



Home Office

Country Information and Guidance

Kuwait: Bidoons

Version 2.0

July 2016

Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,
5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Guidance

Updated 28 July 2016

1. Introduction

1.1 Basis of Claim

- 1.1.1 Fear of persecution or serious harm at the hands of the State due to the person's ethnicity or undocumented status as a 'Bidoon' (also known as bedoun, bedoon, bidoun, bidun) and denial of citizenship rights.

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1.2 Other points to note

- 1.2.1 'Bidoon' is used an umbrella term for several groups whose claimed nationality is not accepted by the Kuwaiti state. A Kuwaiti Bidoon by descent either from a stateless or foreign father, or whose ancestors failed to apply for or gain nationality will generally be stateless. A Kuwaiti Bidoon who have a claim to another nationality will not be stateless.
- 1.2.2 Where a person does not qualify for asylum or humanitarian protection, it is open to the person 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 (see the [Statelessness guidance](#)).

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2. Consideration of Issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Some people may claim to be Bidoon when they are nationals of another country, such as Iraq. They are not stateless.
- 2.1.4 Others may have regularised their status in Kuwait by showing evidence of, or successfully applying for, a second nationality. The Kuwaiti Government treats a person in this situation as a legal foreign national and issues them with civil ID cards. A person in this scenario is also not stateless.
- 2.1.5 Conversely there are Bidoons who have obtained counterfeit identification papers of a third country and are unable to renew them, while their file is closed with the Kuwaiti Authorities. A person in this scenario may be stateless.
- 2.1.6 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

2.2 Particular social group (PSG)

- 2.2.1 In the country guidance case of [BA and Others \(Bidoon – statelessness – risk of persecution\) Kuwait CG \[2004\] UKIAT 00256](#) (15 September 2004), the Tribunal concluded that Bidoon are a ‘particular social group’ under the Refugee Convention.
- 2.2.2 Although Kuwaiti Bidoon form a PSG, this does not mean that establishing such membership will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each case will be whether the particular person will face a real risk of persecution on account of their membership of such a group.
- 2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.3 Assessment of risk

Determining status

- 2.3.1 All Kuwaiti Bidoon are classed as illegal residents by the Kuwaiti state. However, Bidoon who were registered with the Executive Committee (the state body in charge of Bidoon) and subsequently had their nationality claims accepted by the government as Kuwaitis, were given Kuwaiti citizenship. The numbers are small, but these individuals are not stateless (see [Documentation](#)).
- 2.3.2 In the country guidance case of [NM \(documented/undocumented Bidoon: risk\) Kuwait CG \[2013\] UKUT 00356\(IAC\)](#) (24 July 2013), the Upper Tribunal held that ‘the evidence relating to the documented Bidoon does not show that they are at real risk of persecution or breach of their protected human rights. The undocumented Bidoon, however, do face a real risk of persecution and breach of their human rights.’ (paragraphs 100, 102, 103 and headnotes (2) and (3)).
- 2.3.3 In [NM](#), the Tribunal also held that ‘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 \[2006\] UKAIT 00051](#).’ (paragraph 101 and headnote (1)).
- 2.3.4 It is the “security card” – officially known as a ‘Review Card’, issued by the “Central System to Resolve Illegal Residents’ Status” which was set up in November 2010 – which is the key document which determines whether a Bidoon is documented or not.
- 2.3.5 For ease of reference, the term ‘security card’ is used in this guidance given it is used widely in sources and in the relevant caselaw.
- 2.3.6 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 [Documentation](#)).

- 2.3.7 Some Bidoon have been granted citizenship through regularisation programmes. The numbers and the underlying processes are unclear but may be in the order of hundreds per year, while approximately 100,000 requests are pending. Some have been able to access civil identity documents (see [Documentation](#)).
- 2.3.8 The status of other family members is not enough to determine whether a person is a Kuwaiti Bidoon or not. Family members may have different citizenship status because of the history of the region and successive waves of registration (see [Kuwait's Nationality Law](#)).
- 2.3.9 In addition, under Kuwaiti law a child has the nationality of its father only. Children born to citizen mothers and non-national fathers do not inherit citizenship. Kuwaiti women can apply to 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 non-national husband (see [Kuwait's Nationality Law](#)).

Undocumented Bidoon

- 2.3.10 The country guidance case of [NM](#) stated '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' (Paragraph 33).
- 2.3.11 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 [Kuwait's Nationality Law – Consequences of being a bidoon](#)).
- 2.3.12 A person may hold a range of documents and still be regarded as 'undocumented' if they do not hold a 'security card'. Even if the person has held a 'security card' they may be de facto undocumented where they are:
- Unable to renew the security card: Generally 'security cards' have to be renewed yearly or biannually. However, there are some which have to be renewed more often. Some Bidoon can renew simply by presenting documents; others claim to have to undergo interviews every time. (see [Documentation](#)).
 - Blocked: Although originally intended to deny nationality to Bidoon who fought alongside Iraq during the 1991 invasion, 'security blocks' have reportedly also been used against activists and others, including those who participated in demonstrations. 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 person's family – denying them all the right to work and making access to healthcare and education more difficult (see [Kuwait's Nationality Law – Security blocks](#)).
- 2.3.13 When it is claimed that there is an inability to renew or that there is a security block or flag in place, the decision maker must test whether the person is

prevented from receiving the 'privileges' available to Bidoon who have 'security cards'. The onus is on the person to demonstrate that they are undocumented.

- 2.3.14 Where the person is unable to renew their security card or is subject to a security block and unable to access basic services, then they should be treated as de facto 'undocumented' and therefore at real risk of discrimination so severe that it amounts to persecution.
- 2.3.15 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Protection

- 2.4.1 As the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to avail themselves of the protection of the authorities.
- 2.4.2 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Internal relocation

- 2.5.1 As the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to relocate to escape that risk.
- 2.5.2 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Certification

- 2.6.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.6.2 For further guidance on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy Summary

- 3.1.1 Documented Bidoon suffer discrimination, however it is not in general so severe as to amount to persistent and serious ill treatment.
- 3.1.2 The decision maker must carefully assess and establish the person's status.
- 3.1.3 Some people may claim to be Bidoon when they are nationals of another country such as Iraq. Some may also be documented in Kuwait.
- 3.1.4 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 or serious harm on the basis of being a Bidoon alone.
- 3.1.5 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.

