while employed by their home country employer. This was introduced to primarily help with economic recovery, but also to promote the country as a destination in which remote workers could reside, or establish or relocate their business.

To increase investment in the country, the UAE and Bahrain offer retirement visas to foreign nationals, valid for a period ranging from two to 10 years, based on investment, savings or monthly income.

c) Intra company transfers

Employers value the ability to transfer existing employees of their global organization across borders. These Intra-Company Transfers provide companies operating around the world with an invaluable option when seeking to deploy their existing staff overseas for a short- to medium-term international work assignment. Skills of Intra Company Transferees complement those of the local workforce, for example, by bringing cultural knowledge and understanding, languages or specialist skills to the business. This is also reflected in our survey whereby skills and experience were the highest ranked priorities for business when onboarding talent – two factors that are more easily identifiable in an organization’s own global workforce. Intra Company Transferees pass on their skills and expertise to employees while delivering the latest advances in technology from around the world. The route helps employers maximise productivity, encourage trade and investment, and ultimately contribute toward economic growth. Intra Company Transferees are also an important means of transmitting tacit knowledge, i.e., knowledge that cannot be codified or transmitted through documentation, lectures, conferences, or other communication channels.

The Intra Company Transfer category is available in many countries around the world including the United Kingdom, the United States and Canada. There is a recognition that such moves do not necessarily have a direct impact on the local resident labour market due to the temporary nature of the move. As this option does not exist in the GCC, in practice, where a company is seeking to mobilize existing talent from within the corporate group, it must use the same process as when adding a new hire to the organization. Business would, therefore, benefit from being able to mobile internal resources with less onerous provisions, reflecting the temporary nature of such moves.

Case study

Qatar

Company C, a multinational Information Technology business, had recently won a new contract in Qatar. To lead this project, Company C wished to transfer a senior manager who had successfully led a similar project from its office in Kuwait. Despite being an existing employee of the global company, with the requisite skill set and deep knowledge of the organization, Company C was unable to transfer this employee from its Kuwait entity as the Labour Quota was denied on the basis that Company C already had a sufficient number of employees.

Migration governance

As communication and travel have become easier and faster, international migration has increased to meet the demand and supply of migrant labour. Consequently, while the global population doubled in the last 50 years, international migration tripled over the same period. According to the UN, the estimated number of international migrants worldwide increased in the twenty years between 2000 and 2020, reaching 281 million in 2020. This figure is up from 173 million in 2000^{lxxx}. The increase in the movement of people and the increasing use of migration frameworks by the private sector makes migration governance a key priority, particularly in the GCC states^{lxxxi}.

Some specific challenges for businesses in the GCC include:

a) Changes of policy

Changes of policy often occur without prior announcement or consultation with stakeholders. For example, across the GCC, there have been occasions where issuance of visas for select nationalities have been suspended without any prior warning – leaving companies with few alternative options.

Case studies

United Arab Emirates

UAE policy restrictions on the suspension of issuance of select visa categories for select foreign nationals in November 2020 impacted many companies hiring individuals from outside the UAE from these countries. No formal announcement was made to this effect and was only discovered when work permit applications were being denied. The suspension is still in place, but no official announcement has been made.

Kuwait

Kuwait's change of policy on the renewal of residence permits for employees over the age of 60 years was introduced at short notice. To renew a residence permit a degree would be required to support the renewal. Should the employee not hold a degree the annual renewal fee would be increased. This has impacted many employees who have worked and resided in the country, along with their dependents, for many years. The authorities have automatically extended the residence permits until November 30, 2021 to give the employees time to gather the required documents.

b) Changes of procedure

In addition to the above, users of the migration system often complain of changes of procedure with respect to immigration applications, again often with no notice. Changes of procedure have at times been retroactively applicable which, in some cases have resulted in companies having to restart the application process or change their hiring strategy altogether.

