

Country Information and Guidance

Kuwaiti Bidoon

Kuwait Country Information and Guidance

This report is an example of a new approach to presenting country of origin information and guidance. Our intention is to test this proposed new design with users and gather your feedback. Our goal is to continuously improve the information and guidance we provide.

Background

The Home Office currently produces two main types of country specific report which are relevant to asylum decision makers and other teams:

- Country of Origin Information (COI) a range of primary evidence collated for the top countries of origin for asylum seekers; and
- Operational Guidance Notes (OGNs) which contain guidance for caseworkers but also include some country information to provide context, transparency and an evidence base.

On 11 October 2013 the Home Affairs Committee published their report into Asylum and made a series of recommendations relating to country of origin information and operational guidance notes.¹ In 2011, the Chief Inspector of Borders and Immigration, also published a report into the use of country of origin information in deciding asylum applications.²

In addition, we have internally reviewed our provision of information and guidance. We identified a need to develop clearer and more focused products that are designed to provide what decision makers and other teams need. This report is the first example of our proposed new format.

We think a single source of country guidance and information would be more effective in future because it will ensure information and guidance are reviewed and updated together. The aim is to create a 'country portal' made up of smaller units of information and guidance, so that it can be updated promptly as and when new information or caselaw is available.

We want to maintain objective and impartial COI and have ensured this is a distinct part of the new report. We have made stronger links between information and guidance and provide a wide range of links to reports and other sources of relevant information.

Feedback

We would like your views on the proposed new approach. If you would like to comment on the new format or have specific ideas, please email: cois@homeoffice.gsi.gov.uk, regarding country information, or [CSL Team](#) for guidance.

¹ <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf>, p21-2.

² <http://icinspector.independent.gov.uk/wp-content/uploads/2011/02/Use-of-country-of-origin-information-in-deciding-asylum-applications.pdf>

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The information and guidance in this report is the most up-to-date position on Kuwait and should be followed by case workers. If there are significant changes to country information this report will be updated.

Caseworkers must also apply current case work guidance relevant to the consideration of the claim.

For country information and guidance on other types of claim from Kuwait case workers should contact CLT.

Date of publication: 3 February 2014

1. Bidoon (also known as bedoun, bidoun bidun)

1.1. Guidance

LAST UPDATED 21 JANUARY 2014

See [Who are the bidoon](#)

Basis of claim

- 1.1.1 Ill treatment amounting to persecution at the hands of the State due to their ethnicity or undocumented status as 'bidoon' and denial of citizenship rights.

Specific issues

- [Are bidoon at risk of persecution in Kuwait?](#)
- [Is the claimant a Kuwaiti bidoon?](#)
- [Is the claimant documented?](#)
- [Is the claimant stateless?](#)

Consideration of issues:

Are Bidoon at risk of persecution in Kuwait?

- 1.1.2 Undocumented bidoon experience discrimination so severe that it amounts to persecution.

Documented bidoon are not at real risk of persecution or breach of their protected human rights due to their ethnicity.

However, there are some circumstances where the state's use of security flags or blocks may mean that a documented bidoon does not receive access to public and social 'facilities' in a manner that may amount to persecution.

- 1.1.3 This conclusion is based on the country guidance case of [NM](#), 24 July 2013.

See caselaw [NM](#)

- 1.1.4 Bidoon meet the meaning of both the term 'race' and also 'particular social group' under the 1951 convention.

- 1.1.5 This conclusion is based on the country guidance case of [BA](#), 15 September 2004.

See caselaw [BA](#) (paragraphs 88-90)

Caseworkers must establish the claimant's status in Kuwait.

- 1.1.6 The individual circumstances of bidoon in Kuwait vary greatly. All can be stigmatised through their lack of status, and the extra difficulty they can face in accessing government services. However some have close links with Kuwaiti families, and possess the support networks contacts and wealth to circumvent any obstacles.

See [Who are the bidoon](#)

Is the claimant a Kuwaiti bidoon?

Caseworkers must establish both the claimant's nationality and their status in Kuwait.

- 1.1.7 The Kuwaiti state regards the bidoon as illegal residents. Successive programmes of registration have regularised some by granting Kuwaiti nationality, but only very limited numbers per year, and the vast majority of nationality applications remain outstanding. The Kuwaiti government maintains that the majority of bidoon are nationals of other countries, therefore that they are not stateless. The history of the region means that some bidoon may have had origins in a neighbouring country, for example Iraqis, who came to work in oil production, but others will have had origins in Kuwait and failed or been unable to register their nationality.
- 1.1.8 The majority of the bidoon live in the State of Kuwait, however, others do live in Saudi Arabia, Egypt, Syria, Iraq and other parts of the Middle East.
- 1.1.9 There is evidence that some individuals of other nationalities claim to be Kuwaiti bidoon in an attempt to gain asylum.
- 1.1.10 Country specific factors that may be relevant to the assessment of nationality include documentation and status of family members.

For further guidance see the asylum instructions on '[Nationality; Doubtful, disputed and other cases](#)' and also on '[Considering the asylum claim and assessing credibility](#)'.

See [Kuwait's Nationality law](#)

See [Who are the bidoon](#)

See [Registration and documentation](#)

A complicated range of documents have been available at different times to Kuwaiti bidoon and may be relevant to an assessment of nationality as well as their status.

For type of ID documents available, see: [Identity documents](#)

- 1.1.11 The latest country guidance case [NM](#) has set out what the key document is that determines whether a bidoon is documented or not. However, there are a range of other types of documentation that a Kuwaiti bidoon might hold which are relevant to determining their nationality. In addition, bidoon may hold false ID documents from another nationality.

See caselaw [NM](#)

See [FCO letter](#) – section Registration and documentation, for other id documents

- 1.1.12 Some bidoon have been granted citizenship through regularisation programmes (numbers and the underlying

See [Security card or Green card](#)

processes are unclear but may be in the order of 100s per year, while approx. 100,000 requests are pending). Some have been able to access civil identity documents. If a claimant has civil identity documents but not a security card please apply to the [CSL Team](#) for further guidance.

See [Kuwait's Nationality law](#)

See [Registration and documentation](#)

The status of other family members is not enough to determine whether an individual is a Kuwaiti bidoon.

1.1.13 Family members may have different citizenship status because of the history of the region and successive waves of registration. In addition, under Kuwaiti law a child has the nationality of its father only.

1.1.14 Children born to a Kuwaiti woman and a bidoon man are considered stateless. Kuwaiti women can pass their nationality on to children only when the father is unknown or has failed to establish legal paternity, when the couple are divorced, or upon the death of a stateless husband.

See [Bidoon women and children](#)

1.1.15 In July 2010 the Interior Ministry submitted an amendment to the National Assembly that would allow Kuwaiti women married to non-Kuwaiti men to sponsor their husbands and children to acquire Kuwaiti nationality provided they have been married for ten years. At the time of writing the Home Office could not confirm whether this amendment to the law had been ratified.

Is the claimant documented?

1.1.16 The crucial document for determining whether bidoon are documented or not is the "security card".

This conclusion is based on the country guidance case of [NM](#) and supersedes the earlier caselaw [HE](#), which stated that "civil identification documents" were the relevant document.

See [Identity documents](#)

See caselaw [NM](#) (paragraph 91)

1.1.17 [NM](#) states 'It must be assumed that bidoon who did not register between 1996 and 2000, and hence did not obtain security cards, are as a consequence undocumented bidoon, though this must be seen in the context of the evidence that most bidoon carry security cards.'

See caselaw [NM](#) (paragraph 104)

1.1.18 A range of benefits flow from possession of the security card. Without a security card bidoon are prevented from working, with few exceptions, prevented from receiving the most basic government services, denied rights to medical treatment, housing, documentation, education, and drivers licences.

See [Security card or Green card](#)

See [Registration and documentation and Security card or Green card](#)

A claimant may hold a range of documents and still be regarded as 'undocumented' if they do not hold a security card.

Even if the claimant has held a security card they may be de facto undocumented in the following circumstances:

Inability to renew:

1.1.19 This is because security cards have to be renewed yearly or biannually. Some bidoon can renew simply by presenting documents, others claim to have to undergo interviews every time. Some individuals claim this amounts to virtual interrogation.

See [Documented Bidoon \(registered with the Bidoon Committee\)](#)

See [Security card or Green card](#)

Blocked:

1.1.20 Claimants report that the use of 'security blocks' on their cards cause particular problems. Once flagged, a person's access to basic amenities – employment in particular – is severely curtailed if not removed. A further level of 'security flag' has greater repercussions on the family of the individual – denying them all the right to work and making access to healthcare and education more difficult.

See [Security Blocks](#)

When it is claimed that there is an inability to renew or that there is a security block or flag in place caseworkers should test whether the individual is prevented from receiving the 'privileges' available to bidoon who have security cards.

Is the claimant stateless?

1.1.21 Kuwaiti bidoon by descent either from a stateless or foreign father, or whose ancestors failed to apply for or gain nationality in 1961 will generally be stateless.

See [Part 14 of the Immigration Rules and the Statelessness guidance](#)

1.1.22 Kuwaiti bidoon who have a claim to another nationality will not be stateless.

1.1.23 This conclusion is based on the evidence that 'bidoon' is used an umbrella term for several groups whose claimed nationality is not accepted by the Kuwaiti state.

