



Home Office

# Country Policy and Information Note

## Kuwait: Bidoons

Version 3.0

April 2021

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, 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 support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

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. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Updated: 12 March 2021

## 1. Introduction

### 1.1 Basis of claim

1.1.1 A fear of persecution or serious harm by the state because the person is a Bidoon (a stateless Arab).

### 1.2 Points to note

1.2.1 Bidoon is used as 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 has 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 (for more information see the [Stateless guidance](#)).

1.2.3 The review card, the most significant identity card in determining whether or not a Bidoon is stateless or not is also sometimes referred to or known as a 'security card'.

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## 2. Consideration of issues

### 2.1 Credibility

2.1.1 For information on assessing credibility, see the 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 usually stateless.

2.1.4 Others 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 a Civil ID card [see [Civil ID card](#)]. A person in this scenario is also not stateless.

2.1.5 Conversely there are Bidoons who have obtained counterfeit foreign passports in order to try and regularise their status. When trying to renew their identity cards they found that the Kuwaiti Authorities had closed their files, because they were seen to have admitted to holding another country's nationality. 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 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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## 2.3 Convention reason(s)

- 2.3.1 In the country guidance case of [BA and Others \(Bidoon – statelessness – risk of persecution\) Kuwait CG \[2004\] UKIAT 00256](#) (heard on 11 June 2003 and promulgated on 15 September 2004), the Tribunal concluded that: ‘Since the Bidoon have a tribal identity and are not simply a collection of (mainly) stateless persons, they face persecution by reason of a Refugee Convention ground of race. They can also be seen to form a particular social group. Bidoon are a “particular social group” under the Refugee Convention.’(paragraph 91(v))
- 2.3.2 Although Kuwaiti Bidoon form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the person has a well-founded fear of persecution on account of their membership of such a group.
- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.4 Risk

- 2.4.1 The Bidoon are a largely stateless Arab minority in Kuwait who were not included as citizens at the time of the country’s independence in 1961 or shortly thereafter. The current Bidoon population in Kuwait have originated from three different categories. The first are those who claim citizenship under Kuwait’s Nationality Law but whose ancestors failed to apply or lacked the required documentation at the time of Kuwait’s independence. The second group is made up of former citizens of other Arab states and their descendants who came to Kuwait in the 1960s and 1970s to work in Kuwait’s army and police forces. The third category of Bidoon is composed of individuals born to Kuwaiti mothers and Bidoon fathers (see [Who are the Bidoon?](#)).
- 2.4.2 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. In 2016 the Kuwaiti Government stated that almost 16,000 Bidoons were

naturalised in recent years. Sources estimate that there are currently between 88,000 and 106,000 Bidoon in Kuwait (see [Population](#), [Timeline](#) and [Documentation](#)).

- 2.4.3 In 2018 the Central System had tens of thousands of citizenship requests by Bidoon under review. According to available evidence, 813 Bidoon were granted citizenship between 2018 and 2019, however the processes used by the Kuwaiti Authorities to determine who gets granted citizenship are unclear. Legislation from 2019 (Code 77) provides that a maximum of 4,000 non-Kuwaiti people are eligible for naturalisation each year (see [Kuwait's Nationality Law](#) and [Documentation](#)).
- 2.4.4 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 (see [Kuwait's Nationality Law](#)).
- 2.4.5 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](#)).
- 2.4.6 It is the review card (also referred to as a security card), issued by the Central System to Resolve Illegal Residents' Status, which is the key document which determines whether a Bidoon is documented or not (see [Central System to Resolve Illegal Residents' Status](#) and [Review card](#)).
- 2.4.7 The documented Bidoon, that is those who hold a review card, are generally able to access government services, gain public and private sector employment and access healthcare and (private) education. Bidoons are required to regularly renew their review cards. Available evidence states that some individuals may be unable to renew their review card as a result of various forms of administrative hurdles or if they have been found to have previously acquired fake foreign passports in order to obtain government jobs or receive birth or marriage certificates. Despite having held a review card previously, if an individual is unable to renew their review card they may become de facto undocumented (see [Documentation](#), [Treatment of Bidoons](#) and [Bidoon protests and security restrictions](#)).
- 2.4.8 Undocumented Bidoon, that is those who do not possess a review card, although they may possess other pieces of official documentation, continue in general to be unlikely to be able access basic services such as education, employment, medical care and civil documents such as birth, marriage or death certificates (see [Documentation](#) and [Treatment of Bidoons](#)).
- 2.4.9 In the country guidance case of [NM \(documented/undocumented Bidoon: risk\) Kuwait CG \[2013\] UKUT 00356\(IAC\)](#) (heard on 14 and 30 January 2013 and promulgated on 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.

