

Refugee Status in Saudi Arabia and How the Kingdom Apply some of the 1951 Convention Articles Regarding their Situation

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Abstract

This research aims to study the status of refugees in the Kingdom of Saudi Arabia by analyzing the legal, social, and economic dimensions that govern their status in the country. The research begins by explaining the concept of asylum in the Arabic language, and within the framework of international law and relevant agreements, such as the 1951 Convention relating to the Status of Refugees, which the Kingdom has not signed, but deals with asylum issues according to its internal policies and the humanitarian principles on which it is based. The research reviews how refugees enter the Kingdom of Saudi Arabia, their numbers, in addition to the policies followed in receiving them and providing their basic needs.

The research relies on the descriptive analytical approach, as data is collected from various sources, including official reports, academic studies, and data from international organizations, and an analysis of local laws and regulations related to refugees. The status of refugees in the Kingdom is compared to international standards to understand similarities and differences and to evaluate the various impacts of this situation on refugees and the Kingdom.

The research also discusses the rights that refugees obtain within the Kingdom, such as health care, education, work, freedom of movement, and the right to litigation.

The research also focuses on the humanitarian role played by the Kingdom through hosting refugees and providing financial and relief assistance to humanitarian projects, whether inside the Kingdom or through supporting international relief initiatives.

The results show that the Kingdom of Saudi Arabia provides significant support to refugees through humanitarian assistance and basic services, but it faces challenges related to their legal status. Despite this, Saudi Arabia remains a major player in providing humanitarian assistance locally and internationally. The situation requires improving legislative frameworks and internal policies to guarantee the rights of refugees facilitate their integration into Saudi society under international standards and enhance the Kingdom's role in humanitarian work.

Keywords: Refugees, Saudi Arabia, asylum, 1951 convention, Refugee rights, legal framework, Saudi humanitarian efforts, King Salman Humanitarian Aid and Relief Center.

Introduction

The Kingdom of Saudi Arabia is one of the Arab and Islamic countries located in the Middle East and a member of the Gulf Cooperation Council and the G20, G20 (or Group of Twenty) is an international forum for the governments and central bank governors from 19 countries and the European Union (EU). With conflicts and wars in the Middle East, and the rising number of 70 million refugees worldwide,¹ refugees are fleeing to Saudi Arabia for protection. Saudi Arabia is not a party of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, or the 1954 Convention relating to the Status of Stateless Persons, or the 1961 Convention on the

¹ June 19, 2019, <https://www.unhcr.org/news/press/2019/6/5d03b22b4/worldwide-displacement-tops-70-million-un-refugee-chief-urges-greater-solidarity.html>.

Reduction of Statelessness.² Also, it is not part of Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol").³ This might lead some to question if Saudi Arabia has refugees within its borders? How does Saudi Arabia treat refugees? Does Saudi Arabia provide help to refugees? When reading articles in newspapers and news on social media, it is common to read that Saudi Arabia does not have refugees since it did not sign the 1951 Convention. However, the reality is the opposite Saudi Arabia has refugees, and it provides aid to refugees inside and outside the country.

Although Saudi Arabia is not a signatory to the 1951 Convention, their domestic law and practices clear indicate they follow the principals of the 1951 Convention. This paper will discuss refugees' definitions, how they can enter the Kingdom, the law applicable to them, their situation inside the Kingdom, also how Saudi Arabia apply some of the 1951 convention articles, and financial aid for refugees outside the Kingdom.

Refugee Definition

The definition of a refugee has existed since ancient times. It was found among Arabs before Islam and after Islam. It is also in the modern era of the Kingdom of Saudi Arabia; whose definition is like that of the 1951 Convention.

The concepts of asylum and refugees were known to Arabs before Islam in the name of *Istijara*, seeking for protection, and *Ijara*, the granting of protection.⁴ A person requests safety or protection from the tribe leader or the tent's owner, so the stranger

2 The United Nations High Commissioner for Refugees, "THE KINGDOM OF SAUDI ARABIA," accessed October 8, 2020, <https://www.refworld.org/pdfid/5135c0902.pdf>.

3 United Nations High Commissioner for Refugees, "Protocol for the Treatment of Palestinians in Arab States ('Casablanca Protocol')," Refworld, accessed October 8, 2020, <https://www.refworld.org/docid/460a2b252.html>.