- 3.1.6 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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Country Information

4. Background

4.1 Who are the bidoon?

- 4.1.1 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.¹
- 4.1.2 Following Kuwait's issuance of its [1959 Nationality Law](#)² 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.'³
- 4.1.3 According to BBC News: 'In Kuwait, about 10 percent of the population were bidoons and their lack of Kuwaiti passports - or indeed of passports of any type - means that they have trouble registering at schools, applying for driving licences and they can't freely travel abroad.'⁴
- 4.1.4 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 percent 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.⁵
- 4.1.5 In her commentary on the Home Office Country Information and Guidance (CIG) Kuwait Bidoon, February 2014, for the Independent Advisory Group on Country Information (IAGCI), Claire Beaugrand, Institut français du Proche Orient (Ifpo) noted that:

¹ Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness' (page 12), 13 June 2011, <https://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 18 May 2016.

² Kuwait Nationality Law 1959, <http://www.refworld.org/cgi-bin/telex/vtx/rwmain?docid=3ae6b4ef1c>. Date accessed: 18 May 2016.

³ Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness' (page 12), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 18 May 2016.

⁴ BBC News, 'Rallying on Behalf of People Without Passports', 5 June 2015, <http://www.bbc.co.uk/news/blogs-trending-33008093>. Date accessed: 16 May 2016.

⁵ UK Foreign and Commonwealth Office (FCO), Letter to the [Border and Immigration Agency] (Paragraph 5), July 2016, [Annex A](#).

'The issue of the Bidoon in Kuwait is very complex, not least because, over more than fifty years, the State of Kuwait has been dealing with it through inconsistent policies. This inconsistency created various incentives and expectations on the part of the Bidoon, who developed, over time, different strategies and sought various types of papers in order to maximize their chances of naturalisation or solve their everyday conundrums... it is important to highlight three phases of different governmental policies:'

'Initially, from the early 1960s to 1986 the State of Kuwait tolerated the grey area between nationals and foreigners, as a legacy of tribal nomadic practices but also as a convenient way to staff its security forces.'

'As of 1986, it went back on this tolerant policy that translated into an exemption from the provisions of the law 17/1959 on Aliens' residence; it then lumped all different cases together under a same "illegality" label. The government justified this measure by the fact that illegal migrants who falsely pretended that they had no national affiliation abused the vaguely defined category of Bidoon. This ushered into a period of pressure policy that stripped the Bidoon of the rights they had enjoyed so far as state's tolerance; the rationale of the policy was to force the Bidoon to regularise their status and "reveal their true origin." As of 1993, different government authorities were successively created to implement this policy.

'While still tasked with ascertaining Bidoon's national origins (whether foreign or Kuwaiti) on the basis of crossing data collected from all ministries and government agencies, the Central System to Resolve Illegal Residents' Status (shortened as Central System), set up in November 2010, has gradually and selectively reversed the policy of rights deprivation. Although Bidoon are still considered as "illegal residents", the Council of Ministers Decision No. 409/2011, promulgated on 6 March 2011, granted them a set of civil and human privileges and facilities.'⁶

- 4.1.6 The same source also noted that "... Kuwait State does not recognise the Bidoon as "stateless" as per the international law but maintains that even newer generations can recover a "true original" nationality – which according to other countries' nationality law (like Iraq⁷ and Saudi Arabia⁸) is not straightforward."⁹

⁶ Beaugrand, Claire (commissioned by the Independent Advisory Group on Country Information (IAGCI), 'Review of the UK Home Office Country Information and Guidance (CIG) Report Kuwait, Bidoon – 3 February 2014' (p2-3), June 2014, <http://icinspector.independent.gov.uk/wp-content/uploads/2014/11/IAGCI-evaluation-of-the-Home-Offices-CIG-Report-on-Kuwait.pdf>. Date accessed: 18 May 2016.

⁷ Government of Kuwait, Nationality Law of Iraq, Undated, <http://www.refworld.org/docid/4b1e364c2.html>. Date accessed: 18 May 2016.

⁸ Nationality Law of Saudi Arabia, <http://www.refworld.org/docid/3fb9eb6d2.html>. Date accessed: 18 May 2016.

⁹ Beaugrand, Claire (commissioned by the Independent Advisory Group on Country Information (IAGCI), 'Review of the UK Home Office Country Information and Guidance (CIG) Report Kuwait, Bidoon – 3 February 2014' (page 3), June 2014, <http://icinspector.independent.gov.uk/wp-content/uploads/2014/11/IAGCI-evaluation-of-the-Home-Offices-CIG-Report-on-Kuwait.pdf>. Date accessed: 18 May 2016.

4.2 Size of population

4.2.1 Figures for the number of Bidoon in Kuwait vary. The US State Department noted that according to the government there were approximately 112,000 bidoon in the country.¹⁰ While Human Rights Watch in their World Report 2016 stated that ‘at least 105,702 Bidoon residents of Kuwait remain stateless. Some Bidoon activists say that the real number of Bidoon in Kuwait is closer to 240,000 reflecting the government’s failure to update its statistics.’¹¹

4.3 Timeline

1959 – The nationality law defines categories of Kuwaiti nationality and a range of criteria and limitations.¹²

1985-1986 – The status of the bidoon changed from legal residents without nationality to “illegal residents”.¹³ The Alien Residence Act was applied to bidoon, removing most rights enjoyed since independence (1961).¹⁴

1987 – drivers’ licences ceased being issued or renewed to bidoon; the bidoon were also no longer able to register car ownership in their name.¹⁵

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.¹⁶

1991 – Number of bidoon in Kuwait approximately 125,000.¹⁷

¹⁰ US State Department, ‘Country Reports on Human Rights Practices 2015 – Kuwait’ (Section 2c), April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6nationalracialethnicminorities>. Date accessed: 27 June 2016.

¹¹ Human Rights Watch, ‘World Report 2014’ (page 2), <http://www.hrw.org/world-report/2014/country-chapters/kuwait?page=2>. Date accessed: 18 May 2016.

¹² Amnesty International, ‘The ‘Withouts’ of Kuwait: Nationality for Stateless Bidoon Now’ (page 7), 16 September 2013, <http://www.amnesty.org/en/library/asset/MDE17/001/2013/en/2ed5b1d7-84bc-4a63-9ead-3de541e8e3a7/mde170012013en.pdf>. Date accessed: 27 May 2016.

¹³ Human Rights Watch, ‘Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness’ (page 14), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 27 May 2016.