See [Who are the bidoon](#)

See [Security card or Green card](#)

1.1.24 All Kuwaiti Bidoon are classed as illegal residents by the Kuwaiti state, even if they hold a valid security card. However, bidoon who were registered with the Bidoon Committee and subsequently had their nationality claims accepted by the government as Kuwaitis, were given Kuwaiti citizenship. These individuals are not stateless.

See [Part 14 of the Immigration Rules and the Statelessness guidance](#)

See [Security Blocks](#)

1.1.25 Some individuals may claim to be Bidoon, however, they may be nationals of another country, such as Iraq. These individuals are not stateless.

See [paragraph 1.2.3](#)

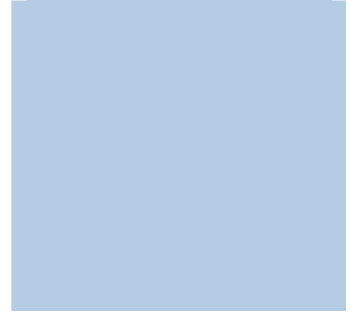
1.1.26 Some individuals may have regularised their status in Kuwait by admitting to having another nationality. The Kuwaiti government treat these claimants as legal foreign nationals and issue them with civil ID cards. These individuals are not stateless.

See [Documented Bidoon \(registered with the Bidoon Committee\)](#)

See [Security card or Green card](#)

Where a claimant does not qualify for asylum or humanitarian protection, it is open to the claimant to apply for leave to remain as a stateless person. This cannot be done at the same time as the asylum claim is being pursued.

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Summary

Documented bidoon suffer discrimination as a direct result of their familial and tribal affiliations, however the discrimination is not so severe as to amount to persistent and serious ill treatment. It is unlikely that a bidoon who has documentation would be able to demonstrate that return to Kuwait would put him/her at a real risk of persecution on the basis of being a bidoon alone, and a grant of asylum will not normally be appropriate in such cases.

Undocumented bidoon are subjected to numerous infringements of their civil and human rights. Their lack of legal status means they are not allowed to participate in the political process, they have no right to work, are constantly at risk of arrest or detention and their family relationships are effectively illegitimate. The IAT concluded in BA & Others CG [2004] UKIAT 00256 that undocumented bidoon living in Kuwait experience discrimination so severe that it amounts to persecution. A grant of asylum will therefore normally be appropriate in such cases.

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1.2. Information

Who are the bidoon?

LAST UPDATED 21 JANUARY 2014

Principal sources consulted and referred to in this section:

Amnesty International (AI)

The 'Withouts' of Kuwait: Nationality for Stateless Bidoon Now, 16 September 2013, page 7, <http://www.amnesty.org/en/library/asset/MDE17/001/2013/en/2ed5b1d7-84bc-4a63-9ead-3de541e8e3a7/mde170012013en.pdf>

Freedom House

Freedom in the World 2013 – Kuwait (Freedom in the World 2013), 3 June 2013, <http://www.freedomhouse.org/report/freedom-world/2013/kuwait>

Human Rights Watch (HRW)

Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness, 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>

Report on the Human Rights Watch Report and Response to its Questions and Inquiries, Response of the Kuwaiti Government (HRW Response of the Kuwaiti Government), undated, http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_da0.pdf

Kuwait Nationality Law, 1959

<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3ae6b4ef1c>

Refugees International (RI)

Kuwait: Gender Discrimination Creates Statelessness and Endangers Families, 17 October 2011, <http://www.refintl.org/policy/field-report/kuwait-gender-discrimination-creates-statelessness-and-endangers-families>

Without Citizenship Statelessness, discrimination and repression in Kuwait, 13 May 2011, http://www.refugeesinternational.org/sites/default/files/120511_Kuwait_With_Citizenship_0.pdf,

UK Foreign and Commonwealth Office (FCO)

[Letter to the UK Border Agency](#), dated July 2012

[Letter to the UK Border Agency](#), dated November 2007

Women's Refugee Commission

Our Motherland, Our Country: Gender Discrimination and Statelessness in the Middle East and North Africa, June 2013,

http://www.womensrefugeecommission.org/resources/doc_download/950-our-motherland-our-country-gender-discrimination-and-statelessness-in-the-middle-east-and-north-africa-arabic

Bidoon: then and now

1.2.1 The Kuwaiti bidoon population is broadly made up of the following categories:

- those whose ancestors failed to apply for nationality or lacked necessary documentation at the time of Kuwait's independence in 1961;
- those recruited to work in Kuwait's army or police force during the 1960s who permanently settled in Kuwait, along with their families; and
- children of Kuwaiti mothers and stateless or foreign fathers.³

³ HRW, 13 June 2011, page 3

- 1.2.2 Kuwait's population in the 19th and into the 20th century consisted of settled citizens who lived inside the walls of Kuwait City, and bedouin, or tribal nomads, who lived in the surrounding territories, frequently crossing borders between the present-day Gulf states. At the turn of the 20th century approximately 50,000 people lived in Kuwait City, but after the discovery of oil in the 1930s, the city expanded substantially as bedouin began to settle there.⁴ Following Kuwait's issuance of its 1959 Nationality Law⁵ the Kuwait authorities attempted to register all residents of Kuwait, and identify those eligible for nationality. However, many of the bedouin either did not learn about the nationality drive, or neglected to register their claims. Some could not read or write and those who kept no written records faced particular difficulties proving that they met the legal requirements of the new Nationality Law. Others simply put little stock in the new concept of nationality.⁶
- 1.2.3 During the oil boom of the 1970s and throughout the Iran-Iraq war, there was a steady inflow of workers from Iraq. Many were well-qualified and quick to understand that abandoning their Iraqi nationality and declaring themselves bidoon meant they could join the Kuwaiti armed forces and police. By the mid-1980s approximately 80 per cent of the armed forces and police were bidoon. Others declared themselves bidoon so that they could reap the social and economic benefits which the status conferred at that time.⁷
- 1.2.4 There are estimated to be over 100,000 bidoon ("without" in Arabic⁸) in Kuwait.⁹ The bidoon are considered to be without nationality by the Kuwaiti government, so in effect, stateless¹⁰, although the authorities maintain that the majority of bidoon are nationals of other countries.¹¹ Only 34,000 bidoon are said to be valid candidates for citizenship.¹² The Kuwaiti government stated that as of April 2011, 108,000 applications for citizenship by "illegal residents" were pending.¹³ According to Human Rights Watch, 106,000 bidoon who registered with the Bidoon Committee between 1996 and 2000, were issued with security cards.¹⁴ In February 2012, the Kuwaiti Government asserted that 93,000 individuals had been registered as "unlawful residents".¹⁵
- See Bidoon Committee
- 1.2.5 The FCO stated in a Letter to the UK Border Agency that 'The individual circumstances of bidoon in Kuwait vary greatly. All can be stigmatised through their statelessness, and the extra difficulty they can face in accessing government services. However some are closely linked into Kuwaiti families, and possess the support networks contacts and wealth to circumvent any obstacles.'¹⁶

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⁴ HRW, 13 June 2011, page 12

⁵ Nationality Law, 1959

⁶ HRW, 13 June 2011, page 12

⁷ FCO July 2012

⁸ RI, 13 May 2011, page 2

⁹ Freedom in the World 2013

¹⁰ RI, 13 May 2011, page 2

¹¹ FCO November 2007

¹² HRW, 13 June 2011, page 20

¹³ HRW Response of the Kuwaiti Government, undated, page 5

¹⁴ HRW, 13 June 2011, page 5

¹⁵ RI, 5 March 2012

¹⁶ FCO July 2012

Timeline

1.2.6 1959 – The nationality law defines categories of Kuwaiti nationality and a range of criteria and limitations.¹⁷

1961 – Independence from Britain.¹⁸

1985-1986 – The status of the bidoon changed from legal residents without nationality to “illegal residents”.¹⁹ The Alien Residence Act was applied to bidoon, removing most rights enjoyed since independence (1961).²⁰

1986 – and onwards, access to passports (Article 17) for bidoon restricted to individuals with official permission to travel abroad for medical treatment, education, or religious purposes, or to bidoon serving in the army and police.²¹

See: [Travel documentation](#)

1987 – drivers’ licenses ceased being issued or renewed to bidoon; the bidoon were also no longer able to register car ownership in their name.²²

1990 – Iraq invasion of Kuwait. Number of bidoon 250,000; however, many fled during the war and were denied reentry into Kuwait when the war ended.²³

1991 – Number of bidoon in Kuwait approximately 125,000.²⁴

1993 – The Central Committee to Resolve the Status of Illegal Residents was established to regularize the status of the bidoon. Concluded March 1996.²⁵

1996 – The Executive Committee for Illegal Residents’ Affairs (ECIR) was established to count all those who claimed to be illegal residents (bidoon). Files were opened, and information shared on their status with all state ministries and institutions.²⁶ Those registered with the ECIR by 1996 were given temporary resident rights.²⁷

See: [Registration and documentation](#)

2000 – June: deadline set for bidoon to register their “true nationality”, so as to be documented. Approximately 5,000 did so in the twelve months up to this deadline.²⁸

2000 – Law passed permitting naturalisation of individuals registered in the 1965 census and their descendants, limited to 2,000 per year, which has never been met.²⁹

