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**SAUDI ARABIA'S POLICY TOWARDS
SYRIAN REFUGEES**

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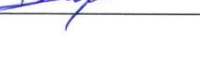
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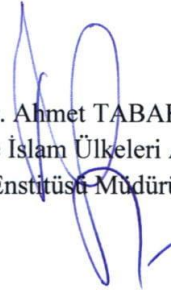
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ABSTRACT

Forced displacement is one of the inevitable consequences of armed conflicts and wars. Since the outbreak of the civil war in March 2011 unprecedented numbers of Syrians have fled their homes. Researchers show that people typically flee to neighbors of their countries of origin and at this point, as one of the prominent countries of the Arab World the role of Saudi Arabia come on the spotlight relevant to its policy towards Syrian refugees. The aim of this thesis is to analyze Saudi Arabian role and response with its legal limitations in managing this issue. Thus, this thesis discusses Saudi Arabian policy toward Syrian refugees that enter its territory since the beginning of Syrian civil war in 2011 to 2016. This thesis is expected to contribute in enriching the literature on refugee and migration studies and providing new perspectives on policy and the role of the non-party state of the 1951 Convention and the 1967 Protocol which have limitations in handling the refugee or asylum seeker. The thesis is also expected to give significant results that may be considered for policy makers in addressing this humanitarian problem.

Keywords: Refugee, Asylum seekers, The Syrian refugee crisis, Saudi Arabia, migration policy, foreign policy, migration, Syria

ÖZET

Zorla yer deęiřtirme, silahlı çatıřmaların ve savařların kaçınılmaz sonuçlarından biridir. Arařtırmalara gre, zorla yer deęiřtiren insanlar ilk etapta komřu ve yakın evredeki lkelere ynelmektedir. Mart 2011'de Suriye i savařının bařlamasıyla birlikte ok sayıda Suriyeli benzer bir řekilde evlerini terk etmek zorunda kalmıřtır. İřte bu noktada Arap dnyasının en nemli lkelerinden biri olan Suudi Arabistan'ın Suriyeli mltecilere bakıř aısı nem kazanmaktadır. Bu tezin amacı, Suudi Arabistan'ın konuya yaklařımını analiz etmek ve bununla ilgili politikalarının yasal erevesini deęerlendirmektir. Bu baęlamda, Suriye İ Savařı'nın bařladığı 2011 yılından 2016'ya kadar olan dnem incelenmiřtir. Bu tezin mlteci ve gmenlere ynelik literatre katkıda bulunması amalanmakta, Suriye İ Savařı ekseninde ortaya ıkan insani sorunun zmnde politika yapıcılar iin dikkate alınabilecek birtakım sonuçlar vermesi beklenmektedir.

Anahtar Kelimeler: Mlteci, Sıęınmacılar, Suriyeli mlteci krizi, Suudi Arabistan, g politikası, dıř politika, g, Suriye.

CONTENTS

ACKNOWLEDGEMENTS	i
ABSTRACT.....	ii
ÖZET	iii
CONTENTS.....	iv
LIST OF TABLES AND FIGURES	v
LIST OF ABBREVIATIONS	vi
INTRODUCTION	1
CHAPTER 1.....	6
CONCEPTUAL FRAMEWORKS	6
1.1 Refugee and Migration Concepts	6
1.2 Foreign Policy Concept and Immigration Policy (konsep ini harus diperkuat).....	19
1.3 Conclusion.....	29
CHAPTER 2.....	32
HISTORICAL BACKGROUND OF MIGRATORY MOVEMENT IN SAUDI ARABIA.....	32
2.1 Saudi Arabia’s Experience on Migratory Movements	32
2.2 Mass Population Displacement and the Saudi Arabian Immigration Policy Strategies	42
2.3 Conclusion.....	55
CHAPTER 3.....	57
SYRIAN REFUGEE CRISIS AND SAUDI ARABIA’S POLICY	57
3.1 The Emergence of the Syrian Refugee Crisis	57
3.2 The Saudi Arabian Policy towards Syrian Refugee Crisis	64
3.3 Conclusion.....	87
CONCLUSION.....	90
REFERENCES.....	93

LIST OF TABLES

1. Table 1 Saudi Arabia’s Migrant Workers in 1970s.....	34
2. Table 2 Annual Average of Arrivals Minus Departures of Foreigners by Citizenship in Saudi Arabia, 1970s-1980s.....	37
3. Table 3 Migrant Workers Population and Its Annual Growth Rate in Saudi Arabia, 1975-1990.....	41
4. Table 4 Foreign Population in Saudi Arabia 1975-2002/4 (Estimates, in Percentages).....	42
5. Table 5 Nitaqat Categories.....	51
6. Table 6 Saudis and Non-Saudis Labor in the Private and Public Sector, 2011-2014.....	53
7. Table 7 Entries and Exits of Syrian Nationals at Saudi Borders (2010-2013).....	69

LIST OF FIGURES

1. Figure 1 Largest Ten Government and EU Institution Donors, 2011-2015	77
2. Figure 2 Gulf Donors’ Humanitarian Funding to the Syria Emergency, 2011-2015	78

LIST OF ABBREVIATIONS

The following abbreviations have been used in the thesis,

AFAD Disaster and Emergency Management Presidency of Turkey

BP British Petroleum

CDSI Central Department for Statistics and Informations

DP Development Plan

EU European Union

FSA Free Syrian Army

ICRC International Committee of the Red Cross

IDP Internally Displaced Person

IFRC International Federation of Red Cross and Crescent Societies

IGA Institute for Gulf Affairs

ISIL Islamic State of Iraq and the Levant

JHCO Jordan Hashemite Charity Organization

KSRelief The King Salman Center for Humanitarian Aid and Relief

MoL Ministry of Labor

MoU Memorandum of Understanding

NGO Non-Government Organization

OPEC	Organization of the Petroleum Exporting Countries
SFD	The Saudi Fund for Development
SNHR	Syrian Network for Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	The United Nations Children's Fund
UNRWA	United Nations Relief and Works Agency for Palestine
US	United States
WFP	World Food Programme

INTRODUCTION

The refugee issue is a temporary phenomenon which always continues to be an international concern. Living in a dynamic world and the population continues to grow, it cannot rule out the possibility of conflict and upheavals in various parts of the world. This makes the study of refugee and migration important in international affairs. Refugee migration is forcing people to flee their country and migrate due to several factors such as conflict, human rights violations, and lack of social and economic underprivileged.¹

In the 21st century, the world preoccupied with problems of Syrian refugees that arise due to the ongoing Syrian civil war since 2011. The conflict coincided with the Arab Uprising in Syria similar to the Arab Uprising that occurred in some Middle Eastern countries, such as in Tunisia, Egypt, and Libya. The uprising in Syria began with the dissatisfaction of Syrian people against the government of Bashar al-Assad triggered by protests that occurred on 26th of January 2011 and increased to revolt consolidation on 15th of March 2011. Syria conflict developed gradually into the bloodiest conflicts of the Arab Uprising that occurred in the spring.² According to the Syrian Network for Human Rights (SNHR) documentation, a non-governmental organization (NGO) that its data is used as a primary source for United Nations on all death toll-related statistics in Syria, since the start of 2017 around 8,115 people have been killed in the conflict.³

Syrian civil war has caused a flood of Syrian refugees to various Middle Eastern countries and Europe. As for September 2016, the United Nations High Commissioner for Refugees (UNHCR) has registered about 4.8 million Syrian refugees have fled the country

¹ Erika Feller, 2006, *Asylum, Migration and Refugee Protection: Realities, Myths and the Promise of Things to Come*, Oxford University Press, p. 1

² Maya Bhardwaj, 2012, "Development of Conflict in Arab Spring Libya and Syria: From Revolution to Civil War", *The Washington University International Review* 1(1), pp. 76-97, p. 84

³ Syrian Network For Human Rights, 2017, *Syrian-Russian Alliance Kills More Civilians than Any Other Party*, retrieved from https://reliefweb.int/sites/reliefweb.int/files/resources/912_Civilians_Killed_in_September_2017_en.pdf (Accessed: October 17, 2017), p. 5

for more secure and a brighter future.⁴ Until now, Syrian refugees have been settled in surrounding states.

According to UNHCR's data, Syrian refugees have migrated to neighboring countries such as Jordan, Lebanon, Turkey, Egypt, and Iraq. In 2016, about 2.733 million Syrian refugees fled to Turkey, 1.033 million to Lebanon, 656.400 to Jordan, 239.008 to Iraq and 114.911 to Egypt. Besides that, Europe Union (EU) members also felt a wave of the refugees. Since the conflict began in 2011, over 123,600 Syrians have sought asylum in Europe as a whole. As of the end of May 2014, in EU, there were almost 104.960, new asylum applications from Syrian nationals.⁵ Until 2016, the wave of Syrian refugees to the EU increased significantly and reached over 790,000 applicants.⁶

The rising of the influx of refugee to Europe, the Gulf States, especially Saudi Arabia which is geographically close to Syria, received many criticisms from international world. They were claimed not to accept Syrian refugee at all. In addition, Saudi Arabia as the biggest territory of the Gulf nation and one of the countries that are critical Bashar al-Assad's regime did not allow Syrian refugees to enter the country. However, Saudi Arabia has responded to these criticisms by stating that the Kingdom of Saudi Arabia has contributed about \$700m in humanitarian aid and it has given to support Syrian refugees in Lebanon and Jordan.⁷

Besides that, Saudi Arabia is also a major donor of aid to the Syrian refugees. The country has contributed \$117.6m to the UNHCR budget since 2011 and in 2013; it was the 19th largest contributor globally.⁸ In response to this issue, Saudi Arabia claimed that they had accepted about 2.5 million Syrian Nations in their country. Saudi Arabia and the Gulf

⁴ United Nations High Commissioner for Refugees (UNHCR), UNHCR Syria Regional Refugee Response, retrieved from <http://data.unhcr.org/syrianrefugees/regional.php> (Accessed: October 1, 2016)

⁵ UNHCR Bureau for Europe, *Syria Refugees in Europe: What Europe Can Do to Ensure Protection and Solidarity*, p. 4

⁶ Syrian Refugees, First Time Application of Syrians to The European Union, retrieved from <http://syrianrefugees.eu/inflows-recognition/> (Accessed: October 17, 2017)

⁷ The Guardian, 2015, Saudi Arabia says criticism of Syria refugee response "false and misleading." The Guardian. Retrieved from <https://www.theguardian.com/world/2015/sep/12/saudi-arabia-says-reports-of-its-syrian-refugee-response-false-and-misleading> (Accessed: July 17, 2016)

⁸ Gulf Research Center, Gulf Labor Markets and Migration, *A Note of Syrian Refugees in the Gulf: Attempting to Assess Data and Policies*, p. 8

state in general, are not signatories to the 1951 UNHCR Convention.⁹ Therefore, Saudi Arabia has no legal obligation for accepting refugees or processing asylum seekers. In addition, 1951 UNHCR Convention defines who refugees are, details refugee rights, lists obligations for states and establishes state coordination with the UNHCR. Since Saudi Arabia as a non-signatory state, Saudi Arabia has no clear legal policy or local mechanism for treating refugees or asylum seekers.

Based on Saudi Arabia's immigration law and regulation, in general, people who want to enter Saudi Arabia's border need to present the required documents such as a passport or valid travel document and a visa. Foreigners who enter Saudi Arabia without required documents be imprisoned until they are deported from the country. The regulation will not be applied if force majeure situations occurred, such as an emergency landing.¹⁰

The issue of Syrian refugees is the biggest refugee problem in this century that continued to be an international focus. Most studies have been done focusing on Syria conflict which caused a wave of migration or refugees to neighboring countries, on Syria refugees themselves, and the party of the 1951 Convention and 1967 Protocol's policies on Syrian refugees. The number of academic research that aims to discuss the country's policies of non-party of the 1951 Convention and 1967 Protocol on Syrian refugees or asylum seekers is limited.

Saudi Arabia, the largest country among other Gulf states, whether to accept Syrian refugees or not, is still being debated. The policy and role of the Syrian refugees are still a hot issue to be discussed. Therefore, this thesis is expected to contribute in enriching the literature on refugee and migration studies and providing new perspectives on policy and the role of the non-party state of the 1951 Convention and the 1967 Protocol which have limitations in handling the refugee or asylum seeker. The thesis is expected to give significant results that may be considered for policy makers in addressing this humanitarian problem.

⁹ European Asylum Support Office (EASO), *EASO Country of Origin Information Query Final Answer: Syrian in Gulf State*, 2016, p. 2

¹⁰ Gulf Labour Markets and Migration, *Explanatory Note: Saudi Arabia's Legal Framework of Migration*, Gulf Research Center, 2013, p. 5

From the explanation above, this thesis aims to discuss the response to Saudi Arabia as a non-party state of the 1951 Convention and the 1967 Protocol on the waves of Syrian refugees or asylum seeker who came to Saudi Arabia. Besides, this thesis also explains Saudi Arabia's experiences and development of the migratory movement to understand Saudi Arabia's responses to migrant and refugee issues as a non-party state of the 1951 Convention and the 1967 Protocol which can help to understand how Saudi Arabia deal with Syrian refugee issue as well. Furthermore, this thesis also attempts to analyze the Saudis policy towards Syrian refugee crisis and explain how Saudi Arabia faces the demands and accusations of the international community about its policy of dealing with this humanitarian crisis.

Regarding methodology, this thesis adopts qualitative study with a descriptive analysis method. The research data obtained from literature data collection on the issues associated with the thesis topic. The Syrian refugee issues have been still on-going and dynamic. Therefore, this thesis relies on mainly secondary hand sources such as newspapers, official and informal reports of the national and international organization and institutions, such as UNHCR, UN and other NGOs which has a focus on migration and refugee problem, as well as academic studies. Since the Syrian refugee crisis is an ongoing crisis and there is no certainty until when this crisis will be ended. Therefore, it is necessary to limit the study analysis period. This thesis focuses on analyzing the Syrian refugee crisis that appears in 2011 until 2016.

This thesis is divided into four chapters. The first chapter explains the definition of refugees, asylum seekers, and migration. Furthermore, this chapter examines the international laws that focus on refugee management and status, such as the 1951 United Nations Convention, 1967 United Nations Protocol and the Arab Declaration on the Protection of Refugees. This chapter also describes the concept of foreign policy and its relevance with immigration policies.

The second chapter examines the historical background of migratory movement in Saudi Arabia. In this chapter, Saudi Arabia's responses and policies towards waves of

migration into and out of Saudi will be explained. This chapter aims to understand the pattern and the changes of international policies and migration towards international migration from time to time.

The third chapter presents the analysis of the Saudi Arabian policy towards Syrian refugees and provides an answer to the research questions of this thesis. This thesis will analyze the Saudi policy by examining driving factors in forming the Syrian refugee policies. Domestic problems, international critics, and claims to the Kingdom response to the issue, the influence of refugee on politic, social and economic in the country became the government's consideration in making decisions on the Syrian refugee issue. The last is that conclusion part which contains the research results of this thesis.

CHAPTER 1

CONCEPTUAL FRAMEWORKS

This chapter will discuss definitions of refugee, asylum seeker, and migration to understand the concept of those terminologies. By understanding the three terms, we will be aware of the differences of each of them. Furthermore, this chapter will also discuss the concept of foreign policy and its relations with migration policy.

1.1 Refugee and Migration Concepts

The world has been familiar with migration since a long time ago when people live nomadic in order to search better life. The terminologies of “refugee”, “asylum seeker”, “economic migrant”, “illegal migrant” have been greatly used through those terminologies have a different definition and legal policy. These distinctions created to differentiate the priority rights of a group of people.

According to the International Migration Report issued by the United Nations, in 2015 migrant movement has reached 244 million from 222 million in 2010 and 173 million in 2000.¹¹ Rainer Baubök (1998) defines migration as a human activity that involves a shift or change in the territorial residence. Baubök also explains that people migrate commonly to improve their income, to join their family or to establish a new one, to join their family or to establish the new one.¹² The reason people migrate not only determined by individual

¹¹ United Nations, 2015, *International Migration Report 2015*, retrieved November 12, 2016, from http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2015_Highlights.pdf, p. 1

¹² Rainer Baubök, 1998, “The Crossing and Blurring of Boundaries in International Migration: Challenges for Social and Political Theory”, in *Blurred Boundaries: Migration, Ethnicity, Citizenship*, UK: Ashgate Publishing Limited, p. 18

purposes, but there are also several cases involving the migration of a particular group as a human agent who determines whether, when or where to go.¹³ In short, the decision to migrate is not only determined by the migrant themselves, but also there are others who take the decision.

According to Lee (1966), a person migrating determined by several factors, which are factors associated with the area of origin; factors associated with the area of destination; so-called intervening obstacles (such as distance, physical barriers, immigration laws, and so on); and personal factors. Lee also states that a person who migrate not only because opportunities tend to be highly localized but also because the flow of knowledge back from destination facilitates the passage for later migrants.¹⁴ Besides that, migration is also caused by push-pull factor which is driven by a set of push factors operating from the region or country of origin (poverty, unemployment, landlessness, rapid population growth, political repression, low social status, poor marriage prospects etc.), and pull factors operating from the place or country of destination (better income and job prospects, better education and welfare systems, land to settle and farm, good environmental and living conditions, political freedom etc.).¹⁵

Migrants can be classified into some categories. Economic immigration is one of the widespread types. Many people from developing countries migrate to developed countries to increase their income. UN has recorded that around 173 million international migrants live in high-income countries. In 2015, there are 76 million international migrants were residing in Europe, compared to 75 million in Asia. Northern America hosted the third-largest number of international migrants (54 million), followed by Africa (21 million), Latin America and the Caribbean (9 million), and Oceania (8 million).¹⁶

¹³ Ibid, p. 18

¹⁴ Hein De Haas, 2008, Migration and Development: A Theoretical Perspective, International Migration Institute, p. 8

¹⁵ Russel King, 2013. *Theories and Typologies of Migration: An Overview and A Primer*, Malmö Institute for Studies of Immigration, Diversity and Welfare (MIM), Malmö: Malmö University, p. 13

¹⁶ United Nations, International Migration Report 2015, p. 5-6

Illegal or undocumented migrants have known as a person who moves from a place or country of original and other cross-border without the required documents adequate. Heckmann argues that illegal migration not entirely undocumented. There is an indicator that can be stated that people as illegal migrants based on nationally specific conditions, such as legal regulation, policing border regimes, the reaction of smugglers and migrants towards these conditions, and physical characteristics of the border areas.¹⁷ Heckmann (2007) divided illegal migration into three forms, ie; 1) Illegal crossing of a border; 2) The crossing of a border in a seemingly legal way. Usually, they use fake documents or using legal documents for illegal purposes; 3) Staying after the expiration of legal status. Those who use this method usually enter a country through legal way but do not return to their home country until the period of validity of the documents discharged, like a tourist or temporary student visa. Those who are doing it this way are also known as overstayers.¹⁸

For distinguishing the terminology of economic migrants, illegal migrants and refugees may cause confusion, because all of these terminologies have the same act of leaving their origin places and moving to a new place or another country. However, these terminologies can be distinguished by reason of leaving the country of origin, purpose, and the legal process. Economic migrants and illegal migrant attracted to a country because there is a hope to gain a better life or to gather with families who have been in the country of destination. They may choose or decide to leave the country of origin, moreover, they can return to the country of origin at any time. Unlike Economic and illegal migrants, a refugee is not interested in getting a better life than their home country, yet they are forced to leave their county to rebuild their lives that have been lost and destroyed by a conflict, natural disaster, political persecution, and etc. Illegal migrants and refugee may enter a country without a proper document. Nevertheless, legally, refugees cannot get a migration

¹⁷ Friedrich Heckmann, 2007, "Illegal Migration: What can We Know and What Can We Explain? The Case of Germany", in *Rethinking Migration: Illegal Migration*, New York: Oxford, p. 286-287

¹⁸ Ibid, p. 288

punishment, otherwise, they deserve a protection. Illegal or undocumented immigrants are subject to deportation to their home.¹⁹

It is very complex when there is a case that often happens is a country experiencing an economic decline, the difficulty of livelihood opportunities and at the same time, there is a violation of human rights. These things may encourage the outflow of people from the country of origin, in which there are refugees and immigrants. This case is often referred to as a mixed movement.²⁰

From this mix movement, some people are claiming refugee status and marked as an asylum seeker who in the end they will be recognized as a refugee. People who received refugee status will formally acquire the facility and their rights as a refugee. Meanwhile, those who do not qualify as refugees often engaged in unauthorized activities, using the same route and obtain fake documents from the same third party. In addition, these similarities have no bearing on the fundamental distinction between refugees and non-refugees, the smugglers have contributed towards a blurring of the distinction between refugees and non-refugees.²¹

In general, refugees are people who are forced to flee the country. Refugees are commonly categorized as forced migration. According to the Article 1 in the 1951 Convention Relating to the Status of Refugees, refugees are defined *“As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality*

¹⁹ Robin Cohen, p. 147

²⁰ UNHCR, 2007, *Refugee Protection and International Migration*, retrieved from <http://www.refworld.org/pdfid/462f6d982.pdf> (Accessed: November 16, 2016), p. 2

²¹ Ibid, p. 2

and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."²²

Broadly speaking, the 1951 Convention defines refugees as people who are unable or unwilling to return to their home country due to well-founded fear, as mentioned above. This definition applies to all genders and ages without discrimination.²³ The 1951 Convention is a legal document that is created to overcome the problems of refugees and to protect and regulate the rights of refugees at the international level. Initially, the 1951 convention is limited to the scope of individuals who fled after the events of World War II in Europe. However, this limitation is amended by the 1967 Protocol, and the 1951 Convention coverage became more universal. Since then, the 1951 Convention and the 1967 Protocol have been equipped with a draft convention regulating refugee and subsidiary protection regimes in several regions, as well as via the progressive development of international human rights law.²⁴

At this point, understanding the terminology *asylum seeker* and a *refugee* is important because both terms often lead to confusion. These two terms have different explicit legal definitions. According to Carol Bohmer, the asylum seeker is an individual who moved in or out of the country to another country under their steam and then applies for asylum.²⁵ The asylum applicant must submit an application by the law of refugee set out in the 1951 Convention and the 1967 Protocol which is on the basis of the fact if they return to their home countries, they will receive persecution due to race, religion, nationality, political beliefs, or membership of a particular social group. Their status as asylum seekers will turn into refugees if the application is received after passing the evaluation and specific procedures.