¹⁴ Refugees International (RI), ‘Without Citizenship; Statelessness, discrimination and repression in Kuwait’ (page 5), 13 May 2011 http://www.refugeesinternational.org/sites/default/files/120511_Kuwait_With_Citizenship_0.pdf. Date accessed: 27 May 2016.

¹⁵ Human Rights Watch, ‘Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness’ (page 25), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 27 May 2016.

¹⁶ Human Rights Watch, ‘Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness’ (page 14), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 27 May 2016.

1993 – The Central Committee to Resolve the Status of Illegal Residents was established to regularize the status of the bidoon. Concluded March 1996.¹⁸

1996 – The Executive Committee for Illegal Residents' Affairs (ECIR) was established to process all those who claimed to be illegal residents (bidoon). Files were opened, and information shared on their status with all state ministries and institutions.¹⁹ Those registered with the ECIR by 1996 were given temporary resident rights.²⁰

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.²¹

2005-2008 – 3,346 bidoon granted citizenship.²²

2010 – November: the Central System to Resolve Illegal Residents' Status was established and is the current administrative body responsible for reviewing Bidoon claims to nationality.²³ The Committee has accepted that 34,000 bidoon are meeting the eligibility requirements for Kuwaiti citizenship.²⁴ 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.²⁵

¹⁷ Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness' (page 14), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 27 May 2016.

¹⁸ Human Rights Watch, 'Response of the Kuwaiti Government' (page 3), undated, http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_0.pdf. Date accessed: 27 May 2016.

¹⁹ Human Rights Watch, 'Response of the Kuwaiti Government' (page 3), undated, http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_0.pdf. Date accessed: 27 May 2016.

²⁰ UK Foreign and Commonwealth Office (FCO), Letter to the [Border and Immigration Agency] (Paragraph 10), July 2016, [Annex A](#).

²¹ Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness' (page 14), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 27 May 2016.

²² Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness' (page 18), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 27 May 2016.

²³ Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness' (page 18-19), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 27 May 2016.

²⁴ Womens Refugee Commission, 'Our Motherland, Our Country: Gender Discrimination and Statelessness in the Middle East and North Africa' (page 7), 18 June 2013, <http://www.womensrefugeecommission.org/resources/document/942-our-motherland-our-country-gender-discrimination-and-statelessness-in-the-middle-east-and-north-africa-1>. Date accessed: 27 May 2016.

²⁵ Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness' (page 21), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 27 May 2016.

2011 – February. Bidun community began protesting peacefully, demanding to be recognized as citizens of Kuwait. The security forces have used force to disperse demonstrations and arrest protesters, some of whom are still on trial for taking part in the demonstrations.

2013 – March: Parliament passed a law allowing naturalisation of 4,000 “foreigners” during 2013. However, no bidoon have benefitted from this new law.²⁶

2014 – February - March. Riot police forces arbitrarily arrested protesters and dispersed the Bidoon demonstrators with tear gas, smoke bombs, water canons, and physical violence. Police arrest main activists and organisers.²⁷

2015 Government officials suggest that Kuwait may “solve” the Bidun community’s nationality claims by paying the Comoros Islands to grant the Bidun a form of economic citizenship.²⁸

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5. Kuwait’s Nationality Law

5.1 1959 Nationality Law

5.1.1 Kuwaiti nationality is determined by [Kuwait’s 1959 Nationality Law](#). Some of the main provisions are:

- Article 1 - those who were settled in Kuwait prior to 1920 and who maintained their normal residence there until the date of the publication of the Law;
- Article 2 - those born in, or outside, Kuwait whose father is a Kuwaiti national;
- Article 3 – those born in Kuwait whose parents are unknown;
- Article 4 - Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to those proficient in Arabic who could prove their lawful residence in Kuwait for 15 years for Arabs or 20 years for non Arabs.²⁹

5.1.2 Citizenship derives entirely from the father; children born to Kuwaiti mothers and non-national fathers do not inherit Kuwaiti citizenship unless the mother is divorced or widowed from the non-national father. The government designates religion on birth and marriage certificates. The government automatically granted citizenship to orphaned or abandoned infants, including bidoon infants. Parents were sometimes unable to obtain birth

²⁶ Human Rights Watch, ‘World Report 2014 – Kuwait’, 21 January 2014, <http://www.hrw.org/world-report/2014/country-chapters/kuwait>. Date accessed: 27 May 2016.

²⁷ Bedoon Rights, ‘10 Days of Protests’, 1 March 2014, <http://www.bedoonrights.org/2014/03/01/10-days-of-protests-9-activists-in-jail/>. Date accessed: 25 July 2016.

²⁸ Human Rights Watch, ‘World Report 2016 – Kuwait’, <https://www.hrw.org/world-report/2016/country-chapters/kuwait>. Date accessed: 25 July 2016.

²⁹ Kuwait Nationality Law 1959, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3ae6b4ef1c>. Date accessed: 18 May 2016.

certificates for their bidoon children because of additional administrative requirements, creating an inability to access other public services such as education and health care.³⁰

- 5.1.3 Kuwaiti women married to non-national fathers can pass their nationality on to children (upon reaching the age of majority) if the couple divorce or the father dies, when the father is unknown or has failed to establish legal paternity. Prior to 1980, citizenship could also be passed on to the child upon the death of the stateless husband.^{31 32}

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5.2 Implementation of the law

- 5.2.1 The U.S Department of State Country Reports on Human Rights Practices 2015 has stated that:

'The law does not provide non-nationals, including bidoon, a clear or defined opportunity to gain nationality. The judicial system's lack of authority to rule on citizenship further complicated the process for obtaining citizenship, leaving bidoon with no access to the Judiciary to present evidence and plead their case for citizenship.'³³

- 5.2.2 According to Amnesty International in their 2015-2016 Report:

'The Kuwaiti Government continued to withhold Kuwaiti citizenship from over 100,000 Bidoon, or stateless residents of Kuwait, whom they considered to be illegal residents.'³⁴

- 5.2.3 Amnesty International 2015-2016 also noted that

'In an August 2015 memorandum to Parliament, the government's Central System to Resolve Illegal Residents' Status, which administers Bidoon affairs in Kuwait, said that it was not mandatory that 31,189 Bidoon listed in the 1965 census, used by the government as the basis for determining citizenship, should be naturalized. The Central System said that other

³⁰ U.S Department of State, 'Country Reports on Human Rights Practices 2015 - Kuwait' (Section 6), April 2016,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6nationalraceethnicminorities>
Date accessed: 18 May 2016.

