

Labour Migration and the GCC Development Model: Policy Frameworks for Kafala Reform and Migrant Worker Protection

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Introduction

Labour Migration and the GCC Development Model

Migration has been a fundamental factor in the economic, urban and infrastructural development in the Gulf countries, with the ILO estimating that 76 per cent of the workforce is comprised of migrant labour (International Labour Organization, 2023) with an annual growth rate of four percent (Khan & Harroff-Tavel, 2011) in migrant populations. The GCC has been characterised as an open labour market and closed society (Philippe Fargues & Nasra M. Shah, 2018), reflecting its reliance on temporary workers in nation-building, with policies built in to resist immigrants' long-term settlement in nations across the Gulf. Institutionalising the *Kafala* (sponsorship) system to enable short-term labour and prevent permanent settlement has consequently facilitated the movement of millions of people in the Gulf, as migrants are often employed on two-year or three-year contracts, on the condition they leave the country immediately once expired (Damir-Geilsdorf & Pelican, 2019).

Capital intensive and resource-centred, the economies of the GCC have witnessed exponential growth through dependence on cheap and flexible labour, dominated by South Asian and Southeast Asian migrant workers (Philippe Fargues & Nasra M. Shah, 2018), particularly following the oil boom of the 1970s (Alzahrani, 2014). In 1975, foreign workers comprised over just over half of the labour force, but by 2008, 67 per cent of the workforce were foreign workers across the region (Abdoulaye Diop et al., 2018) and by 2013, South Asian migrants accounted for 59 per cent of the region's migrant demographics (Rupa Chanda & Pralok Gupta, 2018). The migration of South and Southeast Asian workers is closely tied to the GCC's developmental model, reliant on a flexible and controlled labour force with minimal opportunity for radical social and political changes, as was evident with previous migration of Arab workers (Khan & Harroff-Tavel, 2011; Philippe Fargues & Nasra M. Shah, 2018). It forms part of a broader socio-political approach in maintaining a compliant and temporary workforce (Damir-Geilsdorf & Pelican, 2019; Philippe Fargues & Nasra M. Shah, 2018) intended to support nation-building and generate billions of dollars for host and receiving countries, whilst restricting workers' rights to collective bargaining, long-term settlement and challenge abuses of power. This provides a suitable contextual framework on why reforms to the *kafala* system are needed but have so far been limited in scope and weakly enforced, with factors such as powerful stakeholder lobbies and advocates opposed to reform, and the supposed economic benefits of short-term labour often cited. As this paper contends, the GCC has been reluctant to establish a robust institutional framework for labour rights given that its developmental model has relied on the availability and willingness of cheap and flexible labour over the last few decades. It will provide necessary recommendations at a domestic and global level to propose and consolidate reforms

to the sponsorship system, thereby upholding key labour rights, as advocated by the International Labour Organisation (ILO).

Whilst the emergence of labour-intensive sectors in the GCC has been beneficial in generating employment and fulfilling developmental objectives (Abdoulaye Diop et al., 2018), the growing issues of concern for migrant workers on a global scale should be addressed. Migrant workers often face ongoing labour and human rights violations such as precarious working conditions, unpaid labour and restricted movement, heavily linked to the *kafala* system (Alzahrani, 2014). The asymmetric power imbalance between employer and employee has been subject to policy discussions by various multilateral organisations and have been widely reported on. However, there is limited evidence regarding cases whereby employers are duly penalised for labour violations (Damir-Geiltsdorf & Pelican, 2019). The lack of effective mechanisms to hold employers accountable reflects a broader governance deficit and has enabled a system in which labour migrants and domestic workers risk being more harshly sanctioned than employers or sponsors at fault (Damir-Geiltsdorf & Pelican, 2019). This observation provides a critical insight how *Kafeels* (employers) benefit from this structural hierarchy, how the system has shifted liability and control from state to employer (Alzahrani, 2014), thus illustrating a core reason on why state reform has been restricted and limited.

This research explores the impact of the *kafala* system on migrant worker rights' and outlines an agenda of advocacy towards a state-legislated policy that reinforces workers' rights such as permitting employees to change employers without sponsor consent and ensuring wage protection mechanisms are strong and sustained. It outlines recommendations on how authorities can establish accessible and secure avenues for workers to raise concerns about labour violations, without fear of retaliation from their employers, such as dismissal or visa cancellation, as has been evident in the current system. It also provides recommendations on establishing a global framework in advocating migrant worker rights between sender and host countries.[AG2]

This research's core recommendation is to prioritise comprehensive domestic reforms within the various GCC states, advocating for a coherent, institutionalised framework that systematically safeguards migrant workers' rights, with discernible consequences for employers if they fail to uphold them. Reforms should not be limited to just legislative change but must encompass mechanisms for enforcement and administrative accountability to ensure practical impact and long-term durability. Parallel to this, this paper maintains that domestic reform within states is the primary pathway to change but should also employ targeted international advocacy and pressure. Leveraging multilateral institutions such as the ILO provides the tools necessary to generate and sustain global pressure for change and embed transparency and compliance in domestic labour reform efforts. These tools serve as an essential supplementary measure to ensure accountability and reform implementation of each stage.