4 Karen Musalo et al., "Protection of the Stranger in the Arab World : The Ancient Concepts of 'Ijara' and 'Aman,'" in *Refugee Law and Policy : a Comparative and International Approach*, Fourth Edition (Durham, NC : Carolina Academic Press, 2018), pp. 5-6.

who is an asylum seeker can have protection for whatever reason. After Islam, the concept of asylum granted temporary protection to the stranger who seeks asylum in the land of Islam, and he becomes *musta'man*, which means refugees.⁵ The right to seek asylum is for any unarmed person seeking protection. According to King Salman Humanitarian Aid and Relief Center website defines them as “Refugees are people who have fled war, violence, conflict, or persecution, have crossed international borders to seek safety in another country, and they are people unable or unwilling to return to their country of origin; Fearing persecution for reasons related to race, religion, nationality, or belonging to specific groups, or because of political opinion”.⁶

The center took the same definition from the United Nations High Commissioner for Refugees (UNHCR.) which is “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.”⁷

The Kingdom of Saudi Arabia shares with the United Nations High Commission the view that refugees are people who have been subjugated to persecution because of religion, race, nationality, belonging to a particular group, or because of a political opinion. Still, they differ in the legal name when they are in it, so it considers them visitors, not refugees. Even if a person registered with the United Nations High

5 Musalo et al., *Refugee Law and Policy*, pp. 5-6.

6 المساعدات السعودية للاجئين والنازحين “Who Is Refugees,” المساعدات السعودية للاجئين والنازحين والزائرين (اللاجئين داخل المملكة) (King Salman Humanitarian Aid and Relief Centre), accessed October 8, 2020, <https://refugees.ksrelief.org/Pages/NewsDetails/39912b92-5805-4666-9ef2-34d80de6c70c>.

7 United Nations High Commissioner for Refugees, “What Is a Refugee?,” UNHCR (UNHCR, the UN Refugee Agency US), accessed October 8, 2020, <https://www.unhcr.org/what-is-a-refugee.html>.

Commissioner for Refugees as a refugee in Saudi Arabia, this does not give him any special status because Saudi Arabia has not signed the 1951 Refugee Convention.⁸

In coordination with the United Nations High Commissioner for Refugees (UNHCR), the Kingdom of Saudi provides protection services to refugees entering the country. However, the government has mandated the UNHCR with the role of protection, resettlement, advocacy, and assistance of refugees in the country while they play an oversight role. The role of UNHCR in Saudi Arabia covers asylum seekers, internally displaced persons, returnees, and refugees.⁹

How Can Refugees Enter Saudi Arabia?

Since the Kingdom of Saudi Arabia is one of the wealthy and security-stable countries in the Middle East; many want to work or settle there, including refugees who are looking for safety and stability. A large number of refugees want to enter the country through several ways, either by a residence visa, a visit visa, or an illegal entry.

A. The ways in which refugees enter the Kingdom of Saudi Arabia:

First, a residency visa or work visa is conditional upon a person having a work contract certified by the Ministry of Labor, the Ministry of Foreign Affairs, and the Saudi Chamber of Commerce. Moreover, the educational qualifications and experiences are identical to the job applied for, and a medical examination indicating the absence of contagious diseases and a report from the police indicating that he does not have a criminal record are required.¹⁰ Secondly, the visit visa is requested by the citizen or resident from the Ministry of Foreign Affairs, which enables them

⁸ “UNHCR in the Kingdom of Saudi Arabia,” Navigate to help.unhcr.org (UNHCR, the United Nations Refugee Agency), accessed October 8, 2020, <https://help.unhcr.org/ksa/en/about-unhcr-ksa/>.

⁹ “UNHCR in the Kingdom of Saudi Arabia.” Navigate to help.unhcr.org.

¹⁰ “Employment Visa,” Employment Visa | The Embassy of The Kingdom of Saudi Arabia (The Embassy of The Kingdom of Saudi Arabia), accessed October 8, 2020, <https://www.saudiembassy.net/employment-visa>.

to request to visit their first-degree relatives (parents, wife, children). It is done by filling out the electronic form via the Ministry of Foreign Affairs electronic visa services website, stamped and approved electronically by the Chamber of Commerce or the employer. Then enter the personal information which is required to obtain a visa. The applicant must possess a valid residence permit and hold a work visa, not an escort. Its validity period is three months, and it can be extended for another nine months.¹¹ Finally, there are many illegal immigrants in the Kingdom of Saudi Arabia from several African and Asian countries. They enter either by infiltrating the Kingdom's territory or taking advantage of the expiration of a visit, work, or pilgrimage visa. They do not return to their countries. February 1, 2019, the Ministry of Interior published on its Twitter account that “the number of arrested illegal immigrants reached 254,626, and among them 173,916 violated border regulations.”¹²

Since the Kingdom is not a member of the Geneva Convention of 1951, it does not grant asylum to those who meet the definition of refugee. Instead, the government of Saudi Arabia gives refugees the opportunity to present one of the available visas so that they can find work, obtain aid, and become involved in society, because it sees that the asylum is a temporary stage that is not sustainable so that the refugee can get permanent residence.