³¹ Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness' (page 17-18), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 18 May 2016.

³² Refugees International (RI), 'Without Citizenship; Statelessness, discrimination and repression in Kuwait' (page 5), 13 May 2011, http://www.refugeesinternational.org/sites/default/files/120511_Kuwait_With_Citizenship_0.pdf. Date accessed: 18 May 2016.

³³ U.S Department of State, 'Country Reports on Human Rights Practices 2015 - Kuwait' (Section 1f), April 2016,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6nationalraceethnicminorities>.
Date accessed: 18 May 2016.

³⁴ Amnesty International, 'Amnesty International Report 2015/16 – Kuwait' (Discrimination – Bidun), 24 February 2016, <http://www.refworld.org/topic,50ffbce5307,50ffbce53c1,56d05b414,0,AMNESTY,.,.html>. Date accessed: 18 May 2016.

considerations, such as security, should be taken into account when considering their right to Kuwaiti nationality. This determination adds a further obstacle for Bidoon to be granted Kuwaiti nationality.³⁵

- 5.2.4 In 2014 a high-level official in the Ministry of Interior announced a proposal to give “economic citizenship” to the bidoon from the small island country of Comoros. It was unclear whether the government intended to simply give them the documentation of citizenship or physically relocate bidoon. Bidoon activists were concerned that some would accept the proposal due to fatigue over trying to obtain citizenship in the country. Other activists were concerned that the government might force them to take another, illegitimate nationality. The plan remained in active consideration during 2015.³⁶

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5.3 Consequences of being a bidoon

- 5.3.1 Amnesty International stated that the Bidoon used to enjoy a status similar to that of Kuwaiti citizens until the Decree in 1986 changed the status of the bidoon from legal residents without nationality to “illegal residents”.³⁷

- 5.3.2 The same source continued that:

‘Since 1986 many thousands of Bidoon have not been able to access government services that require national IDs because they possess only temporary documents whose renewal is at the discretion of the state. Thousands more have no documents at all and often rely on charity to survive. Because of the discrimination they face, Bidoon who are able to work in the public sector accept lower wages and poorer terms of employment than Kuwaiti citizens. The Bidoon often pay higher fees for essential medical care they cannot obtain at state facilities. Bidoon parents sometimes have to send their children to fee-paying schools as some are excluded from free state schools, although there is a state-sponsored fund for education that Bidoon families can access.’³⁸

- 5.3.3 The Foreign and Commonwealth Office (FCO) stated in a 2016 letter to the Home Office 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

³⁵ Amnesty International, ‘Amnesty International Report 2015/16 – Kuwait’ (Discrimination – Bidun), 24 February 2016, <http://www.refworld.org/topic,50ffbce5307,50ffbce53c1,56d05b414,0,AMNESTY,,.html>. Date accessed: 18 May 2016.

³⁶ U.S Department of State, ‘Country Reports on Human Rights Practices 2015 - Kuwait’ (Section 1f), April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6nationalraceethnicminorities> Date accessed: 20 May 2016.

³⁷ Amnesty International, ‘The ‘Withouts’ of Kuwait: Nationality for Stateless Bidoon Now’ (page 2), 16 September 2013, <http://www.amnesty.org/en/library/asset/MDE17/001/2013/en/2ed5b1d7-84bc-4a63-9ead-3de541e8e3a7/mde170012013en.pdf>. Date accessed: 27 May 2016.

³⁸ Amnesty International, ‘The ‘Withouts’ of Kuwait: Nationality for Stateless Bidoon Now’ (page 2), 16 September 2013, <http://www.amnesty.org/en/library/asset/MDE17/001/2013/en/2ed5b1d7-84bc-4a63-9ead-3de541e8e3a7/mde170012013en.pdf>. Date accessed: 27 May 2016.

are closely linked into Kuwaiti families, and possess the support networks contacts and wealth to circumvent any obstacles.' Illegal residents who are not registered with the Central System are not able to access any government services and could be subject to arbitrary arrest and detention.³⁹

5.3.4 According to the U.S Department of State Country Reports on Human Rights 2015 :

'The government discriminated against bidoon in some areas. Some bidoon and international non-governmental organisations (NGOs) reported that the government did not uniformly implement a 2011 decree approving provision of some government services and subsidies, including education, employment, medical care and the issuance of civil documents, such as birth, marriage and death certificates, to bidoon. Bidoon activists claimed many bidoon families were unable to obtain birth certificates for their children, which restricted the children's ability to obtain government-issued identification cards, access adequate medical care and attend school.

'The Ministry of Education provides the Education Charitable Fund to pay for some bidoon children to attend private schools, but the children must fall into one of seven categories to qualify for an education grant. During the 2013-14 school year, the charity paid the school fees for approximately 15,000 bidoon children. Also during the 2014-15 school year, 150 seats were held at Kuwait University for bidoon seeking Bachelor of Arts degrees.'⁴⁰

5.3.5 The same report continued that:

'Zakat House, a charity funded by private donations, provided food, subsidies, financial aid and training to bidoon. It also paid for the genetic fingerprinting required for every bidoon applying for citizenship. According to UNHCR, some bidoon underwent DNA testing to prove their Kuwaiti nationality.'

'Many adult bidoon also lacked identification cards, preventing them from engaging in lawful employment or obtaining travel documents. This restriction resulted in the bidoon children from the household working as street vendors to help support their families and not receiving an education. Lack of financial resources and proper documentation for some of their children forced some bidoon parents to choose which of their children to enroll in school. Many bidoon children who attended school enrolled in sub-standard private institutions because only citizens may attend public school. However, in May 2015 the government approved the transfer of 5,000 bidoon students from private to public schools due to their families' service in

³⁹ UK Foreign and Commonwealth Office (FCO), Letter to the [Border and Immigration Agency] (Paragraph 21), July 2016, [Annex A](#).