Case studies

United Arab Emirates

Company D wished to hire a Tunisian national who resided in 3rd country. The UAE implemented a change of procedure whereby a Tunisian national applying for an out-of-country employment entry permit had to visit the UAE's Embassy in their home country to obtain the entry permit. The individual therefore had to return to his home country to obtain the entry permit, which increased the processing time and therefore the start date and the individual's entry to the UAE, by several weeks. Had there been an announcement to this change of procedure in advance, Company D could have planned accordingly.

Company E wished to hire a Financial Analyst. When applying, Company E was advised that this specific job title had now been reserved for Emirati nationals and subject to Tawteen – labour market testing. This meant that Company E had to delay the hiring of the foreign national and potentially revoke the job offer.

Oman

An employee's dependents were inside the country on a family visit visa and wanted to convert their visit visa to a dependent residence permit, without having to exit and re-enter the country. Royal Oman Police rejected the conversion and following further investigation, it was discovered that a temporary suspension had been put in place, without any formal announcement. Due to COVID-19 and on humanitarian grounds, an exceptional approval was obtained from the Royal Oman Police, but this caused stress and anxiety to the family, with concerns of the family having to exit Oman and be separated during a time where travel regulations were severely restricted.

c) Transparency of decision making

Across the region, employers would like to see more transparent decision making across all aspects of the immigration process. There have, however, been some notable advances in this area, for example in the UAE and Qatar, with many visa applications being processed through online electronic platforms, applicants are able to easily view the status of the submission.

That said, where there are delays in processing or ultimately visa rejections, reasons behind these decisions are not generally available. It is often assumed that such decisions are based on enhanced security screening being applied, which in turn leads to further frustrations, particularly where the organizations have already carried out their own background checks as part of their hiring process.

Notably, in other jurisdictions, such as the UK and USA, the authorities will typically provide a reason, including the legal grounds, for applications being rejected, affording an opportunity for remedial action. Such transparency provides more certainty for business, particularly as they examine the merits of resubmission of the application in the context of their hiring needs.

Case studies

Saudi Arabia

Company F wanted to hire an individual from outside the Kingdom. The application was initially rejected with no clear reasoning. Upon a number of follow ups with the Authorities, it was advised that there was a 'temporary' ban on hiring this particular type of applicant from abroad unless they were due to work in specialized fields such as medicine and/or working on government projects. Further submissions were made to the Authorities and the application was eventually approved but at a cost to the business and additional time spent.

Qatar

Company G wished to hire an individual in Qatar. This individual's place of birth was different from his nationality. The visa application was under process for a significantly long period of time and ultimately rejected by the authorities. Company G was therefore required to retract the job offer and restart the hiring process and assumed the reason for rejection was on security grounds.

Family migration

Facilitating procedures for family reunification for migrant workers at all skills levels is included in Objective 5 of the GCM^{lxxxii}.

The ability of family to migrate along with the foreign national has become an increasingly important consideration for both employees and companies. As highlighted by the Permits Foundation, this is an important factor which foreign workers consider before accepting a position overseas, as they understand the challenges for their accompanying spouse or partner, who may have to leave their job at a time in their career that they have not chosen, whereas employees usually transfer within their company as part of their career plan. In addition to language barriers and cultural differences, they often face the loss of their business network and salary level. They may even find that their qualifications are not recognised in the host country or that their skill set is not relevant in the region. The Permits Foundation found that 90% of spouses are employed before expatriation^{xxxxiii}.

Therefore, in addition to family members being able to relocate at the same time as the employee, work permits for spouses and partners and employment opportunities are of high importance to location attractiveness for highly skilled international staff. According to our survey, 72% of respondents said that family sponsorship challenges has an impact on staffing and retention strategies.