'The distinction made in previous country guidance in respect of Kuwaiti Bidoon, between those who are documented and those who are undocumented, is maintained, but the relevant crucial document, from possession of which a range of benefits depends, is the security card [review card], rather than the "civil identification documents" referred to in the previous country guidance in HE [2006] UKAIT 00051. To that extent the guidance in HE is amended.' (paragraphs 100 and 101)

- 2.4.10 The country situation has not significantly changed since [NM](#) was promulgated. In general, while documented Bidoons may face discrimination it is not by its nature or repetition likely to amount to persecution. However, undocumented Bidoon continue to face treatment that is likely by its nature and repetition to amount to persecution. However, each case must be considered on its individual facts and merits.
- 2.4.11 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to avail themselves of the protection of the authorities.
- 2.5.2 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution from the state and there is no safe part of the country where they would not be at risk from the state, they are unlikely to be able to relocate to escape that risk.
- 2.6.2 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.7 Certification

- 2.7.1 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.
- 2.7.2 For further guidance on certification, see [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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# Country information

Section 3 updated: 12 March 2021

## 3. Background

### 3.1 Who are the Bidoon?

3.1.1 Minority Rights Group International (MRGI) published a Bidoon profile as part of an undated directory of minorities and indigenous peoples. It stated: 'Bidoon (short for bidoon jinsiya, meaning "without nationality" in Arabic, and alternately spelt as Bedoon, Bidun and Bedun) are a stateless Arab minority in Kuwait who were not included as citizens at the time of the country's independence or shortly thereafter. The term Bidoon should not be conflated with Bedouin: the latter refers to a much larger social-cultural category of desert-dwelling, nomadic pastoralists in the region, although there is some overlap between the two categories.

'The government currently categorizes Bidoon as "illegal residents", despite the fact that many have no real connections to any country other than Kuwait, and in the face of decades of social discourse depicting Bidoon as connected to Kuwaiti territory.'<sup>1</sup>

3.1.2 The same source also provided a history of the Bidoons which stated: 'Most Bidoon come from nomadic tribes native to the Arabian Peninsula who were in Kuwait when the country gained independence in 1961 but were unable or unwilling to take the time needed to register as citizens. The process of determining who was eligible for citizenship, as set out by the 1959 nationality law [see [Kuwait's Nationality Law](#)], inherently favoured Kuwait's urban residents and those who were connected to influential tribes or families. On the other hand, many tribal communities in outlying areas failed to register for citizenship when the law was passed, whether due to lack of awareness or understanding of the new law and its implications, illiteracy, or lack of documentation proving their connection to the territory. The concept of territorially-defined citizenship would also have been a foreign concept to many, as it diverged from traditional tribal understandings of belonging which were defined by allegiance to a leader in a context, moreover, where there continued to be migratory communities for whom the notion of states was unfamiliar. Consequently, approximately one third of the population of Kuwait at the time did not obtain citizenship and was classified as bidoon jinsiya.

'...A second, smaller subset of Bidoon were previously based in nearby Arab states (including Iraq, Saudi Arabia, Syria and Jordan) and were recruited into the Kuwaiti army and police forces in the 1960s and 1970s. The newly formed Kuwaiti state, faced with the challenge of building a national army but finding insufficient interest among the national population, relied heavily on these foreign recruits in the early stages. However, rather than admit to the politically sensitive matter of recruiting foreigners, the Kuwaiti government registered them as bidoon jinsiya. Until the 1990s, around 80 per cent of the

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<sup>1</sup> MRGI, '[World Directory of Minorities and Indigenous Peoples - Kuwait Bidoon – Profile](#)' no date

armed forces were Bidoon. Most Bidoon falling under this category are believed to have left Kuwait after the Gulf War, so the remaining Bidoon population today is predominantly composed of the first category of Bidoon, who do not possess nationalities of other Arab states.