⁴⁰ U.S Department of State, 'Country Reports on Human Rights Practices 2015 - Kuwait' (Section 2d), April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6nationalraceethnicminorities>
Date accessed: 20 May 2016.

the military. Many bidoon families depended on charity to assist with medical and educational expenses.’⁴¹

5.3.6 The same source continued:

‘The government allowed bidoon to work in some government positions, as dictated in the 2011 decree. According to an official at the Central Apparatus for Remediating the Status of Illegal Residents (Central Agency), 2,571 bidoon worked in government ministries during 2015. As of October 2015, the Ministry of Health employed 1,005; the Ministry of Education employed 471 and the Ministry of Awqaf and Islamic Affairs employed 135 bidoon. Some bidoon worked in the armed forces or police. Although no legal strictures prevent their service in the enlisted ranks, authorities had effectively barred bidoon from enlisting in either force since 1985. In August 2015 the Ministry of Defence announced it had accepted into the army 700 bidoon children of citizen women and bidoon killed fighting for the country.

‘The government instituted other policies that discriminate against bidoon. Since the government treated them as illegal immigrants, bidoon do not have property rights. Bidoon identification cards included colour codes that indicated when the carrier had a security restriction, such as a travel ban or other unresolved issues with the government.’⁴²

5.3.7 According to the U.S Department of State Country Reports on Human Rights 2015 :-

‘Bidoon and foreign workers faced problems with or restrictions on foreign travel. The government restricted the ability of some bidoon to travel abroad by not issuing travel documents, although it permitted some bidoon to travel to Saudi Arabia for the annual Hajj (Islamic pilgrimage). As of 2014, the Ministry of Interior has not issued "Article 17" passports (temporary travel documents that do not confer nationality) to bidoon except on humanitarian grounds.’⁴³

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5.4 Bidoon women and children

5.4.1 Refugees International state that:

‘Many older Bidoon women lack documentation due to the lack of importance placed on gaining such documents at the time, including birth

⁴¹ U.S Department of State, ‘Country Reports on Human Rights Practices 2015 - Kuwait’ (Section 2d), April 2016,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6nationalraciaethnicminorities>
Date accessed: 20 May 2016.

⁴² U.S Department of State, ‘Country Reports on Human Rights Practices 2015 - Kuwait’ (Section 2d), April 2016,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6nationalraciaethnicminorities>
Date accessed: 20 May 2016.

⁴³ U.S Department of State, ‘Country Reports on Human Rights Practices 2015 - Kuwait’ (Section 2d), April 2016,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6nationalraciaethnicminorities>
Date accessed: 18 May 2016.

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.

‘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.’⁴⁴

‘Children of Kuwaiti mothers and bidoon fathers could access public education up to the age of 18. However, upon reaching 18, these privileges are lost and they are considered Bidoon, losing their right to higher education and potential deportation if they failed to secure a work permit or employment.’⁴⁵

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5.5 Bidoon protests

5.5.1 Human Rights Watch stated that: ‘Members of the Bidoon community frequently take to the streets to protest the government’s failure to address their citizenship claims, despite government warnings that Bidoon should not gather in public. Article 12 of the 1979 Public Gatherings Law bars non-Kuwaitis from participating in public gatherings.’⁴⁶

5.5.2 Amnesty International in their Report – The Iron Fist Policy – December 2015 commented that:-

‘The authorities have used the Law on Public Gatherings and Meetings, to ban, declare illegal or disperse rallies and demonstrations, including those organised by stateless Bidoon.....between 2011 and 2014. Under Article 12, those who do not hold Kuwaiti citizenship – including members of the Bidoon minority and foreign migrant workers – are prohibited from participating in “processions, demonstrations and gatherings”. This prohibition directly breaches Kuwait’s obligations under international human rights law.’⁴⁷

⁴⁴ 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>. Date accessed: 27 May 2016.

⁴⁵ 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>. Date accessed: 27 May 2016.

⁴⁶ Human Rights Watch, ‘World Report 2016 – Kuwait’ (Treatment of Minorities), <https://www.hrw.org/world-report/2016/country-chapters/kuwait>. Date accessed: 18 May 2016.

⁴⁷ Amnesty International, ‘The Iron Fist Policy – Criminalization of Peaceful Dissent in Kuwait’, December 2015, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=56975dfe4&skip=0&query=bidoon%20protests&coi=KWT&searchin=title&sort=date>. Date accessed: 18 May 2016.

'The law also makes it illegal, under Article 4, to hold demonstrations or other public gatherings without first obtaining a licence issued by the relevant local government body. Organisers of gatherings must also provide their identities to the authorities in advance.'

'The Ministry of Interior.....has stated that organisers of every "protest or gathering" is to seek and obtain official permission to hold it in advance for it to be legal, stating that the law was necessary to ensure stability. The Ministry invoked a list of other "rules", including: "Protests cannot take place before 8am or after 6pm unless there is special permission from the local MP"; "The application for the protest must be submitted a minimum of five days before the date of the protest" and "unauthorized protests or gatherings will be broken up".⁴⁸

5.5.3 According to the Fanack Chronicle of the Middle East and North Africa, the first major protests by bidoon demanding full rights were suppressed by Kuwaiti authorities in February 2011. In recent years, bidoon have been protesting on a small scale, while authorities continue to crack down on demonstrations, citing Kuwaiti law, which stops non-Kuwaitis from participating in public gathering.⁴⁹ In March 2014 it was reported that riot police forces arbitrarily arrested protesters and dispersed the marching crowds with tear gas, smoke bombs, water canons, and physical violence. After threatening Bidoon families with deportations and work expulsions, to intimidate protesting youth, the Interior Ministry and the State Security police went with more arrests targeting the community's main activists and organisers to weaken the movement.⁵⁰

5.5.4 According to the FCO:

'During 2011 and 2012 protests by the Bidoon community became more common. This has quietened considerably in the intervening period. 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)

⁴⁸ Amnesty International, 'The Iron Fist Policy – Criminalization of Peaceful Dissent in Kuwait', December 2015, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=56975dfe4&skip=0&query=bidoon%20protests&coi=KWT&searchin=title&sort=date>. Date accessed: 20 May 2016.

⁴⁹ Fanack Chronicle of the Middle East and North Africa, 'Kuwait. Unprecedented Revoking of Citizenship, Bidoon Rights Neglected', May 2016, <https://chronicle.fanack.com/kuwait/human-rights/unprecedented-revoking-of-citizenship-bidoon-rights-neglected/>. Date accessed: 23 May 2016.