¹⁷ AI, 16 September 2013, page 7

¹⁸ AI, 16 September 2013, page 7

¹⁹ HRW, 13 June 2011, page 14

²⁰ RI, 13 May 2011, page 5

²¹ HRW, 13 June 2011, page 25

²² HRW, 13 June 2011, page 25

²³ HRW, 13 June 2011, page 14

²⁴ HRW, 13 June 2011, page 14

²⁵ HRW Response of the Kuwaiti Government, undated, page 3

²⁶ HRW Response of the Kuwaiti Government, undated, page 3

²⁷ FCO November 2007, paragraphs 9-10

²⁸ FCO November 2007, paragraphs 9-10

²⁹ HRW, 13 June 2011, page 14

2005-2008 – 3,346 bidoon granted citizenship.³⁰

2010 – November: the Central System to Resolve Illegal Residents' Status, also known as the Bidoon Committee³¹, was established and is the current administrative body responsible for reviewing Bidoon claims to nationality.³² The Committee has accepted that 34,000 bidoon have the right to obtain Kuwaiti citizenship.³³ 68,000 bidoon are said to be Iraqi citizens or have "other origins", and have 3 years to correct their status, or face legal action. A further 4,000 individuals are recorded as status unknown.³⁴

2013 – March: Parliament passed a law allowing naturalisation of 4,000 "foreigners" during 2013. However, no bidoon have benefitted from this new law.³⁵

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Kuwait's Nationality law

1.2.7 The Nationality Act was amended several times between 1960 and 1985, making access to nationality increasingly difficult.³⁶

1.2.8 Acquisition of Kuwaiti nationality under the law is based on a number of criteria, most significantly residential ties to the country prior to 1920. Kuwait's 1959 Nationality Law³⁷ gives the criteria for Kuwaiti nationality, including naturalized citizens.

See: [Registration and documentation](#)

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1.3. Consequences of being a bidoon

LAST UPDATED 21 JANUARY 2014

Principal sources consulted and referred to in this section:

Amnesty International (AI)

The 'Withouts' of Kuwait: Nationality for Stateless Bidoon Now, 16 September 2013, page 7, <http://www.amnesty.org/en/library/asset/MDE17/001/2013/en/2ed5b1d7-84bc-4a63-9ead-3de541e8e3a7/mde170012013en.pdf>

Human Rights Watch (HRW)

Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness, 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>

Kuwait Nationality Law, 1959

<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3ae6b4ef1c>

Refugees International (RI)

³⁰ HRW, 13 June 2011, page 18

³¹ FCO July 2012, paragraph 10-11

³² HRW, 13 June 2011, page 18-19

³³ Women's Refugee Commission, June 2013,

³⁴ HRW, 13 June 2011, page 21

³⁵ HRW World Report 2014 - Kuwait, 21 January 2014

³⁶ RI, 13 May 2011, page 5,

³⁷ Nationality Law, 1959

Kuwait: Gender Discrimination Creates Statelessness and Endangers Families, 17 October 2011, <http://www.refintl.org/policy/field-report/kuwait-gender-discrimination-creates-statelessness-and-endangers-families>

UK Foreign and Commonwealth Office

Letter to the UK Border Agency, dated July 2012

General overview

- 1.3.1 The bidoon used to enjoy a status similar to that of Kuwaiti citizens until the law in 1986 changed the status of the bidoon from legal residents without nationality to “illegal residents”. As a result, the ability to access government services and employment became more difficult as the bidoon did not possess the necessary identity documents to do so.³⁸
- 1.3.2 The Central System to Resolve Illegal Resident’s Status, commonly known as the Bidoon Committee, was set up in November 2010, granted 11 “facilities” to registered bidoon, allowing them access to government services and official documents.³⁹

See Bidoon Committee

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Bidoon women and children

- 1.3.3 Kuwaiti women can pass their nationality on to children (upon reaching the age of majority) when the couple divorce or the father dies; when the father is unknown or has failed to establish legal paternity. Prior to 1980 they could also do so upon the death of a stateless husband, although this provision was repealed.⁴⁰
- 1.3.4 In July 2010 the Interior Ministry submitted to the National Assembly an amendment that would allow Kuwaiti women married to non-Kuwaiti men to sponsor their husbands and children to acquire Kuwaiti nationality provided they have been married for ten years.⁴¹ At the time of writing the Home Office could not confirm whether this amendment to the law had been ratified.
- 1.3.5 However, these sponsorship rights were not always applied in practice.⁴² While an improvement, this proposal still amounts to discrimination against Kuwaiti women in their ability to pass their nationality on to their husband and children, as Kuwaiti men need only be married for five years before their wives gain citizenship, and children of Kuwaiti men gain citizenship at birth.⁴³
- 1.3.6 Under Kuwaiti Nationality law⁴⁴, children born to a Kuwaiti woman and a bidoon man are considered stateless. It has been reported that some such women felt compelled to divorce their bidoon husbands so their children could be granted Kuwaiti citizenship;

³⁸ AI, 16 September 2013, page 2

³⁹ FCO July 2012, paragraph 13-14

⁴⁰ HRW, 13 June 2011, page 17-18 and RI, 13 May 2011, page 9-10

⁴¹ HRW, 13 June 2011, page 43

⁴² RI, 17 October 2013

⁴³ HRW, 13 June 2011, page 43

⁴⁴ Nationality Law, 1959

however, since the granting of citizenship in these cases was discretionary, they were not always successful.⁴⁵

See [Kuwait's Nationality law](#)

- 1.3.7 Many older bidoon women lack documentation due to the lack of importance placed on gaining such documents at the time, including birth certificates for their children, particularly if the child was female. There were reports of bidoon women, and women married to bidoon men, being subject to sexual harassment at the hands of the authorities when they applied for documents. Such women were unaware of any avenues of complaint for these abuses.⁴⁶

See [Bidoon women and children](#)

- 1.3.8 Access to proper medical assistance when giving birth is limited for women without a marriage certificate; without one the birth of a baby in Kuwait is considered illegal so a mother cannot give birth in a public hospital. According to Refugees International, bidoon children over the age of six years can only obtain birth certificates if DNA tests prove their relationship with their parents.⁴⁷

See [Birth, marriage and death certificates](#)

- 1.3.9 Access to free government education for the bidoon is restricted to children who hold security cards.⁴⁸ Children of Kuwaiti mothers and bidoon fathers could access public education up to the age of 18. However, upon reaching 18, these privileges were lost and they were considered bidoon, losing their right to higher education, and potential deportation if they failed to secure a work permit or employment.⁴⁹

See [Security card or Green card](#)

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1.4. Registration and documentation

LAST UPDATED 9 DECEMBER 2013

Principal sources consulted and referred to in this section:

Human Rights Watch (HRW)

Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness, 13 June 2011,

<http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>

Report on the Human Rights Watch Report and Response to its Questions and Inquiries, Response of the Kuwaiti Government, undated,

http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_da0.pdf

World Report 2012 – Kuwait, 22 January 2012 <http://www.hrw.org/world-report-2012/world-report-2012-kuwait>

⁴⁵ RI, 17 October 2013

⁴⁶ RI, 17 October 2011

⁴⁷ RI, 17 October 2011

⁴⁸ HRW, 13 June 2011, page 33

⁴⁹ RI, 17 October 2011

World Report 2013 – Kuwait, 31 January 2013 <http://www.hrw.org/world-report/2013/country-chapters/kuwait>

Refugees International (RI)

Kuwait: Bidoon nationality demands can't be silenced, 5 March 2012,

<http://refugeesinternational.org/policy/field-report/kuwait-bidoun-nationality-demands-cant-be-silenced>

Kuwait: Gender Discrimination Creates Statelessness and Endangers Families, 17 October 2011, <http://www.refintl.org/policy/field-report/kuwait-gender-discrimination-creates-statelessness-and-endangers-families>

UK Foreign and Commonwealth Office (FCO)

[Letter to the UK Border Agency](#), dated July 2012

[Letter to the UK Border Agency](#), dated November 2007

US Department of State (USSD)

Country Report on Human Rights Practices 2012 – Kuwait, 19 April 2013,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204370>,

Bidoon Committee

1.4.1 The most recent “Bidoon Committee”, the Central System to Resolve Illegal Resident’s Status, was set up in November 2010.⁵⁰

1.4.2 According to Human Rights Watch, 106,000 bidoon who registered with the bidoon Committee between 1996 and 2000, were issued with security cards.⁵¹ In February 2012, the Kuwaiti Government asserted that 93,000 individuals had been registered as “unlawful residents”.⁵²

See [Security card or Green card](#)

1.4.3 Shortly after it was established, the Committee announced a five-year plan to resolve the bidoon issue and declared eleven “facilities” would be granted to all bidoon in Kuwait whilst the plan was implemented. These facilities included access to free healthcare and medical care, the issuing of birth, marriage and death certificates, the ability to apply for a driving license and access to employment.⁵³ Identity documents issued under this plan would include the term “non-Kuwaiti” in the slot for citizenship.⁵⁴ However, anecdotal evidence from non-governmental organisations and the bidoon community suggests the granting of these facilities has been inconsistent.⁵⁵ The Human Rights Watch 2013 World Report cited that some bidoon blamed bureaucratic processes from preventing them from accessing government benefits.⁵⁶

1.4.4 In its 2012 World Report, covering 2011 events, HRW noted that the bidoon confirmed receipt of some of the benefits (“facilities”) cited above, though continued to have difficulty accessing employment and receiving passports.⁵⁷

⁵⁰ FCO July 2012, paragraph 9

⁵¹ HRW, 13 June 2011, page 5

⁵² RI, 5 March 2012

⁵³ FCO July 2012, paragraphs 13-14

⁵⁴ HRW Response of the Kuwaiti Government, undated, page 13

⁵⁵ FCO July 2012, paragraph 13-14

⁵⁶ HRW, World Report 2013

⁵⁷ HRW World Report 2012

Assessment Summary: The UK Foreign and Commonwealth Office (FCO), stated in a Letter to the UK Border Agency, dated July 2012, (paragraph 9) that bidoon who registered with the Central System to Resolve Illegal Resident's Status (Central System) are granted 11 facilities under a five year plan implemented in 2011. This allows them to access free healthcare and medical care, the issuing of birth, marriage and death certificates, the ability to apply for a driving license, and access to employment. The Human Rights Watch (HRW) World Report 2013 stated that bidoon complain that bureaucratic processes prevents them from accessing some benefits. However, the HRW World Report 2012 stated that bidoon confirmed that they had received some of these "facilities" though continued to have difficulty accessing employment and receiving passports. Although bidoon are still classed as illegal residents by the Kuwaiti government, overall the situation for bidoon who are registered with the Central System has improved since implementation of the five year plan.