'In the first few decades after Kuwait's independence, being Bidoon carried relatively few disadvantages. Bidoon had access to employment, public education and free healthcare, just as Kuwaiti citizens did. They were also able to register civil marriages and receive other forms of documentation. However, the right to political participation was one key area of difference vis-à-vis Kuwaiti citizens, as Bidoon were not allowed to vote. (Under the 1959 Nationality Act, even naturalized citizens are required to hold Kuwaiti citizenship for 30 years before they can vote).'<sup>2</sup>

### 3.1.3 The same source continued:

'From this situation of relatively equal status, Bidoon began to face increased restrictions on their rights from the mid-1980s onwards. In the context of rising sectarian strife and growing internal turmoil stoked, in part, by economic upheaval and regional tensions caused by the Iranian revolution in 1979 and the 1980-1988 Iran-Iraq War, the Kuwaiti government began to view Bidoon as a security threat, particularly as it became known that some incoming refugees and individuals from Iraq wishing to avoid military service and persecution were getting rid of their identity papers and posing as Bidoon.

'In 1986, the government changed the status of Bidoon to "illegal residents" and began to strip them of their rights. Large numbers were fired from their jobs, while the community as a whole was excluded from free education, housing and healthcare. In the late 1980s, the government sought to apply the terms of the Alien Residence Law and a number of Bidoon were reportedly expelled. In 1988, an appeal court ruled that as no other state considered them nationals, they could not be considered "aliens" in terms of the law. The government ignored the ruling and continued, reportedly, to deport members of the Bidoon community.

'Another turn for the worse came with the Iraqi invasion of Kuwait in 1990 and subsequent Gulf War. As Bidoon made up the majority of the Kuwaiti army at the time, they became an easy scapegoat for their country's capitulation to the rapidly advancing Iraqi army. Moreover, since some Bidoon were forced to fight on the Iraqi side, the entire community was stigmatized for collaboration. As soon as the Iraqi occupation ended, the Kuwaiti government intensified its efforts to punish and exclude Bidoon. Bidoon were dismissed en masse from the army, and some were tried in military courts for collaboration. Bidoon refugees who had fled the country during the war were prevented from returning. Others were held and mistreated in overcrowded detention centres. Moreover, approximately 10,000 Bidoon were deported. As a result of all these measures, the population of Bidoon in Kuwait was reduced from a pre-war population of approximately 250,000 to only around 100,000.

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<sup>2</sup> MRGI, ['World Directory of Minorities and Indigenous Peoples - Kuwait Bidoon – History'](#) no date

‘Those who remained in Kuwait found themselves treated as illegal residents in what was for most the only country they had ever known. The government ceased issuing Bidoon identification documents, and pressured them to reveal their “real” nationalities in order to regularize their status and qualify for legal work permits. Many Bidoon opted to purchase fake foreign passports from offices that sprung up all over the country in the 1990s for this purpose, a process that appears to have taken place with the knowledge and even the encouragement of the Kuwaiti government. Many found that their possession of a foreign passport, even an illegitimate one, was later used to undermine their claims for Kuwaiti nationality.’<sup>3</sup>

- 3.1.4 A report published by Human Rights Watch (HRW) entitled ‘Prisoners of the Past – Kuwaiti Bidun and the Burden of Statelessness’ of June 2011 stated:

‘Today’s Bidun population originates from three different categories. First, there are those Bidun who claim citizenship under Kuwait’s Nationality Law, but whose ancestors failed to apply or lacked necessary documentation at the time of Kuwait’s independence. Among this group are the descendants of nomadic clans which regularly traversed the borders of modern day Gulf states but settled permanently in Kuwait prior to independence. This group of Bidun have never held the citizenship of any other country. A second group is composed of former citizens of other Arab states (such as Iraq, Syria, and Jordan), and their descendents, who came to Kuwait in the 1960s and 70s, to work in Kuwait’s army and police forces. The Kuwaiti government preferred to register them as Bidun rather than to reveal this politically-sensitive recruitment policy. Some of these migrants settled in Kuwait with their families and never left. The third category of Bidun is composed of individuals born to Kuwaiti mothers and Bidun fathers.’<sup>4</sup>