²² UNHCR, 2010, *Convention and Protocol Relating to the Status of Refugee*, retrieved from <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf> (Accessed: November 6th, 2016), p. 14

²³ Ibid, p. 3

²⁴ Ibid, p. 2

²⁵ Carol Bohmer, & Amy Shuman, 2007, *Rejecting refugees: Political asylum in the 21st century*, London: Taylor & Francis, p. 25

Simply, the asylum seeker is seeking protection as a refugee, but his or her status is still to be considered and processed. The asylum seekers who received status as refugees are entitled to protection and assistance, but if for protection they are rejected, or considered no need of any other form of international protection, they are given the opportunity to appeal the request or can be sent back to their home country.²⁶

In several cases, there were many people who have fled to seek refuge in other countries, should end up in camps and wait for the status of 'refugee' for months and even for years for a country to accept them for resettlement. In some ways, getting refugee status outside a refugee-accepting country is easier than claiming asylum after arrival in the country because it is already recognized that they, as a group, would be persecuted if they had to return to their country.²⁷ It can be said that not every asylum seeker may be granted status as a refugee, but every refugee is originally classified as an asylum seeker.

From here, it can be said that it is important to understand the differences between *refugee* and *asylum seeker* since it involves the policies and laws that must be applied by a country or an international unit. Refugee status is a privilege or a right, and those who get such a status are entitled to access to resources or services outside their countries, such as admission into another country ahead of a long line of claimants, legal protection abroad, and often some material assistance from private or public agencies.²⁸ Thus, determination of refugee's status is highly important in policymaking.

Conflicts of a country often force some groups to flee to another country for security reasons. A conflict or violence can occur between a government and a civil society, an ethnic majority and a minority, seizing territorial boundaries of a country to another and much more. Those can threaten the lives of some people as a result of which mass movements of refugees flee from their origin place. Facing mass movement of refugees

²⁶ UNHCR Indonesia, *Pencari Suaka [Asylum Seekers]*, retrieved from <http://www.unhcr.or.id/id/siapa-yang-kami-bantu/pencari-suaka> (Accessed: November 7, 2016)

²⁷ Bohmer, p. 24-25

²⁸ Aristide R. Zolberg, Astri Suhrke, Sergio Aguayo, 1989, *Escape from violence: Conflict and the refugee crisis in the developing world*, New York: Oxford University Press, p. 3

becomes very impractical when asylum application review and interview process has to be done one by one. Therefore, the groups that are in this position will be processed a request for asylum by a *'prima facie'*. These groups are commonly called *'prima facie' refugees*.²⁹

In general, *'prima facie'* means the first appearance. According to Rutinwa, *prima facie* is an approach to determine refugee status when a country is facing the phenomenon of a large-scale influx of refugees. A large-scale influx or mass influx has been described by UNHCR as referring to an exceptional situation in which rapid arrival of large numbers of asylum seekers may overwhelm the state capacity, in particular, for the individual administration of their claims.³⁰ People who gain refugee status through *prima facie* will get as same facilities and rights as people who gain it through normal regulation. They will have the benefit of protection, resettlement, education and various other refugee rights in accordance with the 1951 convention UNHCR.³¹

According to Rutinwa the determination by using a *prima facie* approach has a number of limitations. The difficulty of identifying the individuals in the group who really deserve to receive international protection is noteworthy. In a situation of movement of a large-scale influx of refugees, the possibility of the existence of groups of individuals who can create an unsafe condition for the host country, such as terrorist groups, militant, or criminals that could not be ruled out. They were the ones who do not deserve international protection.³² Therefore, refugee status may at any time be revoked or canceled if it is identified that there are people who do not deserve rights as refugees according to the 1951 refugee convention.

It has been briefly explained that the 1951 Convention and the 1967 Protocol related to the status of refugees on refugee and asylum seeker, is a legal document that consolidates international instruments related to refugee and provides a complete

²⁹ JRS Indonesia, "Pengungsi" [Refugee], Retrieved from <http://jrs.or.id/refugee/> (Accessed: November 7, 2016)

³⁰ Bonaventure Rutinwa, 2002, *Prima Facie Status and Refugee Protection*, Geneva: UNHCR, p. 1

³¹ *Ibid*, p. 4

³² *Ibid*, p. 11

codification regarding refugee rights at the international level.³³ Historically, 1951 Convention was an agreement organized by the UN in Geneva from 2 to July 25, 1951. The underlying reason for this convention was because at that time there was a phenomenon of wave movement of people from their origin to another country or other places to seek shelter and safety as a result of World War II. This convention was also undertaken to draft an agreement about refugees' issues and stateless persons.³⁴

This agreement officially signed on July 28, 1951, and was effectively applied on 22 April 1954. Initially, this refugee definition applies only to the events of refugee movement occurred in Europe prior to January 1, 1951. However, this convention was amended with the issuance of 1967 protocol which made the definition of refugee status universal and global, unlimited by time and geographical boundaries.³⁵ Furthermore, this convention has also basic principles, especially regarding non-discrimination, prohibition of the imposition of penalties and prohibition of expulsion or return (non-refoulement) matters. Granting refugee protection must be applied without discrimination of religion or country of origin. In addition, the development of international law on human rights also reinforces the principle that the convention will be applied without discrimination against gender, age, disability, sexuality, or other discriminatory grounds.³⁶

Prohibition of the imposition of the law according to this convention is based on specific exception; refugees should not be penalized for entering or staying illegally. Prohibition of punishment in this convention; refugees should not be punished for violating immigration regulations and cannot be punished by reason of the asylum. The most important thing from these basic convention principles is the prohibition of expulsion and return of refugees. This principle becomes the most fundamental one from this convention

³³ Ibid, UNHCR, 2010, *Convention and Protocol Relating to the Status of Refugees*, p. 6

³⁴ Ibid, 10

³⁵ Ibid, p. 8

³⁶ Ibid, p. 6

which stipulates that refugees should be protected and should not be returned to countries where they face the threat of safety.³⁷

This legal document of refugee law consists of seven chapters that generally contain information and recommendation about international protection of refugee. Ones of them are refugee definition,³⁸ standards treatment and right of a refugee to be free from reciprocity,³⁹ Refugees have the right to work in art and to associate, have access to the courts, such as legal aid in the recipient country. The recipient country provides refugee opportunities to earn wage-generating jobs, provide general education, access to the study, obtain diplomas and certificates.⁴⁰ In addition, this legal framework states that the receiving country will provide administrative assistance such as the delivery of identity papers, travel documents to allow legitimate refugees to move and move freely within the receiving country, by the regulations applicable to the foreigner in general.⁴¹ Recipient countries were also urged not to evict or return refugees in any way to the borders of territories that will threaten their survival. Moreover, this legal document also recommends the recipient countries to facilitate and accelerate the process of assimilation and refugee citizenship.⁴² Under the Convention and the Protocol, each country that signed a legal document promised to cooperate with UNHCR to resolve refugee problems. UNHCR serves as a protector and overseer of the functions of these conventions and protocols.⁴³ There were at least 144 countries that have signed this agreement.

UNHCR is a United Nation (UN) agency and authorized international institution that serves to provide international protection and support to refugees, asylum seekers, internally displaced persons (IDPs) and stateless persons, and seeks permanent solutions or durable solutions and recommendations for addressing issues Refugees and protecting

³⁷ Ibid, p. 7

³⁸ Ibid, p. 21

³⁹ Ibid, p. 26

⁴⁰ Ibid, p. 30-34

⁴¹ Ibid, p. 36-37

⁴² Ibid, p. 40

⁴³ Ibid, p. 8

them. UNHCR will cooperate with a state government to provide protection to them and ensure that government can provide protection to refugees, asylum seekers and other persons of concern who are on their territories or who are seeking admissions to their territories.⁴⁴ Moreover, all international protection for refugee business is based on an international convention for the protection of refugee.⁴⁵ UNHCR recommended three durable solutions for international refugee protection, which were voluntary repatriation, local integration, and resettlement. The durable solution for refugee aims to allow refugees to obtain the full safety and protection of a country and to rebuild their lives.⁴⁶

UNHCR will facilitate and support refugees who voluntarily return to their home countries. Voluntary repatriation or returning a refugee to a home country is done when the condition in the country of origin is really conducive and safe to return inhabited. This solution can be a big challenge for UNHCR, country of origin and also the international community and it is not easy to realize because creating a conducive condition of post-conflict takes time, effort and the cost is not small. UNHCR and the international community at least are required to assist the country of origin in restoring political, economic and social life, rebuild infrastructure, rehabilitate the judicial system, and foster long-term stability.⁴⁷

Since 2004, the number of refugees returning to their home countries voluntarily continues to decline. In 2010, the refugee return number experienced the lowest level to 197,600 in the span of more than two decades. It was due to lack of basic service and the ongoing conflict in the country of origin in the year, refugees cannot return to their country.⁴⁸ Thus, refugees are forced to wait within the recipient country or in the country in which they have sought asylum and found protection. In addressing this issue, the next

⁴⁴ UNHCR, 2005, *An Introduction to International Protection: Protecting Persons of Concern to UNHCR*, retrieved from <http://www.unhcr.org/3ae6bd5a0.pdf> (Accessed: April 12, 2017), p. 1

⁴⁵ *Ibid*, p. 6

⁴⁶ UNHCR, 2012, *The State of the World's Refugee, In Search of Solidarity*, retrieved from <http://www.unhcr.org/4fc5ceca9.pdf> (Accessed: April 12, 2017), p. 12

⁴⁷ *Ibid*, UNHCR, 2005, p. 138

⁴⁸ UNHCR, 2010, *UNHCR Global Trends 2010*, retrieved from <http://www.unhcr.org/4dfa11499.pdf> Accessed: April 12, 2017, p. 5

durable solution offered by UNHCR is local integration by setting permanent settlement in the host country. Local integration is a legal, economic and socio-cultural process aiming at providing the refugee with the permanent right to stay in the country of asylum, including, in some situations, as a naturalized citizen.⁴⁹ As stated in the 1951 Convention in article 34, that host country is expected to facilitate assimilation and refugee citizenship.

However, most countries naturalize refugees after the period. Many countries have concerns about the impact of granting residence permits to the refugee indefinitely. They fear the impact on scarce resources, the risk of security problems, and potential antagonism towards refugees. They were also worried about difficulties in controlling migration.⁵⁰ However, refugees also bring some benefits to the host country. A refugee may have skills that can be of assistance to the host country or the country of asylum; their presence may attract resources from the international community that might not otherwise be available to the local population.⁵¹ Cultural diversity can also enrich and help the socio-economic development of local communities.⁵²

Many times, there were refugees who do not get protection that can be handled by the country of asylum. For that reason, resettlement as the last durable solution for refugees may solve the refugee problem. Resettlement is the transfer of refugees from the country in which they have sought asylum in another State that has agreed to admit them as refugees and to grant them permanent settlement and the opportunity for eventual citizenship.⁵³ UNHCR will be responsible for realizing this durable solution. Refugees may be transferred to other countries to obtain permanent settlement and citizenship depending on admission criteria of the resettlement state and UNHCR. However, resettlement state is not responsible for receiving refugee through resettlement. Resettlement state has rights to decide whether they want to resettle a refugee or not.⁵⁴ According to UNHCR, the UNHCR

⁴⁹ UNHCR, 2011, *UNHCR Resettlement Handbook*, Geneva: UNHCR, p. 34

⁵⁰ Ibid, UNHCR, 2005, p. 141

⁵¹ Ibid, 142

⁵² Ibid, UNHCR, 2011, p. 36

⁵³ Ibid, 36

⁵⁴ Ibid, 36

partner of resettlement state has not been able to give the maximum contribution to this durable solution. It is written that in 2011, from 805,000 refugees estimated by UNHCR, there will be only 10 percent that can be placed back in the resettlement state. In 2010, most refugees only went to four countries, such as Australia, Canada, Sweden and the United States.⁵⁵

It can be concluded that refugee and asylum seeker issues became the important issue for the international world. The 1951 convention and 1967 protocol related to the status of refugees have become the basis of the legal protection and mechanism of handling refugee and asylum seekers on an international level. Refugee and asylum seeker issues have institutionalized and have legal clarity in a handling system. This Convention and Protocol have provided an appropriate solution for refugee and asylum seeker issues.

At this point, it would be noteworthy to draw attention to the Declaration on the Protection of Refugees and Displaced People in Arab World. Some Arab speaking countries, particularly the Gulf States were not part of signatory state of the 1951 Convention and 1967 Protocol relating to the status of refugee. However, the influx of refugee within the Arab world and Africa that have occurred since the 20th centuries turned into a large problem for the Arab world, such as the Palestinian, Iraqi, Somali refugee and etc. This encouraged the Arab world to find solutions for these problems. In response, Arab legal expert held a regional meeting on 16-19 November 1992 di Cairo.⁵⁶

This meeting was the fourth Arab seminar on asylum and refugee law in Arab World, organized by the International Institute of Humanitarian Law of San Remo, in collaboration with the Faculty of Law of Cairo University, and under the sponsorship of UNHCR.⁵⁷ This seminar was attended by civil servant and lawyers from the Arab states

⁵⁵ UNHCR, 2012, *The State of the World's Refugee: In Search of Solidarity*, Geneva: UNHCR, p. 12

⁵⁶ Khadija Elmadmad, 1993. "An Arab Declaration on the Protection of Refugees and Displaced People in the Arab World: Report on the Cairo Seminar, 19 November 1992", *Journal of Refugee Studies*, 6(2), 173-174, p. 173

⁵⁷ Sir Ian Brownlie and Guy S. Goodwin-Gill (Eds), 2010, *Brownlie's Documents on Human Rights Sixth Edition*, US: Oxford University Press, p. 1116

and by a representative of the Arab League, UNHCR, the International Committee of the Red Cross (ICRC), and NGOs from inside and outside the Arab world. Furthermore, the Director of the International Institute of Humanitarian Law was instrumental in the organization of gathering and the issuing of the declaration.⁵⁸

In the declaration text, it re-emphasized that humanitarian principle has long been rooted in the Islamic Arab tradition and value, as well as the principle and rules of Moslem law (Islamic Sharia), particularly the principles of social solidarity and asylum, which are reflected in the universally recognized principles of international humanitarian law.⁵⁹ Besides that, this declaration emphasized the finding solutions for the refugees and asylum seekers problem, including the Palestinians problems, in order to let refugees receive effective protection from an international organization concerned with refugee and migration and also the competent authorities of some Arab countries.⁶⁰

In addition, this document introduced a significant innovation in the field of legal instruments concerned with refugees and migration. By adopting the basic principle of 1951 refugee convention and the 1967 Protocol, Article 2 of this Declaration also emphasizes the principle of non-refoulement of the refugee to a country where his life or his freedom will be in danger and considers this principle as an imperative rule of the international public law.⁶¹ Article 3 stresses that granting the asylum should not be considered as a hostile act against any state. Moreover, it urges the Arab states which have not yet participated to the 1951 Convention and the 1967 Protocol relating to the status of a refugee will do so (Article 4) and call for to apply Islamic, Arab and international humanitarian principles in their attitudes towards refugees and displaced persons (Article 5).⁶²

⁵⁸ Khadija Elmadmad, p. 174

⁵⁹ Sir Ian Brownlie and Guy S. Goodwin-Gill (Eds), p. 1116

⁶⁰ Ibid, p. 1116

⁶¹ Ibid, p. 1117

⁶² Khadija Elmadmad, p. 174 and Sir Ian Brownlie and Guy S. Goodwin-Gill (Eds), p. 1118

Furthermore, Article 6 advises Arab countries to adopt the definition and the concept of refugee and displaced person as well as a minimum standard for their treatment which has been set by United Nations instruments relating to human rights and refugees as well as relevant regional instruments. Moreover, at the end of this declaration, it emphasizes to socialize refugee law to the Arab world and called for establishing an Arab Institute of International Humanitarian Law, in cooperation with UNHCR, ICRC, and the Arab League.⁶³ This declaration is a response to the Arab world in the problems of humanity which are becoming a big problem in their region. In addition, this declaration is a reference in dealing with refugee or forced migration problem by adopting ordinances international system on refugee, asylum seekers or forced migrants, by adding the Islamic and Arab principles on humanitarian.

International Migration is a crossing border phenomenon that is related to the consequences and causes of the globalization process. A broader economic process and integration provide various jobs that can open up opportunities for migration. Migration can be a force and a tool to build a country. Many experts consider that international migration is a burden for countries. International migration can give a negative impact on national and economic security. Therefore, each country has different policies in facing international migration issues. The next section will discuss the relationship between foreign policy and immigration policy.

1.2 Foreign Policy and Immigration Policy Concepts

In understanding the foreign policy of a country, we should basically understand the objectives that or principles of the concerned country. Foreign policy is an action, strategy, and decision addressed to actors outside the boundaries of the political system of domestic (ie, state). The main targets of foreign policy are external matters or external

⁶³ Sir Ian Brownlie and Guy S. Goodwin-Gill (Eds), 1119

conditions.⁶⁴ Valerie defines foreign policy as the strategy or approach was chosen by the national government to achieve its goals in its relation to external entities. This includes the decision to do nothing. Decision-makers have an important role in directing the country's foreign policy. Decision-makers of foreign policy act as an operator that connects between internal and external aspects of each policy.⁶⁵

Although the basic concept of foreign policy is aimed at external matters, in general production or foreign policy decision and the consequences are associated with conditions that exist in the country. In other words, foreign policy is influenced by domestic politics, because the main purpose of foreign policy is to fulfill, achieve, or maintain national interests. As Kissinger stated that foreign policy begins when the domestic policy ends.⁶⁶ It can be said that the designed foreign policies are formulations of politics in the country devoted to the environment or the ongoing international situation.

Basically, a foreign policy that is run by a country or a government aims to achieve the national interests of the people, but in general national interests of a nation is determined by who is in power at that time.⁶⁷ In order to meet the national interests, the state of the country, as well as actors of the country, conducted various kinds of cooperation including the bilateral, trilateral, regional and multilateral. Besides, according to Hudson, foreign policy is an action resulting from the decisions of the political level, individuals and groups to interact with other actors. Hudson added that foreign policy is different from diplomatic.⁶⁸ The foreign policy plays a role in the formulation of ideas and

⁶⁴ Baris Kesgin, 2013, "Analisis Kebijakan Luar Negeri", in *Ilmu Politik dalam Paradigma Abad Kedua Puluh Satu: Sebuah Referensi Panduan Tematis Jilid 1*, translated by Ahmad Feydani Saifuddin, p. 554

⁶⁵ Valerie M. Hudson, 2008, "The History and Evolution of Foreign Policy Analysis", in Steve Smith, Amelia Hadfields, Tim Dunne (Eds.), 2008, *Foreign Policy: Theories, Actor, Cases*, Oxford University Press, p. 12-13

⁶⁶ Wolfram F. Hanrieder, 1971, *Comparative Foreign Policy: Theoretical Essays*, New York: David McKay Co., p. 22.

⁶⁷ Mochtar Mas' oed, 1994, *Ilmu Hubungan Internasional: Disiplin dan Metodologi*, Jakarta: LP3ES, p. 184.

⁶⁸ Valerie Hudson, 2007, *Foreign Policy Analysis: Classic and contemporary Theory*, Plymouth: Rowman and Littlefield Publishers Inc, p. 67

orientations, whereas the diplomacy in the implementation stage. It can be concluded that foreign policy is an action made by the policy maker that is addressed to another country or political unit outside its territorial limits (external aspect) to achieve national goals. In other words, the study of foreign policy lies in the intersection between the internal aspects of a country (domestic) and the external (international) aspects of a country's life.

According to Holsti, there are several steps in the process of foreign policymaking:

- i. Outlining the national interest into consideration in the form of specific goals and objectives;
- ii. Determining the situational factors in the domestic and international environment related to the purpose of the foreign policy;
- iii. Analyzing the capability of the state or national level to reach the desired result;
- iv. Developing strategy or planning in the use of national capabilities to combat certain variables so as to achieve the objectives that are set;
- v. Carrying out the necessary actions;
- vi. Reviewing and evaluating developments periodically in reaching goals or desired outcomes.⁶⁹

It can be seen that the steps of making foreign policy need to pay attention to national capability in tackling an external aspect of a country in order to achieve national interest. National capability can be defined as the power and authority.⁷⁰ State as a central actor in the determination of public policies must understand its national capabilities in various aspects, such as the military and economic. Countries that have military capabilities, a strong economy and hegemony have the ability to influence the course of the international system. Meanwhile, countries that do not have these capabilities, such as

⁶⁹ K.J. Holsti, 1992, *Politik Internasional: Suatu Kerangka Analisis*, translated by Wawan Juanda, Bandung: Bina Cipta, p. 21.

⁷⁰ *Ibid*, p. 159

medium and small countries, should strive to devise strategies in order to protect its interests.

According to Plano and Olton, achieving national interest is a basic purpose and the most decisive factor that will guide policymakers in formulating policies or decisions of foreign policy.⁷¹ The purpose of foreign policy is formulated based on national interests of a country that illustrate the future direction of the country as well as the survival of a country. According to K.J Holsti, foreign policy objectives to fight for its national interests is a core value which makes the country dares to make sacrifices to achieve it. While in directing foreign policy, the country needs a period of time to achieve a goal that has been set.⁷² The time period is categorized by major priority or the most vital ones (core value) for the existence of the country. Among them is the short-term goal (short-term), where the value of the core must first be reached with the shortest time possible. The next is middle range objectives that cover an increase in the degree of a country's economy that allows for interaction between countries caused by awareness of resource constraints and administrative management.⁷³ The last one is long-range goals, which is everything that is ideal and outside of the previous goal. This goal is more on directing policies to something universal, such as the embodiment of peace and world order.⁷⁴

In terms of refugee and international migration issues, those issues have an impact on policy-making of state. Otherwise, foreign policy orientations influence migration movements. The international migration or refugee regime is largely determinate by individual state's response to migration movement. Foreign policy actions influence migration policies, particularly in terms of border controls and admission procedures, such as, stricter asylum procedures which reducing the number of irregular immigrants or the repatriation of the immigrant, and the rejection of asylum status.⁷⁵

⁷¹ Jack C. Plano & Roy Olton, 1999, *Kamus Hubungan Internasional*, Bandung: Abardin, p. 7

⁷² K.J. Holsti, p. 176.