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Documented bidoon (registered with the Bidoon Committee)

- 1.4.5 Bidoon who registered with the Bidoon Committee between 1996 and 2000 (the cut-off date set by ministerial decree) were issued with security cards (informally known as green cards), which display personal data including the registrant's name, address and date of birth. The reverse of the card states that "this card does not serve as proof of identity, and may be used only for specified purposes." The cards are recognised throughout the country as being held only by the bidoon.⁵⁸

Security blocks

- 1.4.6 Some bidoon residents were denied a citizenship application by the authorities based on security or criminal violations committed by the individual's family members.⁵⁹ There are reports that Kuwaiti authorities have arbitrarily used "security blocks" to prevent nationality claims and access to government services. Originally intended to deny nationality to bidoon who fought alongside Iraq during the 1991 invasion, these blocks have also been used against activists, and others, including those who participated in the 2011 demonstrations. Some human rights groups believe there may be as many as 30,000 bidoon with security blocks against them. At least 850 individuals have a security

⁵⁸ [HRW, 13 June 2011](#), page 19

⁵⁹ [USSD Report 2012](#), Section 1f,

block due to perceived collaboration with the Iraqis.⁶⁰ Such security blocks can extend to family members of the accused, therefore affecting their right to work, and to access government services.⁶¹

Undocumented bidoon (not registered with the Bidoon Committee)

- 1.4.7 Bidoon not registered with the Bidoon Committee by June 2000, or who had not disclosed their “true nationality”, were subject to deportation, although in practice this did not happen.⁶² Individuals not able to claim formal status as a bidoon could be subject to arbitrary arrest and detention, and are not able to access government services.⁶³
- 1.4.8 Some bidoon have, at some point, held a counterfeit passport from another country, which they then could not renew. These individuals later found they were unable to renew their security cards as the Bidoon Committee had closed their files, because they were seen to have admitted to holding another country’s nationality.⁶⁴

See: [Travel documentation](#)

Assessment Summary: The Human Rights Watch (HRW 2011), Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness, 13 June 2011 report stated that 106,000 bidoon registered between 1996 and 2000 were issued with security cards. This resulted in an improvement in their situation with access to 11 benefits under the five year plan. The FCO stated in its paper dated July 2012 that a particular problem exists for bidoon who have fallen through the cracks and do not qualify for bidoon status. They are colloquially known as ‘bidoon bidoon’. This is because Kuwaiti authorities claim that an individual claiming to be bidoon has proof of another nationality, either because an individual has previously bought a forged passport for a second nationality in order to travel (something which anecdotally had been marketed to bidoon individuals, allegedly with government connivance), which they have then been unable to renew; or if an individual has (according to the government) admitted in writing to having a second nationality at some time in the past. There has been no improvement in the situation of these categories of bidoon. Their inability to obtain security cards prevents them from accessing the benefits outlined in the five year plan and they continue to lack access to health and medical care, civil documents and employment.

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1.5. Identity documents

LAST UPDATED 21 JANUARY 2014

Principal sources consulted and referred to in this section:

⁶⁰ RI, 5 March 2012

⁶¹ FCO July 2012, paragraph 17

⁶² FCO November 2007, paragraphs 13-14

⁶³ FCO July 2012, paragraph 15

⁶⁴ HRW, 13 June 2011, page 21 and [FCO July 2012](#), paragraph 17

Amnesty International (AI)

The 'Withouts' of Kuwait: Nationality for Stateless Bidoon Now, 16 September 2013, page 7, <http://www.amnesty.org/en/library/asset/MDE17/001/2013/en/2ed5b1d7-84bc-4a63-9ead-3de541e8e3a7/mde170012013en.pdf>

Expatwoman.com

Kuwait Civil ID Cards, updated 13 March 2013, http://www.expatswoman.com/kuwait/monthly_Civil_ID_Cards_6802.aspx

Human Rights Watch (HRW)

Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness, 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>

Report on the Human Rights Watch Report and Response to its Questions and Inquiries, Response of the Kuwaiti Government, undated, http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_da0.pdf

Immigration and Refugee Board of Canada (IRB)

Research Directorate, KWT42279.E, 22 December 2003, via <http://www.refworld.org/docid/403dd1fe8.html>

Research Directorate, KWT41648.E, 9 June 2003, via <http://www.refworld.org/docid/3f7d4dbf0.html>

Refugees International (RI)

Kuwait: Bidoon nationality demands can't be silenced, 5 March 2012, <http://refugeesinternational.org/policy/field-report/kuwait-bidoun-nationality-demands-cant-be-silenced>

Women's Refugee Commission

Our Motherland, Our Country: Gender Discrimination and Statelessness in the Middle East and North Africa, June 2013, http://www.womensrefugeecommission.org/resources/doc_download/950-our-motherland-our-country-gender-discrimination-and-statelessness-in-the-middle-east-and-north-africa-arabic

UK Foreign and Commonwealth Office

Letter to the UK Border Agency, Annex A, dated July 2012
paper to the UK Border Agency, Annex B, dated November 2007

Citizenship categories

- 1.5.1 The Women's Refugee Commission stated in a report that 'There are... new color-coded ID documents that are being distributed among the Bidoon... [that] differentiate between the Bidoon, with the color indicating to what extent the authorities deem the holder to be "connected" to Kuwait.'⁶⁵
- 1.5.2 Amnesty International stated that the proposal by the Kuwaiti authorities to create four colour-coded categories of citizenship further threatens the rights of the bidoon as the criteria for citizenship are 'subjective and determined by factors such as whether an claimant can "prove" that his or her forbearers took part in the 1965 census, served in the army or police, or lived in Kuwait.'⁶⁶
- 1.5.3 At the time of writing the Home Office could not confirm whether colour-coded identity documents had been produced and/or issued.

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⁶⁵ Women's Refugee Commission, June 2013,

⁶⁶ AI, 16 September 2013, page 7

Civil ID card

- 1.5.4 Civil ID cards are issued to Kuwaiti citizens and legal foreign residents only. The bidoon, identified as illegal residents, are not entitled to receive them. Civil ID cards are required to rent or purchase real estate or cars, open bank accounts, enrol in private universities and some private schools; hold legal employment; and receive birth, marriage, or death certificates.⁶⁷
- 1.5.5 The website [Expat Woman.com](http://ExpatWoman.com), accessed 9 September 2013, described the process for expatriates applying for a Civil ID Card.⁶⁸

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Security card or Green card

- 1.5.6 The Kuwaiti government stated that there are two types of security card which are issued to every person over the age of five who is registered with the Central System to Resolve Illegal Residents' Status:
- 'The first type: Its duration is two years and it is issued to those registered in the 1965 census or those who have proof of long-term residence in the country from that year or prior to it.
 - The second type: Its duration is one year and is issued to the remaining groups who are not registered in the 1965 census and do not have proof of long-term residence from that year or prior to it.'⁶⁹
- 1.5.7 In addition:
- 'The review card verifies that the person is registered in state records with the Central System as an illegal resident. In addition, it establishes that its bearer has a set of rights, benefits, and facilities that were enumerated in Cabinet Decree 409/2011.
- 'As for the responsibilities that fall to the bearer, they are the duty of individuals of this class to alter their illegal status in the country by legalizing their residency.
- 'The Central System reserves the right to revoke these cards if the status is altered or in case of death, although those who alter their status continue to enjoy the rights and benefits upheld for this class.'⁷⁰
- 1.5.8 Bidoon who hold security cards can register their children in private schools (fees are paid for some students by the government), and can access healthcare at government hospitals and clinics.⁷¹ According to Human Rights Watch, 106,000 Bidoon who registered with the Bidoon Committee between 1996 and 2000, were issued with security cards.⁷²

See [Bidoon Committee](#)

⁶⁷ HRW, 13 June 2011, page 19

⁶⁸ Expatwoman.com, updated 13 March 2013

⁶⁹ HRW Response of the Kuwaiti Government, undated, page 8

⁷⁰ HRW Response of the Kuwaiti Government, undated, page 9

⁷¹ RI, 5 March 2012

⁷² HRW, 13 June 2011, page 5

Alien Reporting Cards

1.5.9 Two Immigration and Refugee Board of Canada (IRB) Responses to Information Requests of [June 2003](#)⁷³ and [December 2003](#)⁷⁴ provided information on the Alien Reporting Cards, which were issued by the Government of Kuwait until the middle of 2003 when they ceased to renew them. Issuance of the card was a means to obtain correct bidoon numbers for the purpose of a population census and it explicitly indicated that it was not a form of identification. The card/document was a plastic, wallet-sized card and divided into three columns with a photograph of the subject in the far left column.