- 3.1.5 In a July 2019 joint submission to the UN Human Rights Council in the context of the third periodic review of Kuwait, the Institute on Statelessness (ISI) and MENA Rights Group stated about the Bidoon:

‘The group falls into three broad categories: “(a) those whose ancestors failed to apply for nationality or lacked the necessary documentation when Kuwait gained independence in 1961; (b) those recruited from abroad to work in the Kuwaiti army or police force during the 1960s, who settled permanently in Kuwait, along with their families; and (c) children of Kuwaiti mothers and stateless or foreign fathers.” Until 1986, the Bidoon were provided with a “civil status” that gave them access to basic services without providing them with equal rights compared to Kuwaiti citizens. However, in 1986, the Kuwaiti authorities stripped the Bidoon of the civil status card that entitled their holders to basic civil rights. This paved the way for growing human rights violations to be committed against the Bidoon, as they were stripped of their rights and social security, further marginalising them.’<sup>5</sup>

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<sup>3</sup> MRGI, [‘World Directory of Minorities and Indigenous Peoples - Kuwait Bidoon – History’](#) no date

<sup>4</sup> HRW, [‘...Kuwaiti Bidun and the Burden of Statelessness’](#) (page 15) 13 June 2011

<sup>5</sup> ISI and MENA, [‘Universal Periodic Review’](#) (section 3.5.1) July 2019

## 3.2 Population

3.2.1 Inside Arabia, ‘an online news analysis magazine providing in-depth news and analysis of the Middle East and North Africa’<sup>6</sup> stated in an article published in April 2019 that:

‘At least 100,000 Bidoon live in Kuwait. The Kuwaiti authorities claim that most of them are “illegal residents” and have deliberately destroyed all evidence of belonging to another nationality, such as Iraq or Saudi Arabia, in order to obtain the generous social benefits Kuwait provides for its citizens. Currently, at about 2.3 percent of the population, the Bidoon are a minority compared to the total number of citizens, which is estimated at 4.5 million.’<sup>7</sup>

3.2.2 The United States Department of State (USSD) report for human rights practices in Kuwait in 2019 published on 11 March 2020 stated ‘According to the latest government figures, there were approximately 88,000 Bidoon in the country, while HRW estimated the Bidoon population at more than 100,000.’<sup>8</sup>

3.2.3 Freedom House also stated that there were more than 100,000 bidoons residing in Kuwait in its ‘Freedom in the World 2020’ report published on 4 March 2020<sup>9</sup>.

3.2.4 In January 2021 HRW stated that ‘The Bidun comprise between 88,000 to 106,000 stateless people who claim Kuwaiti nationality, dating back to the foundation of the Kuwaiti state in 1961.’<sup>10</sup>

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## 3.3 Timeline

3.3.1 Below is a timeline compiled using various sources highlighting important events affecting bidoons in the years since the nationality law was introduced:

**1959** – The nationality laws defines categories of Kuwaiti nationality and a range of criteria and limitations<sup>11</sup>.

**1985-1986** – The status of the Bidoon changed from legal residents without nationality to “illegal residents”<sup>12</sup>. The Alien Residence Act was applied to bidoon, removing most rights enjoyed since independence (1961)<sup>13</sup>.

**1987** – Drivers’ licences ceased being issued or renewed to Bidoon; the Bidoon were also no longer able to register car ownership in their name<sup>14</sup>.