Growth and Dependency: Migrant Labour in the GCC

The Gulf is host to a large migrant worker population, majority of whom are low-skilled labour workers from South and Southeast Asia. The *kafala* system is a sponsorship-based process in which labour workers can find employment and migrate to the Gulf countries. As an institutionalised, temporary contract, the *kafala* system has long been the method for importing labour from neighbouring regions, and fundamental to the growth and development of the Gulf states (Abdoulaye Diop et al., 2018), employing both low-skilled and high-skilled workers internationally.

For the purpose of this research, low-skilled migrant workers are characterised by employment in industrial subcontracting, manufacturing, assembly and domestic work sectors who are employed for the short-term to encourage a consistent turnover of labourers from sender countries. They are primarily from countries in the Global South, particularly of South and Southeast Asian backgrounds, but also from the African continent.

The focus of this paper being on low-skilled labour rests on the basis that the *kafala* system has drawn significant criticism from NGOs, multilateral organisations and governments due its impact on low-skill migrant labour who maintain limited bargaining power. Low-skilled workers experience distinct vulnerabilities through the *kafala* recruitment system, particularly in comparison to the high-income expatriates as a result of structural barriers such as language, lack of trade unions and other critical mechanisms to hold employers accountable and unequal enforcement of reforms whereby employers go unpunished (Damir-Geilsdorf & Pelican, 2019).

As part of the sponsorship process, migrant workers are required to attain a work visa and a resident permit to enter specific GCC nations. Under this sponsorship system, such residency and employment statuses are attached to specific and individual employers (*kafeels*) for temporary periods of time, thereby denying long-term residency opportunities for migrant labour (Damir-Geilsdorf & Pelican, 2019). Evidence points to state building incentives across GCC as a key reason to the institutionalisation of the *kafala* system, particularly as Gulf states sought to economically modernise (Baldwin-Edwards, 2011). However, scholars and experts have identified such temporary work as inefficient, negatively impacting worker productivity and generating output losses (Abdoulaye Diop et al., 2018) for both the employer and the employee. There is a growing consensus that the *kafala* system has failed (Baldwin-Edwards, 2011), and as such key questions of why reform has been so limited and challenging to implement by states, policymakers and *kafeels* present themselves.

Countries in the GCC do share distinctive variations of the *kafala* (sponsorship) system and thus reforms of the system have differed (Abdoulaye Diop et al., 2018). What has remained consistent is the sustained focus by activists, policymakers and NGO groups on the urgent need for change,

contrasted with the limited and marginal scope of subsequent reforms that have taken place (Abdoulaye Diop et al., 2018).

Widespread criticism has identified the powers given to employers in wage control, job mobility and migration status of workers. Whilst several GCC countries have aimed, in various ways, to introduce measures to mitigate such violations, including Wage Protection Systems (WPS), ability to change employers without specific permissions after providing due notice, the *kafala* system remains one of employer-control and a primary reason for migrant vulnerability. Critical to the policy issue and identified in practice, gulf states have adopted very weak enforcement of reforms [AG4], adopting a laissez-faire approach in challenging such violations, undermining their authority and illustrating the lobbying power of employers and companies in GCC states. This can be largely attributed to the labour segmentation of low versus high-skilled labour, with standards of low-skilled work often subject to oversight, limited institutional capacity and the influence of employer interests (Damir-Geilsdorf & Pelican, 2019; Khan & Harroff-Tavel, 2011) which can discourage sanctions. At times, this has also resulted in sanctions against the worker, rather than the employer (Damir-Geilsdorf & Pelican, 2019). As a result, reforms can and have taken place in many GCC states, but often only appear on paper as effectual, with the reality being that labour rights are often undermined in implementation and legal enforcement. This leaves workers continuously vulnerable to ongoing abuse.