Birth, marriage and death certificates

1.5.10 Some bidoon claimed they had to seek clearance from the Kuwaiti authorities to obtain birth, marriage and death certificates, or forfeit their claim to Kuwaiti nationality.⁷⁵ The Kuwaiti government stated that it did not deny such individuals access to civil documents.⁷⁶

1.5.11 The Kuwaiti government stated that 'The granting of official documents, such as birth, marriage, and death certificates, is regulated by specific laws. Any resident of Kuwait may obtain such documents after fulfilling the applicable conditions. The state of Kuwait is very eager to grant these documents to persons residing in its territory in accordance with the applicable laws. In addition, the state has issued cabinet decrees under which the Central System operates that facilitate the issuance of such documents.'⁷⁷

1.5.12 Responding to Human Rights Watch's June 2011 report, the Kuwaiti authorities noted:

'The Central System, based on investigations and research, supplies the Ministry of Health (in the case of birth and death certificates) and the Ministry of Justice (in the case of marriage and divorce certificates) with an indication of the citizenship of the concerned parties. This information is recorded in the official documents being requested. The statement of citizenship is essential on these documents and it must be supplied before they are issued. However, realistically, some individuals of this class [the bidoon] refrain from collecting their documents as they object to the statement of citizenship found in them. The reality of the matter is that the denial comes from this class, not from the Kuwaiti government.'⁷⁸

1.6. Travel documentation

LAST UPDATED 9 DECEMBER 2013

Principal sources consulted and referred to in this section:

⁷³ IRB, KWT42279.E, 22 December 2003

⁷⁴ IRB, KWT41648.E, 9 June 2003

⁷⁵ HRW, 13 June 2011, pages 25-26 and 31,

⁷⁶ HRW Response of the Kuwaiti Government, undated, page 7

⁷⁷ HRW Response of the Kuwaiti Government, undated, pages 6-7

⁷⁸ HRW Response of the Kuwaiti Government, undated, page 7

Human Rights Watch (HRW)

Prisoners of the Past, Kuwaiti Bidun and the Burden of Statelessness, 13 June 2011,
<http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>

UK Foreign and Commonwealth Office

[Letter to the UK Border Agency](#), dated July 2012

Article 17 documents

1.6.1 Although not routinely issued, some registered Bidoon are given travel documents known as Article 17 documents (after Article 17 of Kuwait's Nationality Law). They are almost identical to Kuwaiti passports but do not confer nationality.⁷⁹ Such documents are usually issued only to travel for education, medical treatment, or religious pilgrimage, and are typically only valid for one trip.⁸⁰ The Kuwait Passport Office stated that Article 17 documents allow re-entry into Kuwait, providing they are within their validity date.⁸¹

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⁷⁹ FCO July 2012, paragraph 22-24

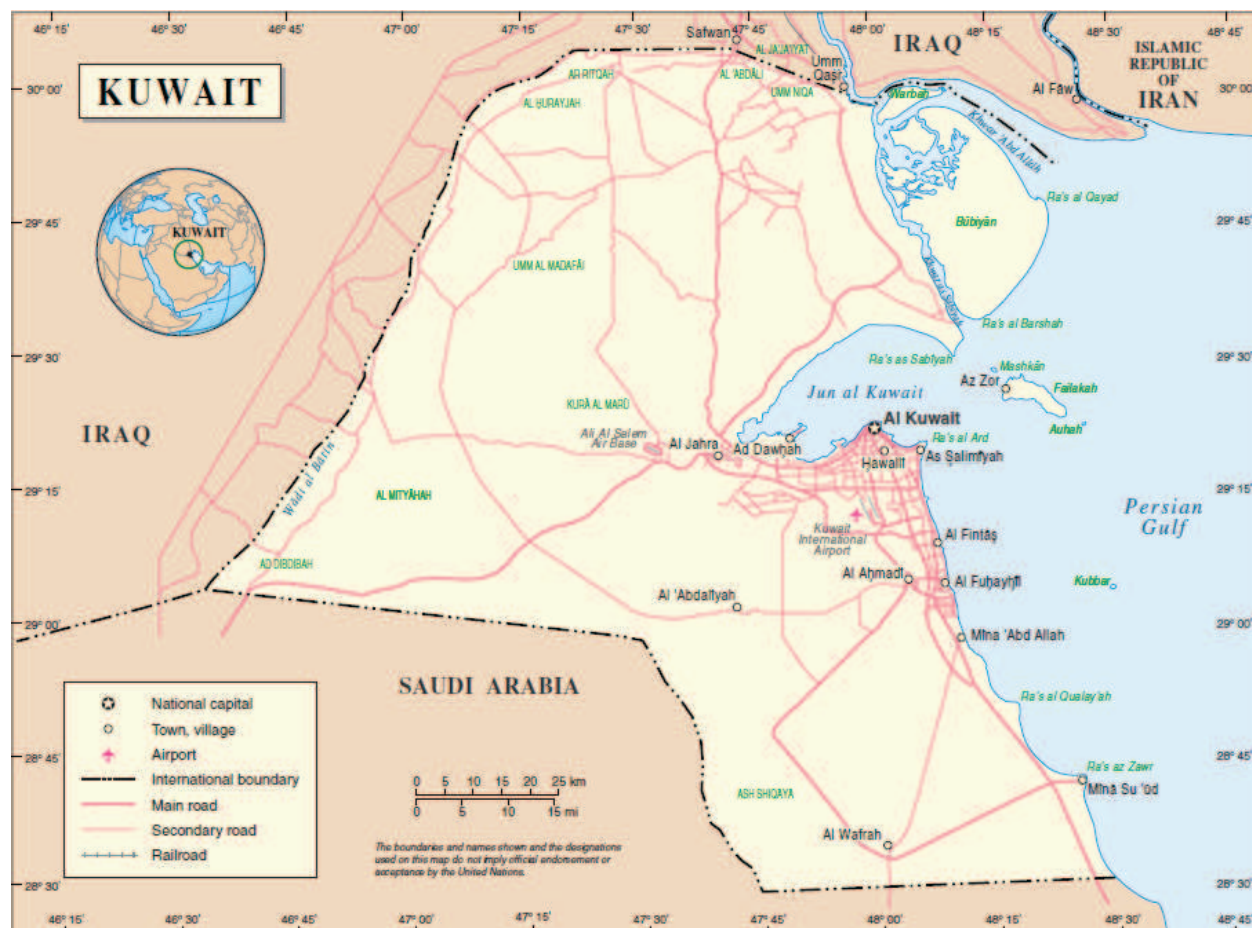
⁸⁰ HRW, 13 June 2011, page 29-30

⁸¹ FCO July 2012, paragraph 24

2. Map

LAST UPDATED 9 DECEMBER 2013

2.1.1 Kuwait map dated May 2010, published by the United Nations Cartographic Section (UNCS)⁸²



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⁸² [United Nations Cartographic Section, May 2010](#)

3. Recent events

LAST UPDATED 9 DECEMBER 2013

3.1. 2011-2013

- 3.1.1 In 2011, unrest in Kuwait over calls for reform, and the situation of the stateless bidoon, manifested itself in public protests. Demonstrators, calling for citizenship rights and access to government services, were forcibly dispersed by the security forces and a number were detained. Some bidoon cited physical abuse whilst in detention.⁸³ The Foreign and Commonwealth Office (FCO) indicated that most demonstrations passed off peacefully, or dispersed before security forces became involved.⁸⁴

See [Who are the Bidoon](#) and [Consequences of being a Bidoon](#)

- 3.1.2 In March 2013, the Kuwaiti parliament passed a bill to grant citizenship to 4,000 individuals; however, the government appears not to have ratified it.⁸⁵

See [Registration and documentation](#)

- 3.1.3 In July 2013, Kuwaiti wives of bidoon and Gulf men held protests near parliament against the dismissal of their husbands from their government jobs, citing discrimination based on their citizenship rights.⁸⁶

See [Bidoon women and children](#)

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⁸³ HRW, World Report 2013

⁸⁴ FCO July 2012, paragraph 16

⁸⁵ AI, 16 September 2013, page 2

⁸⁶ [Bidoon Rights](#), 7 July 2013

4. Letters from Foreign and Commonwealth Office



Foreign &
Commonwealth
Office

July 2012

Border and Immigration Agency
Country of Origin Information Service
Lunar House
Croydon

King Charles Street
London
SW1A 2AH

Tel: 020 7008 _____
E-mail: _____@fco.gov.uk

Dear

Please find below a declassified version of the paper on the Bidoon, produced by the British Embassy, Kuwait, in August 2007 and updated in July 2012.