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<sup>6</sup> Inside Arabia, ‘[About Us](#)’ no date

<sup>7</sup> Inside Arabia, ‘[Bidoon in Kuwait: Living Without a State](#)’ 6 April 2019

<sup>8</sup> USSD, ‘[2019 Country Reports on Human Rights Practices: Kuwait](#)’ (section G) 11 March 2020

<sup>9</sup> Freedom House, ‘[Freedom in the World 2020 – Kuwait](#)’ (section F4) 4 March 2020

<sup>10</sup> HRW, ‘[World Report 2021: Kuwait - Events of 2020](#)’ 13 January 2021

<sup>11</sup> Amnesty International, ‘[The “Withouts” of Kuwait \[...\]](#)’ (page 7) 16 September 2013

<sup>12</sup> HRW, ‘[...Kuwaiti Bidun and the Burden of Statelessness](#)’ (page 14) 13 June 2011

<sup>13</sup> Refugees International, ‘[Without Citizenship; Statelessness...in Kuwait](#)’ (page 5) 13 May 2011

<sup>14</sup> HRW, ‘[...Kuwaiti Bidun and the Burden of Statelessness](#)’ (page 25) 13 June 2011

**1990** – Iraq invasion of Kuwait. The number of Bidoon in Kuwait prior to the war was estimated to be around 250,000. However, many fled during the war and were denied re-entry into Kuwait when the war ended<sup>15</sup>.

**1991** – Post war figures estimate the number of Bidoons in Kuwait to be 125,000<sup>16</sup>.

**1993** – The Central Committee to Resolve the Status of Illegal Residents was established to regularise the status of the Bidoon. The Central Committee concluded its work on 26 March 1996<sup>17</sup>.

**1996** – The Executive Committee for Illegal Residents' Affairs (ECIR) was established to process all those who claimed to be illegal residents (Bidoons). Files were opened, and information shared on their status with all state ministries and institutions<sup>18</sup>. Those registered with the ECIR by 1996 were given temporary resident rights<sup>19</sup>.

**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<sup>20</sup>.

**2005-2008** – 3,346 Bidoon granted citizenship<sup>21</sup>.

**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<sup>22</sup>. The Committee accepted that 34,000 Bidoon are meeting the eligibility requirements for Kuwaiti citizenship<sup>23</sup>. 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<sup>24</sup>.

**2011** – February - Bidoon community began protesting peacefully, demanding to be recognised as citizens of Kuwait. The security forces used force to disperse demonstrations and arrested protesters<sup>25</sup>.

**2013** – March – The Kuwaiti Parliament passed a law to naturalise 4000 "foreigners" during 2013. As of 21 January 2014 the Kuwaiti government confirmed that no Bidoon had benefited from the new law<sup>26</sup>.

**2014** – February/March – Authorities used tear gas and rubber bullets to halt demonstrators. Dozens of people arrested with many injured<sup>27</sup>.

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<sup>15</sup> HRW, '[...Kuwaiti Bidun and the Burden of Statelessness](#)' (page 14) 13 June 2011

<sup>16</sup> HRW, '[...Kuwaiti Bidun and the Burden of Statelessness](#)' (page 14) 13 June 2011

<sup>17</sup> HRW, '[...Response to its Questions and Inquiries \[from Kuwaiti Government\]](#)' (page 3) no date

<sup>18</sup> HRW, '[...Response to its Questions and Inquiries \[from Kuwaiti Government\]](#)' (page 3) no date

<sup>19</sup> UK FCDO, 'Letter to the Border and Immigration Agency' (paragraph 10) July 2016 [Annex A](#)

<sup>20</sup> HRW, '[...Kuwaiti Bidun and the Burden of Statelessness](#)' (page 14) 13 June 2011

<sup>21</sup> HRW, '[...Kuwaiti Bidun and the Burden of Statelessness](#)' (page 18) 13 June 2011

<sup>22</sup> HRW, '[...Kuwaiti Bidun and the Burden of Statelessness](#)' (pages 18-19) 13 June 2011

<sup>23</sup> Women's Refugee Commission, '[...Statelessness in the Middle East](#)' (page 7) 4 June 2013

<sup>24</sup> HRW, '[...Kuwaiti Bidun and the Burden of Statelessness](#)' (page 20) 13 June 2011

<sup>25</sup> HRW, '[...Kuwaiti Bidun and the Burden of Statelessness](#)' (page 11) 13 June 2011

<sup>26</sup> HRW, '[World Report 2014: Kuwait – Events of 2013](#)' (Treatment of Minorities) 21 January 2014

<sup>27</sup> Thomson Reuters, '[Kuwait clamps down as...Bidoons call for Citizenship](#)' 26 February 2014

**2015** – Government officials suggest that Kuwait may ‘solve’ the Bidoon community’s nationality claims by paying the Comoros Islands to grant the Bidun a form of economic citizenship<sup>28</sup>.