11 “Family Visit Visa,” Family Visit Visa (GOV.SA United National platform), accessed October 15, 2020, https://www.my.gov.sa/wps/portal/snp/servicesDirectory/servicedetails/8268!/ut/p/z1/jZBNb8IwDIZ_C4ceqZ1-LXALTEKLB1CQJfL1KI2rVsaKmSrtl9PtJ0qPn2z9Tzya4OAFESbfcyM7Vqs8b2HyL65O80IAXJQgmJcD2f0NcV4T4uEPZDIPHDmQXil4RtdgQxBPGMjzeK4SOfPwLsBZ6O57EE0WWmGtdtqSClXkTtbjG0kwUPrE22Xsh3iEF4AVye9wfcyW8Dykbl_79kbe5Tm0QXZaEL7X5pO66M6U5TBx3s-96VSsmmcA_q6OA1pVInA-mQhO64TX-X5eZtLPKfno3OVL6EsA!!/dz/d5/L0IDUmlTUSEhL3dHa0FKRnNBLzROV3FpQSEhL2Vu/.

12 Interior, Ministry. Twitter Post. February 1 and 2019 11:02 Am. <https://twitter.com/MOISaudiArabia/status/1091366150443798528>

B. Refugees numbers in Saudi Arabia:

As for the number of refugees, or as the Kingdom calls them, "visitors," the General Authority for Statistics in the Saudi census did not mention the number of refugees or residents' nationalities.¹³ It only mentioned the number of non-Saudi residents as a total number, so the following figures for the number of refugees were taken from several sources. For example, the Kingdom received nearly 2.5 million Syrians since the beginning of conflict in 2011.¹⁴ Also, in 2010, there were 434,485 Palestinians living in Saudi Arabia¹⁵ and in the 1990s, the KSA hosted 33,000 Iraqi refugees in the Rafha and Artewiya camps during the Gulf War.¹⁶ There has been an influx of Rohingya since 1960 in the Kingdom of Saudi Arabia, bringing the population up to approximately 250,000.¹⁷ Meanwhile there were 30,000 refugees from Yemen in 2017 and there were 70,000 stateless persons in 2018.¹⁸ These large numbers of refugees who entered the Kingdom of Saudi Arabia over the years indicate that it received refugees who suffer from persecution worldwide and have not allocated refugee reception only to Arab countries. Since King Abdelaziz, the founder of the third Saudi state, it is common to help the needed, when in his rule allowed Uzbek and Uighur refugees to enter the country in the thirties of the last century.¹⁹

13 General Authority for Statistics, "PDF," 2017.

https://www.stats.gov.sa/sites/default/files/population_characteristics_surveysar.pdf

14 "Saudiembassy," *Saudiembassy*, September 11, 2015, <https://www.saudiembassy.net/press-release/saudi-arabia-received-25-million-syrians-beginning-conflict>.

15 Don Peretz, "Current Status Numbers," in *Palestinians, Refugees, and the Middle East Peace Process* (Washington, D.C: United States Inst. of Peace Press, 1996), pp. 11-22.

16 M. R. Alborzi, "Description of the Situation/ The Kingdom of Saudi Arabia," in *Evaluating the Effectiveness of International Refugee Law : The Protection of Iraqi Refugees* (Leiden, The Netherlands : M. Nijhoff Publishers, 2006), pp. 66-68.

17 Alvin K. Tay et al., "PDF" (Geneva, Switzerland, 2018). <https://www.unhcr.org/5bbc6f014.pdf>.

18 Central Intelligence Agency, n.d., accessed October 18, 2020.

19 Bayram Balci, "PDF" (Geneva, June 1, 2007).<https://doi.org/10.1093/rsq/hdi0223>

Refugees' situation inside the Kingdom of Saudi Arabia

Since there are large numbers of refugees inside the Kingdom, this section will clarify the conditions of how refugees are treated, as well as how they will be treated if they violate the Saudi regime and some of the articles of the 1951 Convention, which the Kingdom applies to refugees.