⁷³ Ibid, p, 180

⁷⁴ Ibid, p 184

⁷⁵ Gokalp Aras, 195

International migration and refugee issues are part of external matters of states. Those issues became a concern of foreign affairs because it relates to the issue of state sovereignty. Besides that, refugee issues have potential risk to the stability and security of the country. According to Betts and Loescher (2011), the problem of refugee movement is also related to a security problem, the spread of conflict, terrorism, and transnationalism. Therefore, it is a challenge to the world to bring order and justice and realizing international cooperation in response to the problem of refugee.⁷⁶ Forced migration or refugee may have a possible impact on some international politics' areas. Betts (2009) consider that refugee has a significant effect on peace-building. Refugees can be a “destroyer” in peace deals. Refugee camps may become a potential source of radicalization movement or terrorism that can spoil the prospect for peace. The hopelessness of getting an education, the lack of livelihoods freedom, the number of young people trapped in the refugee situation potentially form the recruitment of terrorists within the refugee camp.⁷⁷ These potential threats need to be considered by the international community.

Migration issues and cross-border phenomena are considered as part of a globalization issue that can be advantageous or disadvantageous both for the sending and recipient countries. Migration can contribute to advancing the social and economic conditions of the country. However, many countries consider migration as a threat to sovereignty and national identity, since this cross-border phenomenon, both for economic and political purposes, is always concerned with human trafficking, people smuggling, illicit trade, and various other trans-national crime. These can be a threat and also a challenge for policymakers in dealing with the cross-border problem. Castles (2000) argues that international migration or leaving the place of his birth and moving to another country

⁷⁶ Alexander Betts & Gil Loescher, 2011, *Refugees in International Relations*. Oxford: Oxford University Press, p. 1

⁷⁷ Alexander Betts, 2009, *Forced Migration and Global Politics*, Blackwell Publishing, p. 13

is a "deviation". Therefore, migration is regarded as a problem, a thing that must be controlled and even should be limited, because it can lead to unforeseeable changes.⁷⁸

Moreover, Weiner (1995) considers that the refugees who fled their country of origin may be the opposition the regime of their country. Those refugees can create a conflict between the countries of origin with the receiving countries. When the refugee recipient countries categorize an individual as a refugee with a well-founded fear of persecution, it implicitly accused the country of origin of engaging in persecution. It can lead to strained relations between the two countries since it is possible that refugee has the support of the host country against the regime of their origin country. Refugees are potentially a tool in interstate conflict.⁷⁹ Therefore, each country needs to establish and improve their strategies in order to face the international migration issues.

Besides, the refugee can also threaten the security of the state. It could happen if the host country of refugee supports refugee regime against the country, which may pose a risk of armed conflict. Moreover, a refugee can be perpetrators of terrorist attacks in the host country, arms smuggling, drug trafficking and even to participate in the opposition movement in the country the host country government.⁸⁰ The next potential threat is the wave of refugee may impose economic of host countries which can also cause social problems. The receiving country would be burdened with the provision of shelter, education, employment, and transportation. The provision of this facility is possible for a local resentment. Besides, cultural difference is also a major potential threat to the host country, if the government of the host country cannot anticipate these problems.⁸¹

⁷⁸ Stephen, Castles, 2000, "International Migration at the Beginning of the Twenty-First Century: Global Trends and Issues", *International Social Science Journal*, Vol. 52(165), pp. 269-281, p. 270

⁷⁹ Myron Weiner, 1995, *The Global Migration Crisis: Challenge to States and to Human Rights*, New York: HarperCollins College, p. 137

⁸⁰ Ibid, p. 139

⁸¹ Ibid, p. 136

Some of these potential threats become make sense reasons if there are countries that choose to close their country from the wave of refugees. However, despite these potential threats, refugees are people who are entitled to international protection. They are at risk of losing their lives if returned to their home country. It becomes a great challenge and demands for the international community to overcome this problem since it involves political policy at a national and international level in addressing the humanitarian and political problems.

In analyzing the relationship between foreign and migration policy, Myron Weiner classified into two frameworks, namely security or stability framework and international political economy framework. Security or stability framework focuses on the notion that the state policies towards mass migration movement must be based on national security interests and international stability. Moreover, this framework regards the domestic political changes which resulted from a major determinant of international population flows, and migration, including refugee flow, can lead to potential international conflict.⁸² While, international political economy framework explained the issue of international migration related to global inequality, economic relations between sending and receiving countries covering the movement of capital and technology, and the role of transnational institution in playing the global market, and the structural changes in the labor markets, including changes in international division of labor.⁸³

These frameworks can be the basis for analyzing the response or policy of a country in responding to the flow of migrations or refugees that may affect the characteristics of the migration policy of a country. Weiner added that in the process of making the migration policy has been linked to a variety of other global processes. The

⁸² Myron Weiner, 1992, "Security, Stability, and International Migration", *International Security*, 17 (3) pp. 91-126, p. 94-95

⁸³ *Ibid*, p. 94-95

state should give attention to the importance of the border issue, the involvement of global actors and global powers in decision making.⁸⁴

Teitelbaum theorizes the relationship between the foreign policies and immigration policies into three basic concepts. First, foreign policy as it affects international migration. Foreign policies often become stimulus in the occurrence of international migration. Foreign policies instruments, especially as foreign military or political interventions, or internal or external responses to intervention could lead to mass migration or refugee movements. Sometimes foreign policy negligent to evaluate its impacts, on the other hand, they might see that either mass migration issue or refugee is not their responsibility but more as a problem for “others”. If the refugee stream was not to their country, or even if its intervention policy was unsuccessful, they assumed that the issue of refugee was the responsibility that the intervener assigned to local collaborators. In the end, foreign policy can be used to facilitate or to restrain existing refugee outflows. Foreign policy, such as diplomatic pressures, economic sanctions, and direct military intervention, has been used for that purpose. As at the time India did Pakistani military intervention in the Civil War in 1971, which resulted in at least about 10 million refugees into India through East Bengal and eventually cause economic instability and social.⁸⁵ Furthermore, international migration has been regulated by several highly codified foreign policy instruments (including formal treaties, understandings, conventions, protocols, and other international agreements). As the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol that has become a reference for most of the countries in dealing with refugee issues.⁸⁶

The second is international migrations as tools for foreign policy. Sending and receiving countries can take the opportunity to make international migration as a tool for

⁸⁴ Ibid, p. 95

⁸⁵ Michael S. Teitelbaum, 1984, “Immigration, refugees, and Foreign Policy”, *International Organization* 38(3) pp. 429-450, p. 433-435

⁸⁶ Ibid, p. 437

their foreign policies. International migration may use as tools of their foreign policies to destabilize or embarrass foreign policies adversaries.⁸⁷ The third is foreign policy impact of past migrations. The formulation of foreign policy is also influenced by the presence of substantial by refugee and immigrant in a country. They can affect the policy of the receiving country towards sending country. It is often that sending countries affect the sending country to mobilize its expatriate population in order to support the foreign policy objectives of the recipient country.⁸⁸

As an example, in the case of migrant workers in the oil-rich Gulf states, for example in Kuwait, about 20% of temporary migrant workers is Palestinian. Their supporters Kuwaiti led Amir Sabah in 1976 to suspend the constitution and prorogue the assembly. Therefore, the Gulf state decided to strengthen and limit the growth of foreign worker populations as well as to give more chances to non-Arab workers such as from South Asia and East Asia since they are considered lesser threats for the country and generally cannot establish connections with the indigenous population, due to language barriers, and are easily recognizable and deportable.⁸⁹ It can also be said that migration can influence and provide opportunities to get the goals of a foreign policy. Migration can be an important instrument in bilateral dealings, such as be a bet in bilateral interaction. According to Mitchell, under these conditions, the issue of migration can change and increase from "low politics" to a priority issue in international competition.⁹⁰

It can be concluded that in addressing or responding the issues of international migration or refugee, both the receiving countries and sending countries, have some differences in terms of the formulation of foreign policy as well as their characters in treating the refugee or migrant, even for the same migrant or refugee groups. Immigration policy formation is used to engage national domestic and foreign policy interests. It is

⁸⁷ Ibid, p. 438

⁸⁸ Ibid, p. 441

⁸⁹ Ibid, p. 441-442

⁹⁰ Christopher Mitchell, 1989, "International Migration, International Relations, and Foreign Policy", *The International Migration Review*, 23(3) pp. 681-708, Center for Migration Studies of New York, Inc, p. 682

inevitable that the state sorts out a group of refugees and limits its numbers in order to protect the national interests. Consequently, a group of refugees who are regarded as a state threat and not in accordance with national interests, potentially the admission will be rejected. In this case, the influence of foreign policy on immigration policy can be the acceptance and rejection of visa, asylum claims, and the granting of special immigration status.⁹¹

National or International law and regulation can be ignored if the members of the refugee group are deemed to be a threat to national domestic situations and a destroyer the relationship between the sending country and the recipient of the refugee. Hence, foreign policy and migrant or refugees interplay in the formation of immigration policy in accordance with the purpose of political, social, economic and national, regional and international levels. Therefore, an integrated policy is needed between foreign and migration policies in order to maintain national stability and sovereignty without neglecting humanitarian and political problems.

⁹¹ Ibid, p. 688

1.3 Conclusion

This chapter explained the concept of migration, refugee, asylum seeker, economic and illegal migrant for giving the clear idea of those concepts. All terminologies have differences in bureaucracy, regulation, and priority handling. Refugees are defined differently from immigrant and illegal migrant. Immigrant and illegal migrant commonly crossed the international border for various reasons, mostly for economic reasons.

Illegal migrant and refugees may enter a country without proper documents, nevertheless, refugees are not considered by the state to get migration sanctions. They forced to flee from persecution and conflict in their country. They attempted to rebuild their lives that have been destroyed by the tragedy of conflict. Therefore, a refugee was commonly recognized as involuntary migration and needed the international protection, in. Whereas, Immigrants left the country to seek the better life and they have the possibility to go back to their home.

Human displacement occurs in many ways and is always related to the domestic issues. The occurrence of poverty, conflict, various economic and political issues, and global political change can stimulate the emergence of migration movements from one region to another. Therefore, it triggers the implementation of a policy in response to the phenomenon. State plays an important role in the policy-making process, both regarding border issues in order to control the flow of migration and the involvement of actors and global forces.

Refugees are often regarded as a state threat, because they have the potential to spread conflict, terrorism, demographic change, and become an economic burden on the country. Naturally, foreign policy orientations on the refugee issues were more focused on the security and sovereignty approaches than the refugee protection. International migration becomes a vital matter in foreign policy. Generally, in conducting the foreign policies towards the international migration, states always give more attention to the issues related the migration matters, such as border security and the provision of protection for refugees.

Predominantly, receiving refugee movement become a great challenge for receiving countries, because they have to take immediate decisions that should balance humanitarian and security problems.

Refugee matters have been institutionalized and have a clear set of rules for handling the refugee problem. With the international agreements on refugee protection and other certain institution that regulate refugee issues, such as UNHCR, refugee issues become an important issue for the international world. UNHCR provides the durable solution for refugee protection, such as voluntary repatriation, local integration, and resettlement. The 1951 UN Convention and the 1967 Protocol relating to the status of refugees have provided a clear regulation in giving a person a refugee status in order to obtain protection with international standards.

With this, the regulation of refugee handling is different from the handling of general migration cases. Unfortunately, not all countries in the world have implemented the convention, especially the countries that have not ratified the agreement, including Saudi Arabia. Therefore, they do not have a clear standard to handle refugee protection. It becomes a challenge for the international community to solve this problem.

Saudi Arabia and other Arab countries have signed the Arab Declaration on the protection of refugees and displaced people in the Arab world. This declaration is considered a refuge protection standard in accordance with Arab world capabilities and principles. In addition, refugee issues can be an important issue in bilateral, multilateral and international relations, as they can be instrumental and play an important role in making bilateral or international agreements.

Therefore, in managing international migration and refugee issues, it is needed a broad understanding of the issues and foreign policy, including the influence of each other, changes in international political regulations and globalization. In addition, it also needed an international strategy which can ensure the process of international migration is relevant and in line with national, regional and international political, economic and social

objectives. The strategy also aims to prevent human rights violations, exploitation and conflicts (politically, socially and culturally) by all actors who involved in the migration process. Lastly, an integrated analysis process is needed at various levels, involving migration studies related to policy-making processes at the domestic, overseas and international level to connect the migration process with sustainable development strategies.



CHAPTER 2

HISTORICAL BACKGROUND OF MIGRATORY MOVEMENT IN SAUDI ARABIA

This chapter will explain Saudi's experience and response against the international migration phenomenon in the world. In addition, Saudi Arabia's experiences on migratory movement will be historically explained in order to understand Saudi's foreign and migration policy towards international migration.

2.1 Saudi Arabia's Experience on Migratory Movements

In general, the Arab region has already faced many problems of migratory movement from various countries, either from the Arab and non-Arab nation. This region has faced various mass influxes, such as labor migration, irregular migration and transit migration from all nations. The influx of international movement started from the mid-1930s when British sent Indian Labor to the Gulf state as part of efforts to control oil exploitation in the region.⁹² In addition, Indian is the biggest foreign population in Saudi Arabia among the other nation. There were 1,761,857 Indian living in Saudi Arabia.⁹³ Furthermore, Arab-Israel war that occurred from 1947 to 1948 and continued with the establishment of Israel country had resulted in approximately 700,000 Palestinians forced to out of their region and migrated to Arab and other countries.

In terms of refugee, Saudi Arabia received refugees in the past, like Uzbek and Uyghur refugees who escaped from the communist regime of China and the Soviet Union during the 1930s to 1940s. At that time, the Kingdom of Saudi Arabia began to play its role

⁹² Sharon Stanton Russell, 1992, "International Migration and Political Turmoil in the Middle East", *Population and Development Review*, 18(4) pp. 719-727, p. 719

⁹³ UNICEF, *Saudi Arabia Migration Profiles*, retrieved from <https://esa.un.org/migmgprofiles/indicators/files/SaudiArabia.pdf> (Accessed: April 24, 2017) , p. 2

as the caretaker of the holy cities of Islam and became one of the Islamic countries that received refugees.⁹⁴ Saudi Arabia also received a Palestine refugee who escaped the 1948 Arab-Israeli war, 1967, and 1973. Recorded in 1998, Saudi Arabia has received 275,000 Palestine refugees.⁹⁵

Saudi Arabia is a country that has the largest economy in the Arab world as well as the second largest oil producer in the world. It is one reason why there were many individuals and groups wanted to migrate to that country, especially after the first oil boom or the increase of oil prices in the 1970s. Saudi Arabia and other Gulf country became new migration destination trends and produced the large-scale flows of skilled and semi-skilled workers the Kingdom of Saudi Arabia.⁹⁶

The increase in oil prices caused the Organization of the Petroleum Exporting Countries (OPEC) applied oil embargo in the United States and other countries that had supported Israel in Arab-Israel War 1973 (Yom Kippur War). The member of OPEC increased the price of oil production which caused oil prices to soar. The price of oil rose from \$3.1 per barrel in 1973 to \$10.8 per barrel in 1974 which resulted in an economic crisis in Western countries that were greatly dependent on oil from the OPEC member

⁹⁴ Bayram Balci, 2005, Uzbek and Uyghur Communities in Saudi Arabia and Their Role in the Development of Wahhabism in Present-Day Central Asia, in Birgit N. Schlyter (Ed.), *Prospect for Democracy in Central Asia*, the Swedish Research Institute in Istanbul, p. 242

⁹⁵ Tianshe Chen, 2009, Palestinian Refugees in Arab Countries and Their Impacts, *Journal of Middle Eastern and Islamic Studies (in Asia)*, 3(3) pp. 42-56, retrieved May 20, 2017, from http://mideast.shisu.edu.cn/_upload/article/88/02/356a248448199ec2bf2cf21f796f/22bf7c51-6813-4d25-b4a3-bfa4ec83c49a.pdf, p. 43. See also Palestine News and Information Agency (Wafa), 2013, "Saudi Arabia Contributes \$10M for Palestine Refugees from Syria", retrieved February 07, 2017, from <http://english.wafa.ps/page.aspx?id=TnBvg0a22041647727aTnBvg0>. In response to the Palestinian refugee problem, the Kingdom of Saudi Arabia has contributed in issuing grants to Palestinian refugees in various host countries and collaborated with NGO to provide a protection for Palestinian refugee. For instances, Saudi Arabia provided aid funding of \$ 10 million through the Saudi Fund for Development (SFD) to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to help Palestinian refugees who were victims of the conflict in Syria. The aid involved foods, cash and emergency relief, health, and education services. Saudi Arabia is one country that is consistent in providing assistance to UNRWA for Palestinian refugees' problem.

⁹⁶ Francoise De Bel-Air, 2014, "Demography, Migration, and Labor Market in Saudi Arabia", Explanatory Note No. 1/2014, Gulf Labour Markets and Migration (GLMM), , <http://gulfmigration.eu>, p. 4

countries. Furthermore, when the Iranian revolution occurred in 1979, Iran reduced their oil production which has led the world oil prices soared from \$ 17.3 in 1979 to \$ 32.5 per barrel in 1981.⁹⁷ This Oil shock period (1970s-1980s) in the Middle East had an impact on migratory movement in Saudi Arabia.

The increase of income from oil export in Saudi Arabia created investment development in various sectors. Therefore, considerable manpower in terms of both quality and quantity were required. However, the imbalance between the number of workers, and the income of the state forced Saudi Arabia to import migrant workers from other Arab countries and non-Arab countries.⁹⁸

Table 1
Saudi Arabia’s Migrant Workers in 1970s

Origin Country	Population in Saudi Arabia	Total Population in Origin Country
Yemen	200,000-250,000	6,193,810 ⁹⁹
Syria	40,000	6,350,541 ¹⁰⁰
Palestine	50,000	1,124,649 ¹⁰¹

⁹⁷ United Nations Population Division, 2003, *Levels and trends of International Migration to Selected Countries in Asia*, New York: UN, p. 16

⁹⁸ Onn Winckler, 1997, “The Immigration Policy of the Gulf Cooperation Council (GCC) States”, *Middle Eastern Studies*, 33(3) pp. 480-493, p. 480

⁹⁹ Worldmeters, 2018, “Yemen Population (LIVE).” *Yemen Population (2018) – Worldometers (Elaboration of data by United Nations, Department of Economic and Social Affairs, Population Division. World Population Prospects: The 2017 Revision)*, retrieved from www.worldometers.info/world-population/yemen-population/ (Accessed: April 07, 2018)

¹⁰⁰ Worldmeters, 2018, “Syria Population (LIVE).” *Syria Population (2018) – Worldometers (Elaboration of data by United Nations, Department of Economic and Social Affairs, Population Division. World Population Prospects: The 2017 Revision)*, retrieved from <http://www.worldometers.info/world-population/syria-population/> (Accessed: April 07, 2018)

Lebanon	30,000	2,297,389 ¹⁰²
All Arab Countries	345,000	-
Unknown	55,000	-

Source: Adapted from Nazli Choucri & Peter Brecke, (1984), “Migration in the Middle East: Transformations and Change”, *MER 16/2* (1983-84): 16-27, p. 18.

Table 1 presents the stocks of migrant workers by countries of origin in the 1970s. Most of the migrant worker who came to Saudi Arabia were from Arab countries dominated by Yemenis of more than 200,000 migrants. However, after 1973, Saudi Arabia was flooded with foreign migrants who came from Arab states as well as Asia. Most of them came as migrant workers, both the skill and semi-skilled workers.¹⁰³ Since then the population of the Kingdom of Saudi Arabia increased significantly. Most migrant workers came from neighboring countries which had a lower economic income, such as Yemen, Egypt, Sudan, Palestine, and Syria while from Asia, mostly from India and Pakistan.¹⁰⁴

At that time, the authority of Saudi Arabia was more open to migrant workers from Arab countries than to non-Arab migrant workers. Arab workers were easier to harmonize to the local population due to having a common language, culture, and religion. Therefore, they were advantageous to work in the field of formal or informal economic sectors. For instance, they were able to work in public administration, educational facilities, health services, infrastructure building, and the oil industries. On the other hand, authorities of Saudi Arabia had concerns about non-Arab workers because it had the potential to carry

¹⁰¹ Worldmeters, 2018, “Palestine Population (LIVE).” *Palestine Population (2018) – Worldometers (Elaboration of data by United Nations, Department of Economic and Social Affairs, Population Division. World Population Prospects: The 2017 Revision)*, retrieved from <http://www.worldometers.info/world-population/state-of-palestine-population/> (Accessed: April 07, 2018)

¹⁰² Worldmeters, 2018, “Lebanon Population (LIVE).” *Lebanon Population (2018) – Worldometers (Elaboration of data by United Nations, Department of Economic and Social Affairs, Population Division. World Population Prospects: The 2017 Revision)*, retrieved from <http://www.worldometers.info/world-population/lebanon-population/> (Accessed: April 07, 2018)

¹⁰³ Françoise De Bel-Air, p. 4

¹⁰⁴ Andrzej Kapiszewski, 2006, *Arab Versus Asia Migrant Workers*, Beirut: UN Population Division, p. 6

and spread the radical social and political concepts, especially the secular ideology and communism brought by the Soviet Union.¹⁰⁵

However, in 1975, Saudi Arabia policies towards migrant workers drastically changed. It was due to the political turmoil among the Arab migrants, such as the emergence of the idea of the abolition of the monarchy in the Gulf Arab states spread by expatriates and the emergence of organizations and anti-government movement in the Gulf state. It led to the authority of Gulf States, including Saudi Arabia lost their trust to the Arab expatriate. In the 1970s and 1980s, many Arab expatriates were jailed and deported because of their participation in those activities.¹⁰⁶ Therefore, Saudi Arabia began to tighten and limit the migration scale of Arab labors to the country and decided to give more opportunities to the non-Arab labor, particularly Asian nations to work in Saudi.¹⁰⁷

The Saudi Arabian authorities realize that non-Arab workers had fewer potential threats than Arab workers. Non-Arab workers cannot establish connections with the indigenous population, due to language barriers, and are easily recognizable and deportable.¹⁰⁸ In addition, they were more considered as passive observers of political processes than potential activists or claimants on social services and other benefits.¹⁰⁹ Besides, there were several reasons why Saudi Arabia preferred Asian workers to work in the country. First, in terms of salaries, Asians workers were lower than Arab workers. They were considered to be easier to be managed, disciplined and more productive.¹¹⁰ Asians used to leave their families and work in other countries whereas Arab immigrants generally used to bring their families to the Gulf with the hope of settling there permanently which may be difficult to be accepted by the Saudis and the other Gulf states.¹¹¹