⁵⁰ Bidoon Rights, '10 Days of Protests, 9 Activists in Jail', 1 March 2014, <http://www.bidoonrights.org/2014/03/01/10-days-of-protests-9-activists-in-jail/>. Date accessed: 20 May 2016.

rubber bullets. Protestors have thrown bottles and stones. These protests have been small scale, but have seen a number of injuries on both sides.⁵¹

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5.6 Security blocks

5.6.1 The U.S Department of State Country Reports on Human Rights 2015 has noted that:

‘The government may deny a citizenship application by a bidoon resident based on security or criminal violations committed by the individual's family members. Additionally, if a person loses citizenship, all family members whose status derives from that person also lose their citizenship and all associated rights.’⁵²

5.6.2 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 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 block due to perceived collaboration with the Iraqis.⁵³

5.6.3 The FCO has stated that ‘security flags’ 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 disincentives members of the community from political activism.

5.6.4 The same source continued that:

‘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

⁵¹ UK Foreign and Commonwealth Office (FCO), Letter to the [Border and Immigration Agency] (Paragraph 17), July 2016, [Annex A](#).

⁵² U.S Department of State, ‘Country Reports on Human Rights Practices 2015 - Kuwait’ (Section 1f), April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6nationalracialethnicminorities>
Date accessed: 18 May 2016.

⁵³ 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>. Date accessed: 27 May 2016.

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.⁵⁴

- 5.6.5 According to Claire Beaugrand, a Researcher with the Institut français du Proche Orient (Ifpo) in her Article, Biduns in the Face of Radicalization in Kuwait – August 2015:

‘Since the Iraqi invasion, the Kuwaiti authorities have issued “security blocks” against 900 cases of bidoons suspected of collaborating with the enemy, to make sure these flagged individuals wouldn’t obtain nationality. As a result, they also face further impediments to accessing government services. Yet, in recent years, the basis for these security blocks has been widely extended and includes, among other “unspecified security restrictions,” participation in the 2011 unauthorized demonstrations; an expansion that could now affect some 30,000 people.’⁵⁵

- 5.6.6 The US State Department noted that in November 2015 the government stated that 34,000 bidoon qualified for consideration for citizenship but that only 8,000 would be eligible due to their security status.⁵⁶

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6. Documentation

6.1 Central System to Resolve Illegal Residents’ Status (shortened as Central System)

- 6.1.1 Decree 221/93, issued on 19 October 1993, established the Central Committee to Resolve the Status of Illegal Residents, which concluded its work on 26 March 1996. On the same date, Decree 58/1996 was issued establishing the Executive Committee for Illegal Residents’ Affairs. This committee counted all those who claimed to be illegal residents, opened files for them, and exchanged information about their status with all state ministries and institutions.⁵⁷

- 6.1.2 According to FCO, 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 Resident’s Affairs. Under pressure domestically and internationally, and in the context of Kuwait’s Universal Periodic Review at the United Nations, in November 2010 the

⁵⁴ UK Foreign and Commonwealth Office (FCO), Letter to the [Border and Immigration Agency] (Paragraph 15), July 2016, [Annex A](#).

⁵⁵ Arab Gulf States Institute in Washington, ‘Biduns in the Face of Radicalization in Kuwait’, August 2015, <http://www.agsiw.org/biduns-in-the-face-of-radicalization-in-kuwait/>. Date accessed: 23 May 2016.

⁵⁶ U.S Department of State, ‘Country Reports on Human Rights Practices Kuwait - 2015’ (Section 2c), April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6nationalracialethnicminorities>. Date accessed: 27 June 2016

⁵⁷ Human Rights Watch, ‘Response of the Kuwaiti Government’ (page 3), Undated, http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_0.pdf. Date accessed: 27 May 2016.

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 and was given with more power and autonomy to solve the Bidoon issue.⁵⁸

- 6.1.3 Human Rights Watch state that in Decree 467/2010 on the establishment of the Central System to Resolve Illegal Residents’ Status, the Kuwaiti government set a period of five years within which the Central System must resolve the status of this group, by considering all pending claims for Kuwaiti citizenship.⁵⁹ Under Article 2 of the decree the Central System may take all executive measures to resolve the status of this class. In turn, the Agency is in constant, active contact with all government bodies, agencies, public institutions and competent security bodies, which provide the Central System with the data and information it needs, derived from these bodies’ records and official files. These files indicate the true nationality of the person claiming to belong to this class.⁶⁰
- 6.1.4 According to the official booklet published by the Central System, it takes particular care in facilitating the regularisation of Bidoon status, by granting them a legal resident permit of five years. To do so, it opened a special branch in Mubarak al Kabir area on 6 May 2012 and since then up until February 2013, it claimed it registered the regularisation of 2,969 persons, most of them from Saudi Arabia (2,130 cases).⁶¹
- 6.1.5 The benefits granted to illegal residents who are registered with the Central System are as follows:
- (i) Free treatment for illegal residents through the Charitable Fund for the Health Care of Needy Residents of Kuwait.
 - (ii) Free education for the children of illegal residents through the Charitable Fund for the Education of Needy Children of Kuwait.
 - (iii) Issuance of birth certificates for the children of illegal residents that list nationality as “non-Kuwaiti.”
 - (iv) Issuance of death certificates for illegal residents that list nationality as “non-Kuwaiti.”

⁵⁸ UK Foreign and Commonwealth Office (FCO), Letter to the [Border and Immigration Agency] (Paragraph 9 and 11), July 2016, [Annex A](#).

⁵⁹ Human Rights Watch, ‘Response of the Kuwaiti Government’ (page 5), Undated http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_0.pdf. Date accessed: 27 May 2016.

⁶⁰ Human Rights Watch, ‘Response of the Kuwaiti Government’ (page 13), Undated http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_0.pdf. Date accessed: 27 May 2016.

⁶¹ Beaugrand, Claire (commissioned by the Independent Advisory Group on Country Information (IAGCI), ‘Review of the UK Home Office Country Information and Guidance (CIG) Report Kuwait, Bidoon – 3 February 2014’ (page 7), June 2014, <http://icinspector.independent.gov.uk/wp-content/uploads/2014/11/IAGCI-evaluation-of-the-Home-Offices-CIG-Report-on-Kuwait.pdf>. Date accessed: 18 May 2016.