1. "Bidoon" is shorthand for the Arabic phrase "Bidoon jinsiyya" (literally 'without nationality'), a term used to refer to individuals resident across the Gulf who are stateless, or consider themselves to be so. Bidoon populations exist in most Gulf countries, however the Bidoon population in Kuwait is the most well publicised and possibly (although figures are hard to come by) the largest. In Kuwait those who are considered, or consider themselves, "stateless" - number between 90,000 and 130,000. The most often used estimate is 105,000 – 110,000. This paper offers an overview of the Bidoon's origins, recent history and their current status.

Origins and history

2. The term Bidoon originated in the late 1950s when Kuwait drew up its laws on citizenship in preparation for full independence in 1961. The 1959 Nationality Law defined Kuwaiti nationals as persons who were settled in Kuwait prior to 1920 and who maintained their normal residence there. A number of long-term residents in Kuwait either did not apply for citizenship or did not qualify for first or second class citizenship. Many were believed to be the descendants of regional tribes who wandered through Kuwait, Saudi Arabia, Iraq and Syria. These residents included a large percentage of government workers and members of the police and armed forces. In order to confer official status on these people, the Kuwaiti authorities formally described them as "Bidoon jinsiyya" but allowed them the same health, education and social rights as Kuwaiti citizens. They were also exempted from requiring residence permits.
3. At that time, the disadvantage of being stateless was not really apparent. Nor was the

advantage of being Kuwaiti - oil exports began only 1947, and even in the 1950s Kuwait City was a relatively small trading and fishing town (with a fading pearl industry). In the following three to four decades, as Kuwait became rich, the Kuwaiti government sought to limit outsiders from gaining access to citizenship and the wealth and social security benefits that came with it.

4. The position and status of the Bidoon, and the distinction between them and Kuwaiti citizens, has changed significantly since 1960. In addition, the Nationality Law has been amended repeatedly since 1959, and almost every amendment has made access to Kuwaiti nationality more difficult.
5. During the oil boom of the 1970s and throughout the Iran-Iraq war, there was a steady inflow of workers from Iraq. Many were well-qualified and quick to understand that abandoning their Iraqi nationality and declaring themselves Bidoon meant they could join the Kuwaiti armed forces and police. By the mid-1980s approximately 80% of the armed forces and police were Bidoon. Others declared themselves Bidoon so that they could reap the social and economic benefits which the status conferred at that time.
6. Internal instability in the mid-1980s, linked in particular to Kuwaiti support for Iraq against Iran during the Iran-Iraq war, led to a series of bombings, assassination attempts and minor civil disorder, sponsored by Iran. This led to a security clamp-down by the Kuwaiti authorities. In particular, the fact that a small number of Bidoon were implicated (alongside other nationals) in terrorist offences caused the Kuwaiti government to look again at their status. Residence requirements were imposed, abolishing the exemption from such requirements hitherto enjoyed by the Bidoon. In effect this instantly made them illegal residents. The clause in the Nationality Law which allowed children of Kuwaiti mothers and Bidoon fathers to become Kuwaiti citizens was repealed.
7. Between the mid-1980s and the 1990 Invasion of Kuwait by Iraq, there was a further erosion of the rights of the Bidoon, including the right to free education. Some were directly affected. Others were cushioned by their positions in government service or by other personal connections.
8. A significant change occurred in 1991 after the liberation of Kuwait from the occupying forces of Iraq under Saddam Hussein. During the Gulf War, many Bidoon of Iraqi origin had enlisted, or been forced to enlist, in the Iraqi army. This damaged the reputation of all Bidoon and left the Kuwaiti people suspicious of them, with many viewing them as collaborators. The number of Bidoon before the Gulf War had been more than 200,000: around half of these are believed to have left after liberation. Some were tried by the State Security Court in 1991 and were convicted and imprisoned.
9. Since the early nineties, the government has set up various bodies to deal with the Bidoon issue. The 'Central Committee to Resolve the Status of Illegal Residents' was established in 1993 to regularise the bidoon's status. In 1996 an Amiri decree set up the Committee for Illegal Residents' Affairs.
10. However little progress on the issue as a whole was made by either body. Under pressure domestically and internationally, and in the context of Kuwait's Universal Periodic Review at the United Nations, in November 2010 the country set up the "Central Apparatus for the Remedy of the Situation of Illegal Residents", popularly known as the 'Bidoon Committee'. This committee replaced previous structure and reports directly the

Minister of Interior. It was given with more power and autonomy to solve the Bidoon issue, and is led by former MP Saleh Al-Fadhala, who was given Ministerial rank.

11. Shortly after it was set up, The Bidoon Committee announced a five year plan to resolve the Bidoon issue through deciding whether or not each individual is entitled to Kuwaiti nationality, naturalising those who are (the Committee estimates this to be around 34,000 out of 105,000), and uncovering the 'real nationality' of those whom the Committee decides do not have a genuine claim. The Committee also undertook to regularise residency in Kuwait for those who were not entitled to nationality.
12. The issue of dividing and defining different categories of Bidoon is a complex and difficult one; many within the Bidoon community themselves subdivide in this way, with greater status (and a higher likelihood of naturalisation) accorded in particular to those who have some kind of proof of Kuwaiti settlement before independence.
13. Simultaneously the Committee announced that eleven 'facilities' would be granted to all Bidoon in Kuwait whilst the five year plan was implemented. These facilities included access to free healthcare and medical care, the issuing of birth, marriage and death certificates, the ability to apply for a driving license and access to employment.

Current Status

14. These moves – in particular the eleven facilities – have been welcomed by human rights groups. However anecdotal evidence from Kuwaiti and international NGOs, and discussion with the Bidoon community, suggest that their implementation – which has been pushed down to the relevant ministries responsible for each area - has been patchy. Whilst an improvement has certainly occurred in some areas, in particular issuing documents and access to driving licenses, which were previously major issues; access to free healthcare, education and employment is still – according to anecdotal evidence - uneven, and often depends on the contact, family connections and individual circumstances of the person in question.
15. One particular problem with access to these facilities has been caused by so-called 'security flags'. These are red flags on the files of some members of the Bidoon community – the number of Bidoon flagged in this way is unknown. Once flagged, their access to basic amenities – employment in particular - is severely curtailed and often removed completely. The Bidoon Committee have said that these flags are attached to the files of those who have been convicted of a crime, or who collaborated with Iraqi forces during the invasion. Human rights groups and members of the Bidoon community claim that they are used arbitrarily by the Kuwaiti government, and that they are often used to disincentivise members of the community from political activism. The allegation is that those involved in protests, activism or advocacy for Bidoon rights have such flags attached to them within the system; and that these extend to their families as well, meaning that if an activist is 'flagged' in such a way, their entire family will be denied the right to work, and will find access to healthcare and education much harder. Removal of such flags is at the discretion of the Bidoon committee and the security services, does not appear to be time-limited, and is not open to judicial oversight.
16. Since early 2011 protests by the Bidoon community have become more common. In general the government has stuck to its line that protests by non-Kuwaitis are illegal (although human rights groups have argued strongly that such a view contradicts the

Kuwaiti constitution). The actual response by the security services to individual protests however has varied. Some have been able to take place peacefully and without incident. Others have been dispersed before they happened in the face of a show of force from police and security services. In a minority of cases the confrontation has become violent. The police have used water cannon, tear gas and (unconfirmed) rubber bullets. Protestors have thrown bottles and stones. These protests have been small scale, but have seen a number of injuries on both sides. Such incidents have been picked up in the global media.

17. A particular problem exists for Bidoon who have fallen through the cracks and do not even qualify for Bidoon status and access to the facilities above (even if on occasion this may be theoretical). They are colloquially known as 'Bidoon Bidoon'. This occurs when the authorities say that an individual claiming to be Bidoon has proof of another nationality. A cause for this can be when an individual has previously bought a forged passport for a second nationality in order to travel (something which anecdotally had previously been marketed to Bidoon individuals, allegedly with government connivance), which they have then been unable to renew, or if an individual has (according to the government) admitted in writing to having a second nationality at some time in the past. The numbers of individuals in this bracket is unknown, but their circumstances are certainly the worst.
18. Such individuals are not able to claim formal status as Bidoon, and although all Bidoon are termed illegal residents by the Kuwaiti authorities, their status in Kuwait is as an illegal third country national. This means that they could be subject to arbitrary arrest and detention; illegal third country nationals are normally visa overstayers, who are periodically deported – Bidoon falling in this category are unable to access government services for fear of being detained, and are dependent on familial networks, charity, and work in the informal sector. The process of formally become a documented Bidoon is not set, there is no judicial recourse or form of appeal – doing so will doubtlessly depend on personal circumstances, contacts and the details of the case and is unlikely to be easy.
19. The Bidoon issue continues to perpetuate itself, as children of Bidoon fathers retain their Bidoon status. This is true even for those with Kuwaiti mothers, as Kuwaiti nationality is entirely patrilineal (this also applies to Kuwaitis married to expatriates). There have been rumours in the press that this law may change soon, but as yet a formal change to existing legislation has not been proposed.
20. The individual circumstances of Bidoon in Kuwait vary greatly. All can be stigmatised through their statelessness, and the extra difficulty they can face in accessing government services. However some are closely linked into Kuwaiti families, and possess the support networks contacts and wealth to circumvent any obstacles. The 'Bidoon Bidoon' are at the other end of the scale. Many are somewhere in between; able to access basic services (although this may be difficult, costly and to a lower standard than Kuwaitis and some expatriates), and employment (although this might be possible in the informal sector). Freedom of assembly is expressly curtailed and the disincentives towards political activism are institutionalised. As nationality law is viewed as a matter of national security, the Bidoon are not able to access the judiciary to challenge government decisions about their status.
21. The government's five year plan has not yet resulted in many concrete changes. The number of Bidoon naturalised has increased, but only by a small amount, and not enough to make a serious impact on the problem. Larger scale naturalisations, and final

decisions on cases have been pending for some time, but the government insists that these will happen soon. The first in line for naturalisation will be children of Kuwaiti mothers, those who have served in the military, and those able to prove that their forefathers were resident in Kuwait before 1965.