**2016** – In response to a request for information from the UN Human Rights Committee (UNHRC), the Kuwaiti Government stated that a number of amendments to the Kuwaiti Nationality act were adopted with a view to expanding the base of eligible applicants. The Government stated that almost 16,000 Bidoons who met the requisite legal conditions were naturalised in recent years. They further stated that 96,000 cards were issued to Bidoons to help them access humanitarian and civil services<sup>29</sup>.

**2017** – April - The Government announced a new initiative that would allow the sons of soldiers who served in the military and the sons of soldiers killed or missing in action to be eligible to join the armed forces<sup>30</sup>.

**2018** – March – Kuwaiti lawmakers pass legislation allowing Bidoons to serve in the military<sup>31</sup>.

**2019** – July – Protests take place following the suicide of 20-year-old Ayed Hamad Moudath after he was reportedly unable to obtain official documentation and as a result lost his job<sup>32</sup>.

**2019** – November – New legislation brought up in Kuwait’s Parliament that stated Bidoons could apply for citizenship and be granted residency providing that they declare their original nationalities<sup>33</sup>.

**2020** – November – The mandate of the Central System to Resolve Illegal Residents’ Status was extended by another year by the Kuwaiti authorities<sup>34</sup>.

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Section 4 updated: 12 March 2021

## 4. Kuwait’s Nationality Law

### 4.1 1959 Nationality Law

4.1.1 Kuwaiti nationality is determined by Kuwait’s 1959 Nationality Law. The main relevant 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;

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<sup>28</sup> HRW, ‘[World Report 2016: Kuwait – Events of 2015](#)’ (Treatment of Minorities) 27 January 2016

<sup>29</sup> UNHRC, ‘[List of issues...Replies of Kuwait to the list of issues](#)’ (paragraph 5) 21 April 2016

<sup>30</sup> USSD, ‘[2017 Country Reports on Human Rights Practices: Kuwait](#)’ (section d) 20 April 2018

<sup>31</sup> The New Arab, ‘[Kuwait allows stateless “Bidoons” to serve in armed forces](#)’ 6 March 2018

<sup>32</sup> The New Arab, ‘[Kuwait arrests...Bidoon protesters demanding citizenship](#)’ 17 July 2019

<sup>33</sup> The Arab Gulf States Institute in Washington, ‘[Stateless in Kuwait](#)’ 8 November 2019

<sup>34</sup> Amnesty International, ‘[Kuwait: Mandate of...government body...extended](#)’ 24 November 2020

- 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<sup>35</sup>.

4.1.2 The USSD report for 2019 published in March 2020 stated:

‘Citizenship is transmitted exclusively by the father; children born to citizen mothers and noncitizen fathers do not inherit citizenship unless the mother is divorced or widowed from the noncitizen father. The government designates religion of the father on birth certificates. The government often granted citizenship to orphaned or abandoned infants, including Bidoon infants. Bidoon parents were sometimes unable to obtain birth certificates for their children because of extensive administrative requirements. The lack of a birth certificate prevented Bidoon children from obtaining identification papers and accessing public services such as education and health care.’<sup>36</sup>

4.1.3 Kuwaiti women married to non-national fathers can only pass their nationality on to their children if the couple divorce or the father dies, or when the father is unknown or has failed to establish legal paternity<sup>37</sup>.

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## 4.2 Implementation of the law

4.2.1 The European Network on Statelessness (ENS) and the Institute on Statelessness and Inclusion (INS) published a paper in May 2019 citing various sources which stated:

‘The discriminatory nationality provisions in Kuwaiti legislation and the lack of safeguards against children being born stateless have meant that statelessness has become an intergenerational issue in Kuwait. Statelessness can be passed down from a stateless father to a child, regardless of whether the mother is a Kuwaiti national and regardless of whether the child is born in Kuwait. The children and grandchildren of those who were not able to register initially as Kuwaiti citizens have therefore also been left stateless.