Further limitations are in place for families migrating related to the following factors:

- Children above a certain age; the maximum age limit varies across the region from 18-24 years; if above the age of 18, the child can generally only be sponsored for a residence permit if they can prove that they are still in a full-time educational program. After that, the dependent would need to seek employment in the destination country, allowing them to continue to reside in the country.
- Adopted children; the authorities in select GCC countries will make exceptions to expatriates on a case-by-basis if the sponsor has legalized supporting adoption documents.
- Minimum monthly salary income requirements: an employee must meet the minimum salary requirement to be eligible to sponsor dependents and this is not always possible, depending on the employee's profession. The minimum varies across the region; UAE AED 4,000, Oman OMR 600, Qatar QAR 10,000, Bahrain BHD 400 and Kuwait KWD 500. In addition, for example in the UAE, if the sponsor is female, the minimum salary requirement is higher, at AED 10,000.

These factors can create significant frustration for families who must decide between employment and being split up from their loved ones. Employees facing this scenario may be incentivized to look elsewhere, where they are not forced to make these decisions.

Challenges remain within the GCC, especially considering the time it takes for migrant workers to sponsor family members. In contrast to many other jurisdictions, it is not possible to sponsor family until several criteria are met, including obtaining residency in the respective country. These difficulties, and in some cases not having family as a support system in the employee's destination country, can affect the employee's well-being and performance. Depending on the dependent's circumstances, some choose to travel to the country on a tourist / visit visa and obtain residency for their dependents in country at a later date. The dependents are classed as 'visitors', and therefore until they obtain their residence permit, are not eligible for healthcare; cannot obtain a driver's license; and children are not eligible to attend school. Obtaining a residence permit can take 6-8 weeks after the dependent's arrival to the country.

Governments are recognizing that foreign workers place a great degree of importance on family reunification and family member rights when deciding on employment. In Qatar, male children whose residency is based on the sponsorship of their parents will soon be able to obtain work authorization from an employer in the private sector without changing sponsorship from the parent to an employer. Additionally, in the UAE, foreign students are now able to sponsor family members for residence permits, provided they have sufficient funds to support them.

Section 5. Recommendations and proposals for reform

The sections above analysed challenges that business and governments face in using and managing immigration systems in GCC countries. In this section, we propose several recommendations to foster best practices within the system and to create more opportunities for the private sector to mobilise and/or hire the appropriate skills in the most efficient and compliant way possible. Ultimately, these recommendations will contribute to raising the GCC countries as Champion of GCM implementation within the United Nations General Assembly.

- **Increase private sector stakeholder engagement**

When governments make changes to their immigration system, there is a wide-ranging impact on a variety of stakeholders, including the private sector, who are often the main users of the system. This is particularly true in GCC countries, where the private sector is more heavily reliant on immigration to fill their labour needs than in many other regions of the world. As a result, when GCC governments are considering making major modifications to their immigration systems, they should consider creating opportunities for the private sector to provide input on their needs and challenges, so that any changes to the system are an improvement for both parties.

This could be done via a myriad of different ways. The most robust method would be for the private sector to be involved with the legislative process, for example, through opportunities to provide feedback and recommendations before the law is changed. In addition, member states should consider engaging with the private sector in a bi-annual consultation process, facilitated by the Business Advisory Group on Migration, housed at the IOE at national and regional levels. Objective 18^{lxxxiv} of the GCM makes reference to building on best practices of the GFMD Business Mechanism.

Since businesses operate under different constraints than the government, during dialogues, governments can learn from and leverage private sector best practices to make their own systems operate more efficiently. For example, public-private dialogues have facilitated the creation of Trusted Employer Schemes (as discussed further below), where governments pre-qualify employers that have demonstrated a record of compliance with immigration laws.

- **Enhance intra- and intergovernmental coordination**

Intra- and intergovernmental coordination is becoming increasingly necessary in a globalized world. Regional cooperation in the immigration field, in the form of data sharing between governments, is particularly critical to flagging national security risks. Additionally, there can be economic benefits to intra-governmental coordination – the World Bank recently published a report stating that economic integration, in the form of adopting common customs procedures and removing barriers to trade between Gulf countries, can help attract foreign investment and subsequently stimulate employment.^{lxxxv}

In order to promote such cooperation, GCC countries should look to adopting more regional labour mobility agreements, even on a bilateral basis. Utilizing existing Free Trade Agreements can be an efficient method of coordination, as has been done in other regions, such as the United States-Mexico-Canada Agreement. These types of agreements can help address labour shortages by moving nationals between party countries, while keeping the skills and knowledge base of workers within the region. Objective 5^{lxxxvi} of the GCM highlights the aim to facilitate regional and cross-regional labour mobility through international and bilateral cooperation arrangements, such as free movement regimes, visa liberalization or multiple-country visas.