First, the laws that applied to refugees in the Kingdom of Saudi Arabia. Since the Kingdom is not a member of the 1951 Convention or other conventions and protocols related to refugees, the articles of those conventions and protocols do not apply to refugees in the Kingdom. Since entering the Kingdom as residents with work or visitors looking for a job to convert their visas into a work visa, the law that applies to them is agreements related to workers' rights, the Saudi labor law, the Saudi resident law and domestic laws that's apply to Saudi citizens. Meanwhile, the foreigners who entered the Kingdom are infiltrators; they are subject to the regulation that deals with expatriates who violate the rules. However, because they are one of the countries in the international community that should help the needy and vulnerable, the Kingdom has made some exceptions for refugees, even if they enter the Kingdom illegally. A royal decree was issued allowing Rohingya, who were persecuted because of their religion, to obtain residency visas for four years so that they can access to the job market, education, and healthcare.²⁰ This settlement applies to the Rohingya, who entered the Kingdom before 2008, and whoever entered after it will not benefit from this exception.²¹ Due to the war, the Kingdom has allowed more than 600,000 Yemeni infiltrators to amend their status to become

20 "SAUDI ARABIA 2018 HUMAN RIGHTS REPORT" (United States Department of State • Bureau of Democracy, Human Rights and Labor), accessed October 18, 2020, <https://www.state.gov/wp-content/uploads/2019/03/SAUDI-ARABIA-2018.pdf>.

21 Alvin K. Tay et al., "PDF" (Geneva, Switzerland, 2018). <https://www.unhcr.org/5bbc6f014.pdf>.

legal residents. It did not deport them to their country or ask them to go to a third country that would receive them.²²

In these cases, the Kingdom did not implement the regulation for dealing with foreign violators, which provides for the deportation of the violator from Saudi Arabia. Instead, the kingdom treated them as refugees who could not return to their country either

because they feared persecution because of their religion, race, nationality, membership in a particular social group, or their political views.

Second, refugees are not subject to the 1951 convention inside Saudi Arabia since it did not join the convention; however, Saudi Arabia applies some articles of the 1951 Convention

1. Refugees' right to get healthcare:

The right to healthcare is fundamental to all human beings, refugees inclusive. The right to healthcare is not absolute as it has some exceptions which attracts limitations. UNHCR notes that some non-Saudi nationals have a hard time accessing healthcare options. The International Covenant on Economic, Social and Cultural Rights states that all people have the right to enjoy high standards of healthcare under article 12.²³ Article 23 of the 1951 Convention also urges states to treat refugees like the state citizens concerning general relief and aid granted to their own citizens.²⁴ While Saudi

22 "PDF" (Washington D.C, April 2017).

https://www.saudiembassy.net/sites/default/files/FactSheet_Humanitarian%20Aid%20Yemen%20Fact_April2017.pdf

23 "International Covenant on Economic, Social and Cultural Rights," 16 December 1966, *United Nations Treaty Series* vol. 993, p. 3, <https://www.refworld.org/docid/3ae6b36c0.html>. Article 12 in paragraph 1 stated that "1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."

24 Article 23 of the 1951 Convention stated "public relief The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their

Arabia allows for refugees, it does so from a compliance to international laws and from a religious point. Since most refugees and asylum seekers are in Saudi Arabia on work permits, they receive healthcare as workers first. A non-Saudi receives free treatment if he works for a government agency, and if he works for a private entity, the employer must issue health insurance for the worker and his family.²⁵ The King of Saudi Arabia hosts and welcomes these people as a compliance measure to international laws. In compliance with these laws, Saudi Arabia grants the right to health care for refugees, but not as a party to the 1951 Convention. The King Salman Center for Relief and Humanitarian Action stated that from 2015 to 2017, health services were provided to 128,036 Yemeni refugees in health centers and 464,573 were held in government hospitals. During the same period, medical services were provided to Syrian refugees, where their number reached 157,895 people. Medical services were also provided in hospitals to 317,983 people.²⁶ Although health care in the Kingdom is free of charge, those who do not have a residence or a visit permit cannot obtain health care, such as refugees who entered the country illegally. However, when the world faced a pandemic at the end of 2019, the Coronavirus (COVID-19), King Salman bin Abdelaziz ordered the provision of necessary treatment and examinations for everyone, even if they have been contrary to the residency system and entered the country illegally²⁷.

nationals.” See “Convention Relating to the Status of Refugees,” 28 July 1951, *United Nations Treaty Series* vol. 189, p. 137 <https://www.refworld.org/docid/3be01b964.html>.