‘There have been some efforts over the decades by the Kuwaiti authorities to resolve the situation of the Bidoon; however there has been little meaningful progress and the overall attitude to the Bidoon has changed very little since the 1990s. In 2000, a law was passed allowing the naturalisation of Bidoon on the condition that they could demonstrate their registration in the 1965 census. In practice, very few Bidoon were able to acquire nationality through this process. There are regular announcements of “new” initiatives to naturalise a segment of the Bidoon population, such as the descendants of those who served in Kuwait’s armed services or children of Kuwaiti mothers, but none has ever created a genuine pathway to nationality for more than a few hundred individuals.

<sup>35</sup> [Kuwaiti Nationality Law 1959](#), 1959

<sup>36</sup> USSD, ‘[2019 Country Reports on Human Rights Practices: Kuwait](#)’ (section 6) 11 March 2020

<sup>37</sup> HRW, ‘[\[...\] Kuwaiti Bidun and the Burden of Statelessness](#)’ (page 43) 13 June 2011

‘Controversially, in 2016, the authorities entered into an agreement with the Union of the Comoros (an archipelago off the east coast of Africa), for the Comoros to grant economic citizenship to stateless persons living in Kuwait. There have been reports of individuals who have obtained this citizenship, although exact figures are unavailable.’<sup>38</sup>

4.2.2 The USSD report published in March 2020 stated that:

‘The law does not provide stateless persons, including the Bidoon, a clear path to acquire citizenship. According to the government, however, 813 Bidoon were granted citizenship between 2018 and 2019. The judicial system’s lack of authority to rule on the status of stateless persons further complicated the process for obtaining citizenship, leaving Bidoon with no access to the judiciary to present evidence and plead their case for citizenship.’<sup>39</sup>

4.2.3 Freedom House stated in March 2020 that ‘Officials consider the country’s more than 100,000 bidoon to be illegal residents, and they lack the protections and benefits associated with citizenship...The law provides for a process through which bidoon may try to prove their Kuwaiti nationality, but it is opaque and largely ineffective.’<sup>40</sup>

4.2.4 In a joint July 2020 submission to the UN Committee for Rights of the Child, Salam for Democracy and Human Rights (SDHR), Rights Realisation Centre (RRC), MENA Rights Group, Global Campaign for Equal Nationality Rights (GCENR) and the Institute on Statelessness and Inclusion (ISI) stated ‘Article 1 of Code No. 77/2019 also significantly inhibits the number of non-Kuwaiti people eligible for naturalisation to a maximum 4,000 persons a year.’<sup>41</sup>

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Section 5 updated: 12 March 2021

## 5. Documentation

### 5.1 The Central System (to Resolve Illegal Residents’ Status)

5.1.1 In an undated response to a May 2011 letter from HRW, the Kuwait government (KG) stated (in a translation commissioned by HRW):

‘Decree 221/93, issued on October 19, 1993, established the Central Committee to Resolve the Status of Illegal Residents, which concluded its work on March 26, 1996. On the same date, Royal 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.’<sup>42</sup>

5.1.2 According to a letter of June 2016 the (then) FCO (now FCDO – Foreign, Commonwealth and Development Office) stated that 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

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<sup>38</sup> ENS & INS, ‘[Statelessness in Kuwait; Country Position Paper](#)’ (page 7) May 2019

<sup>39</sup> USSD, ‘[2019 Country Reports on Human Rights Practices: Kuwait](#)’ (section G) 11 March 2020

<sup>40</sup> Freedom House, ‘[Freedom in the World 2020 – Kuwait](#)’ (section F4) 4 March 2020

<sup>41</sup> SHDR, RRC, MENA, GCENR, ISI, ‘[Joint submission to the UNCRC](#)’ July 2020

<sup>42</sup> Kuwait Government via HRW, ‘[...Response to its Questions and Inquiries](#)’ (page 3) no date

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 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<sup>43</sup>.