¹⁰⁵ Ibid, p. 6

¹⁰⁶ Ibid. p. 6

¹⁰⁷ Michael S. Teitelbaum, p. 441-442

¹⁰⁸ Ibid, 442

¹⁰⁹ Nazli Choucri (with the collaboration of Peter Brecke), 1984, "Migration in Middle East: Transformation and Change", *Middle East Review*, 16(2) pp. 16-27, p. 17

¹¹⁰ Andrzej Kapiszewski, p. 7 and Nazli Choucri, p. 17

¹¹¹ Andrzej Kapiszewski, p.7

Lastly, the more migrant workers came to Saudi Arabia, the more difficult for the authority to supply and facilitate them. Besides, Asian Governments had a role to accommodate their workers in terms of placement and recruitment of workers. They had a good system of recruitment agencies in regulating the smooth inflow of workers into Gulf state. Thus, it was easier for the authority of the Gulf to conduct recruitment.¹¹² In addition, Asians would accept working conditions that Arab would refuse. It became an added value for them since it can facilitate the gulf state authorities to employ them in any field.¹¹³ Those reasons made Asian workers were easily accepted as a result of which their numbers grew fast in Saudi Arabia. It also changed the composition of migrant labor in Saudi Arabia. Arab workers in Saudi Arabia were replaced by Asian workers, such as workforce from India, Pakistan, Bangladesh, Thailand, Sri Lanka, and Indonesia.¹¹⁴

Table 2

**Annual Average of Arrivals Minus Departures of Foreigners by Citizenship
in Saudi Arabia, 1970s-1980s**

Country of Origin	Population (1975-1979)	Population (1980-1984)
All Arab Countries and Areas	60,716	-19,694
Bahrain	2,208	329
Egypt	37,285	-35,756
Jordan and Occupied Palestinian Territory	4,169	5,522

¹¹² Ibid, p, 7

¹¹³ Choucri, p. 22

¹¹⁴ Kapiszewski, p. 7

Kuwait	3,575	-154
Lebanon	5,400	-9,082
Sudan	4,080	-7,808
Syria	7,550	6,981
Yemen	-7,116	21,873
Asian Countries	98,707	141,393
Bangladesh	1,992	12,133
India	16,680	56,814
Indonesia	2,711	4,023
Pakistan	37,635	21,920
Philippines	9,482	27,849
Republic of Korea	17,032	-13,947
Sri lanka	1,659	13,080
Thailand	7,922	20,969

Source: Adapted from United Nations Population Division, 2003, *Levels and trends of International Migration to Selected Countries in Asia*, New York: UN, p. 25

During 1975-1979, the balance of population between Arab and Asian workers in Saudi Arabia changed significantly. The annual arrival of Pakistani has equaled the number of the Egyptian's annual arrival, which were about 37,000 in the late 1970s. (see table 2). Table 2 indicates a change in the composition of the foreign population in Saudi. At the beginning of the 1980s, the Egyptian population decreased to -36,000 as the political turmoil in the Arab region. It means the number of Egyptian who migrated to Saudi Arabia was less than people who depart from Saudi Arabia. The visit of the Egyptians President to Israel in 1977 to negotiate peace after the Arab-Israeli war of 1973 aggravated the Egyptian and other Arab countries relations. At that time, Egypt was boycotted by Arab countries.¹¹⁵ In addition, the dependency of Saudi to Asia can be seen in the table. The India population

¹¹⁵ United Nations Population Division (UNDP), 2003, *Levels and trends of International Migration to Selected Countries in Asia*, New York: UN, p. 26

significantly increased in the early of 1980 to 57,000 people and dominated Asian worker population in Saudi.

Hence, in the period of 1970s-1980s, the number of a foreigner in Saudi Arabia rapidly increased the number of incoming waves of migrant workers due to the impact of rising oil prices. Moreover, in order to face this phenomenon, Saudi Arabia also experienced a change in immigration policy. In the late 1970s, Saudi government applied a liberal non-selective immigration policy, caused by the demand to increase the amount of labor in the country. In April 1975, the Saudi authorities softened requirements for foreign workers from Arab and other friendly countries. Therefore, employers would no longer be required to apply for visas for foreign workers on an individual basis but would be able to submit a visa application for a group of workers, providing only the number needed. Moreover, foreign worker would be liberated from income tax. During this time, the Saudi authorities also pushed foreign companies to import their own workers.¹¹⁶

However, the explosion of the foreign population had a significant impact on Saudi Arabia, such as reduced employment for local workers or Saudi Arabian workers and the rise of foreign influences on national culture. That became Saudi Arabia's challenge in facing this problem. Therefore, in the 1980s Saudi Arabia began to reorganize its policy strategy for foreign workers by tightening its immigration policy.

Saudi authorities seemed not considering the impact of the growth of foreign population in the country. Due to the emergence of social and political issues as a result of increasing foreign population, the Saudi government started to change its migration policy. The government began to tighten control over the admission of the foreign workers. There were several factors that caused changes in migration policies of Saudi Arabia at the time.

The first factor was the decline in economic growth after 1982. In 1986 the oil prices dropped dramatically. The second, the number of unemployment increased and job vacancies reduced for the local workforces. The third, there was a cost escalation for

¹¹⁶ Onn Winckler, p. 483

providing wages and subsidizing public services for the foreign workers and their family members. The last one was a concern about the influence of expatriates on the national cultures, identities, and values, which have potential threats to domestic security.¹¹⁷ Therefore, the Saudi authorities started to change some of their policies towards foreign workers.

During the late 1970s and early 1980s, the Kingdom of Saudi Arabia conducted some ways to control and reduce the growth of foreigner in the country. For instances, the Saudi government deported thousands of illegal immigrants. In the 1980s, about 300,000 illegal immigrants were deported from the country. In July 1984 the Saudi Ministry of Interior reiterated to Saudi nationals and foreigners to obey the law residence in the Kingdom. It is stated that a legal residence permit was required in order to rent a house to foreigners.¹¹⁸ Besides, in the period of the oil shock, the Saudi government actually tried to conduct the nationalization of labor with the aim to reduce the number of foreign workers and to add the work chances for the local workforces.

Since the oil shock period, the Saudi government created a national development plan for the next five years, one of the objectives was to reduce the number of a foreigner in the country. Foreigner population continued to increase from 1.7 million in 1980 to 2.7 million in 1990 and continued to increase to 2.9 million in 1990 (see Table 2). The Five-Year National Development Plan for years 1980-1985 has managed to reduce the population growth foreigner be 8.6 percent per annum and 1.6 percent per annum for 1985-1990 (see Table 3).¹¹⁹

¹¹⁷ Ibid, p. 483

¹¹⁸ Ibid, p. 484

¹¹⁹ UNDP, 2003, *Levels and trends of International Migration to Selected Countries in Asia*, New York: UN, p. 20

Table 3

**Migrant Workers Population and Its Annual Growth Rate
in Saudi Arabia, 1975-1990**

Year/Period	Population
1975	474,700
1980	1,734,100
1985	2,661,800
1990	2,878,000
Annual growth rate (in percent)	
1975-1980	25.9
1980-1985	8.6
1985-1990	1.6

Source: Adapted from United Nations Population Division, 2003, *Levels and trends of International Migration to Selected Countries in Asia*, New York: UN, p. 19

However, it seemed that the plan to add the number of local workers did not go well. It was difficult to apply Saudization to their workers in private sector. There were some reasons for it. One of them is that the companies claimed that the Saudis national workers expected too high salaries, they were not equipped with the skills required for the jobs. Another reason is that local workers were more difficult to be controlled than foreign workers.¹²⁰

In the 1990s, Saudi Arabia faced the phenomenon of migratory movement that was different from the previous period. During the period 1990-1995, Saudi Arabia experienced a decrease in the number of immigrants due to the occurrence of the Gulf War or the Iraqi invasion of Kuwait in the year 1990. Furthermore, the 2003 US invasion of Iraq

¹²⁰ Winckler, p. 486

also caused displaced people to the Iraqi neighboring countries. This had an influence on migratory movement in Saudi Arabia. Furthermore, in the 2000s the Saudi government's strategy to decrease the foreign population in the country. These will be discussed in the next section.

2.2 Mass Population Displacement and the Saudi Arabian Immigration Policy Strategies

The Iraqi invasion of Kuwait in August 1990 brought the problems of migration and population in the Middle East. There were nearly five million people uprooted in the Middle East.¹²¹ The phenomenon of Gulf Crisis had revolutionized migration patterns in the Arab countries, particularly Saudi Arabia, which had previously accommodated many foreign populations. It has decreased the number of foreign population. During the period 1990-2000s, the percentage of the foreign population in Saudi Arabia decreased from year to year, ranging from 91 percent in 1975 to 30 percent in the 2000s (see Table 4).

Table 4

Foreign Population in Saudi Arabia 1975-2002/4
(estimates, in percentages)

Year	Population (%)
1975	91
1985	79
1990	30.8
1996	30

¹²¹ Nicholas Van Hear, 1995, "Displaced People After the Gulf Crisis", *The Cambridge Survey of World Migration*, edited by Robin Cohen, UK: Cambridge University Press, p. 424

2000	26.1
2002/4	33

Source: Data for the years 1975, 1985, 1996, and 2002/4 from Andrzej Kapiszewski, 2006, *Arab Versus Asia Migrant Workers*, Beirut: UN Population Division, from http://www.un.org/esa/population/meetings/EGM_Ittmig_Arab/P02_Kapiszewski.pdf (April 28, 2017), p. 9; for 1990 and 2000 from The United Nations Economic and Social Commission for Western Asia (UNESCWA) and International Organization for Migration (IOM), 2015, *2015 Situation Report on International Migration: Migration, Displacement and Development in a Changing Arab Region*, retrieved April 25, 2017, from https://publications.iom.int/system/files/pdf/sit_rep_en.pdf, p. 31.

Van Hear stated there were five wave patterns of migration at that time. Firstly, a period when Iraq invaded Kuwait in August 1990, most of the Arab and Asian migrant workers who were in Iraq and Kuwait fled to Jordan and other neighboring countries. In addition, there were many Yemenis deported from Saudi that affected the increase in the number of displaced people in the Middle East. Secondly, the outbreak of the Gulf War in January 1991 until the truce lasts, resulted in nearly 65,000 people left the war zone.¹²²

Thirdly, it was because of the period when the uprising minority in northern and southern Iraq causing two million of Iraqi Kurds and Shias fled to Turkey and Iran. At the same time, there was a large scale of *de facto* refugees in southern Iraq, Kuwait, and Saudi Arabia were displaced as a result of the Gulf war. Fourthly, it is because of the mass return of refugees from Turkey and Iran in May 1991. Those who fled to Turkey and Iran were coming back to Iraq. Fifthly, from mid-1991 which were the period the restoration of the Emirates regime, there were many waves of displacement; one of them is the resumed exodus of Iraqis from Iraq and of Jordanians and Palestinians from Kuwait. Besides, the mass displacement of Palestinians continued in substantial numbers until late 1992.¹²³

¹²² Ibid, p. 424

¹²³ Ibid, p. 424

Gulf Crisis forced foreigners to flee the countries that involved in the Gulf war and many foreigners had to go back to their home countries. Therefore, the outbreak of the Gulf crisis had a major influence on migration patterns in Arabia and its policies towards the phenomenon of migration. The most prominent changes in Saudi's migration policy at that time was the policy for Yemen nationals in Saudi.

After the Iraqi invasion of Kuwait in August 1990, as many as 800,000 Yemenis who lived and worked in Saudi Arabia were forced to leave the country. Most of Yemen national returnees were people who had the potential and authority to urge the government of Yemen to support Iraq's invasion of Kuwait.¹²⁴ In addition, in mid-1992, there were only about 57,000 of Yemenis that were settled in Saudi Arabia.¹²⁵

After Saddam Husain, the Iraqi president ordered his army to occupy Kuwait on 2 August 1990 and declared Kuwait to become the 19th Province of Iraq, posed a stern response from the international community. United Nations condemned and demanded Saddam Husain to withdraw Iraqi forces from Kuwait. However, in negotiations with the UN to address this problem, the Yemen government seemed to be careful in taking steps. Yemen indicated disagreement with the embargo and the UN resolution to impose sanctions on Iraq. In addition, in the Arab summit meeting, Yemen authorities did not give their vote to send Arab forces to Saudi Arabia for defense purposes.¹²⁶

The attitude of Yemen had caused resentment of Saudi Arabia. Saudi claimed that Yemen authorities had supported Saddam Husain. In response to that, Saudi Arabia refused to expel 50 Yemeni Diplomats in September 1990 and used the Yemen nationals who worked and settled in Arabia as political tools to suppress the Yemen government.¹²⁷ Saudi Arabia tightened and changed the migration policy of the Yemeni nationals in the country. In addition, Saudi authorities revoked facilities and a wide range of conveniences that had

¹²⁴ Ibid, p. 427

¹²⁵ Winckler, p. 482

¹²⁶ Gwenn Okruhlik and Patrick Conge, "National Autonomy, Labor Migration and Political Crisis: Yemen and Saudi Arabia", *Middle East Journal*, 51(4) pp. 554-565, p. 559

¹²⁷ Ibid, p. 559

ever given to Yemenis in Saudi. The facilities and conveniences included the privilege to be able to set up business in Saudi Arabia with no Saudi majority ownership, the freedom to work in Saudi without a work permit and local sponsors. Those privileges were not acquired by another foreigner.¹²⁸

However, the privilege has been revoked by the Saudi government as a result of the government's attitude Yemen in response to the actions of the Iraqi government. Furthermore, Yemenis workers had to have the same terms and requirements with other foreign workers. After the Gulf crisis, the authority of Saudi Arabia provided 30 days to the Yemenis to find a local sponsor to be able to continue their business in Saudi Arabia and they were also required to have residence permits or would be fined.¹²⁹ In addition, Saudi Arabia also revoked Saudi passports for Yemenis that they have acquired earlier and left them stuck in a stateless status in Saudi Arabia.¹³⁰ Although the Yemenis population in Saudi Arabia have much contributed to the economic development in Saudi Arabia, the political interest became a main priority for the Saudi government.

In this case, it can be said that the economic interest does not have a major influence on the political behavior in Saudi. In contrast, political interest may affect policy change in Saudi Arabia, in this case, is the Saudi immigration policy. The Saudi authorities use the Yemeni population in their country as a tool of their foreign policy for suppressing the Yemeni government.

The Gulf War also caused the emergence of refugees. In this case, Saudi Arabia had a role in handling this case. The number of Iraqis left their country and 35,000 of which fled to Saudi Arabia, resided in the Rafha refugee camp.¹³¹ Saudi Arabia provided basic needs to the Iraqi refugees in the camp, such as health care, air conditioning, and education.

¹²⁸ De Bel-Air, p. 9

¹²⁹ Okruhlik and Patrick Conge, p. 559

¹³⁰ De Bel-Air, p. 9

¹³¹ Géraldine Chatelard, 2009, Migration from Iraq between the Gulf and the Iraq wars (1990-2003): Historical and sociospatial dimensions, *Centre on Migration, Policy and Society*, Working Paper No, 68 University of Oxford, retrieved from https://www.compas.ox.ac.uk/media/WP-2009-068-Chatelard_Iraq_Migration_1990-2003.pdf (Accessed: May 20, 2017), p. 14

However, the Kingdom did not provide more than that. Some of the Iraqi refugees were Shi'a communities and Saudi Arabia implements strict policies to them. The refugees were not given access to political activities and their movements were strictly controlled by the police. Moreover, they were also difficult to have relations with the Shi'a community in Arabia, including relatives. The Iraqi refugees lived in isolation and depended on UNHCR's solution of resettlement in a third country. However, this required long process even take years to happen. More than 10 years 30,000 of the Iraqi refugees can be transferred to US, Canada, Denmark, Sweden, the Netherlands, Australia, and Iran.¹³²

In addition, the 2003 US invasion of Iraq led to millions Iraqi be forced to leave the country. UNHCR estimated there were over 4 million displaced Iraqis around the world, including some 1.9 million who were still inside Iraq, over 2 million in neighboring Middle Eastern countries, and around 200,000 in other countries.¹³³ In response to this issue, Saudi Arabia planned to tighten their border with Iraq. In September 2006, the Saudi government announced their plan to build the \$12 billion fence along its border with Iraq. The fence was provided with electronic sensors, security bases, physical barrier.¹³⁴ Saudi Arabia worried that the Iraqi war would spread conflict to the Kingdom. As Nail Al-Jubeir, a Saudi embassy spokesman in Washington said that Saudi Arabia prevented the possibility of a negative spillover into the entire region.¹³⁵

The Gulf war of 1991 and the 2003 US invasion of Iraq illustrated the important role of the immigration policies towards international migration. The immigration policies are also affected by international political conditions, which can bring a big change in the formulation of the immigration policy of a country. Besides, it can be seen also political

¹³² Ibid, p. 23

¹³³ UNHCR, 2007, *Statistics on Displaced Iraqis around the World*, Retrieved from <http://www.unhcr.org/461f7cb92.pdf> (Accessed: March 08, 2018)

¹³⁴ Anthony H. Cordesman, Emma R. Davies, 2008, *Iraq's Insurgency and the Road to Civil Conflict*, America: Praeger Security International, p. 469

¹³⁵ Middle East Institute, 2006, October 12, *Saudi Arabia to Build Security Fence along Iraqi Border*. Retrieved from <https://www.memri.org/reports/saudi-arabia-build-security-fence-along-iraqi-border> (Accessed: March 08, 2018)

stability and national security is a main priority of the Saudi government in making its immigration policy.

In the beginning, the 2000s, the Kingdom of Saudi Arabia faced the problem of unemployment among the productive age. The young population faced the difficulties to get the job after graduating from university, moreover, the poverty rate has increased. In 2013, unemployment reached 12.2 percent and 28.4 percent for 15-29 age groups.¹³⁶

Therefore, the Saudi authorities began to relaunch the five-year development plans (1995-2000) by increasing job opportunities for Saudi nationals. At least around 319,500 jobs have been provided by the Kingdom of Saudi Arabia. In addition, learned from the ineffectiveness of the previous program, the Saudi government was more realistic to put the target in an attempt to nationalize the private sector. During five-year development plan (2000-2005), the government set the realistic target for Saudization by 25 percent. The target was increased annually.¹³⁷ The target of Development Plan (DP) 2005-2009 was increased to 51.5 percent, with the hope that at the end of 2009 Saudi workforce had to represent at least 51.5 percent in the private sectors. Still, these targets were not in accordance with the plan until the end of 2009. Saudi nationals only reached 47.9 percent in the private sectors.¹³⁸ In addition, of the 2.2 million new jobs were provided by the private sector during the period 2005-2009, only 8.9 percent (195,755) of the Saudi workforces were occupied with the jobs.¹³⁹

The other hand, the social and economic problems also aroused from the foreign workforce. In particular, among non-Arab labor, they often became victims of

¹³⁶ De Bel-Air, p. 4

¹³⁷ Saudi Hollandi Capital, 2012, *Labor and the Nitaqat Program: Effect on The Saudi Arabian Economy*, Retrieved from [https://www.alawwalinvest.com/content/laborandthenitaqatprogram\(1\).pdf](https://www.alawwalinvest.com/content/laborandthenitaqatprogram(1).pdf) (Accessed: April 29, 2017), p. 4

¹³⁸ Rita O. Koyame-Marsh, 2016, *Saudization and the Nitaqat Programs: Overview and Performance*, Proceedings of Annual South Africa Business Research Conference 11-12 January 2016, Taj Hotel, Cape Town, South Africa, retrieved April 23rd, 2017 from http://www.jafepapers.com/uploads/2016/September/2016_10_25_3.%20Rita.pdf (Accessed: April 23, 2017), p. 4

¹³⁹ Ibid, p. 4

discrimination, exploitation, and even violence by their bosses. There were numerous reports said that the low-paid Asian workers complained their problem about their harsh working condition, low or delayed pay, and the general lack of right. Human Right Watch stated that about 300 women from India, Sri Lanka, and the Philippines worked 12-hours shift, six days a week, cleaning hospital in Jeddah. After finishing their job, they were placed in a dormitory with a small room that housed 14 people and the door had looked by their boss from outside. They had not given the freedom altogether.¹⁴⁰

Moreover, the interviews were conducted by Human Right Watch with a couple of women domestic workers in 2006, which is one of them from Indonesia named Sri H., “I worked for eight months but they only gave me one month’s salary. They promised to give me my salary every month, but in fact, I fought with my sponsor all the time about my salary.” Many of them are treated like slaves and not given the right as a legal worker. Many Asian women workers also complain the problem of the Saudi employer treatment to them. Not infrequently, some of them become a victim of sexual harassment and rape by their employers. In addition, the law enforcement officers of Saudi Arabia who are unfavorable to the victim of sexual abuse contribute the suffering of the foreign workers, particularly female workers in Saudi Arabia. There are cases of women who are victims of sexual abuse or rape by the Saudi employers are found serving time in jail for “illegal pregnancies”.¹⁴¹

It became a serious problem in Saudi Arabia. As experienced Amanthi, a domestic worker from Sri Lanka in 2006, who was interviewed by Human Right Watch said, “The court decision was that if you have unwanted sex and have babies you are imprisoned for one-and-a-half years; that was the charge for me. I don’t exactly know what

¹⁴⁰ Human Right Watch (HRW), 2004, “Saudi Arabia: Foreign Workers Abused”, retrieved April 29, 2017, from <https://www.hrw.org/news/2004/07/15/saudi-arabia-foreign-workers-abused> (Accessed: April 29, 2017)

¹⁴¹ Ibid, HRW

has happened [to my employer who raped me], but I think he was arrested and [he] paid a bribe.”¹⁴²

Those problems can also cause problems between Saudi Arabia and sending-migrant workers countries. Although migrant workers have no rights in formal politics, they can influence the foreign policy through such informal accesses as media. The exploitation cases, sexual harassment, and other inhuman treatment of foreign workers become the spotlight of international and local media. In addition, it becomes a national “embarrassment” for Saudi Arabia.¹⁴³ Even more, it can change the foreign policy of the sending or receiving country. For instance, in response to that case, the Indonesian government pressed the Saudi government by tightening and reduced the sending of Indonesian domestic workers to Saudi Arabia since 2011.¹⁴⁴ In addition, according to International Trade Union Confederation (ITUC) report, the Kingdom forbid workers to form unions and prescribes penalties for those who try to establish or organize unions. Workers are allowed to have workers’ committees in enterprises with more than 100 workers, but the committees are controlled by the employer and the ministry. They have a right to be involved in the committee and receive the minutes of every meeting. The ministry has a right to disband a workers’ committee which is considered to violate a regulation or threaten public security.¹⁴⁵ From these cases, it can be said that Saudi Arabia’s law and systems don’t have a minimum standard for providing migrant workers’ protections, especially domestic workers. They are vulnerable to arbitrary treatment, exploitation, and not getting a justice for their rights.