Additionally, consideration should be given to enhancing Intra Government Department Coordination (such as immigration, tax and labour departments). This will ensure both consistency of law making and providing a clearer framework to assist companies to remain compliant.

- **Create more work authorisation pathways**

Businesses seeking to obtain work visas in GCC countries can find that their immigration options are limited in comparison to most countries in the world. Governments in GCC countries may find that by expanding the types of work visas in their immigration systems, that they can better attract the type of talent or investment that they seek in their countries. Development of flexible labour mobility schemes is highlighted in Objective 5 of the GCM ^{lxxxvii}.

For example, Intra Company Transfer work permits are designed to facilitate the transfer from one country to another of highly skilled persons within an overarching company; often, the foreign national can even stay on foreign payroll. In this way, employees can bring knowledge from one area of a company to another and transfer their knowledge and skills to the local population. In view of the temporary nature of the assignment, Intra Company Transfer work permits should therefore be subject to less onerous requirements, for example not requiring a Labour Quota.

Additionally, short-term visas are always sought after by employers since business visas usually do not provide the full range of activities that employers need their foreign nationals to perform in the host country, while work permits are often cumbersome to obtain for short projects. Short-term work permit options can usually be approved through a faster process and allow employees to perform productive, hands-on work. Additionally, these visas avoid the drawbacks of longer-term relocation for employees and expenses associated with longer work permit assignments for employers.

Entrepreneurship visas have become prevalent in many countries' immigration systems. These visas vary significantly in their requirements, but generally allow foreign nationals to start businesses in the host country by investing a certain level of capital. Some entrepreneurship visas require companies to hire a minimum number of local workers, which can help with local employment rates. Moreover, many of these visas are "conditional" on the success of the business and can be converted to permanent visas if the company does well. These types of visas generally encourage talent incubation and promote investment in host countries.

More broadly, it is essential for GCC countries to have an agile legislative process to enable flexibility in rule changes and create more migration pathways. Building an immigration framework which can allow Governments to create innovative pathways for work authorization and related categories should be a key focus as competition for talent increases globally.

- **Apply skills mapping**

As referenced in Objective 18 of the GCM, investment in skills development and facilitation of mutual recognition of skills, qualifications and competences is a key objective of the GCM. Governments have traditionally used immigration systems to close skills gaps in their countries, where the skills of the local population do not align with business needs. In order to best assess labour needs in a country, governments would benefit from mapping the skills of foreign workers with demand clusters using input from the public and private sectors.

Currently, skills are broadly assessed by job titles, without due consideration to other attributes such as experience or skill set. Furthermore, where an individual has changed jobs or roles, a change of job

title may not necessarily follow. As such, GCC countries do not necessarily have a comprehensive view of the existing skills in the respective country. It will be critical, therefore, for GCC countries to have a much more robust framework to assess skills that will also allow for a focus on educating and training their own workforce.

- **Undertake holistic review of eligibility and documentary requirements**

Flexibility in hiring skills is paramount for businesses and critical in upskilling the workforce of the future. It is therefore important to have a better understanding of what companies look for when seeking talent and consider whether existing systems are fit for purpose.

For example, businesses are required to select somewhat limited criteria (i.e. gender, nationality, professional title) when applying for a Labour Quota. Employers do not, however, generally select their candidates based on nationality or gender, but based on skills, qualifications and expertise required to fill a role. Since the requests for a quota is pre-determined based on the limited criteria set out above, it is no longer a practical reflection of the criteria companies use to select their talent.