Despite formal policy adjustments in countries such as Bahrain and Kuwait, gaps in implementation and enforcement persist, enabling circumvention of worker protections and continuing to uphold power asymmetries between employers and migrant workers (Hamadah, 2022; Khan & Harroff-Tavel, 2011). For instance, in Bahrain, reforms were recently implemented to allow migrant workers to change employers without the need for permission from *kafeels* (Baldwin-Edwards, 2011). However, impact has been limited with continuous cases of abuse being reported as employers have cancelled visas prior to workers transferring to different employers (Baldwin-Edwards, 2011). In Qatar, reforms were implemented following global criticism around the 2022 World Cup, which brought focus on international labour standards (International Labour Organisation, 2023), and has similarly introduced laws that allow workers freedom of movement following the end of their contract without the need to obtain permission from their sponsors (Garrett, 2020). This reform was subsequently extended to domestic workers also. Conversely, as noted in literature and by experts, there are significant gaps in application and a distinct lack of evidence in its effectiveness (Abdoulaye Diop et al., 2018; Baldwin-Edwards, 2011). In a briefing published a year after the World Cup, Amnesty International (Amnesty International, 2023) cited the continuation of migrant abuses including restrictions on workers' ability to change jobs and persistent wage theft, thus undermining such changes. The ability for workers to leave employment without the need for permission by their sponsors remains central to reform priorities, as they are challenging to enforce,

often violate and undermine workers' collective bargaining rights. It signals a need for enduring change, set forth by states and adopted into the diverse and varied socio-cultural fabric of the GCC nations.

Some GCC states have opted to increase labour protections, for fear of the emergence of political activism and the global reputational impact. However, there is low incentive and minimal obligation for governments to align with global commitments on migrant worker rights, particularly when considering how instrumental labour migration has been in nation-building (Abdoulaye Diop et al., 2018) for the Gulf. The influx of low-skilled migrant workers to support the work taking place for the 2022 Qatar World Cup brought these issues to a more centre stage and placed the Gulf region at the heart of discussions and political pressures. There are questions to be cited on how meaningful such structural changes have been as they primarily are motivated by reputational management (Abdoulaye Diop et al., 2018). However, as the GCC begins to emerge as a strong social and economic bloc, there is a unique regional opportunity for the Gulf to scrutinise and advocate for the betterment of human and labour rights (Garrett, 2020). There have been strong movements that advocate for states to align and adopt ILO conventions 105 on the Abolition of Forced Labour, ILO convention 111 on Discrimination in Respect of Employment and Occupation and ILO convention 97 which Concerned Migration for Employment (Alzahrani, 2014), demonstrating the prospect for real change and reform.

Policy Recommendations

Strengthen alignment with international labour standards

To confront this ongoing challenge of labour and migrant rights in the Gulf, this report will provide recommendations to advocate for an increasing recognition and advocacy of migrant rights in the Gulf states, emphasising the importance of national and international engagement and reform to create meaningful and sustainable improvements to labour rights.

It will recommend that Gulf states begin to transition towards a process of greater alignment of their domestic labour frameworks with international labour standards. This includes but is not limited to ratifying and enforcing core ILO conventions including ILO Convention 10 on the Abolition of Forced Labour (Abolition of Forced Labour Convention, 1957 (No. 105), 1957), ILO Convention 143 on Migrations in Abusive Conditions (Convention (No. 143) Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975), also supplementary to ILO Convention 97 on Migration for Employment (International Labour Organisation, 1949) and most recently the ILO Convention 189 on Decent work for domestic workers.

Although ratification of these conventions could face resistance in some GCC states, reform should be re-evaluated, considering contemporary assessments of the *kafala* system's documented adverse effects on worker productivity and broader economic growth. There is a growing body of literature that explores how firms operating under *kafala* systems are less efficient than their sector competitors in relation to worker productivity, particularly as labourers are less incentivised to improve their skillset (Abdoulaye Diop et al., 2018).

A primary policy that the GCC states should ensure is upheld is the right of workers to leave their employers for other work opportunities in the host nation, thus removing the threat of expulsion and granting workers greater bargaining rights. As stated, this form of labour mobility contributes to more efficient labour markets and reduces dependency on restrictive sponsorship systems. Vazquez-Alvarez highlights this, stressing how under optimal competition conditions, labour mobility is critical to enhanced worker productivity, allowing for workers' to seek higher knowledge and exert increased levels of effort (Vazquez-Alvarez, 2010). The model of *kafala*, broadly speaking, has enabled a culture of preventing free worker mobility between employers, tying labour to their sponsors and inherently contesting factors supporting labour productivity. Rather, the GCC states have modelled their state development and migrant flow by length of stay in one place of employment rather than the opportunity to move across employers and contribute to economic and social growth (Vazquez-Alvarez, 2010). It is now therefore in their economic interest to adopt a model that integrates stronger labour protections and mobility, thereby fostering higher productivity and supporting continued economic growth, beginning with the ratification of ILO conventions such No. 143 (Convention (No. 143) Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975), which would signal a renewed commitment to fair labour practices, preventative measures of worker exploitation and an equitable treatment for migrants. Its effectiveness, however, is dependent on employer compliance and mechanisms against abusive employers who prevent such mobility. As authors have identified, government and state bodies, such as Labour Courts in Qatar can support this recommendation by imposing labour laws upon employers and companies (Damir-Geilsdorf & Pelican, 2019) and act as an effective body of justice.