- (v) Issuance of marriage contracts for illegal residents that list nationality as “non-Kuwaiti.”
 - (vi) Issuance of divorce certificates for illegal residents that list nationality as “non-Kuwaiti.”
 - (vii) Issuance of driver’s licenses for illegal residents that list nationality as “non-Kuwaiti.”
 - (viii) Access for disabled illegal residents to services provided by the Supreme Council for the Disabled in accordance with existing conditions. At the same time, this group was and continues to benefit from a set of social, administrative, educational and medical facilities before the issuance of Cabinet Decree 409/2011. They benefit from the services offered by the Ministry of Social Affairs and Labor, access to job opportunities in the public and private sectors, and services offered by the Ministry of Health in government hospitals like those offered to nationals.
 - (ix) The right to obtain any kind of authorization from the Department of Authentication.
 - (x) The opportunity for appointment in the government and private sectors was opened to illegal residents according to the need for work.
 - (xi) Availability of a provision card for eligible illegal residents.⁶²
- 6.1.6 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.⁶³
- 6.1.7 According to the FCO, anecdotal evidence from NGOs and the Bidoon community suggests the granting of these facilities has been inconsistent.⁶⁴ According to Gulf News in their Article – Kuwait Courts Comoros to Settle Bidoon Issue, some bidoon blamed bureaucratic processes from preventing them from accessing government benefits like healthcare and education.⁶⁵
- 6.1.8 In March 2013 the Parliament passed a law to naturalize 4,000 “foreigners” in 2013, touting this as a measure to address the citizenship of Bidoon. Activists in the Bidoon community have said this measure has not benefitted their community, but is being used to grant citizenship to children born to

⁶² Human Rights Watch, ‘Response of the Kuwaiti Government’, Undated, page 3 - 4
http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_0.pdf Date accessed: 27 May 2016

⁶³ Human Rights Watch, ‘World Report 2012 – Kuwait’, 22 January 2012, <http://www.hrw.org/world-report-2012/world-report-2012-kuwait>. Date accessed: 27 May 2016.

⁶⁴ UK Foreign and Commonwealth Office (FCO), Letter to the [Border and Immigration Agency] (Paragraph 15), July 2016, [Annex A](#).

⁶⁵ Gulf News, ‘Kuwait – Kuwait Courts Comoros To Settle Bidoon Issue’, May 2016, <http://gulfnews.com/news/gulf/kuwait/kuwait-courts-comoros-to-settle-bidoon-issue-1.1831570>. Date accessed: 23 May 2016

Kuwaiti mothers and foreign fathers. The government confirmed to Human Rights Watch that so far no Bidoon had benefited from the law.⁶⁶

6.1.9 The US State Department noted:

'The naturalization process for bidoon is not transparent and decisions appeared arbitrary. Despite calls during 2015 by MPs and various authorities to naturalize 2,000 to 4,000 bidoon per year, as of year's end, the government naturalized only those who were children of soldiers killed fighting for the country; the exact number was unavailable but was estimated at fewer than 100. The Central Agency had more than 100,000 bidoon citizenship requests under review at the end of 2014. In August 2015 the government decided to consider bidoon citizenship applications individually along with other naturalization cases.'

'According to bidoon activists and government officials, many bidoon were unable to provide documentation proving sufficient ties to the country or to present evidence of their original nationality. The government maintained, however, that the vast majority of bidoon concealed their true nationalities and were not actually stateless. According to the government, 7,243 bidoon adjusted their legal status between 2011 and August 2015, claiming Saudi, Iraqi, Syrian, Iranian, Jordanian, and other nationalities. In November 2015, the government stated that 34,000 bidoon are qualified for consideration for citizenship but that only 8,000 would be eligible due to their security status.'⁶⁷

6.1.10 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.⁶⁸

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6.2 Civil ID Card

6.2.1 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.⁶⁹

⁶⁶ Human Rights Watch, 'World Report 2014 – Kuwait', 21 January 2014, <http://www.hrw.org/world-report/2014/country-chapters/kuwait>. Date accessed: 27 May 2016.

⁶⁷ U.S Department of State, 'Country Reports on Human Rights Practices 2015 - Kuwait' (Section 2c), April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6nationalracialethnicminorities> Date accessed: 27 June 2016.

⁶⁸ Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness' (page 21), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 27 May 2016.

⁶⁹ Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness' (page 19), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 27 May 2016.

6.2.2 Two Immigration and Refugee Board of Canada (IRB) Responses to Information Requests of [June 2003](#) and [December 2003](#) 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 document was a plastic, wallet-sized card and divided into three columns with a photograph of the subject in the far left column.^{70 71}

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6.3 Green card (1996 -2000)

6.3.1 Bidoon who registered with the the Executive Committee, in charge of Bidoon 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 Bidoon.⁷²

6.3.2 According to Human Rights Watch, 106,000 Bidoon who registered with the Bidoon Committee between 1996 and 2000 were issued with security cards.⁷³

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6.4 Review Card (commonly referred to as 'Security card') issued by the Central System (2000 – Present)

6.4.1 Although commonly referred to 'Security Card' , the term is not accurate. The proper official term is "review card." The review card contains a personal photo, place of residence, civil number, file number, date of birth, date of its issuance, and an expiration date.⁷⁴ According the FCO, security cards are currently valid for one year. The design has been updated and is now

⁷⁰ Immigration and Refugee Board of Canada (IRB) (Research Directorate), 'Response to Information Request: KWT42279.E', 22 December 2003, <http://www.refworld.org/docid/403dd1fe8.html>. Date accessed: 27 May 2016.

⁷¹ Immigration and Refugee Board of Canada (IRB) (Research Directorate), 'Response to Information Request: KWT41648.E', 9 June 2003, <http://www.refworld.org/docid/3f7d4dbf0.html>. Date accessed: 27 May 2016.

⁷² Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness' (page 19), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 27 May 2016.

⁷³ Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness' (page 5), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 27 May 2016.

⁷⁴ Human Rights Watch, 'Response of the Kuwaiti Government' (page 8), Undated, http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_0.pdf. Date accessed: 27 May 2016.

presented more like a civil identity card. The multi- coloured coding system has now been abolished with all cards a shade of yellow.⁷⁵

6.4.2 The Independent Advisory Group on Country Information, Claire Beaugrand noted:

‘The CIG report uses consistently the term “security card” for the cards issued by the Executive Committee for the Illegal Residents set up in 1996. Even if this use is widely generalised in the various sources, this translation of the original Arabic (bitâqa murâja’a) is inaccurate. “Security” conveys an idea that may be interpreted as biased: it would be preferable to translate throughout the document by “reference card”, with the term “reference” used with the meaning of “following up the transactions with the Executive Committee” like in a “reference number”... In the Response of the Kuwaiti Government to the 13 June 2011 Human Rights Watch letter... the Kuwaiti government stated: “There is no such thing as a “security card.” Rather, it is a review card issued to every person registered with the Central System that contains his personal data and case file number”.’⁷⁶

6.4.3 The Kuwaiti Government stated that there are two types of review 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.’⁷⁷

6.4.4 The Kuwaiti government have said:

‘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.’