25 “Health Care in the Kingdom of Saudi Arabia,” الرعاية الصحية في المملكة العربية السعودية (Unified National Platform), accessed October 20, 2020, <https://www.my.gov.sa/wps/portal/snp/aboutksa/HealthCareInKSA>.

26 King Salman Humanitarian Aid and Relief Centre, “Assistance given to Guests inside the Kingdom,” ksrelief (King Salman Humanitarian Aid and Relief Centre), accessed December 8, 2020, <https://www.ksrelief.org/Programs/Visitor>.

27 “Minister of Health,” *Minister of Health*, March 30, 2020,

<https://www.moh.gov.sa/en/Ministry/MediaCenter/News/Pages/News-2020-03-30-005.aspx>.

2. Refugees' right to an education:

The 1951 convention states that contracting states should give refugees the same treatment as they do to their citizens regarding education. They should ensure access to elementary education, grant access to studies, and recognize foreign certificates, diplomas, and degrees.²⁸ Also, they should remit fee charges and award scholarships to refugees. Although Saudi Arabia is not a signatory to the convention, the Kingdom of Saudi Arabia has made efforts to ensure refugees receive and proceed with education. Within the Kingdom of Saudi Arabia, free education is provided by the Ministry of Education for those who hold legal residency. As for those without legal residency, they cannot access education. Legal residency is a condition for obtaining free education. The lack of a refugee's access to education is inconsistent with the purpose of the 1951 Convention on Refugees' Access to Education. Still, in order to obtain education according to what is stated in the agreement, their status must be refugees. The Ministry of Education offers free education at the elementary, intermediate, and secondary levels for all. As for higher education, scholarships are offered to students, and the number of admissions varies according to the university's ability and capacity. Also, the kingdom is on record for having donated towards ensuring that these refugees receive basic education. Through the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the Saudi Fund for Development (SFD), the kingdom donates money to facilitate these refugees' education. Although the kingdom does not comply with the 1951

28 Article 22 of the 1951 Convention stated that "public education 1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education. 2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships". see "Convention Relating to the Status of Refugees," 28 July 1951, *United Nations Treaty Series* vol. 189, p. 137 <https://www.refworld.org/docid/3be01b964.html>.

convention, such acts support the laws. The King of Saudi Arabia is one of the main donors to the UNRWA through SFD to facilitate these refugees' education processes. Education for the refugee community empowers them with skills and knowledge. It also protects them from further child labor, exploitation, and early marriages. Education also enlightens them to learn more about themselves and strive to build a better community for them to continue living in. Whether the kingdom does, either based on religious tenets or following other international agreements, these actions support the 1951 Convention.

3. Refugees' right to find work:

In the 1951 Convention, Article 17 urged signatory states to treat legal refugees the best treatment accorded to foreigners in the same circumstances concerning the work waged; this is what Saudi Arabia is trying to do, and even it did not sign in the convention.²⁹ Since Saudi Arabia is one of the wealthy, safe countries with a good infrastructure, which is why migrants come to it to search for work to provide a living for their families and security. Refugees enter Saudi Arabia through a work visa, and whoever enters with a visit visa, the General Directorate of Passports urges them to search for work until their visa is converted into a work visa so that they can settle. Likewise, for those who work while entering the Kingdom illegally, the General Directorate of Passports may give them exceptions to amend their status and obtain a work visa. A refugee who entered Saudi Arabia is allowed to register in the "Ajeer" program, a program that helps in searching for Saudis' work.³⁰ However, Saudi

29Article 17 of the 1951 Convention say that, "wage-earning employment 1. The Contracting State shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage earning employment.". "Convention Relating to the Status of Refugees," 28 July 1951, *United Nations Treaty Series* vol. 189, p. 137 <https://www.refworld.org/docid/3be01b964.html>.

30 "أجير لخدمات الأعمال - Ajeer Business Services," أجير لخدمات الأعمال - Ajeer Business Services (Ministry of Labor and Social Development), accessed November 1, 2020, <https://visitors.ajeer.com.sa/>.

Arabia took into account refugees' status and allowed them to register in this program. However, for refugees to obtain a work permit, they must have a sponsor, which makes the matter very difficult for them.³¹ Nevertheless, the Saudi government's effort to provide migrant workers with job opportunities is in line with the convention.