Migrants currently have very limited bargaining power, unable to strike (Ray Jureidini, 2018) for threat of deportation. In this context, it is vital that states begin to take effective action in regulating labour standards at a national level. With the technical support of international bodies such as the ILO and the ITUC, the GCC can begin to gradually implement independent inspection organisations to enhance transparency and ensure employer compliance with labour laws. This recommendation would take the form of a hybrid state-ILO mechanism where independent inspections would be carried out by established labour organisations and standards, but also subject to

external evaluation through ILO monitoring and evaluation frameworks to uphold a degree of operational accountability in an otherwise state-managed structure.

It aims to not only strengthen national legal mechanisms, but also embolden international standards and be a global driver for change. As the GCC continues to be dependent on labour migration to fill a skills and employment gap (Khan & Harroff-Tavel, 2011) effective action to protect the interests of labour will continue to support a sustained flow of workers into the region.

State-legislated reform and adoption of international labour rights frameworks supports the move towards alignment with global standards of work. However, substantive and enduring policy change is dependent on public opinion and social consensus. In Qatar for instance, following reforms to labour rights, surveys undertaken have illustrated a majority (58 per cent) in favour of maintaining the system as it was previously, with a strong preference for fewer migrant workers overall (Abdoulaye Diop et al., 2018). This does demonstrate a critical tension between institutional reform and societal legitimacy, whereby positive change risks superficial adoption rather than meaningful implementation. Domestic state-reform should also be supplemented by a shift in public discourse to build a normative support for transformative change in workers' rights. Utilising public engagement strategies such as awareness campaigns, open policy dialogues and a broader stream of both state and civil society actors to inform change would help bridge this gap to foster broader social consensus and strengthen reform.

Taking a globalist approach, this report also recommends GCC states to establish and strengthen bilateral partnerships and relations with labour-sending countries. Labour exporting states to the Gulf currently include but are not limited to Pakistan, India, Sri Lanka, Indonesia, Philippines and Bangladesh (Alzahrani, 2014). Maintaining global agreements has a crucial opportunity in strengthening labour protections across borders. Building upon recommendations regarding the implementation and enforcement of state-led labour laws, such international partnerships should focus on supporting change to employment standards, wage guarantees, formalisation of recruitment practices and a clear channel for dispute, without fear of deportation. States such as India continue to nurture governmental programmes to facilitate migration, particularly in high-demand industries, whilst also developing schemes to protect workers through mandatory insurance policies and community welfare funds (Philippe Fargues & Nasra M. Shah, 2018). Despite the existence of such bilateral agreements, there continues to be low-skilled workers who face employer abuse and difficult working conditions (Philippe Fargues & Nasra M. Shah, 2018).

Sending states may often depend on the economic benefits of facilitating a rapid movement of labour, a challenge that should be acknowledged. These states are also often located in the Global South with developing economies and as such, the advantages of enabling the system to continue may present as financially lucrative to them also. However, strengthening such partnerships on labour

rights would complement domestic reforms and GCC states would overall benefit from international legitimacy in driving progressive change whilst encouraging a continued flow of workers into the region through positive reputational impact and an institutionalisation of workers' rights on a national scale.

Advocating for such agreements allows for a greater increase in transparency in employment practices and challenges exploitative recruitment models. Such global mechanisms provide a supportive foundation in building upon existing and future reform in labour rights. As the 2022 World Cup in Qatar signalled, global pressures have acted as a supplementary catalyst for reform, amplifying domestic change. Nevertheless, effectiveness of such global initiatives depends on two major factors: how receptive to such bilateral governance other sender states are and the extent to which change is embedded within the state and reinforced domestically through social, political, legal and economic frameworks.