Governments should also consider relaxing degree requirements, or introducing alternative requirements, such as years of experience or vocational training, for certain job positions. Employers recognize that workers with specific skills gained outside formal schooling are just as able (or in some cases more than able) than those that hold a degree. Yet many GCC countries determine skills set based on a foreign national's professional title, which is often linked to a bachelor's degree.

Additionally, in GCC countries, lengthy legalization, authentication, and attestation processes are a burden to employers and significantly increase the time it takes to apply for work permits for employees. Currently, only Oman and Bahrain are parties to the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents, which allows party states to streamline the legalization process using an apostille, while not compromising the authentication process.

- **Adopt and implement fair recruitment policies and practices**

Fair recruitment policies promote the safety of lower skilled migrants and reduce abuse throughout the immigration system. Governments, businesses, and other stakeholders in immigration have long held dialogues supporting these policies but must continue to take an active, shared role in promoting them. Participating in consortiums, including the International Labour Organization's Fair Recruitment Initiative, which seeks to protect the rights of workers from abusive and fraudulent practices, can help all stakeholders understand the challenges of implementing and complying with fair recruitment policies. As specified in Objective 6^{lxxxviii} of the GCM, the aim is to improve regulations of the recruitment industry.

One of the ways in which governments can act to ensure fair recruitment policies and practices are applied is to enhance the amount of information at key stages of migrants' journeys in order to ensure a successful transition from their country of origin to the destination country. This can include requiring consulates to provide information on employee rights and employer obligations.^{lxxxix} Wage protection systems, which many GCC countries have implemented, are a prime example of how government oversight can help stem abusive practices such as wage withholding.

- **Create policies supporting dependents**

To attract foreign nationals to the region, GCC countries should seek to make their policies about dependent migrants as liberal as possible since many migrants seek long-term positions where their

families will be able to accompany them. A study by the Permit Foundation showed that 60% of partners would be unlikely to relocate to a country where it is difficult to get a work permit; whereas countries that enable partners to work were attractive destinations for 96% of respondents.^{xc} Additionally, governments should work towards having dependents' applications automatically approved based on the principal's approval so that families can move to the host country together, instead of requiring a dependent to apply after the principal's application has been approved.

Expanding the definition of who qualifies as a dependent or family member could make GCC countries more inviting for more diverse types of families. By adopting dependent sponsorship rules in accordance with international best practice, GCC countries may be able to attract talent and highly skilled foreign nationals who would not have ordinarily considered the region as a feasible destination. Facilitating procedures for family reunification for migrant workers is in Objective 5^{xc} of the GCM.

- **Introduce trusted employer schemes**

GCC countries should also consider utilizing Trusted Employer Schemes within their immigration systems, which allow employers who have been previously vetted by government authorities to submit fewer corporate documents when sponsoring visas for foreign nationals. For many individual immigration applications, employers routinely provide the same corporate documents (including business licenses, registrations, and office leases, which do not change from individual applicant to applicant). By utilizing a Trusted Employer Scheme, employers would only need to submit this documentation once (unless change notifications were required), significantly decreasing document gathering time in the immigration process. For example, in Ireland, vetted employers are granted a unique number which they can provide in lieu of providing employer details.^{xcii} Additionally, government adjudicators would have fewer documents to review, saving time and expenses on their end, allowing resources to be allocated elsewhere.

To participate in the trusted employer scheme, sponsors must generally meet certain criteria. In Australia, among other requirements, the sponsor must have a strong record of, or a demonstrated commitment to, employing local labour; must declare they will not engage in discriminatory recruitment practices, and the government must not have any adverse information regarding the business that could affect their suitability as a sponsor.^{xciii} Requirements such as these would be similarly helpful if Trusted Employer Schemes were implemented in GCC countries, since governments are working to enhance workplace protections for employees, while simultaneously ensuring that the local population is given job preference for positions for which they are qualified.