4. Refugees' right to litigation:

The legal pleading system in the Kingdom of Saudi Arabia has guaranteed free litigation for all; however, it does not have domestic laws that specifically protect refugees.³² When a refugee faces the need to file a case against someone, he/she can file it in a court without the need for a lawyer; he/she can plead for himself. However, in the Saudi system, the presence of a personal identification number is required to file cases.³³ This is difficult for those who did not obtain residency in Saudi Arabia. Islam has guaranteed the right to litigate in front of a judge, even if one of the litigants is not a Muslim. If a non-Muslim wants to sue according to Islamic law laws, he is entitled to do so. From this principle, everyone has the right to litigation. According to the Saudi Civil Procedures law, a refugee who entered the Kingdom through a

31 "Employment Visa," The Embassy of The Kingdom of Saudi Arabia.

32 In Islam, the judge or the judiciary department does not take money from the litigants but rather A "Muslims 'money house" provides judges with an amount of money. A "Muslims 'money house" serves as the central bank of a state and allocates an annual budget to the judiciary. Article forty-seven in Basic Law of Governance of Saudi Arabia stated that, "The right to litigate is guaranteed equally to citizens and residents of the Kingdom, and the system specifies the necessary procedures for this." also, article forty-eight stated, "The courts apply the provisions of Islamic Sharia law to the cases before them, according to what is indicated by the Quran and the Sunnah, and the regulations issued by the king that does not conflict with the Quran and the Sunnah." Bureau of experts at the council of ministers, Basic Law of Governance, Royal Decree No A/90, 03/01/1992, <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/16b97fcb-4833-4f66-8531-a9a700f161b6/1>.

33 In article 41 of Saudi Law of Civil Procedures stated that "A statement of claim must include the following a) plaintiff's full name, identification number, profession or occupation, place of residence and place of work, as well as his representative's full name, identification number, profession or occupation, place of residence and place of work...". Bureau of experts at the council of ministers, Law of Civil Procedures, Royal Decree No. M/1, 11/ 25/2013, <https://www.moj.gov.sa/Documents/Regulations/pdf/En/50.pdf>.

work visa has the option to, when faced with a problem with an employer, litigate.³⁴ Thus, Saudi Arabia applies Article 16 of the 1951 Convention in the matter of refugees who received a visit or work stay.³⁵ However, a refugee who entered Saudi Arabia illegally will not be subject to this article until he/ she obtains a residence permit that allows him/her to reside in the lands of Saudi Arabia.

5. Refugees' right of movement:

The 1951 Convention guaranteed legal residents the freedom to reside and move within the country in which they reside. Saudi Arabia did not apply this right in the case of Iraqi refugees, but rather in other refugees. Nowadays the refugees with current residence permits can move freely around the country. The law is in line with the convention which states that refugees have the right to choose the area to move to in the country that hosts them. When the Iraqi refugees in Rafah and Artawiyah were in camps, they did not enjoy the right to freedom of movement; they were subjected to a curfew.³⁶ Even with the provision of the individual's basic needs in terms of food, shelter, and healthcare, this violates the right of movement guaranteed

34 In article of Saudi Law of Civil Procedures 34 stated that " Labor courts shall have jurisdiction to consider the following : a) disputes relating to work contracts, wages, rights, work injuries and compensation therefor ; b) disputes relating to disciplinary measures imposed on employees by their employers or requesting exemption therefrom ; c) lawsuits filed for imposing penalties provided for in the Labor Law ...ets". Bureau of experts at the council of ministers, Law of Civil Procedures, Royal Decree No. M/1, Dated 11/ 25/2013, <https://www.moj.gov.sa/Documents/Regulations/pdf/En/50.pdf>.

35 Article 16 of the 1951 Convention stated that "access to courts 1. A refugee shall have free access to the courts of law on the territory of all Contracting States. 2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*. 3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence". "Convention Relating to the Status of Refugees," 28 July 1951, *United Nations Treaty Series* vol. 189, p. 137 <https://www.refworld.org/docid/3be01b964.html>.

36 United Nations High Commissioner for Refugees, "U.S. Committee for Refugees World Refugee Survey 2002 - Saudi Arabia," Refworld (United States Committee for Refugees and Immigrants, June 10, 2002), <https://www.refworld.org/docid/3d04c15228.html>.

to the refugee in the 1951 Convention in article 26 .³⁷ However, those who obtained official documents and valid residency did not suffer the same as the previously mentioned Iraqi refugees, as the Palestinians were able to enjoy, over the years, the freedom of movement within Saudi Arabia. Also, those carrying a visitor visa have the right to move within Saudi Arabia, like the Syrian and Yemeni refugees.³⁸ Those who hold a work visa are not subject to such a curfew and are allowed to move within Saudi Arabia. However, they must carry documents with them wherever they go so that they can be shown if they are asked about them at the checkpoints between the areas.