¹⁴² HRW, 2008, “*As If I AM Not Human*”: *Abuses against Asian Domestic Workers in Saudi Arabia*, United States of America: HRW, p. 83

¹⁴³ Andrzej Kapiszewski, p. 12

¹⁴⁴ Guruh Dwi Riyanto, 2015, “Indonesia Perketat Pengiriman TKI ke Bahrain dan Arab Saudi” [Indonesia Tightens Delivery of Indonesian Migrant Workers to Bahrain and Saudi Arabia], *Varia.id*, retrieved from <http://www.varia.id/2015/02/21/indonesia-perketat-pengiriman-tki-ke-bahrain-dan-arab-saudi/> (Accessed: April 27, 2017)

¹⁴⁵ International Trade Union Confederation (ITUC), 2012, *Internationally Recognized Core Labour Standards in Saudi Arabia*, retrieved from https://www.ituc-csi.org/IMG/pdf/final_tpr_saudi_arabia.pdf (Accessed: November 7, 2016)

The impact of the increased foreign population forced the Kingdom of Saudi Arabia to create strategies and policies to address the problem. Besides, the Arab Spring phenomenon that occurred in some Arab countries in 2011 gave some influences to the Kingdom. Saudi Arabia also faced the protests in the country that focus on unemployment, corruption and “discriminatory-clientelism”. The Kingdom of Saudi Arabia, which at that time was ruled by King Abdullah, reduced the protests by announcing a massive \$130 billion subsidy package to fund new housing programs, raise the minimum wage of public servants which mostly were Saudis, and created more jobs employment and job opportunities in the government sectors. Besides that, Saudi Arabia’s Ministry of Labor created a new initiative called ‘*Hafiz*’ system in which the government provides a monthly allowance of SAR 2,000 to unemployed men and women in Saudi Arabia. Moreover, the program also aims to help Saudi job seekers to get jobs by providing job training.¹⁴⁶

The Kingdom of Saudi Arabia realized that it needs a more concrete strategy to solve the problem of unemployment in the country. Therefore, in June 2011, the Saudi government announced and socialized the *Nitaqat* program and asked the companies to update the data and information of their workers. It did not take a long time, in September 2011, Saudi Arabia began to implement the program. This program aimed to reduce the inflow of the foreign workers and improve the employment prospects for local populations. In the *Nitaqat* program, the Saudi Arabian Ministry of Labor (MoL), categorized the private sectors into four colors (red, yellow, green and excellent) based on a large number of Saudi workers in the company and the company’s success in implementing the nationalization program.¹⁴⁷

Companies that achieve the status of a Green and Excellent *Nitaqat* interpreted that these companies have achieved good predicate in nationalizing its workers and will get a special benefit from the Saudi government. The companies will be given ease in handling work permits for their foreign employees through an expedited online process and can hire

¹⁴⁶ Saudi Hollandi Capital, p. 3

¹⁴⁷ Ibid, p. 1

foreign employees from Red and Yellow companies without requiring the previous employer's approval.¹⁴⁸ In addition, the company that received the Yellow color is a company that has local workers below specified standards.

While Red is for companies that have a very little amount of local workers.¹⁴⁹ Yellow companies are considered a failure in nationalizing their workers and will have difficulties in handling work permits for their workers. They are only allowed to renew visas for employees with less than 6 years of service in Saudi Arabia, and can only apply for one new work visa after the permanent departure of other expatriate employees. Even worse for the Red companies, they are unable to hire new expatriate employees, renew current work permits, or open a new company or branch within the Kingdom of Saudi Arabia until they improve their Nitaqat rating.¹⁵⁰ The explanation is summarized in the table below.

Table 5

Nitaqat Categories

<p>Excellent</p> <ul style="list-style-type: none"> ▪ Entities achieving superior nationalization performance with the highest percentage of local employees 	<p>Green</p> <ul style="list-style-type: none"> ▪ Entities achieving good nationalization performance, with a good percentage of local employees ▪ Green and Excellent companies represent the top half of entities with the same
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¹⁴⁸ Dr. Amre Massoud, 2013, "The Nitaqat Program", Kingdom of Saudi Arabia: The Ministry of Labor, retrieved from <http://www.itu.int/net4/wsis/stocktaking/projects/FileManager/DownloadProjectFile?fileId=f0b530fb-d5f9-4916-832a-f2bfcff381ad> (Accessed: April 14th, 2017), p. 2

¹⁴⁹ Saudi Hollandi Capital, p. 1

¹⁵⁰ Dr. Amre Massoud, 2013, p. 2

	size and economic activity
<p>Yellow</p> <ul style="list-style-type: none"> ▪ Entities achieving below average performance with a lower percentage of local employees 	<p>Red</p> <ul style="list-style-type: none"> ▪ Entities achieving poor nationalization performance by hiring the lowest percentage of local employees. ▪ These firms represent the bottom one-fifth percentile of entities with the same size and economic activity

Source: Saudi Hollandi Capital (SHC), June 2012, *Labor and The Nitaqat Program: Effect on the Saudi Arabian Economy*, Kingdom of Saudi Arabia, retrieved April 25th, 2017 from [https://www.alawwalinvest.com/content/laborandthenitaqatprogram\(1\).pdf](https://www.alawwalinvest.com/content/laborandthenitaqatprogram(1).pdf), p. 1

Nitaqat program has shown its results. According to Saudi Deputy Minister of Labor Ahmad Al-Humaidan, almost 86 percent of private firms and establishments were in the safe zones (Green and Excellent) of the Nitaqat program as of October 2014. This is a satisfactory result of the program, retraced at the beginning of implementation in 2011, the companies that were in the safe zone and unsafe reached only 50 percent for each company.¹⁵¹ The attempts of Saudization in the public sectors continue to increase each year. In 2011, of the 1 million workers worked in the public sectors, 900,000 were local workers and the rest were foreign workers.

This number increased in the year 2014, of the 1.2 million workers, 1.1 million are Saudi and 72,000 workers are foreign workers. It can be interpreted that in the public

¹⁵¹ Rita O. Koyame-Marsh, p. 14

sectors are dominated by local workers. Still, for replacing the expatriates in the private sectors is not easy. Recorded in 2011, as many as 7.8 million of the total workers, only 800,000 were occupied by local workers and the rest was dominated by foreign workers. While in 2014, of the 10 million workers, only 1.5 million Saudi workers worked in the private sectors (Table 6).¹⁵²

Table 6
Saudis and Non-Saudis Labor in the Private and Public Sector, 2011-2014

	Total Employments Private Sector			Total Employments Public Sector		
	Saudis	Non-Saudis	Total Employment	Saudis	Non-Saudis	Total Employment
2011	844,476	6,937,020	7,781,496	919,108	79,030	988,137
2014	1,549,975	8,471,364	10,021,339	1,168,586	72,162	1,240,748

Source: Adapted from Rita O. Koyame-Marsh, January 2016, *Saudization, and the Nitaqat Programs: Overview and Performance*, Proceedings of Annual South Africa Business Research Conference 11-12 January 2016, Taj Hotel, Cape Town, South Africa, retrieved April 23rd, 2017 from http://www.jafepapers.com/uploads/2016/September/2016_10_25_3.%20Rita.pdf, p. 15

Nitaqat program obviously has a great influence on foreign workers. They may lose job opportunities in Saudi Arabia and worse than that, they were forced to return to their home country. For instance, the Indian workers, as the largest foreign workers in Saudi Arabia, felt the impact of the *Nitaqat* program. As for May 20th, 2013, about 75,000 Indians have registered to Indian Embassy in Riyadh and the Consulate in Jeddah to be processed and be send back with ‘emergency certificate’.¹⁵³ Besides that, most of Saudi Arabia’s retail and services sectors are dominated by foreign workers from South-east Asia

¹⁵² Ibid, p. 15

¹⁵³ Zeenews, 2013, “No Exodus of Indians from Saudi Arabia: Officials”, retrieved from http://zeenews.india.com/news/nation/no-exodus-of-indians-from-saudi-arabia-officials_850767.html (Accessed: April 28, 2017)

and Indian, which is most of them, are the low-paid workers had felt the impact of the program, especially for the Indians entrepreneur. Most of them is a mobile phone sales and repairing were forced out of business, because of inability to hire a Saudi with a higher salary than their employees.¹⁵⁴

Indian workers are the largest foreign population among the other foreign nationality in Saudi Arabia. Approximately 2.8 million Indian workers which are around 35 percent of the 8 million foreign workers stay in the Kingdom of Saudi Arabia. With the Nitaqat program obviously, can reduce the number of the Indian population in Saudi Arabia. Yet, the number of Indians who returned to their country is relatively small. In July 2013, Saudi Arabia regularized 4 million immigrants, 15 of which 1.4 million were Indians.¹⁵⁵

The consequence of Nitaqat program towards foreign population was detention and deportation of illegal or unauthorized immigrants. Along with Saudization and Nitaqat programs in progress, Saudi Arabia decided to be stricter with illegal or unauthorized immigrants. Detention became the important instrument of the Saudi government to reduce the foreign population. In 2013, Saudi Arabia issued an immigration policy campaign which allows three months of amnesty for undocumented migrants to legalize their status before the amnesty period ends or leave Saudi Arabia in order to avoid the penalty or fines.¹⁵⁶ As the result, More than one million illegal workers have been deported from the country.¹⁵⁷ In 2017, Saudi Arabia implemented the same policy. The authorities released “A Nation Without Violations” campaign which gave 90 days for the illegal immigrants to

¹⁵⁴ Aneesh V, 2016. “Thousands of Indians to lose jobs as Saudi Arabia bans expatriates from working in mobile shops”. *NRICafe.com*, retrieved from <http://nricafe.com/saudi-arabia-bans-expatriates-from-working-in-mobile-shops/> (Accessed: April 28, 2017)

¹⁵⁵ Dr. Zakir Hussain, 2014, “Nitaqat-The Second Wave of Saudi-Isation: Implication for India”, *Indian Council of World Affairs*, retrieved from <http://icwa.in/pdfs/IB/2014/IBsecondwaveof.pdf> (Accessed: April 28, 2017), p. 8

¹⁵⁶ Bram Frouws, 2017, “Mass Deportations Looming: Saudi Arabia gears up to expel millions of migrants...again”. RMMS, <http://regionalmms.org/index.php/component/spsimpleportfolio/item/64-mass-deportations-looming-saudi-arabia-gears-up-to-expe> (Accessed: June 24, 2017)

¹⁵⁷ Global Detention Project, 2016, *Immigration Detention in Saudi Arabia*, Geneva: Open Society Foundations, p. 5

leave the country voluntarily without any penalties. Other illegal immigrants who did not use the period of the campaign were deported forcefully and penalized ¹⁵⁸

2.3 Conclusion

The Kingdom of Saudi Arabia is considered as a rich country in the Arab world. As the world second largest oil producer in the world, Saudi Arabia becomes the main destination for international migrants to make a fortune. Besides, the two holiest cities of Moslem, Mecca, and Medina are more attractions for a visitor to live in Saudi Arabia. Foreign nationals in Saudi Arabia have soared up since the first oil shock period in the 1970s. Since then, the Arabs and other Asian races have become the biggest workforce, followed by the Europeans. Presumably, the Kingdom does not calculate any effects or damages from the increase of foreign nationals in the country.

The increase challenges the Saudi. Foreigners have placed themselves a significant portion in the country, specifically almost half or the total workforce exist. It affects the domestic situation, namely the rise of unemployment and social inequality. It is a two-sided coin: in one side, foreigners have contributed to the national stability; in another side, the violation of human rights and deportation damage bilateral relationship between Saudi and the country of migrant workers.

Historically, immigrant workers played an essential part in the national development of Saudi Arabia when the oil firstly discovered around the 1930s. Saudi Arabia imported professional and non-professional workers to fulfill the needs for national development. For instance, foreign workers helped to fill the majority of unwanted position by Saudi nationals, such as domestic workers, agriculture sectors and cleaning services. The lack of competency and the demand for high payment from the local workers make Saudi depend on migrant workers. Simultaneously, the Saudi government is also required

¹⁵⁸ Ibid, Bram Frouws

to develop strategies and policies to solve immigration issues which give negative impacts to the culture and socio-economic condition of Saudi Arabia.

Saudization or localization policies is a form of the strategy of Saudi Arabia to resolve the population imbalance between a foreign and local worker in work fields. Localization policy started in the 1980s diminish the dependency on foreign workers by replacing them with competent Saudi workers and reinforcing migration regulation. Saudization policy developed into a strategy for managing local employee percentage in the companies which were called *Nitaqat* program. It gives more proportion of Saudi workers in private and public sectors. The number of deported foreign nationals is the consequence of the implementation of this policy. The Saudi government decided to restrict unauthorized immigrants in the country. Deportation and detention have been strongly carried out since the 1980s become the characteristic of the immigration policy of Saudi Arabia.

In terms of handling refugee cases, Saudi Arabia has faced various refugee cases from various countries, such as Uzbekistan, Palestine, and Iraq. Unfavorably, Saudi Arabia does not have a vivid policy in handling refugee cases. Refugees are only allowed to temporarily stay in the Kingdom until UNHCR offers the solution to place them in other safe countries.

Looking at the trend of Saudi Arabia's policy towards foreign population or international migration, Saudi Arabia has a different response in accordance with global and domestic issues or even groups of migrants themselves. Migrants or refugee groups from different countries may not get the same treatment or the same response. Handling immigrants and refugee cases based on the country's capacity or ability, in other words, it is in accordance with the domestic interests and international issues prevailing at the time.

CHAPTER 3

SYRIAN REFUGEE CRISIS AND SAUDI ARABIA'S POLICY

This chapter will examine Saudi response to Syrian refugee crisis issues and analyze its policy in handling this humanitarian crisis. Since the Syrian refugee crisis is an ongoing crisis and there is no certainty until when this crisis will be ended. Therefore, it is necessary to limit the study analysis period. This chapter will focus on analyzing the Syrian refugee crisis that appears in 2011 until 2016. This chapter also explains how Saudi Arabia responded to the international pressure of their policies in addressing this humanitarian crisis and how Saudi Arabia as a non-signatory state to the 1951 UNHCR Convention and 1967 Protocol faced the problem of Syrian refugee crisis. In this chapter, Saudi Arabia's policy will be analyzed by emphasizing the potential political, social, and economic threats that can be inflicted in receiving the Syrian refugees.

However, before the opening of a detailed examination of Saudi Arabia's policy towards the Syrian refugee crisis, it is needed to explain briefly the Syrian Civil War that triggered the emergence of refugee flows.

3.1 The Emergence of the Syrian Refugee Crisis and the Saudi Arabian Response to the Crisis

The Syrian uprising happened in March of 2011, started with a barrage of protests voicing dissatisfaction with the Bashar Assad government. The protest began in the southern city of Deraa and erupted into a big demonstration in the country.¹⁵⁹ In response to the protest, the Syrian government fought demonstrators aggressively resulting in many deaths and imprisonment. On March 15, 2011, regional protest eventually grew to be

¹⁵⁹ Robin Yassin-Kassab and Leila Al-Shami, 2016. *Burning Country: Syrians in Revolution and War*, London: Pluto Press, p. 35 see also Lina Khatib and Ellen Lust, *Taking to the Streets: The Transformation of Arab Activism*, p. 161

national protests demanding President Assad's resignation and as clashes break out, some there thousand protesters are arrested. The clash between government and demonstrations continued to deteriorate and resulted in many casualties.¹⁶⁰ In May, the death toll climbs to over eight hundred since the uprising began two months earlier.¹⁶¹ Protest and demonstrations developed into a bloody war between the government and anti-government groups.

This war also became more complex with foreign backing and international intervention which had a big role in Syria crisis. Global powers had been divided into strongholds supporting the Assad government and a stronghold that supports opposition groups. On August 18, 2011, for the first time, the governments of Canada, France, Germany, the United Kingdom and the United States called for Assad's resignation.¹⁶² Besides that, the Saudi Arabia's King, King Abdullah bin Abdul Aziz, made an official statement in public that marked the Kingdom against the Syrian government. On August 7, 2011, King Abdullah called the Syrian leadership to stop the "killing machine" and bloodshed in Syria. He stressed to fix and bring up back the rationality before it became too late.¹⁶³ A year later, Saudi Arabia closed its embassy in Damascus and sent their staffs and diplomats back to Saudi Arabia.¹⁶⁴ In addition, the emergence of jihadist groups, such as the Islamic State of Iraq and the Levant (ISIL), has aggravated the condition of Syria Civil War.

The decision of some countries to support government or opposition could increase the possibility of widespread conflict either into the country or into neighboring countries. The act of external support or military support a conflict increase the probability

¹⁶⁰ Lina Khatib and Ellen Lust, p. 161

¹⁶¹ Ibid, p. 163

¹⁶² Ibid, p. 164

¹⁶³ Adrian Blomfield, August 8, 2011, "Syria Unrest: Saudi Arabia Calls on 'Killing Machine' To Stop", *The Telegraph*, retrieved from <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/8687912/Syria-unrest-Saudi-Arabia-calls-on-killing-machine-to-stop.html> (Accessed: March 20, 2017)

¹⁶⁴ Al Arabiya with AFP, March 14, 2012, "Saudi Arabia Shuts Embassy in Syria, Withdraws Staff As Deaths Mounth", *Al Arabiya News*, retrieved from <http://www.alarabiya.net/articles/2012/03/14/200762.html> (Accessed: March 20, 2017)

of a conflict spreading, but it may also increase the duration of the conflict. Once a third party (external support) enters into the conflict on either side, the opposing side will regard it as an additional enemy that seeks to disrupt the balance of battle. Many scholars believe multilateral intervention, as opposed unilateral action, may prove more fruitful for the peaceful resolution of the conflict in the long run, and that decisive unilateral action may be more beneficial in preventing the spread of violence early on.¹⁶⁵

Numerous news reports have stated that the US, Gulf States, and Turkey established strategic alliances to support Syrian rebels. In the three-day summit in Tunisia 2012, Qatar's foreign minister, Sheikh Hamad bin Jassim al-Thani, called for the creation of an Arab force to "open humanitarian corridors to provide security to Syrian people".¹⁶⁶ Besides that, there was a report stated that Saudi Arabia has backed the Free Syrian Army (FSA) with weapons and Turkey also gave their support to the FSA by opening the way for weapons from the Gulf States. The FSA claimed that had accepted various types of arms, such as BKC machine guns, rocket-propelled grenades and anti-tank weaponry from Gulf countries and they stated that Turkey was supporting in the delivery of the weapons.¹⁶⁷ Furthermore, after Syrian leadership declared to have used chemical weapon against the opposition, the US through Deputy National Security Advisor, Ben Rhodes, set to add their support, including military support to the opposition.¹⁶⁸

In contrast, in order to balance the opposition forces, Syria government asked for support to Russia and Iran. Therefore, on September 30, 2015, Russia for the first time launched its airstrikes against the opposition. Russian authorities claimed that their attacks

¹⁶⁵ William Young, David Stebbins, 2014, *Spillover from the Conflict in Syria: An Assessment of the Factors that Aid and Impede the Spread of Violence*, RAND Corporation, p. 15

¹⁶⁶ Martin Chulov and Matthew Weaver, February 24, 2012, "Saudi Arabia Backs Arming Syrian Opposition", *theguardian*, retrieved from <https://www.theguardian.com/world/2012/feb/24/saudi-arabia-backs-arming-syrian-opposition> (Accessed: March 24, 2017)

¹⁶⁷ Justin Vela, June 13, 2012, "Exclusive: Arab State Arm Rebels as UN Talk of Syrian Civil War", retrieved from <http://www.independent.co.uk/news/world/middle-east/exclusive-arab-states-arm-rebels-as-un-talks-of-syrian-civil-war-7845026.html> (Accessed: March 28, 2017)

¹⁶⁸ Aljazeera, "US Offers 'military support' to Syrian Rebels", June 14, 2013, *Aljazeera*, retrieved from <http://www.aljazeera.com/news/americas/2013/06/2013613212110550.html> (Accessed: March 25, 2017)

in support of President Bashar Assad's government targeted the rebels and terrorist groups.¹⁶⁹ Furthermore, Iran was said to have provided support for Syrian government in the form of military training for the Syrian army and sending their military specialists to Syria.¹⁷⁰

The involvement of international organizations and foreign countries in the Syria Civil War extended the conflict into international military conflict. It also related to the theory of relations between the foreign policies and immigration policy proposed by Teitelbaum that foreign policy of a country such as foreign military or political interventions and military assistance to the rebels towards some conflicts in a country often stimulated the international migration. The theory applied to conflicts in Syria, where some countries provided military support either to Syrian leadership or their oppositions.

The Syrian uprising evolved into the humanitarian crisis and the bloodiest revolution of the 21st century. Five years since the conflict began, the UN special envoy for Syria has estimated that more than 400,000 people have been killed in the war.¹⁷¹ The war has caused millions of Syrian residents forced to flee their homes. According to Humanitarian Response Plan report January-December 2016 published by UNICEF, since the beginning of the crisis in 2011, Syria seemed to have humanitarian and security crisis across the country, including infrastructure damage and increased people displacement.¹⁷²

The humanitarian crisis has worsened since the beginning of 2015, around 13.52 million people, including six million children in need of some form of humanitarian

¹⁶⁹ Patrick J. McDonnell, W.J. Hennigan and Nabih Bulos, September, 30, 2015, *Los Angeles Times*, retrieved from <http://www.latimes.com/world/europe/la-fg-kremlin-oks-troops-20150930-story.html> (Accessed: March 24, 2017)

¹⁷⁰ Jinathan Saul and Parisa Hafezi, February 21, 2014, "Iran Boosts Military Support in Syria to Bolster Assad", *reuters*, retrieved from <http://www.reuters.com/article/us-syria-crisis-iran-idUSBREA1K09U20140221> (Accessed: March 24, 2017)

¹⁷¹ Aljazeera, April 23, 2016, "Syria Death Toll: UN Envoy Estimates 400,000 Killed", *Aljazeera*, retrieved from <http://www.aljazeera.com/news/2016/04/staffan-de-mistura-400000-killed-syria-civil-war-160423055735629.html> (Accessed: March 24, 2017)

¹⁷² UNOCHA, December 2015, 2016 Humanitarian Response Plan: Syrian Arab Republic, retrieved from http://reliefweb.int/sites/reliefweb.int/files/resources/2016_hrp_syrian_arab_republic.pdf (Accessed: February 27, 2017), p. 7

assistance and protection. More than 6.5 million people, most of them women and children were displaced within Syria.¹⁷³ Furthermore, as for March 2017, more than 4.9 million people are registered as refugees in neighboring countries.¹⁷⁴ In addition, Syrian refugee escaped and risked themselves to reach Europe. According to the UNHCR, Europe has gained about one million asylum applications. Most of the asylum seekers put their hopes into Germany and Sweden. Germany only has to receive more than 400,000 applications and Sweden with 100,000 applications.¹⁷⁵

From the above explanation, it can be concluded that external support or international intervention from several countries to the Syrian conflict has contributed to the spread of conflicts that allow the increased duration of conflict in Syria. In addition, the emergence of group terrorist movements also contributed to the worsening conditions of the Syrian conflict. The Syrian conflict has spread and influenced the surrounding countries. The involvement of the state in a conflict has stimulated the emergence of a large-scale international migration that seeks to save itself from the conflict. State negligence in evaluating the large impact of their foreign policy can be a boomerang for the country.