Compliance checks are necessary to ensure that accredited sponsors are both capable of meeting the expectations set for them and that they can uphold these expectations. In the United Kingdom, the government carries out a pre-license assessment visit for potential sponsors to ensure that all requirements are in place to become a sponsor and afterwards, assigns them an A-rated license allowing them to start assigning certificates of sponsorship. The government also carries out post-license compliance checks, which can occur if the government has received adverse intelligence about the sponsor. If the sponsor is found to be non-compliant, they are downgraded to a B-rating, which stops them from issuing new certificates of sponsorship until their A-rating is restored by following an action plan provided by the government to rectify their shortcomings. The sponsorship license can also be revoked if the company receives more than two B-ratings within the five years that their license is valid.^{xciv} The ability to revoke a sponsor's license is critical in ensuring compliance, and would likely

be a strong incentive for compliance in GCC countries, where foreign nationals are critically needed to fill certain positions

- **Improve transparency and objectivity of immigration decisions and proactively manage changes in rules/procedures**

Transparency in immigration systems is critical in terms of processes and adjudications, documentation, and changes to immigration laws; yet, it is often cited by businesses operating in GCC countries as one of the biggest issues with immigration systems. An increase in transparency of migration procedures is included in Objective 12 of the GCM.^{xv}

There are a few ways countries around the world have sought to increase transparency in immigration frameworks. Governments can provide clearly defined documentation requirements that are consistent across consulates and government agencies, which allow businesses to better prepare applications and make it easier for government employees to adjudicate them. In addition to issuing transparent regulations and laws, governments can provide supplemental guidance with comprehensive details on how these new laws or regulations will operate. For example, the United Kingdom Visas and Immigration agency issues and updates guidance on major rules and regulations, sharing with stakeholders a detailed outline of how it adjudicates applications. Based on this guidance, businesses can better prepare their applications to meet the governments standards.

Moreover, governments should provide clear guidance on the status of any application (beyond “under process”) and, if applicable, set out detailed reasons why an application has been rejected. This will ensure businesses do not continue to submit similarly flawed applications, wasting time and resources for both parties. Furthermore, governments should have clear appeals processes for when a business believes that a case has been wrongly rejected, to ensure that cases are being adjudicated consistently and fairly.

All immigration systems will have some discretion and subjective elements but a framework to understand how these elements can be applied is essential to gain confidence that the process is fair but also allow businesses to plan accordingly whilst remaining compliant.

Governments should also publicize not only when a new law or regulation will go into effect, but also if there will be a transition period. Doing so can help employers remain compliant with immigration laws, while allowing them to adjust internal policies or systems that can take some time. A common experience of companies operating in the GCC is that a new rule or process is only discovered post event. Grandfather provisions can also be helpful to businesses; many GCC governments have meaningfully used such provisions when nationalizing job positions by allowing foreign nationals who already hold work permits for those jobs to stay in the position until their work permit expires, even if no new work permits are being issued.

- **Increase efficiencies and enhance use of online systems but not at the expense of in-person interaction**

One area of concern for businesses is that processing times can be unpredictable and often unexpectedly long; governments can address this problem by requiring that work visas and labour quota applications be adjudicated within a range of time that is published. This allows businesses to plan and prepare for a foreign national’s start date, without wasting valuable time and resources. It also allows the business to understand the timeframe needed to plan for foreign nationals to fill job positions to avoid labour shortages and productivity slowdowns.

Governments should continue to implement online systems which create more efficient and accurate processing and improve inter- and intra- agency cooperation, particularly with government monitoring and addressing migration. Online processes also reduce delays and decrease workload for government staff. Moreover, online systems make it easier for governments to collect statistics which can be processed to modify the immigration system to respond to current labour needs.

However, in developing online immigration systems, governments should be careful to align their systems with international security standards to ensure that the information being kept is secure. Additionally, online systems should not be viewed as a substitute for less interaction with the government or decreased transparency; users of the system must still be able to contact the government for queries and to be able to track their cases via these systems.

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