Saudi Arabia Financial Help to Refugees

This section talks about the Kingdom of Saudi Arabia's efforts to financially help refugees from around the world who have experienced forced displacement for political, religious, or ethnic reasons. From the perspective of the human and humanitarian identity of the Kingdom, it seeks to alleviate their suffering through financial aid that provides the basics of a decent life for refugees, including housing, education, nutrition, and healthcare. In ancient pre-Islamic Arab traditions, people should help the needy and assist asylum seekers with shelter, food, and drink. Then Islam introduced value education to help the needy, as it legalized alms and alms to be given to the poor and needy who are refugees of this category. The humanitarian sector in the Kingdom of Saudi Arabia is based, to a large extent, on the Islamic cultural legacies of humanitarian giving, which usually comes in the form of aid

37 Article 26 of the 1951 Convention stated, “freedom of movement Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances”. “Convention Relating to the Status of Refugees,” 28 July 1951, *United Nations Treaty Series* vol. 189, p. 137

<https://www.refworld.org/docid/3be01b964.html>.

38 “How Do the Kingdom's Laws Protect Freedom of Movement ?” Human Rights Commission (Human Right Commission), accessed November 1, 2020,

<https://www.hrc.gov.sa/en-us/humanrightsinsaudi/pages/transportation.aspx>.

provided directly to organizations and beneficiaries on the ground. In this sense, the Kingdom assists the needy and refugees to alleviate their suffering.³⁹

First, Saudi Arabia provides aid to refugees inside the country, with assistance varying from education to healthcare, as well as dropping the fees for issuing visas. An example of the Kingdom's educational aid to refugees is providing free study seats and books to elementary, middle and high school students. As for those who are accepted at the university, they are treated like other Saudi students; if Saudi students are provided with a monthly aid of 227 dollars, the refugee students would receive the same. The amount disbursed to the refugees, has reached to \$ 2,187,731,528.⁴⁰ The number of students who enrolled in free education in the Kingdom of Saudi Arabia has reached 285,000 Yemeni and 140,000 Syrian students.⁴¹ Also, The Kingdom also provides healthcare to government sector workers and visitors in health centers and hospitals, and provides them with free medicine. The cost has reached up to\$ 4,868,568,034.⁴² Even if the Kingdom does not provide financial assistance to refugees inside the country, it helps them in other ways, like in visa fees. The fees for residency renewal and issuance of visit visas have been waived, and the total cost of fees provided by the General Directorate of Passports has reached to \$6,678,357,419.⁴³

39 King Salman Humanitarian Aid and Relief Centre, "Saudi Aid," Saudi Aid for Refugees and IDPs, accessed November 10, 2020, <https://refugees.ksrelief.org/>.

40 King Salman Humanitarian Aid and Relief Centre, "Refugees (Visitors) in KSA," Saudi Aid for Refugees and IDPs (King Salman Humanitarian Aid and Relief Centre), accessed November 4, 2020, <https://refugees.ksrelief.org/Pages/NewsDetails/c9001c44-ada1-46d9-a08b-863cba3baacd>.

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43 King Salman Humanitarian Aid and Relief Centre, "Refugees (Visitors) in KSA," <https://refugees.ksrelief.org/Pages/NewsDetails/c9001c44-ada1-46d9-a08b-863cba3baacd>.

Second, over the years, the Kingdom has provided aid to organizations responsible for refugees and receiving countries. The Kingdom has provided financial and in-kind donations to refugees through several institutions, the King Salman Center for Relief and Humanitarian Aid, the SFD, the Saudi Relief and Committees Campaign. The Kingdom supported organizations concerned with the care and support of refugees, and the provision of shelter, clothing, and food. Over the years, the Kingdom supported UNRWA, which was established to take care of Palestinian refugees who are excluded from the 1951 Convention and its 1967 Protocol. In addition, Saudi Arabia provides financial help to refugees by donating to UNHCR which is an international organization that assists refugees in completing their voluntary return to their country, integrating into the societies of the countries that received them, or resettling them in a third country. The following chart depicts the Kingdom's donations during the past four years to those agencies.