⁷⁵ UK Foreign and Commonwealth Office (FCO), Letter to the [Border and Immigration Agency] (Paragraph 23), July 2016, [Annex A](#).

⁷⁶ Beaugrand, Claire (commissioned by the Independent Advisory Group on Country Information (IAGCI), ‘Review of the UK Home Office Country Information and Guidance (CIG) Report Kuwait, Bidoon – 3 February 2014’ (page 5), June 2014, <http://icinspector.independent.gov.uk/wp-content/uploads/2014/11/IAGCI-evaluation-of-the-Home-Offices-CIG-Report-on-Kuwait.pdf>. Date accessed: 27 June 2016.

⁷⁷ Human Rights Watch, ‘Response of the Kuwaiti Government’ (page 8), undated, http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_0.pdf. Date accessed: 27 May 2016.

'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.'⁷⁸

- 6.4.5 According to the FCO, healthcare is not currently provided for Bidoon who hold review cards. In 2015, Parliament agreed to provide education to children of undocumented Bidoon.⁷⁹

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6.5 Birth, marriage and death certificates

- 6.5.1 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.⁸⁰ The Kuwaiti government stated that it did not deny such individuals access to civil documents.⁸¹ The U.S State Department noted in 2015 that: 'Bidoon activists claimed many bidoon families were unable to obtain birth certificates for their children, which restricted the children's ability to obtain government-issued identification cards, access adequate medical care and attend school.'⁸²

- 6.5.2 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.'⁸³

- 6.5.3 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

⁷⁸ Human Rights Watch, 'Response of the Kuwaiti Government' (page 9), undated, http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_0.pdf. Date accessed: 27 May 2016.

⁷⁹ UK Foreign and Commonwealth Office (FCO), Letter to the [Border and Immigration Agency] (Paragraph 24), July 2016, [Annex A](#).

⁸⁰ Human Rights Watch, 'Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness' (page 25-26, 31), 13 June 2011, <http://www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf>. Date accessed: 27 May 2016.

⁸¹ Human Rights Watch, 'Response of the Kuwaiti Government' (page 7), undated, http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_0.pdf. Date accessed: 27 May 2016.

⁸² U.S Department of State, 'Country Reports on Human Rights Practices 2015 - Kuwait' (Section 2c), April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section6nationalracialethnicminorities>. Date accessed: 27 June 2016.

⁸³ Human Rights Watch, 'Response of the Kuwaiti Government' (page 6-7), undated, http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_0.pdf. Date accessed: 27 May 2016.

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.’⁸⁴

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6.6 Article 17 documents

- 6.6.1 According to the FCO, travel documents are not issued routinely to Bidoon, so many have no means of leaving Kuwait. However, some Bidoon are given temporary travel document 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 study at university overseas; for Hajj; or, for amendment of a Bidoon’s legal status in Kuwait.
- 6.6.2 Article 17 documents currently look very similar to Kuwaiti passports and 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 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.
- 6.6.3 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.⁸⁵

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⁸⁴ Human Rights Watch, ‘Response of the Kuwaiti Government’ (page 7), undated, http://www.hrw.org/sites/default/files/reports/Response%20of%20the%20Kuwaiti%20Government%20to%20HRW_0.pdf. Date accessed: 27 May 2016.

⁸⁵ UK Foreign and Commonwealth Office (FCO), Letter to the [Border and Immigration Agency] (Paragraphs 25-27), July 2016, [Annex A](#).

Annex A: Foreign and Commonwealth Office letter

King Charles Street
London
SW1A 2AH
Tel: 020 7008 1500

July 2016

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

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. The Executive Committee for Illegal Residents' Affairs (ECIR) was established to process all those who claimed to be illegal residents (bidoon). Files were opened,

and information shared on their status with all state ministries and institutions. Those registered with the ECIR by 1996 were given temporary resident rights.

11. 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.

12. 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.

13. 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.

14. 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

15. 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.

16. 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.

17. During 2011 and 2012 protests by the Bidoon community became more common. This has quietened considerably in the intervening period. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. The government's 2010 five year plan did not result in significant 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

23. Security cards are currently valid for one year. The design has been updated and is now presented more like a civil identity card. The multi-coloured coding system has now been abolished with all cards a shade of yellow.

24. Healthcare is not currently provided for Bidoon who hold review cards. In 2015, Parliament agreed to provide education to children of undocumented Bidoon.

25. 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).

26. Article 17 documents currently look very similar 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

bio-data page. The place of birth is usually given as Undefined/Kuwait. The key difference between them 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. A new biometric passport for Kuwaiti citizens is expected to roll out later this year. There is no information or suggestion at this time that the design of Article 17 documents will be updated.

27. 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.

28. 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.

29. Anecdotally, 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

30. 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-depthreport/kuwait-without-citizenship>

- Refugees International: Kuwait: Bidoun Nationality Demands Cannot Be Silenced (March 2012)

<http://www.refintl.org/policy/field-report/kuwait-bidoun-nationality-demandscant-be-silenced>

31. 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.

32. 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.

33. Pressure from human rights groups in Kuwait has meant, for example, that in 2012/13 c. 100 Kuwaiti Bidoon were 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.

34. The elections in February 2012 saw MPs in particular from the tribal and Islamic bloc 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. In the first half of 2016 we have seen proposals in the parliament to extend basic services and rights to Bidoon, including the provision of healthcare and education, the right to obtain documentation, and priority (over expats) in entering government service. The current quota for naturalisations (third party nationals and Bidoon) is 4,000 per annum.

35. The 2011 round of protests saw small ‘solidarity’ protests attended by Kuwaitis. Bidoon protests were also 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

36 In general, and particular with reference to peers across the region, Kuwait’s human rights record is good. Freedom of speech is largely respected (but has taken a knock since the 2015 Al Sadeq Mosque bombing), discussion of the issue is widespread, and NGOs are able to act without impediment and lobby a government that will listen.

37. 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 2016**

Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this version of the guidance was cleared:

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- this version approved by **Martin Stares, Asst. Director, Head of Country Policy & Information Team**
- approved on: **28 July 2016**

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Updated country information.

Revised template.

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