Migration and documentation

22. Travel documents are not issued routinely to Bidoon, so many have no means of leaving Kuwait. However, some Bidoon are given temporary travel documents under Article 17 of the Kuwaiti Nationality Law which allows the issue of a Kuwaiti travel document to any person deemed to require it. They are often issued to Bidoon in government service travelling abroad on official business and their families – and particularly often are seen in possession of current or former Ministry of Defence employees and their families. According to the Department of Nationality and Travel Documents, Article 17 documents may also be issued to Bidoon for medical treatment outside Kuwait (for which the claimant has to provide medical reports from Kuwaiti and overseas hospitals or physicians); for study at university overseas (where accompanied by the university's letter of admission); for Hajj; or, for amendment of a Bidoon's legal status in Kuwait (for which they should submit a letter from an Embassy in Kuwait acknowledging that he/she holds their nationality).
23. Article 17 documents look almost identical to Kuwaiti passports are pale grey in colour, (ordinary Kuwaiti passports are blue, special passports are green, diplomatic ones are red), with a gold crest and gold blocking on the front reading "State of Kuwait Passport". They are often valid for two years although this does vary; and they can be valid for up to five years depending on the endorsement on the biodata page. The place of birth is usually given as Undefined/Kuwait. The key difference between them and an Article 17 document and a Kuwaiti passport is being that Article 17 documents do not confer nationality on the holder. They are issued only within Kuwait (i.e. not at diplomatic missions outside Kuwait) and have to be renewed through the Ministry of the Interior.
24. According to the Kuwaiti Passport Office all Kuwaiti travel documents, including Article 17, allow re-entry into Kuwait as long as they are within their validity date. But the situation is more complex and fluid than this suggests with some Article 17 documents bearing different endorsements.
25. The widespread view within Kuwait is that the value of obtaining Kuwaiti citizenship (both psychological and particularly financial) is such that any Bidoon for whom the prospect of securing Kuwaiti nationality is likely would be very unlikely to forgo this by attempting to seek asylum elsewhere.
26. Anecdotal, a further level of complexity in terms of Bidoon migration is added by the fact that other Arabs from across the sub-region, particularly Iraq, seem to be willing to pose as Bidoon in order to claim asylum in third countries, despite not having any links to Kuwait.

Current national and international interest

27. Both Refugees International and Human Rights Watch have published reports recently highlighted the issues faced by the Bidoon community in Kuwait. (views below are not necessarily those of the British Embassy in Kuwait):

- Human Rights Watch: “Prisoners of the Past: Kuwaiti Bidoon and Statelessness” (June 2011)
<http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>
- Refugees International: “Without Citizenship: Statelessness, discrimination and repression in Kuwait” (May 2011) <http://www.refintl.org/policy/in-depth-report/kuwait-without-citizenship>
- Refugees International: Kuwait: Bidoun Nationality Demands Cannot Be Silenced (March 2012)
<http://www.refintl.org/policy/field-report/kuwait-bidoun-nationality-demands-cant-be-silenced>

28. International media has focussed intermittently on the Bidoon issue. The latest reporting has largely centred on the violence surrounding a small number of demonstrations by the Bidoon:
29. Internally, the Bidoon is a controversial and important issue. An increasing number of MPs and civil society activists have asked the government to do more, or to hasten the implementation of its existing plan to solve the issue. There are a number of active human rights groups in Kuwait who have petitioned MPs, Ministers, the Prime Minister and the Amir on the issue.
30. Pressure from human rights groups in Kuwait has meant, for example, that 2012/13 will see 100 Kuwaiti Bidoon accepted to study at Kuwait University (the government-funded university in Kuwait), something that has previously happened only sporadically for a handful of students. This is despite admissions and capacity problems in the Kuwaiti system which will see Kuwait students have their places to study deferred.
31. The recent elections in February 2012 saw MPs in particular from the tribal and Islamic blog campaign on this issue, and on the importance of swift action from the government to address it. Some have seen these moves – at least in part – as due to political self interest, as the Bidoon constituency, if naturalised, would be more inclined to share Islamist and tribal political priorities.
32. The recent round of protests has seen small ‘solidarity’ protests attended by Kuwaitis. Bidoon protests have also been witnessed and filmed by sympathetic Kuwaiti activists. The tenor of press coverage in Kuwait about the Bidoon issue, and of the commentary and analysis of it, appears to have become more favourable towards their struggle over the past year or so – although the view that a majority of Bidoon are collaborators and fakes who do not deserve Kuwaiti nationality remains widespread

Wider Context

33. In general, and particular with reference to peers across the region, Kuwait’s human rights record is good. Freedom of speech is largely respected, discussion of the issue is widespread, and NGOs are able to act without impediment and lobby a government that will listen.
34. The situation of the Bidoon, whilst institutionalised, and clearly of concern to human rights groups, the international community and Kuwaitis themselves, is of a different order of magnitude than the human rights issues faced by those persecuted in other

parts of the world. Bidoon do not fear for their lives, and whilst detention without trial does happen (particularly for those involved in protests), there is a transparent judicial process (albeit a slow one) that cases against individual Bidoon are referred to.

**British Embassy
Kuwait
July 2012**

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Foreign &
Commonwealth
Office

4.1.

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Dear

Please find below a declassified version of the paper on the Bidoon, produced by the British Embassy, Kuwait, in August 2007.

The Bidoon of Kuwait

1. "Bidoon" is shorthand for the Arabic phrase "bidoon jinsiya" (trans: without nationality), a term used to refer to those dwellers in Kuwait who are considered, or consider themselves, "stateless" - numbering between 90,000 and 130,000.

This paper offers an overview of the bidoon's origins and recent history and their status.

Origins and history

2. The term bidoon originated in the late 1950s when Kuwait drew up its laws on citizenship in preparation for full independence in 1961. The 1959 Nationality Law defined Kuwaiti nationals as persons who were settled in Kuwait prior to 1920 and who maintained their

normal residence there. A number of long-term residents in Kuwait either did not apply for citizenship or did not qualify for first or second class citizenship. Many were believed to be the descendants of regional tribes who wandered through Kuwait, Saudi Arabia, Iraq and Syria. These residents included a large percentage of government workers and members of the police and armed forces. In order to confer official status on these people, the Kuwaiti authorities formally described them as “bidoon jinsiya” but allowed them the same health, education and social rights as Kuwaiti citizens. They were also exempted from requiring residence permits.

3. At that time, the disadvantage of being stateless was not really apparent. Nor was the advantage of being Kuwaiti - oil exports began only 1947, and even in the 1950s Kuwait City was a relatively small trading and fishing town (with a fading pearl industry). In the following 3-4 decades, as Kuwait became rich, the Kuwaiti government sought to prevent outsiders from gaining access to citizenship and the wealth and social security that came with it.
4. The position and status of the bidoon were steadily eroded after 1960. The Nationality Law has been amended 14 times since 1959, and with almost every amendment has become more restrictive.
5. During the oil boom of the 1970s and throughout the Iran-Iraq war, there was a steady inflow of workers from Iraq. Many were well-qualified and quick to understand that abandoning their Iraqi nationality and declaring themselves bidoon meant they could join the Kuwaiti armed forces and police. By the mid-1980s approximately 80% of the armed forces and police were bidoon. Others declared themselves bidoon so that they could reap the social and economic benefits which the status conferred at that time.
6. Internal instability in the mid-1980s - a series of bombings, assassination attempts and civil disorder - brought a severe security clamp-down by the Kuwaiti authorities. Residence requirements were imposed, abolishing the exemption from such requirements hitherto enjoyed by the bidoon. In effect this instantly made them illegal residents. The clause in the Nationality Law which allowed children of Kuwaiti mothers and bidoon fathers to become Kuwaiti citizens was also abolished.
7. Between the mid-1980s and the 1990 Invasion of Kuwait by Iraq, there was a further erosion of the rights of the bidoon, including the right to free education. Some were directly affected. Others were cushioned by their positions in government service or by other personal connections.
8. A significant change occurred in 1991 after Liberation. During the Gulf War, many bidoon of Iraqi origin had enlisted, or been forced to enlist, in the Iraqi army. This damaged the reputation of all bidoon and left the Kuwaiti government and people suspicious of them. The number of bidoon before the Gulf War had been more than 200,000: around half of these are believed to have left after liberation. Some were tried by the State Security Court in 1991 and were convicted and imprisoned.
9. An Executive Committee for Illegal Residents (ECIR) was established in 1993 to regularise the bidoon's status. It categorised them into two groups: those who were registered in the 1965 census (43,777) and those who were not. The ECIR reported in April 2004 that it had a database of 85,000 bidoon. Of those, 7,827 had been granted Kuwaiti nationality and a further 6,879 had acquired other nationalities. The origins of the remaining 72,294 were traced to Saudi Arabia, Syria, Iran, Jordan and Iraq. (Comment: these figures do not

however take account of bidoon births or deaths between 1993 and 2004 so may be incomplete).