Ultimately, effective ratification and adoption of global labour rights conventions are strengthened by robust enforcement at a state-level. Extensive literature indicates that whilst GCC nations have adopted some level of reform, this often is weakly enforced and often undermined by employers (Abdoulaye Diop et al., 2018; Alzahrani, 2014), effectively diminishing its real-world impact. The widening gap between the law and its practice indicates weak structures in protecting labour rights, leaving workers increasingly at the mercy of their employers. Khan (Khan & Harroff-Tavel, 2011) aptly identifies that it is within state interests to bring forth enforcement of such reforms, as the current context continues to undermine the rule of law in the respective GCC states.

Limitations and Scope

The absence of a legal framework capable of holding the GCC accountable to internationally recognised standards of labour rights presents a limitation of external advocacy work and recommendations on reform. Whilst many multilateral organisations, such as the International Labour Organisation (ILO) Amnesty International, International Trade Union Confederation (ITUC), Human Rights Watch (HRW), United Nations (UN) etc. have repeatedly campaigned for reform and change on the *kafala* system in the GCC nations, the influence of such campaigning is limited. There has been contribution to some reforms and change namely implemented in Qatar, impact has been limited and uneven across the region. These multilateral bodies rely on advocacy, monitoring and cooperation rather than binding enforcement to encourage change, and as such the situation for migrant workers exacerbates. The failure for GCC countries to ratify the Migrant Workforce Convention of the United Nations, of which 59 member states (Ray Jureidini, 2018) have thus far ratified, is indicative of the limited scope international bodies maintain in advocating for global labour rights.

International scrutiny and exposure (Abdoulaye Diop et al., 2018; Khan & Harroff-Tavel, 2011) have provided incremental policy changes in some Gulf states, but impact remains uneven. In 2016, the UAE updated its labour laws and increased possibilities for workers to leave employment following a period of work (Hvidt, 2019) representing key changes to state legal frameworks. However, there remains little evidence to assess whether these changes have been implemented by employers (Hvidt, 2019).

The rapid urban and infrastructural development that took place in the Gulf states provides an incentive to governments to continue pursuing policies of cheap international labour and maintaining current policies on migrant labour. This is not only to continue the sustained growth in the region as a legitimate economic global competitor but to also prioritise the needs of employers over the migrant labour. The steady supply of politically disenfranchised Asian and African migrants who possess much less bargaining power compared to Arab nationals (Alzahrani, 2014; Khan & Harroff-Tavel, 2011) has served to be a profitable venture in broader economic development strategies, positioning the Gulf as a major global hub. Consequently, economic development incentives can serve as a primary motivator in preserving aspects of the *kafala* system, thereby increasing labour vulnerability, despite the mounting global pressure for reform. However, as outlined above, GCC states face a dual challenge: the mitigation of risk presented by international reputational harm through mistreatment of workers, as was prevalent in the lead up to the 2022 World Cup in Qatar, whilst also addressing potential for economic stagnation arising from weak labour incentives and suppressed productivity.

Impact

Whilst there are limitations to consider, the *kafala* system overall remains to be unsustainable in its long-term future. Evidence suggests that its future risks undermining economic growth for firms, employers and GCC states through impacted labour mobility and affected worker welfare, while also exposing states to continued reputational damage from international organisations and advocacy groups. In contrast, the OECD continues to publish data evidencing the enduring impact of migrants' labour market integration through skill development, labour mobility and employment opportunities (Ahmed Al Hashemi & Dina Sameh Habib, 2018) demonstrating more positive economic outcomes.

Beyond the economic implications, the enduring *kafala* system brings forth questions of governance and state legitimacy. As the Gulf region and GCC states assume an increasingly central role in the global cultural and economic landscape, their domestic labour practices and migrant rights' violations are subject to scrutiny and criticism. An ongoing association of restrictive and abusive labour practices by employers and firms have implications on diplomatic positioning in the global governance framework. It is with this in mind that reform can be considered not just a moral objective but a geostrategic necessity that fits into broader strategies around international legitimacy.

Gradual but resolute policies and transitions towards robust mechanisms that uphold labour and migration rights offers a viable solution. Through the implementation of new protections and the enforcement of existing measures to enhance worker agency, the GCC states can hope to incentivise labour productivity, continue urban and economic development and align more closely with international labour standards, as set out by institutional bodies such as the ILO.

Ultimately, the benefits of such reform and enforcement of change are multifaceted: international legitimacy, reduction in reputational risk, particularly in the context of the growing expat population in the Gulf, long-term economic sustainability and developing positive diplomatic relations with labour-sending countries. In this context, dismantling or substantively remodelling the *kafala* system is not just morally and ethically motivated, but should be considered as a pragmatic policy choice essential to the long-term development and future of GCC states and their global standing.

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