This conflict had a major impact on the state damage both in terms of state security, economy, and infrastructure, also contributed to the emergence of the Syrian exodus from the country to the neighboring country which may be able to burden the recipient country in terms of economic, social, and state security. The ongoing Syria civil war has a great potential to spill over the conflict among other countries. The refugees arising from the war have had a serious impact on the recipient countries who either directly or indirectly contributed to this war. The burden of the recipient country's economy

¹⁷³ Ibid, p. 7

¹⁷⁴ UNHCR, 2017, "Syria Regional Refugee Response Inter-agency Information Sharing Portal", retrieved from <http://data.unhcr.org/syrianrefugees/regional.php> (Accessed: March 10, 2017)

¹⁷⁵ UNHCR, 2017, "Syria Regional Refugee Response Inter-agency Information Sharing Portal: Europe Syrian Asylum Application", retrieved from <http://data.unhcr.org/syrianrefugees/asylum.php> (Accessed: March 18, 2017)

and the threat of state stability stimulated the emergence of mutual responsibility or blame between one country and another which has contributed much to the Syrian civil war.

As faced by Saudi Arabia that got some criticisms from various countries. This criticism emerged after the Syria refugee crisis spilling over to the neighboring countries and the European borders. The Kingdom has been blamed for having offered “zero resettlement” to Syrian refugees fleeing from the conflict. There were various pressures from the international environment through printed and electronic media, as well as social media addressed to Saudi Arabia which states that the Kingdom has ignored Syria refugee.

As the Syrian refugee crisis reached the European Union in 2015, various western media and number of organizations began to debate about the Saudi Arabia’s response to Syrian refugee crisis, as follows:

- Criticism from Various NGOs

The International Amnesty, NGO engaged in human right, on their fact and figure argued the similar statement which is Saudi Arabia and the Gulf States do not give the resettlement to the Syrian refugees. Moreover, The Head of Refugee and Migrant’s Rights of Amnesty International, Sherif Elsayed Ali, stated that neglecting Syrian refugees was a very embarrassing and a disgrace to Saudi Arabia and the Gulf States.¹⁷⁶

In an international perspective, Saudi Arabia is a rich country that has resources and oil exporter in the world. According to data of British Petroleum Statistical Review of World Energy, at the end 2015, the Saudi oil reserves are 266.6 thousand million barrels, which is more than 15% of world’s total of oil reserves come to Saudi

¹⁷⁶ Amnesty International, 2014, “The world’s pitiful response to Syria’s refugee crisis”, retrieved from <https://www.amnesty.org/en/latest/news/2014/12/world-s-pitiful-response-syria-s-refugee-crisis/> (Accessed: March 10, 2017)

Arabia.¹⁷⁷ Saudi oil industry has a huge impact on domestic financial, world financial and petroleum markets. Oil has provided Saudi influence and great power both politically and economically in the world, especially in the Middle East.

That perspective becomes reasonable that Saudi Arabia has a high responsibility to solve the Syrian Refugee Crisis. As the result, it becomes an unavoidable thing; if the international world regards Saudi Arabia does nothing for Syrian refugees. The international community put some high expectations on Saudi Arabia to resolve the Syrian refugee problem. They considered that Saudi Arabia economically capable to accept Syrian refugee and responsible for helping fellow Muslims. On the other hand, Saudi Arabia has a role in Syrian civil war.

- Criticism from Media

On September 2015, the BBC questioned why Syrian refugees were trying to get into the European Countries instead of the Gulf States, including Saudi Arabia which is geographically closer to them. Syria refugees were difficult to enter into a Gulf States due to constraints of entry visa requirements and the difficulty of obtaining the visa. Moreover, they argued that to enter a Gulf State, Syria needs to apply for a work visa or tourist visa, but in practice, it is difficult to obtain the permissions and the process of obtaining them is quite expensive.¹⁷⁸

Other western news, Quartz media through its managing editor, Bobby Ghosh, demanded Saudi Arabia to build shelters for the influx of Syrian refugees. He argued that Saudi Arabia has a lot of experience in dealing with and managing waves of migrants to the country who wanted to visit Mecca each year. In addition, the country

¹⁷⁷ British Petroleum (BP), 2016, "BP Statical Review of World Energy June 2016", retrieved from <https://www.bp.com/content/dam/bp/pdf/energy-economics/statistical-review-2016/bp-statistical-review-of-world-energy-2016-full-report.pdf> (Accessed: April 28, 2017)

¹⁷⁸ Amira Fathalla, 2015, "Migrant Crisis: Why Syrians Do Not Flee to Gulf States", *BBC News*, retrieved from <http://www.bbc.com/news/world-middle-east-34132308> (Accessed: April 8, 2017)

also has a great ability to build luxury buildings. For that reason, there is no reason for Saudi Arabia not to do more for Syrian refugee.¹⁷⁹

Criticisms for the Kingdom of Saudi Arabia not only came from Western media and activists, but there was also criticism from Saudi like Ali al-Ahmed, a Saudi scholar at the Institute for Gulf Affairs (IGA), by saying, "The Saudis have invested in the Syrian war; now they must invest in refugees."¹⁸⁰

Many criticisms of the Saudi response to the Syrian refugees shaped negative public opinion against the Saudis. It forced the Saudis government to respond to the criticism. In general, the main factor of the emergence of negative opinions on Saudi Arabia's policy is the misconceptions about refugee between public opinion and Saudi Arabia.

3.2 The Saudi Arabian Policy towards Syrian Refugee Crisis

Under the 1951 Convention, a refugee is someone who has fled his country because of a well-founded fear of persecution on the basis of race, religion, nationality, political opinion or membership in a particular social group. Refugees who fled to other countries or to safer countries should be able to prove that they are persecuted people in their home country.

By law, a person who obtains refugee status is properly protected, including permanent resettlement, naturalization or permanent citizenship. In addition, the signatories of the 1951 Convention and the 1967 Protocol relating to the Refugee Status Convention are expected to place refugees in their countries. Therefore, UNHCR as the main body of the United Nations which has responsibility for addressing the issue of refugees obliges the signatories of the 1951 Convention and the 1967 Protocol relating to Refugee Status, most

¹⁷⁹ <https://qz.com/491751/hey-saudi-arabia-heres-what-you-can-do-to-help-the-syrian-refugees/>

¹⁸⁰ Chase Winter, 2016, "Arab monarchies turn down Syrian refugees over security threat", *DW*, retrieved from <http://www.dw.com/en/arab-monarchies-turn-down-syrian-refugees-over-security-threat/a-19002873> (Accessed: April 13, 2017)

of which are European countries, to resettle refugees without expecting refugees will return to their homeland.¹⁸¹ This may be one reason why many Syrian refugees fled to European countries and the other signatory state to the 1951 Convention and the 1967 Protocol.

It is important to emphasize that Saudi Arabia is not a signatory state to the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees. Therefore, Saudi Arabia has no legal means and legal framework regarding the concept of refugees. Saudi Arabia has no authority to issue the Refugee Determination Status (RDS) and it has passed the authority to UNHCR based on its mandate according to 1950 UNHCR Statute. In addition, their absence of domestic legislation on the handling and protection of refugees and asylum seekers has made Saudi Arabia dependent on UNHCR in resolving refugee issues.¹⁸² Thus, not all Syrians who fled after the Syrian war could be considered as refugees. They should be able to prove that they are persecuted and apply for asylum seekers to the designated state authorities.

This is the reason why the Saudi Arabian Government rejects allegations that Saudi Arabia was doing nothing for the Syrian refugee crisis. Through an official source in the foreign ministry on September 11, 2015, the Kingdom mentioned that they need to clarify allegations of various media about the facts and the number of Saudi responses to Syrian refugees. They also emphasize that their allegations are wrong and misleading. Saudi Arabia accepts refugees but did not refer to them as refugees and did not place them

¹⁸¹ Guy S. Goodwin-Gill, 2001, *Article 31 of the 1951 Convention relating to the Status of Refugees: Non-penalization, Detention and Protection* [Global Consultations on International Protection/Second Track], UNHCR, p. 8. See also UNHCR, 2011, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status: Under The 1951 Convention and The 1967 Protocol Relating to The Status of Refugees*, Geneva: UNHCR, p. 9

¹⁸² UNHCR, 2011, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status: Under The 1951 Convention and The 1967 Protocol Relating to The Status of Refugees*, Geneva: UNHCR, p. 10. See also UNHCR, 2006, *Submission by the United Nation High Commissioner for Refugees for The Office of the High Commissioner for Human Right's Compilation Report-Universal Periodic Review: The Kingdom of Saudi Arabia*, Geneva: UNHCR, p. 1-2

in refugee camps for the reason of maintaining their dignity and safety. Refugees are given freedom of movement and facilities, such as health care, education, and employment.¹⁸³

Furthermore, the speech of the Saudi foreign minister, Adel al-Jubeir, at the Chatham House meeting in London on September 7, 2016, stated that the Kingdom has received more than 2.5 million Syrians since the war began, and about 600,000 remain in Saudi. ‘The Custodian of the two Holy Places’ ordered not to place them in the refugee camp, but instead, the Kingdom gave them permission to stay in order to access medical care, social security, send their children to school, and get a job. He stressed that Saudi Arabia, had given a statement about it in the past, but no one cares about it. He also added that the Saudi Arabian government did not propagate the efforts that have been made to Syrian refugees to the international world, and does not highlight them with cameras because it was incompatible with Saudi Arabia's culture.¹⁸⁴

Based on the concept of refugees stated in the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, the 2.5 million Syrian refugees received by the Saudis since the war could not say as refugees. Most Syrians nationally enter the Saudi's border after Syrian civil war occurs as a guest worker or with a temporary legal way, such as by using Hajj or Umrah visa and work visa.¹⁸⁵ Refugees get the right to become permanent citizens, whereas guest workers or economic migrants have not the same right as a refugee.

¹⁸³ Yara Bayoumy, 2015, “Saudi Arabia defends aid effort towards Syria after criticism on refugees”, *reuters*, retrieved from <http://www.reuters.com/article/us-europe-migrants-saudi-idUSKCN0RB2F320150911> (Accessed: April 13, 2017)

¹⁸⁴ Ministry of Foreign Affairs Saudi Arabia, 2016, “Speech by the Minister of Foreign Affairs, Adel bin Ahmad Al-Jubeir”, at Chatham House London, September 7, 2016”, *Ministry of Foreign Affairs Saudi Arabia*, retrieved from <http://www.mofa.gov.sa/sites/mofaen/aboutMinistry/Minister/PressConferences/Pages/ArticleID2016926174332906.aspx> (Accessed: February 16, 2017). This speech was presented at the Chatham House meeting 07/10/2016 and uploaded to YouTube <https://www.chathamhouse.org/event/saudi-arabia-s-regional-foreign-policy-priorities> and <https://www.youtube.com/watch?v=B2hIy6rhepc&t=246s>

¹⁸⁵ Françoise De Bel-Air, “A Note on Syrian Refugees in the Gulf: Attempting to Assess Data and Policies” Explanatory Note No. 11/2015, *Gulf Labour Market and Migration (GLMM) programme of the Migration Policy Center (MPC) and the Gulf Research Center (GRC)*, p. 8

Indeed, Saudi Arabia is almost commonly not granting a citizenship to foreign nationals. A citizenship can only be granted to individuals born to fathers who have citizenship or Saudi nationality. Immigrants, foreign nationals, refugees or stateless persons will have difficulty to obtain citizenship and must meet certain requirements to obtain Saudi citizenship. A person born of a Saudi mother and a foreign father have the possibility of obtaining Saudi Arabian citizenship if they can fulfill requirements such as having a permanent residence at the time of adulthood, good behavior and never been sentenced for the crime of punishment or imprisonment for more than six months, fluent in Arabic.¹⁸⁶ The differences of refugee concept between the Kingdom of Saudi Arabia and the international community can be one of the causes of public negative opinion to Saudi Arabia. Unfortunately, these misconceptions are often ignored by politician and the international community.

Besides, finding the number of Syrians who entered Saudi Arabia when the war occurred was difficult. Moreover, most Gulf States do not share their foreign population or migrant population based on their nationality. Official information data for the migrant population is only issued in the form of partial figures such as only the work of the selected and selected nationalities. On the other hand, generally, most of the foreign embassies are usually not accurate in listing their citizens residing in certain countries. Embassies are required to provide their national's data to the recipient country authorities. Worse, in the case of the Syrian conflict, Saudi Arabia along with other Gulf countries expelled Syrian ambassadors and closed their embassies in Damascus after the war exploded.¹⁸⁷ This certainly affected in finding the number of Syrian in Saudi Arabia accurately.

Françoise De Bel-Air, a researcher of political demography in Arab countries, declared that the foreign population data in Saudi Arabia was not divided by country of

¹⁸⁶ Kingdom of Saudi Arabia Ministry of Interior, Ministerial Agency of Civil Affairs, *Saudi Arabian Citizenship System*, retrieved from <http://www.refworld.org/pdfid/3fb9eb6d2.pdf> (Accessed: February 16, 2017)

¹⁸⁷ Françoise De Bel-Air, "A Note on Syrian Refugees in the Gulf: Attempting to Assess Data and Policies" Explanatory Note No. 11/2015, *Gulf Labour Market and Migration (GLMM) programme of the Migration Policy Center (MPC) and the Gulf Research Center (GRC)*, p. 4

origin in any publications, either in the official sources such as Central Department for Statistics and Information (CDSI) in population Censuses, Labor Force Surveys, Demographic Surveys, or in the statistics available from the Ministries of Labor, Education, Interior.¹⁸⁸ Some Saudi authorities, such as Nabil Othman, acting regional representative to the Gulf region at the UNHCR claimed through press media that there are 500,000 Syrians in Saudi Arabia.¹⁸⁹ On December 5, 2016, Ahmed Qattan, Saudi Arabia's Ambassador to Egypt, mentioned that 141,000 Syrian students studied in Saudi schools and universities.¹⁹⁰ However, the numbers are still not supported by any official data sources. This makes it difficult to know the actual flow of Syrian refugees coming to Saudi Arabia's borders.

De Bel-Air also added that the statistical data available in Saudi Arabia concerning the inflows and discharges of foreign nationals was not written in detail with citizenship such as statistical data, labor visa or permits statistics, pilgrim stats, newly enrolled school and university students. Therefore, estimating the inflow of Syrian workers to Saudi Arabia every year is quite difficult. The Saudi authorities, like the Saudis foreign minister, gave statements on the number of Syrians entering Saudi's borders based on the number of visa-delivered statistics. Meanwhile, when the Saudi Arabian embassy was closed after the war, Syrian who wanted to go to Saudi Arabia was required to apply visa to the Saudi embassies in other countries, such as in Lebanon, Turkey, and Jordan, where the embassy did not issue statistical data on visa delivered.¹⁹¹ However, there was only a record of official source data on the entries and exit of Syrian nationals to Saudi Arabian borders per year, which are calculated on the basis of the total movement of various destinations and durations, such as entry or exit for long-term residency as worker or family dependent, short-term visit, pilgrimage, etc.

¹⁸⁸ Ibid, p. 4

¹⁸⁹ Bloomberg, 2015, "Syria's Refugees Feel More Welcome in Europe Than in the Gulf", retrieved from <https://www.bloomberg.com/news/articles/2015-09-04/syria-s-refugees-feel-more-welcome-in-europe-than-in-the-gulf> (Accessed: February 17, 2017)

¹⁹⁰ Alarabiya English, 2016, "Saudi donates \$140 billion in global humanitarian aid", retrieved from <https://english.alarabiya.net/en/News/middle-east/2016/12/05/Saudi-sets-pace-globally-in-humanitarian-aid-says-envoy.html> (Accessed: March 1, 2017)

¹⁹¹ Ibid, 5

Table 7

Entries and Exits of Syrian Nationals at Saudi Borders (2010-2013)

	2010	2011	2012	2013	Total Flows
Entries	1,596,094	1,333,538	1,047,241	766,571	3,147,350
Exits	1,586,058	1,299,071	965,288	744,351	3,008,710
Net Migration	10,036	34,467	81,953	22,220	138,640

Source: Françoise De Bel-Air, "A Note on Syrian Refugees in the Gulf: Attempting to Assess Data and Policies" Explanatory Note No. 11/2015, Gulf Labour Market and Migration (GLMM) programme of the Migration Policy Center (MPC) and the Gulf Research Center (GRC), <http://gulfmigration.eu>, p. 5

From this data, it can be seen that since Syria war lasted until 2013, as many as 3,100,000 Syrian nationals have entered Saudi Arabia. However, that number is almost equal to the number of Syrian Nationals out of Saudi Arabia's borders and the number of net migrants of Syrian nationals in Saudi Arabia which is only close to 140,000 persons until 2013. The estimated number of Syrian nationals coming to Saudi Arabia after the war, which is 2.5 million mentioned by Saudi Arabia's authorities can be said to be insufficiently detailed and not supported by official data that can support the question.

The difficulty of finding actual and detailed data on Syrian refugees was also due to Saudi Arabia not being a signatory to the 1951 convention and the 1967 Protocol relating to the Status of Refugees. This convention is an international refugee instrument that is a reference to provide a refugee status and as a fundamental principle in dealing with refugee protection. Since Saudi Arabia is not a signatory to the convention, there is no a clear policy and mechanism to receive refugees, provide refugee status to asylum seekers, as well as protection for refugees. Saudi Arabia does not name or define Syrian nationals who fled Syria to Saudi Arabia as "refugee".

Even more, UNHCR is one of the international official data sources that provide accurate data on the number of refugees in refugee receiving countries that are mostly

signatory states of refugee convention and implements basic protection for refugees in accordance with the convention. Therefore, it is a supporting factor of the difficulty of obtaining Syrian refugee statistics data in Saudi Arabia. Moreover, referring to UNHCR data on Syrian refugees in Saudi Arabia, it is not surprising that most of the international media and some NGOs mention Saudi Arabia as a country for non-Syrian refugees.

The Kingdom of Saudi Arabia has its own way of dealing with Syria nationals who were forced to flee their country due to war. Syrian refugees who come to Saudi Arabia are not treated in accordance with the mechanism of receiving and refugee protection under UNHCR's mandate. They are not placed in refugee camps for temporary protection and are not given refugee travel document and its kinds of refugees who are lawfully staying in the receiving countries to be able to travel outside the territory. According to the Saudi authorities, Syrian nationals have been granted residence and work permits in Saudi Arabia.¹⁹² According to Bill Frelick, the refugee program director at Human Right Watch, Saudi Arabia received Syrian refugee as migrant workers and has given work visas to them.¹⁹³ By treating refugees as migrant workers can mean that Syrians have a limitation of residence permit, even have the potential to lose the residence permit and if they lose their jobs they will also lose access to healthcare and education for their children.

In UNHCR's mandate, it is stated that as a durable solution for refugee, host countries or third-party countries are mandated by UNHCR to provide permanent settlement, naturalize refugees or process refugee nationals, and attempt to integrate refugees with the local population.¹⁹⁴ In general, the refugee-receiving countries and states

¹⁹² Françoise De Bel-Air, "A Note on Syrian Refugees in the Gulf: Attempting to Assess Data and Policies" Explanatory Note No. 11/2015, *Gulf Labour Market and Migration (GLMM) programme of the Migration Policy Center (MPC) and the Gulf Research Center (GRC)*, p. 7-8. See also UNHCR, 2010, *Convention and Protocol Relating to the Status of Refugee*, p. 27-28. According to the Article 26-29 of the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, refugee have freedom of movement. The signatory state to the Convention and Protocol shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory.

¹⁹³ Jackie Northam, 2015, "Gulf States Taking Heat For Not Resettling Syrian Refugees", *npr*, retrieved from <http://www.npr.org/sections/parallels/2015/09/09/438797627/gulf-states-taking-heat-for-not-resettling-syrian-refugees> (Accessed: March 23, 2017)

¹⁹⁴ UNHCR, 2011, p. 30

parties to the 1951 UNHCR Convention and the 1967 Protocol have a similar way of accepting and handling the refugee issue in accordance with the legal framework and implementing a durable solution of refugee that has been regulated by UNHCR.