10. Bidoon who registered with the ECIR by 1996 received temporary residency rights. After 1996 the Government encouraged the bidoon who were not eligible for nationality (because they could not demonstrate strong ties to Kuwait or because they were believed by the authorities to possess other nationalities) and who failed to register that year, to register themselves as non-nationals and to seek residency. The Government set a deadline of June 2000 for bidoon to come forward with evidence of their true nationalities, so as to be documented. Around 5,000 did so in the twelve months up to this deadline.

Status

11. There is a distinction between **documented** and **undocumented** bidoon. Put simply, documented bidoon have legal rights in Kuwait and undocumented bidoon do not.
12. **Documented Bidoon:** only those bidoon who registered by the June 2000 deadline could begin the process under which they could be documented as citizens (having proof of their presence, or their parent's / grandparent's presence, in Kuwait in 1965). Although many do not have the same rights as Kuwaiti citizens (such as free education and health care), they are treated similarly to registered foreign migrant workers. They are entitled to medical treatment on payment of the mandatory health insurance fee of KD5 (£9) per month; and they have access to private education (additionally 16,000 bidoon children, from Kuwaiti mothers, or with fathers in the Kuwait armed forces, do receive free education). Children of bidoon fathers and Kuwaiti mothers no longer inherit Kuwaiti nationality, though this is not unique to them: the same rule applies to children of Kuwaiti mothers and other non-Kuwaiti fathers. In terms of employment, bidoon are no longer recruited into the public sector. However, those who were employed earlier remain in position. Although the police and armed forces were purged of bidoon following the Gulf War and key trainers and instructors in the army lost their jobs, there are still bidoon in the ranks - around 6000 or 25%; but the Kuwaiti Ministry of Defence no longer recruits bidoon. This is also true for the police where some 1700 registered bidoon work.
13. **Undocumented Bidoon:** their situation is more complex. In 2002 the government announced that any bidoon who had not registered by June 2000 and did not either disclose their "true nationality", or provide proof of their right to citizenship, would be subject to deportation. In practice this has not happened, although the government has brought charges against several bidoon who allegedly obtained false documents in an attempt to prove their claim to Kuwaiti nationality.
14. The Government states that the majority of undocumented bidoon are concealing their true nationality, and that they or their forebears entered Kuwait illegally, often as bedu, (para 10 above). It has encouraged them to come forward with nationality evidence, whereupon they will be issued with residency permits like any other foreigner residing in Kuwait. The problem for some second or third generation bidoon is that their forebears may not have had any citizenship documents or may have destroyed them long ago. These people are faced with the choice of acquiring the nationality of a third country and legalising their residency in Kuwait, or of living in the country without rights as an illegal alien.
15. Refugees International noted in a recent article ("Kuwait: State of Exclusion") that because nationality is deemed a matter relating to sovereignty and, by law, courts cannot review sovereign actions of the state, the bidoon cannot have their citizenship claims adjudicated.

“Relegated to a bureaucratic no man’s land... they are not permitted to own property, register a vehicle, obtain a telephone line...” This is true. But so too is the fact that some undocumented bidoon manage to use personal connections to secure medical care, education, or housing.

16. Overall, their position is similar to that of many of the poorer immigrant workers in Kuwait, while their formal status is weaker, since migrant workers have Identity Cards and are protected by the Labour Laws.

Treatment of the bidoon by the Kuwaiti authorities

17. The authorities generally consider the bidoon a security problem rather than a human rights issue. In the National Assembly, the Interior and Defence Committee and not the Human Rights Committee is responsible for bidoon issues. The Government inclination in the last few years has increasingly been to offer residency rather than naturalisation. However in early 2007 the parliament approved a law granting citizenship to 2000 bidoon, their names to be announced soon.

Migration and documentation

18. Travel documents are not issued routinely to bidoon, so many have no means of leaving Kuwait. However, some bidoon are given temporary travel documents under Article 17 of the Kuwaiti Nationality Law which allows the issue of a Kuwaiti travel document to any person deemed to require it. They are often issued to bidoon in government service travelling abroad on official business and their families. According to the Department of Nationality and Travel Documents, Article 17 documents may also be issued to bidoon for medical treatment outside Kuwait (for which the claimant has to provide medical reports from Kuwaiti and overseas hospitals or physicians); for study at university overseas (where accompanied by the university's letter of admission); or, for amendment of a bidoon's legal status in Kuwait (for which they should submit a letter from an Embassy in Kuwait acknowledging that he/she holds their nationality).
19. Article 17 documents look almost identical to Kuwaiti passports, the key difference being that they do not confer nationality on the holder. They are issued only within Kuwait (i.e. not at diplomatic missions outside Kuwait) and have to be renewed through the Ministry of the Interior.
20. According to the Kuwaiti Passport Office all Kuwaiti travel documents, including Article 17, allow re-entry into Kuwait as long as they are within their validity date. But the situation is more complex and fluid than this suggests with some Article 17 documents bearing different endorsements
21. Holders of Article 17 documents applying for visas for travel abroad may seek from the Ministry of Foreign Affairs a letter stating that there is no objection to the claimant leaving Kuwait and that they will be re-admitted on return.

Current national and international interest

22. In July 2007 Refugees International, a US NGO, published a paper on the bidoon entitled “Kuwait: State of Exclusion”. Members of the *Majlis al-umma* (Parliament, or National Assembly) have reacted to this “naming and shaming” by protesting that the Government must tackle the problem with a greater sense of urgency.

**British Embassy
Kuwait
August 2007**

Annex

Discrimination against bidoon

- Travel: not able to obtain Kuwaiti passport, nor (since 1999) the Article 17 Travel Document
- Not able to obtain Kuwaiti identity card
- No vote
- Not able to register births, marriages or deaths
- Driving licences: available to bidoon since early 2007, but only for 3 or 12 months (Kuwaitis have 10 years), and must be endorsed "Illegal Resident"
- No access to state secondary education; 100 places now open to bidoon at Kuwait University
- Health: access to state hospitals equivalent to foreign nationals (monthly fee of KD 5, about £9)
- Barred from recruitment for employment in public sector, although those previously employed can continue
- Liable to arrest or detention on grounds of being stateless or illegal residents
- Children will have same status, even if their mother is a Kuwaiti citizen
- Access to law: bidoon can sue in the Kuwaiti courts, as can foreigners. If accused of a crime, they can have access to legal aid, but may find it difficult to have a lawyer allocated to them - in this respect being better off than foreigners and worse off than Kuwaitis.

Arabian Peninsula Group, MENAD

cc:

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5. Caselaw

5.1 **NM (documented/undocumented Bidoon: risk) Kuwait CG [2013] UKUT 00356(IAC) (24 July 2013)**

5.1.1 The Upper Tribunal found that:

- (1) The distinction made in previous country guidance in respect of Kuwaiti Bidoon, between those who are documented and those who are undocumented, is maintained, but the relevant crucial document, from possession of which a range of benefits depends, is the security card, rather than the “civil identification documents” referred to in the previous country guidance in HE (Kuwait) CG (2006) UKIAT 00051. To that extent the guidance in HE is amended.
- (2) The evidence relating to the documented Bidoon does not show them to be at real risk of persecution or breach of their protected human rights.
- (3) The evidence concerning the undocumented Bidoon does show them to face a real risk of persecution or breach of their protected human rights.
- (4) It must be assumed that Bidoon who did not register between 1996 and 2000, and hence did not obtain security cards, are as a consequence undocumented Bidoon, though this must be seen in the context of the evidence that most Bidoon carry security cards.

5.2 **HE (Bidoon – statelessness – risk of persecution) Kuwait CG [2006] UKAIT 00051 (22 March 2006)**

- 5.2.1 The Tribunal concluded that although there has been some progress in their situation, stateless Bidoon remain at risk of persecution and breach of their Article 3 rights in Kuwait. There has been no material change since BA and Others (Bidoon – statelessness – risk of persecution) Kuwait CG [2004] UKIAT 00256 was decided.

5.3 **BA and Others (Bidoon – statelessness – risk of persecution) Kuwait CG [2004] UKIAT 00256 (15 September 2004)**

- 5.3.1 The Tribunal noted that as a result of undocumented Bidoon not having civil identification documents, they are prevented from working with few exceptions, prevented from receiving the most basic government services, denied rights to medical treatment, housing, documentation, education, and drivers licences. (Para. 69) The IAT then concluded that undocumented Bidoon living in Kuwait experience discrimination so severe that it amounts to a form of persecution. (Para. 90) It was considered that the Bidoon have an extended tribal identity and that this was sufficient to bring them within the meaning of the term “race” under the 1951 Convention. (Para 88)
- 5.3.2 However in addition to this the IAT noted that the existence of a number of legislative and societal measures of discrimination marked the Bidoon out from others, and that this would be sufficient to qualify them as a particular social group. (Para 89) The Tribunal took into consideration the particular circumstances of each case concluding that, “we are satisfied that the individual circumstances of the appellants neither significantly add to nor detract from the situation they would face in common with other undocumented Bidoon.” (Para 86).