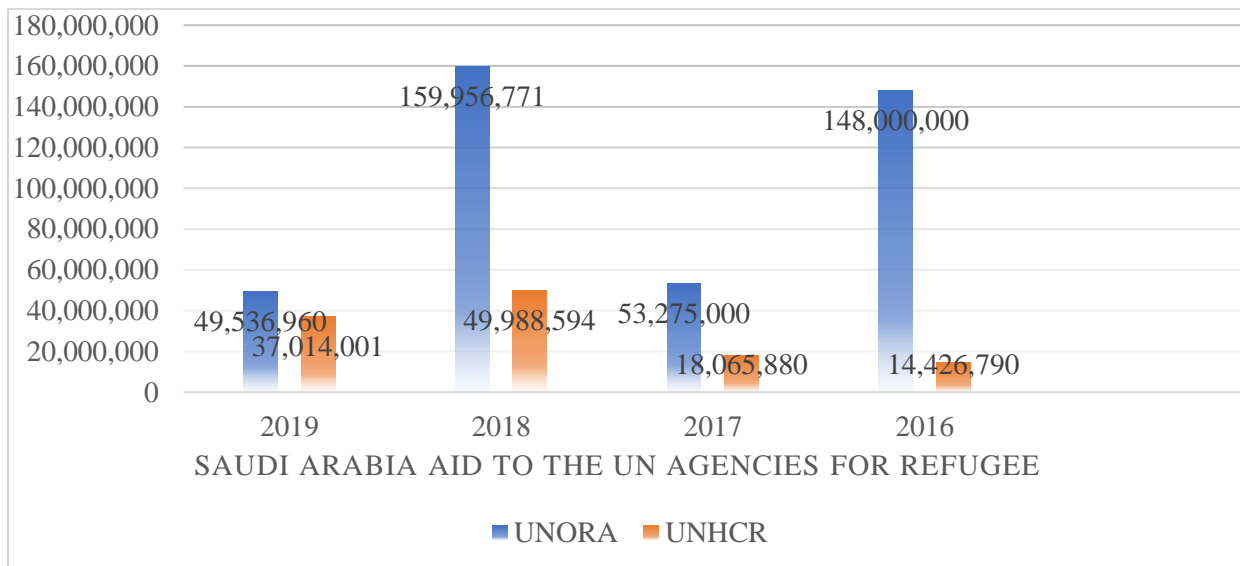


chart Sources: UNHCR “Donor profiles Saudi Arabia”. (n.d.). Retrieved October 12, 2020, from <https://reporting.unhcr.org/donor-profiles?year=2020>; UNORA “Funding Trends.” (n.d.). Retrieved October 12, 2020, from <https://www.unrwa.org/how-you-can-help/government-partners/funding-trends>.

The Kingdom did not stop supporting the organizations that take care of refugees, but also supported the countries who are hosting refugees. In 2003, Saudi Arabia provided support to Jordan when it received refugees from Iraq.⁴⁴ Saudi Arabia continues to assist refugees in alleviating their suffering by moving to other countries to escape persecution. Saudi Arabia's aid did not stop at just the refugees inside it, but also included providing aid to organizations and countries that help refugees.

In conclusion, this paper addressed refugees' concepts, how they can reach the Kingdom, refugees' condition within the Kingdom, and refugee financial assistance. The definitions agree that a refugee is a fugitive from persecution for one of the five groups. In this paper, it became clear how refugees enter Saudi Arabia. Additionally, this paper clarified refugees' status in Saudi Arabia and that some articles of the 1951 Convention were applied in their regard. Saudi Arabia, even if it did not join the 1951 Convention, helps refugees at home and abroad. Whoever Saudi Arabia classifies as a refugee, according to the 1951 Convention, he is not considered a refugee. Rather, he is considered a worker or visitor, even if the General Directorate of Passports and the Ministry of Foreign Affairs call them a refugee. If Saudi Arabia recognizes illegal immigrants who apply to them as "refugees" and not visitors or workers, then the number of those entering it illegally will decrease. Therefore, after research, my recommendations for this paper are Saudi Arabia should issue a special visa for refugees as they are neither visitors nor residents. A work visa is issued to those who come for the purpose of work and there are no disturbances in their countries. As for a visit visa, it is for a limited period and does not suit the status of refugees. An asylum visa will allow them to work in Saudi Arabia, and once the unstable conditions in their countries end, they will return to it.

44 Alborzi, *Evaluating the Effectiveness of International Refugee Law*, pp. 68.

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