For instance, Turkey as the world's largest recipient of Syrian refugees adopted an 'open door' policy and allowed all Syrians who fled from the conflict to enter the Turkish border. With the decision of the Turkish Ministry of Foreign Affairs, in October 2011 Turkey decided to grant temporary protected status to Syrian Refugees in Turkey. The granting of the status is intended to provide the refugee a temporary shelter until they get a permanent or stable residence in other safe country or in Turkey itself. A refugee who is granted a refugee status are given an identity card or document and will get a right to be protected and social support.¹⁹⁵

In Memorandum of Understanding (MoU) between UNHCR and the Kingdom of Saudi Arabia, that was signed in 1993 during the crisis in Iraq when the Kingdom hosted nearly 35,000 Iraqi refugees in the Rafha camp and it was amended in 2010, mentioned that in the practice of refugee protection, Saudi Arabia has no prospect of naturalization and local integration of the refugees as in UNHCR's mandate. Therefore, refugees are just allowed to stay temporarily.¹⁹⁶

However, the Kingdom will not return refugees to Syria, because the Kingdom respects the non-refoulement principle of refugees contained in the refugee convention and

¹⁹⁵ Gökalp Aras & Zeynep Sahin Mencutek, 2015, The International Migration and Foreign Policy Nexus: The Case of Syrian Refugee Crisis in Turkey, *Migration Letters*, Vol. 12(3), p. 202. Turkey is a state party to the 1951 UNHCR Convention and the 1967 Protocol on the status of refugees. Therefore, Turkey has a clear legal framework in dealing with refugee and asylum issues coming into Turkey. In addition, it can easily find out the number of Syrian refugees who entered the Turkish border. According to Disaster and Emergency Management Presidency of Turkey (AFAD), Syrian refugee, Turkey has provided 22 camps refugee camps scattered in areas adjacent to Syrian Border. In the camp area provided with facilities such as education, recreational, security and basic treatment, such as food, clothes and clean water. See Ahmet İçduygu, 2015, *Syrian Refugees in Turkey: The Long Road Ahead*, Washington, DC: Migration Policy Institute

¹⁹⁶ UNHCR, March 2013, "Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report – Universal periodic Review: The Kingdom of Saudi Arabia", UNHCR, p. 1

protocol,¹⁹⁷ But the Kingdom also does not give more treatment to Syrian refugees or even provide permanent residence as UNHCR has recommended in terms of durable solutions for refugees. Due to the absence of prospects for implementing solutions in terms of protection against refugees recommended by UNHCR, UNHCR relies on or uses resettlement as a strategic manner and as a tool for protection for refugee in Saudi Arabia, mainly for persons who have been identified as being extremely vulnerable or as having legal problem in the Kingdom of Saudi Arabia.¹⁹⁸

It can be said that the Syrians who entered the Saudis after the civil war was regarded as a guest, who got temporary protection in their own ways, accepting them by providing work visa and residence permit in order to stay temporarily legally in Saudi and get facilities like a migrant worker. According to UNHCR guideline, temporary protection is a pragmatic tool of international refugee protection which gave protection from *refoulement* and basic minimum treatment and became an appropriate response to humanitarian crisis. Temporary protection is also being used to complement and fill gaps in the international refugee protection regime and in national response systems capacity for contributing refugee and humanitarian crisis, especially in non-Convention States.¹⁹⁹

However, in its own way, Saudi Arabia continued to make several efforts in order to provide protection to Syrian nations. While the Nitaqat program was being intensified by the Saudi government since 2011, Saudi Arabia was trying to reduce the number of foreign populations dominating Saudi employment. In addition, the efforts to reduce foreign workers and irregular residents have been increasing since the beginning of April 3, 2013. Until November 3, 2013, it was estimated that five million irregular foreign residents have been regularized and one million have been deported.²⁰⁰ During late 2013, At least 200,000 Yemenis, 300,000 Egyptians, and 140,000 Indians have been deported from Saudi

¹⁹⁷ Ibid, p. 2

¹⁹⁸ Ibid, p. 1

¹⁹⁹ UNHCR, 2014, "Guidelines on Temporary Protection or Stay Arrangements", UNHCR, retrieved from <http://www.unhcr.org/5304b71c9.pdf> (Accessed: March 8, 2017), p. 1-2

²⁰⁰ F De Bel-Air, Demography, Migration, and Labor Market in Saudi Arabia, p. 5

Arabia.²⁰¹ However, this mass deportation campaign does not apply to Syrian nationals. On November 5, 2013, the Saudi government decided to release Syrian from deportation campaign and allow Syrian workers who violate their residence permit to improve their visa status.²⁰²

Saudi Arabia has revamped some of its immigration policies and provided some allowances for the Syrians to enter the Saudi's borders as a form of help to Syrian nationals. At the end of 2014, the Kingdom of Saudi Arabia decided to allow Syrian nationals to stay in Saudi Arabia legally without a residence permit (*iqama*) using valid Hajj or Umra visas, but afterward, the Syrians were required to improve their status.²⁰³ It can reinforce the Saudi government's claim that they have provided protection and help to Syrian refugees.

On the other hand, Saudi Arabia issued a different attitude in dealing with this issue. Saudi Arabia's attitude does not seem to be open in dealing with refugee management for Syria refugee, unlike what he did to the previous refugee. Saudi Arabia is not open in terms of delivering details of the number of Syrian refugees and their way of solving the Syrian refugee problem, either from the way of receiving or protecting the refugee. This provoked the emergence of negative opinions from the international community towards Saudi Arabia's attitude.

Public opinion and mass media indirectly can affect a country in planning its foreign policy.²⁰⁴ Regarding the Kingdom of Saudi Arabia's response to the Syrian situation, there were allegations that the Kingdom did not accept Syrian refugee. There were also demands from the public that was mostly made by NGO and international news to the kingdom to play more roles in Syrian Refugees Crisis. This forced the Saudi

²⁰¹ Ibid, p. 10

²⁰² Zamanalwsl English, 2013, "Saudi Arabia exempts Syrian workers from labor permit regulations", *Zamanalwsl English*, retrieved from <https://en.zamanalwsl.net/news/2337.html> (Accessed: March 24, 2017)

²⁰³ Arab News, 2014, "Syrians on Haj, Umrah visas can stay on", Jeddah: Arab News, retrieved from <http://www.arabnews.com/saudi-arabia/news/682421> (Accessed: April 20, 2017)

²⁰⁴ Piers Robinson, 2016, *The Role of Media and Public Opinion* in Smith S, Hadfield A & Dunne T (Ed.), *Foreign Policy: Theories, Actors, Cases* Oxford University Press, p. 172

government to counter the statement with the official government statement through its foreign minister.

However, Saudi Arabia has been conducted several steps in helping Syrian “refugee” since 2012. Saudi Arabia also claimed that the Kingdom has played a major role in providing humanitarian assistance such as medical treatment, medicine, food and clothes in Jordan and Lebanon.²⁰⁵ Saudi Arabia has cooperated with other Syrian refugees receiving countries such as Turkey, Germany, and several other European countries, as well as various NGOs in helping to provide protection for Syrian refugees.

As a measure to help Syria refugees, Saudi Arabia, as the largest state among other Gulf countries, has donated funds to Syrians and cooperates with the international community in overcoming the humanitarian problem. It is also a Saudi step to contribute to international burden sharing to deal with the Syrian refugee crisis. Since the start of Syria war in 2011 Saudi Arabia has donated its aid to Syrian people who are inside Syria or in neighboring countries. Recorded in 2016, the Saudi Arabian government has donated its aid to the UNHCR budget of nearly 20 million US dollars and made the Saudi as the 20th largest contributor globally.²⁰⁶

The Saudi government was quite active in assisting Syrian refugees in Jordan, Lebanon, and some other Syrian refugee receiving countries. According to Jordan official report, humanitarian aid from Saudi government for Syrian refugees arrived at Mudawara border crossing on Monday, 6 August 2012 and the aid had stored in the Jordan Hashemite Charity Organization (JHCO) warehouses in Mafraq.²⁰⁷ The second convoy of 43 trucks contained 700 tons of food, medicine and water were sent to Jordan on August 20th 2012.

²⁰⁵ Arab News, 2015, “2.5 Syrians Hosted by KSA Since Uprising”, retrieved from <http://www.arabnews.com/saudi-arabia/news/805236> (Accessed: April 24, 2017)

²⁰⁶ UNHCR, 2016, *Contribution to UNHCR for the Budget Year 2016 (as at 30 September 2016)*, in *US Dollar*, retrieved from <http://www.unhcr.org/partners/donors/575e74567/contributions-unhcr-budget-year-2016-30-september-2016.html> (Accessed: April 24, 2017)

²⁰⁷ Petra Jordan News Agency, 2012, “Saudi aid convoy arrives in Jordan”, retrieved from http://www.petra.gov.jo/public_news/Nws_NewsDetails.aspx?Menu_ID=&Site_Id=2&lang=2&NewsID=80335&CatID=13 (Accessed: April 12, 2017)

According to some reports, this time Saudi Arabia distributed 3,000 food aid packages to Zaatari camp in Jordan.²⁰⁸

Humanitarian aid for Syria brothers continued by the Saudi Arabian government through King Salman Humanitarian and Relief Center established in 2015, has issued a national campaign to raise funds to help victims of the Syrian war on 27 December 2016. King Salman ordered to collect as many as 100 million Saudi riyals (US\$ 27 million) to help Syrians. In addition, King Salman also contributed in donating his personal money as much as 20 million riyals to the campaign. Crown Prince Mohammed bin Nayef also donated his money of 10 million riyals, plus Deputy Crown Prince Mohammed bin Salman contributed as much as eight million.²⁰⁹ The King Salman Humanitarian Aid and Relief Center (KSRelief) became one of the concrete Saudi steps in providing help to the Syrians forcibly displaced from their country. KSRelief also cooperated with international and national NGOs and other Syrian refugee receiving countries in realizing the national campaign objectives.

Saudi Arabia continued their support for Syrian people in Jordan for \$ 6 million in 2016. In addition, in the same year, the Saudi government has also distributed 150,000 school bags and stationery to 747 Syrian students in a Jordanian refugee camp in Irbid.²¹⁰ Meanwhile, in Lebanon, Saudi Arabia's national campaign to support Syrians had sent the first aid convoy of four trucks loaded with six thousand food baskets that had distributed to 1000 Syrian families in Lebanon in September 2012.²¹¹ Each year Saudi Arabia continued to distribute humanitarian aid to Syrian refugees in Lebanon and Jordan. For instances, in

²⁰⁸ Eurasia review, 2012, "Saudi Arabia, Turkey To Set Up Joint Refugee Camp For Syrians", retrieved from <http://www.eurasiareview.com/21082012-saudi-arabia-turkey-to-set-up-joint-refugee-camp-for-syrians/> (Accessed: April 17, 2017)

²⁰⁹ Alarabiya English, 2016, "King Salman campaign for Syria aid begins", retrieved from <https://english.alarabiya.net/en/News/gulf/2016/12/26/Saudi-Arabia-s-King-Salman-orders-36-mln-for-Syrian-humanitarian-aid.html> (Accessed: April 15, 2017)

²¹⁰ Arab News, 2016, "Saudi Arabia to provide food aid for 4m Syrian refugees through WFP", retrieved from <http://www.arabnews.com/node/1000986/saudi-arabia> (Accessed: March 18, 2017)

²¹¹ Saudi Press Agency, 2012, "Saudi National Campaign to Support Brothers in Syria' Starts Distributing Aid to Refugees in Lebanon", retrieved from <http://www.spa.gov.sa/viewstory.php?lang=en&newsid=1029849> (Accessed: May 7, 2017)

2015, Saudi Arabia distributed winter relief materials to Syrian refugees in Jordan and Lebanon, which have been utilized for 2000 Syrian families in Lebanon and 4000 in Jordan.²¹²

Furthermore, Saudi Arabia was also working with Turkey's largest Syrian refugee recipient country, delivering 21 truck of humanitarian aid containing 60,000 blankets and 30,000 coats to Syrian refugees in Elbeyli refugee camp in Kilis province, Turkey in February 2016. The Saudis cooperated with AFAD to allocate the aid to Syrian refugees. Saudi officials stated that Saudi Arabia has been working with Turkey to assist Syrian refugee since 2012. Saudi had sent 450,000 blankets, 300,000 coats, one million jumpers and 150,000 items of women's clothing between 2015 and 2016.²¹³ Furthermore, in August 2016, The Saudi national campaign for Syrian refugee also worked with several factories in Turkey to produce aid materials for the winter project of the campaign. This campaign aims to provide winter relief materials such as blankets, jackets and winter clothes for Syrian refugees in Jordan, Turkey, and Lebanon.²¹⁴ Currently, Saudi Arabia is planning a clean water supply project for Syrian people within the Syrian-Turkish border area. The project aims to provide water purification stations with high-quality equipment to meet the needs of Syrians water in the refugee camp. This project will produce 2000 cubic meters of pure water per day.²¹⁵

The Kingdom of Saudi Arabia is also actively contributing to the humanitarian program for Syrians organized by UNHCR or other UN agencies, and some international NGOs. The humanitarian fund is distributed directly to Syria or to the receiving country of Syria refugee. According to the overview of funding for Syria refugee that was made by

²¹² Saudi Press Agency, 2015, "Saudi National Campaign to Support Syrian Refugees distributes winter aid in Jordan and Lebanon", retrieved from <http://www.spa.gov.sa/viewstory.php?lang=en&newsid=1321787> (Accessed: May 7, 2017)

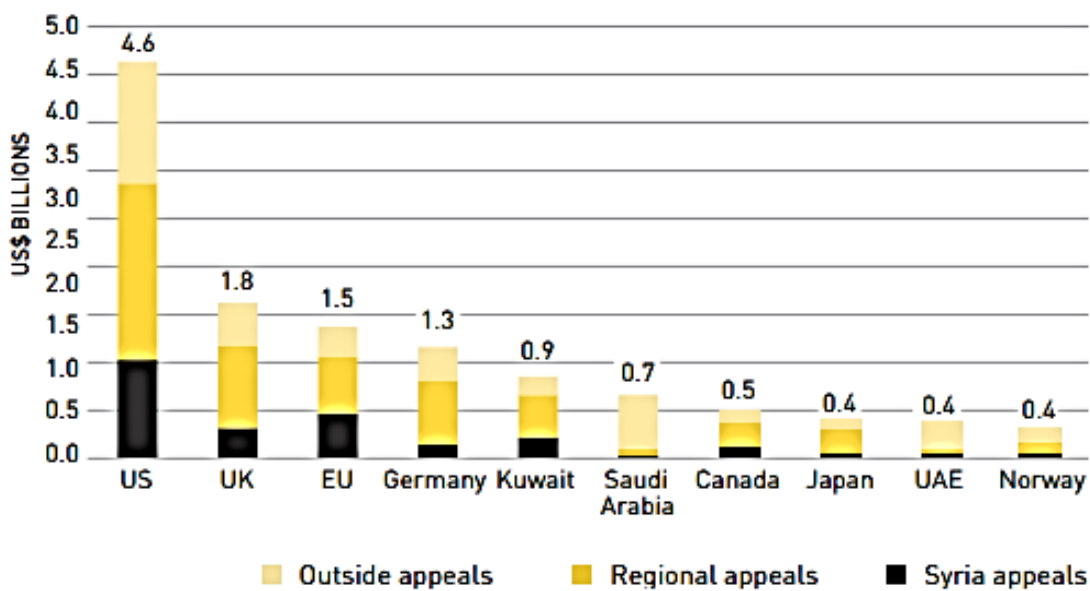
²¹³ Servet Gunerigok, 2016, "Saudi Arabia provides aid to Syrians in Turkey", Turkey: Anadolu Agency, retrieved from <http://aa.com.tr/en/turkey/saudi-arabia-provides-aid-to-syrians-in-turkey/524549>

²¹⁴ <http://english.aawsat.com/said/news-middle-east/saudi-campaign-contracts-turkish-parties-manufacture-aid-materials-syrian-refugees> (Accessed: May 8, 2017)

²¹⁵ Said Abdul Razzak, 2016, "Saudi Campaign Contracts with Turkish Parties to Manufacture Aid Materials for Syrian Refugees", *Asharq al-Awsat*, retrieved from <http://www.spa.gov.sa/viewstory.php?lang=en&newsid=1616943> (Accessed: May 8, 2017)

Malala Fund, in the period 2011 to 2015, Saudi Arabia was one of top 10 donors for Syrian humanitarian aid.

Figure 1
Largest Ten Government and EU Institution Donors, 2011-2015



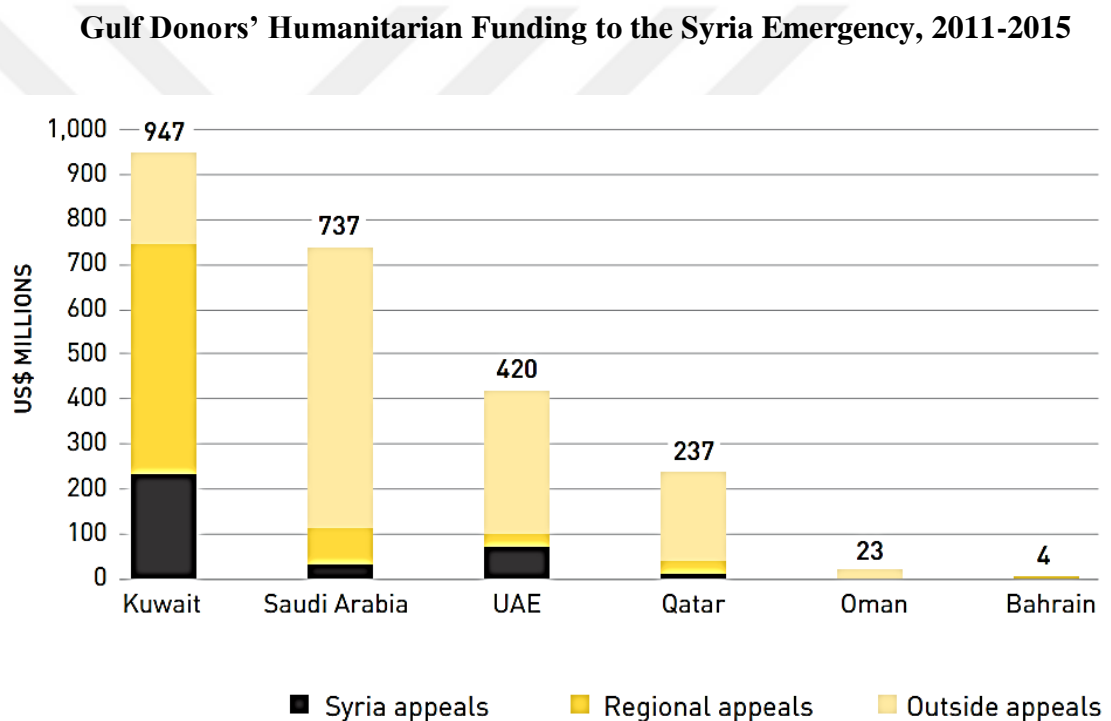
Source: Charlotte Lattimer, Dan Sparks and Luminita Tuchel, February 2016, *Funding Overview: Humanitarian assistance to education for the Syrian emergency*, Malala Fund, p. 5

During that period, Saudi aid to Syria was significant. Among the ten largest donors, Saudi Arabia is the sixth-largest donor behind Kuwait, with contributions of US\$ 0.7 billion, 85 percent of its funding going to the outside the appeals process (Figure 1).²¹⁶ In addition, Among the Gulf donors of humanitarian aid to Syria emergency, Saudi Arabia is the second-largest contributor followed by UAE, Qatar, Oman, and Bahrain. Over the

²¹⁶ Charlotte Lattimer, Dan Sparks and Luminita Tuchel, February 2016, *Funding Overview: Humanitarian assistance to education for the Syrian emergency*, Malala Fund, p. 5

period, Saudi Arabia has given its financial support of US\$ 737.1 million and mostly was given outside the Syria appeals (figure 2).

Figure 2



Source: Charlotte Lattimer, Dan Sparks and Luminita Tuchel, February 2016, *Funding Overview: Humanitarian assistance to education for the Syrian emergency, Malala Fund*, p. 13

In general, all Saudi Arabia's assistance has contributed to the protection needs of the refugee in every sector, such as basic needs, food, health, shelter, wash, and education. Although financial support from governments and private actors from international communities to humanitarian aid for Syrian appeared to be in large numbers, it was still not sufficient for the needs of the Syrian crisis. For instance, from the USD 4.3 billion total that

was required for the Syrian Regional Response Plan reached only 62 percent of the total requirement.²¹⁷ Meanwhile in 2016, from USD 4.53 billion necessary for Syrian Regional Response Plan, only 63 percent could cover the needs of Syrian refugees and host communities.²¹⁸

It obviously has negative impacts on Syrian refugees. For instance, in July 2015, World Food Programme (WFP) was threatened to cut food assistance for Syrian refugees in Lebanon and Jordan because of a severe lack of funding and impacted to 440,000 people with no food.²¹⁹ According to UNHCR's report in 2015, more than 20 million Syrian refugees living in host communities were in serious danger because of a funding crisis.²²⁰

It can be seen that Saudi Arabia is focusing its policy on providing funding to the Syrian, receiving countries and NGOs, rather than receiving the refugees. On the other hand, Saudi Arabia has a limitation in terms of refugee handling. In addition, the existence of a potential impact in accepting refugees and the domestic problems that the kingdom facing can also be a consideration of the Saudis in guiding its policy towards the Syrian refugee crisis.

Receiving a refugee has the potential to transfer the problem to the recipient country. The most felt by the recipient country is the economic burden. The provision of refugee camp could disrupt the recipient country's economy. Besides, according to the legal document that related to the refugee right, such as the 1951 convention and 1967 protocol, gave a mandate to UNHCR and host countries to do a permanent settlement for a refugee.

²¹⁷ UNHCR, 2015, "3RP Regional Refugee and Resilience Plan 2015-2016 in Response to the Syria Crisis: 2015 Annual Report", *Merriott 2015 Annual Report*, retrieved from <http://www.3rpsyriacrisis.org/wp-content/uploads/2016/05/3RP-2015-Annual-Report.pdf> (Accessed: May 8, 2017), p. 8

²¹⁸ UNHCR, 2016, 3RP Regional Refugee and Resilience Plan 2016-2017 in Response to the Syria Crisis: 2016 Annual Report, <http://www.3rpsyriacrisis.org/wp-content/uploads/2017/04/3RP-2016-Annual-Report.pdf> (Accessed: May 8, 2017), p. 2

²¹⁹ World Food Programme (WFP), 2015, "WFP Forced To Make Deeper Cuts In Food Assistance For Syrian Refugees Due To Lack Of Funding", retrieved from <https://www.wfp.org/news/news-release/wfp-forced-make-deeper-cuts-food-assistance-syrian-refugees-due-lack-funding> (Accessed: May 15, 2017)

²²⁰ Leo Dobbled. Jonathan Clayton, 2015, "Funding shortage leaves Syrian refugees in danger of missing vital support", UNHCR, retrieved, from <http://www.unhcr.org/news/latest/2015/6/558acbbc6/funding-shortage-leaves-syrian-refugees-danger-missing-vital-support.html> (Accessed: May 15, 2017)

In addition, the host countries will be charged with the provision of refugee rights, such as education, health, food, security and some other refugee rights.

Refugee movement could cause recipient countries to divert budgets and resources for country development and core country planning for the provision of refugee facilities. Even more dangerous, refugee camps area became a land for the gathering of the rebels and as a weapon supply route, which eventually leads to disruption of the security of the recipient country.²²¹ In addition, the increasing number of refugees entering recipient countries also has the potential to improve the country's demographics and may also disrupt the country's demographic stability. It can be a social, economic, and political threat to the recipient country.

This phenomenon can be found in Jordan and Turkey. Since Syria civil war occurred, Jordan has received 657,000 refugees in March 2017.²²² The increasing Syrian refugee population, the Zaatari refugee camp, one of the refugee camps in Jordan that houses nearly 80,000 Syrian refugees, transformed into a small town of refugee.²²³ The large population of refugees causes Jordan to face the problem of water resources crisis, a civilian and security infrastructure that could not bear the weight of refugees.²²⁴ Meanwhile, Turkey as the largest recipient country of Syrian refugee and nearly 3 million Syrian refugees live there also faces economic and social challenges.²²⁵

The impacts of receiving refugees may affect the country's foreign policy-making towards refugees. Besides that, the country's domestic conditions are a parameter of a country in implementing its policies. In the context of the Syrian refugee crisis, the Saudis

²²¹ W. Young, David Stebbins, p. 15

²²² UNHCR, 2017, "Syria Regional Refugee Response Inter-agency Information Sharing Portal: Jordan", retrieved from <http://data.unhcr.org/syrianrefugees/country.php?id=107> (Accessed: March 26, 2017)

²²³ UNHCR, 2017, "Syria Regional Refugee Response Inter-agency Information Sharing Portal: Zaatari Refugee Camp", retrieved from <http://data.unhcr.org/syrianrefugees/settlement.php?id=176&country=107®ion=77> (Accessed: March 26, 2017)

²²⁴ W. Young, David Stebbins, p. 42

²²⁵ UNHCR, 2017, "Syria Regional Refugee Response Inter-agency Information Sharing Portal: Turkey", retrieved from <http://data.unhcr.org/syrianrefugees/country.php?id=224> (Accessed: March 26, 2017)

are quite cautious in taking steps to respond to the issue. It was due to the fact that the impacts of Syrian refugees in neighboring countries of Syria. Therefore, the potential impact of receiving the Syrian refugee for Saudi Arabia is explained below:

- The Potential Impact on the Social and Economic

The large number of Syrians who left refugee camps in neighboring countries and went to Europe to seek a better future in terms of work, permanent settlement and citizenship, as a sign that refugee issues cannot be solved simply by providing protection at refugee camps. They need access to help themselves for getting a proper life. Resettlement, permanent settlement, and citizenship are the solutions most needed by Syria refugee. They cannot wait in the refugee camp until the conflict finished and back to their homes.

Besides, resettling thousands of millions of Syrians will impose economic and social state. Receiving refugees during times of war is always associated with national security threats. Ali al-Baghli, a lawyer and former Kuwaiti parliamentarian and oil minister, stated that the Gulf countries worried about the economic, social, and political impact caused by refugees. They worried that the refugees would add traffic on the street, longer waiting periods in free government medical facilities, and demands to increase subsidies in basic national needs, such as electricity and water.²²⁶

Furthermore, not being a signatory to UNHCR's Convention and protocols and having no legal framework for refugee protection, Saudi Arabia has other considerations to undertake the solutions offered by UNHCR in addressing the issue of Syrian refugee or changing their policies to accept refugees with the same ways as other Syria refugees receiving countries. In fact, socially and economically, Saudi Arabia is facing various problems, such as overpopulated of foreign population and unemployment. According to Saudi Arabia General Authority for Statistics, until mid of 2017, Saudi Arabia has a

²²⁶ Yara Bayoumy, 2015, "No relaxation seen in Gulf states' curbs on Syria's refugees", *reuters*, retrieved from <http://www.reuters.com/article/us-europe-migrants-gulf-idUSKCN0RA21A20150910> (Accessed: May 23, 2017)

population of 32.62 million. 12.2 million or more than 37 percent of the population are foreigners.²²⁷

Most of the job opportunities in Saudi, especially in private sector are dominated by foreign workers. It has a great impact on the Saudis national. They are difficult to get a job and compete with a migrant worker. Moreover, the Saudis are facing unemployment problems. Since 2011, Saudi is intensively implementing Saudization and Nitaqat Campaign policies, one of which is to reduce foreign workers in private and public sectors. The influx of Syrian refugees may increase the number of foreign populations in Saudi Arabia and could impede Saudi efforts to implement its Saudization program.

- The Potential Impact on Political Stability

The decreased harmony in relations between Saudis and Syrians in the last 10 years can also influence Saudi Arabia's policy towards Syrian refugees. In 2005 Saudi-Syrian relations were at the lowest point after Rafiq Hariri's assassination. Although Saudi Arabia has made efforts to rebuild relations between the two countries in 2008 to 2010, the main objective of the Saudis to expel the Iranian orbit did not go well. Looking back further, Saudi-Syrian relations are quite complex. The Saudis gave their effort to strengthen Saudi dominance in Syria and keep it away from the Iranian orbit. However, the Saudi effort did not go well. The close relations between Syria and Iran were intertwined during the Islamic revolution. At that time, Syria supported the Islamic Revolution of Iran. Saudi Arabia felt threatened by Syria's enthusiasm for the Iranian revolution.²²⁸

For Saudi Arabia, the Iranian Revolution was a threat to the domestic and regional stability because it can provide ideas and new inspiration to the Shia minority group in Saudi Arabia that Islam and hereditary kingship are not compatible. In addition, Ayatollah

²²⁷ KSA General Authority for Statistics, *Population by Gender, Age Groups and Nationality (Saudi/Non-Saudi)*, <https://www.stats.gov.sa/en/43> (Downloaded May 30, 2017)

²²⁸ Fouad Ajami, 2012, *The Syrian Rebellion*, Hoover Institution Press, p. 60

Khomeini claimed to speak for all Muslims, which could damage Saudi legitimacy as the caretaker of Islam.²²⁹ Moreover, when Ayatollah has ruled Iran, he openly opposed the Kingdom of Saudi Arabia through the media and mosque sermon. The supreme leader of Iran described the Kingdom as outdated, corrupt, compromised by its relationship with the United States and (for all these reasons) unfit for a leadership role in global Islam.²³⁰

On 11 November 1979, the Shia minorities did massive demonstrations called for the slogan of anti-the royal family and the Americans. In response to that case, the Kingdom of Saudi Arabia blocked entire city in the Qatif Area with tanks and an armored vehicle.²³¹ The Saudi government mobilized 12,000 to 20,000 National Guard troops after the demonstration was taking place.²³² Therefore, the bloodshed between armed forces and the Shiites was inevitable and the conflict continued until 30 November 1979, which led to thousands of people were arrested, hundreds of people were injured and 24 people were killed.²³³ However, until 2011, when Syrian Civil War erupted, Iran and Syria's relations continued to run well. Moreover, Iran provided support for the Bashar Assad government, when Saudi Arabia provided support for the government's opposition.

Besides, most of the Syrian refugees may be the opposition of the Bashar Assad regime, which demands democracy and justice in the country. They can be a risk to the political stability of the Kingdom of Saudi Arabia which embraces the monarchy absolute government system. They have the potential to spread the same conflict that occurred in their country into the Kingdom of Saudi Arabia. Saudi Arabia faced an unpleasant experience with Syria that once threatened Saudi political and economic stability. In the 1960s until the 1970s the Kingdom Saudi Arabia and Syria faced international differences in political policy, regional and even ideological orientation.

²²⁹ William B. Quandt, 2010, *Saudi Arabia in the 1980s: Foreign Policy, Security, and Oil*, US: Brooking Institution Press, p. 39

²³⁰ Tim Niblock, 2006, *Saudi Arabia: Power, Legitimacy and Survival*, Routledge, p. 54

²³¹ Michel G. Nehme, 1994, "Saudi Arabia 1950-80: Between Nationalism and Religion", *Middle Eastern Studies*, 30(4) pp. 930-943, p. 941

²³² Wynbrandt, p. 242

²³³ Michel G. Nehme, p. 941

In 1966, Ba'ath party in Syria regained power by his new name Neo-Ba'th, chaired by the former Chief of the General Staff of Syrian Armed Forces, Salah Jadid. During this regime, Syria became an extreme left-wing foreign policy which openly exclaimed the termination with many influential western nations such as the United States, Britain, and West Germany. Moreover, Foreign policy of Syria at the time was to against the imperialist West and radical monarchy.²³⁴ On the other hand, Saudi as a monarchy country that has had a strong relationship with the US and opposes socialism and communism felt threatened by the regime's Neo-Bath.

Syria started its policy in opposing the monarchy in various ways, such as supported the Saudi opposition, diplomatic campaigns against the monarchic regime and sabotaged the economy of Saudi Arabia. Jadid strongly protested against King Faisal's project to create a federation of the Gulf States²³⁵, built radio stations which spread the doctrine of anti-royalist and revolutionary literature among Saudi citizens and among workers in the oilfields.²³⁶ Furthermore, economically, Jadid restricted trade with Saudi Arabia, banned Saudi Arabian overflights of Syrian territory and refused to repair the Tapline which had broken down and disrupted the flow of Saudi oil.²³⁷

On the other hand, Saudi Arabia's domestic conditions may also affect Saudi policy in administering the Syrian refugee crisis. The Arab Spring that occurred in Tunisia and Egypt in 2011 has also had an impact on the social and political conditions of the Kingdom of Saudi Arabia. The Kingdom returned to the Shi'a protest movement in the Eastern Province in early 2011. The protest was believed that have been inspired by the Arab Spring that took place in Tunisia and Egypt. The Eastern provinces of Saudi Arabia have a history of the neglected territory, the state-led discrimination, and uneven development. The majority of the population is Shia citizens and about 10 percent of the

²³⁴ Joseph Mann, 2006, "The Syrian Neo-Ba'th regime and the Kingdom of Saudi Arabia", 1966-70, *Middle Eastern Studies*, 42(5) pp. 761-776, p. 761

²³⁵ Sonoko Sunayama, 2007, *Syria and Saudi Arabia: Collaboration and Conflict in This Oil Era*, I.B. Tauris, p. 31

²³⁶ Joseph Mann, p. 763

²³⁷ Sunayama, p. 32

total population of Saudi Arabia. To that end, the region has a strong potential upheaval in social, political and economic aspects.²³⁸

Shia activists and several social activists, mostly young activists, mainly demanded political reform and the release of political prisoners. This protest movement occurred from February 2011 to September 2012 and has become the biggest and longest protest after the Shia Saudi uprising that has happened in 1979-1980.²³⁹ The protest began with a low-level riot and developed into the shooting of demonstrators and detention by security forces. A total of 16 young men died in this demonstration.²⁴⁰

Besides the demonstrations that occurred in the Eastern region, the kingdom the kingdom also faced a protest campaign by women activist who demanded the right to drive in 2011. The protest campaign was also believed to be inspired by the Arab uprising in Egypt, Libya, and Syria demanding freedom and fighting for overthrows dictatorship. The Saudi women activists started their protest by launching an online campaign "Women2Drive". On June 17, 2011, Saudi women who have international drivers' licenses started to ride on the roads.²⁴¹ In facing these issues, the Saudi government has arrested the Saudi women activist who has been involved in this protest campaign, as happened to Manal al-Sharif who was arrested for filming her driving and posting it to social media.²⁴²

With a series of protests and demonstrations experienced by Saudi Arabia, especially during the Arab Spring in various Arab countries, it could be one of the Saudi Arabian reasons is more cautious in its policy of dealing with the Syrian refugee crisis issues, which was the victim of the Arab Spring phenomenon. Saudi Arabia is concerned

²³⁸ Toby Matthiesen, 2012, "A "Saudi Spring?" The Shi'a Protest Movement in the Eastern Province 2011-2012", *Middle East Journal*, Vol 66(4), p. 630

²³⁹ Ibid, p. 630

²⁴⁰ Frederic Wehrey, 2013, *The Forgotten Uprising in Eastern Saudi Arabia*, Washington, DC: Carnegie Endowment for International Peace, p. 3

²⁴¹ Rothna Begum, 2013, "Give Saudi Women The Right to Drive", *Human Right Watch*, <https://www.hrw.org/news/2013/10/24/give-saudi-women-right-drive> (Accessed: May 23, 2017)

²⁴² Rachel Hosie, 2017, "Meet The Saudi Arabian Woman Fighting For Women's Right To Drive", *Independent*, <http://www.independent.co.uk/life-style/saudi-arabia-women-drive-right-fight-manal-al-sharif-a7785326.html> (Accessed: May 23, 2017)

with the impact of receiving Syrian refugees openly, as Turkey, Jordan, and Germany and other European countries do. The Arab Spring phenomenon has inspired the Saudi Arabian society to do the same thing and this can be threatened the political, social, and economic stability of the Kingdom. For this reason, Saudi Arabia's policy in responding to Syrian refugee issues is more focused on providing financial assistance to recipient countries or NGOs who are dealing with this case rather than receiving refugees

In another hand, Saudi Arabia has its own way to contribute to overcoming the problem of Syrian refugee crisis in accordance with the capability of his country, in order to maintain the economic, social and political stability of the country and try to not ignore humanitarian crisis issue. However, The Saudi Arabian policy still cannot be said to be maximally in overcoming or contributing in dealing with the humanitarian crisis of Syrian refugee compared to other countries such as Turkey, Lebanon, Jordan and some European countries such as Germany.

In addition, the Arab regions have a fairly complex political, social and economic dynamics. They often face major political and social events, such as civil war, interstate war, an emergency rule that cause migratory movement to save lives. It forces them to seek a solution and negotiate with them to resolve the problem. Although the Arab league states member had already signed the 1992 Declaration on the Protection and Displaced People in the Arab world (1992 Egypt Declaration), it has not been able to overcome the refugee problems in the Arab world and even they ignore the agreement.

Studying refugee issues in the Arab world is frequently related to the lack of the citizenship, legal right, and protection issues.²⁴³ For instance, the Palestinians and Sudanese who had settled in Kuwait were expelled during the Iraqi invasion of Kuwait in 1990. The Kuwaiti authorities revoked their residence permit and were forced to leave Kuwait.²⁴⁴ Meanwhile, in Saudi Arabia, as many as 800,000 Yemen nationals were forced

²⁴³ Anita Fabos, PhD, 2015, Refugee in the Arab Middle East: Academic and Policy Perspective, *Digest of Middle East Studies*, Volume 24(1), pp. 96-110, Wiley Periodicals, Inc, p. 103

²⁴⁴ Ibid, p. 103

to leave the Kingdom because the Yemeni government has been claimed to have given support to the Iraqi government to invade Kuwait.²⁴⁵ Saudi Arabia has used Yemen national living in its country as a tool to pressure the Yemen government. At that very moment, the Kingdom of Saudi Arabia changed its migration policy against Yemeni and tightened its rules for them.²⁴⁶ In this case, the principle of international legal protection for refugees and asylum seekers, such as *non-refoulement* which is the main principle of protection for refugees is threatened not to apply in Saudi Arabia.

The potential threat to the stability of recipient countries forced the state to set its country strategy in dealing with refugees. Therefore, every country has a difference in dealing with Syria refugee problems in accordance with the state's ability or condition of domestic interests, as well as global political conditions. States is demanded to solve the humanitarian problems without endangering national stability.

3.3 Conclusion

Series of protests and demonstrations in Syria have emerged into an endless conflict. This conflict has killed and maimed millions of Syrians. International intervention and foreign backing worsen the conflict and the situation in Syria. Moreover, the rise of the terrorist group also contributed lengthening the Syrians suffering. It has transformed into Syrian civil war and forced millions of Syrians to flee their country. Lebanon, Turkey, Jordan and few European countries are their destinations for finding a protection. The recipient country of Syrian refugee felt the great influence caused by the refugees, especially in the case of economic and security stability.

The Kingdom of Saudi Arabia as a participating country in international intervention in Syrian Civil War faced criticism from the international community regarding its response to the Syrian refugee crisis. Saudi Arabia is believed not allowing

²⁴⁵ Nicholas Van Hear, p. 427

²⁴⁶ Gwenn Okruhlik and Patrick Conge, p. 559

Syrian refugees to enter their country. The claim was caused by a misconception of refugee between the international sphere and Saudi Arabia. Saudi Arabia is one of the countries that has not ratified the 1951 UN Convention and the 1967 Protocol relating to the refugee status. Therefore, Saudi Arabia does not have a clear legal framework regarding the granting of refugee status or in the case of refugee handling. Moreover, common people recognized refugee as the person who escaped from war or conflict in his country. In fact, not all Syrians nationals who fled from Syrian War can be considered as refugees. They need to prove that they are persecuted people in accordance with the UN Convention and apply for asylum seekers application to the authorized countries. For that reason, the Saudi authorities' claim for having been accepting 2.5 million Syrian "refugees" since the war started is not strong enough.

Most of the Syrian nationals entered Saudi Arabia as guest workers or temporary legal way. In addition, finding accurate data on the number of Syrians in Saudi Arabia is quite problematic. For that reason, Saudi Arabia seemed to conceal the information about Syrian national from the public. In this case, Saudi Arabia needed a separate data collection system between Syrian national or refugee with a foreigner or migrant workers in general. Saudi Arabia's limitation on refugee management may threaten the protection of Syrian nationals which may deserve the refugee protection.

However, Saudi Arabia was sufficient to financially contribute to the Syrians in the recipient country as well as in Syria. Still, the international expectation to Saudi Arabia is exceptionally high. As the world second largest oil producer and the center of Muslim world activity, they are accounted for helping the Syrians. The international community expected Saudi Arabia would play a major role in accepting Syrian refugees as other Syrian refugee receiving countries do.

It is undeniable that the influence of Syrian refugees that could threaten the national security. Besides that, the domestic problems in the country became the driving factor of the Saudi authorities in issuing its policy for the refugee issues. To that end, the

Kingdom has its own way of handling the case of a Syrian refugee in accordance with the ability of the country.



CONCLUSION

The refugee problem is an old issue that is again a big issue nowadays. International law with the UN 1951 Convention and the 1967 Protocols formed after the mass displacement of World War II have established a relatively new legal framework for the protection of refugees and asylum seekers.

Syrian uprising which has developed into Syrian civil war resulted in the humanitarian crisis and became the international attention. This conflict resulted in major damage both in terms of Syria's security, infrastructure, and economy. In addition, foreign interference in this conflict aggravated Syria's condition. This stimulated Syrian migration movement from the country to its more secure neighbors. This certainly engendered a variety of refugee policies to deal with this problem.

A refugee is a big challenge for neighboring and receiving countries. Accepting refugees is always concerned with security issues, social and economic stability. This makes refugee an important issue in foreign policy. In dealing with refugee issues, the state is required to be able to create policies that can protect the national stability and sovereignty from the impacts received in receiving refugees and can contribute to the handling of humanitarian issues. To balance these two things is a big dilemma and becomes a complex challenge that all countries must face. For that, it can be said that the refugee protection mechanism or treatment depends on the perspective of the state to the issue of refugee. However, the state still needs to refer to the UN 1951 Convention and the 1967 Protocol as an international instrument that has categorized the form or type of human rights that need to be protected.

Throughout the experience of the Kingdom of Saudi Arabia on the international migration phenomenon, the Saudi government has always been challenged in maintaining the political, social, political and economic stability of foreign migrants entering Saudi Arabia. Saudi Arabia has issued various policies and strategies to protect the country from

the influence of the foreign population which is almost 40% of the total population of Saudi Arabia.

Saudi Arabia as a country that does not ratify the UN 1951 Convention and the 1967 Protocol to be an international highlight of its policy in dealing with the case of Syrian refugee crisis. By not signing the convention, Saudi Arabia has a limitation in handling refugee cases. Additionally, the absence of local mechanisms of handling refugees and asylum seekers can be threatened the protection of refugees and asylum seekers. The Saudi national immigration law and regulation that already had cannot guarantee protection for refugee and asylum seekers.

Saudi's immigration law is still regarded refugee issue as a general immigration issue and equated it with general immigration rules. This can lead to confusion over the problem of refugees and asylum seekers. Saudi Arabia required the separation of law between general immigration issues and the issue of refugees and asylum seekers that can identify individuals as refugees that need a special protection from authorized institutions, such as UNHCR.

The forced displacement of Syrians entered the Saudis border through general immigration regulation by using work visa or Hajj and Umrah visa. By granting the status of 'Guests' and giving a job to the Syrians national who may have refugee criteria, have deprived their opportunity to obtain special protection rights as refugees which were regulated on international refugee law. As migrant workers, certainly, they have time limits in terms of residence permits and do not get the same rights as local residents. In accordance with the international refugee law, a person who obtains a refugee status obtains such privileges free from immigration violation regulations, gets a chance to become a naturalized citizen, and will get the same rights as a local resident. Meanwhile, migrant workers do not get such privileges. For that reason, it can threaten the protection of national Syrians who have the criteria as refugees.

On the other hand, this thesis recognizes that granting the 'Guests' status can be a good solution for a non-signatory state to the 1951 UNHCR Convention and the 1967 Protocol in dealing with refugee issues. Basically, refugee regulation takes a long time to give resettlement to other countries. In general, refugees are waiting for years to be transferred to a convention signatory. Refugees need shuttled life for their survival and they cannot wait for years in refugee camps. Furthermore, this can also be a solution in the effort to create a balanced policy to maintain the stability and sovereignty of the state and still not ignore the humanitarian problem.

The Syrian refugee crisis changed Saudi migration policies that have previously received refugees and placed them in refugee camps. The potential impact of receiving Syrian refugees that were felt by other Syrian refugee receiving countries was one of the factors that Saudi has different policies in dealing with the Syrian refugee crisis issue. On the other hand, the domestic problems that the Saudi government is facing can be also a supporting factor in Saudi policymaking. In reality, Arab Spring that occurred in 2011 has also threatened the social and political stability of the Kingdom of Saudi Arabia. Therefore, in addressing the issue of Syrian refugee crisis, Saudi Arabia was relatively careful in taking a stand. Saudi Arabia prioritizes in giving financial aid to Syrians nationally in refugee-receiving countries, as well as in Syria, or distributing its assistance to NGOs which is dealing with refugee cases.

This thesis considers that Saudi Arabia needed to ratify the UN 1951 Convention and the 1967 Protocols in order to have a clear legal in dealing with the problem of refugee and asylum seekers. This international instrument could be used as a national law to handle refugee and asylum seeker protection. Thus, Saudi Arabia should be more leverage to contribute on the issue of refugee and asylum seekers. Unfortunately, ratifying the convention does not seem to be an urgent agenda for Saudi Arabia at this time.

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