5.1.3 In an undated response to a May 2011 letter from HRW, the Kuwait government (KG) stated (in a translation commissioned by HRW):

'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... Under Article 2 of the decree establishing the Central System, this agency 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.'<sup>44</sup>

5.1.4 The same source stated:

'Royal Decree 467/2010, issued on November 9, 2010, created the Central System to Resolve Illegal Residents' Status, which granted civil, social, and humanitarian rights to illegal residents registered with the Central System within the framework of previous Cabinet and other decrees on aid, services, and benefits offered to this class, which include the following:

- (i) Free treatment for illegal residents through the Charitable Fund for Health Care for Needy Residents of Kuwait.
- (ii) Free education for the children of illegal residents through the Charitable Fund for the Education of Needy Children in Kuwait.
- (iii) The issuance of birth certificates for the children of illegal residents that includes the term "non-Kuwaiti" in the slot for citizenship.
- (iv) The issuance of death certificates for illegal residents that includes the term "non-Kuwaiti" in the slot for citizenship.
- (v) The issuance of marriage contracts for illegal residents that includes the term "non-Kuwaiti" in the slot for citizenship.
- (vi) The issuance of divorce certificates for illegal residents that includes the term "non-Kuwaiti" in the slot for citizenship.
- (vii) The issuance of driver's licenses that includes the term "non-Kuwaiti" in the slot for citizenship.

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<sup>43</sup> UK FCDO, 'Letter to the Border and Immigration Agency' (paragraphs 9 and 11) July 2016 [Annex A](#)

<sup>44</sup> Kuwait Government via HRW, '[...Response to its Questions and Inquiries](#)' (page 6) no date

- (viii) Disabled illegal residents have access to the services offered by the Supreme Council for the Disabled in accordance with existing conditions.
- (ix) Eligibility to obtain all types of authorizations from the Department of Authentication.
- (x) Enabling the employment of illegal residents in the government and private sectors according to the need for work.
- (xi) The granting of provision cards to eligible illegal residents.<sup>45</sup>

5.1.5 According to the FCDO letter of June 2016, anecdotal evidence from NGOs and the Bidoon community suggests the granting of these facilities has been inconsistent<sup>46</sup>.

5.1.6 The USSD report published in March 2020 stated:

'In 2018 the Central Agency for Illegal Residents, tasked with overseeing Bidoon affairs, had tens of thousands of citizenship requests by Bidoon under review. Although Bidoon are by law entitled to government benefits including five-year renewable residency, free healthcare and education, and ration cards, community members have alleged it was often difficult for them to avail of those services due to bureaucratic red tape.

'According to Bidoon advocates and government officials, many Bidoon were unable to provide documentation proving ties to the country sufficient to qualify for citizenship. The government alleged that the vast majority of Bidoon concealed their "true" nationalities and were not actually stateless. Agency officials have extended incentive benefits to Bidoon who disclose an alternate nationality, including priority employment after citizens, and the ability to obtain a driver's license. As of March 2018 approximately 12,700 Bidoon had admitted having a claim on another nationality.

'Bidoon leaders alleged that when some members of the Bidoon community attempted to obtain government services from the Central Agency, officials would routinely deceive them by promising to provide the necessary paperwork only if the Bidoon agreed to sign a blank piece of paper. Later, Bidoon reported, the agency would write a letter on the signed paper purportedly "confessing" the Bidoon's "true" nationality, which rendered them ineligible for recognition or benefits as Bidoon.'<sup>47</sup>

5.1.7 HRW observed that 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 identity cards as the Bidoon Committee had closed their files, because they were seen to have admitted to holding another country's nationality<sup>48</sup>.

5.1.8 On 24 August 2020 Landinfo, the Norwegian Country of Origin Information Centre, published a query response, citing various sources, entitled 'Kuwait: the Bidun's review cards' which stated:

<sup>45</sup> Kuwait Government via HRW, '[...Response to its Questions and Inquiries](#)' (page 13) no date

<sup>46</sup> UK FCDO, 'Letter to the Border and Immigration Agency' (paragraph 15) July 2016 [Annex A](#)

<sup>47</sup> USSD, '[2019 Country Reports on Human Rights Practices: Kuwait](#)' (section G) 11 March 2020

<sup>48</sup> HRW, '[...Kuwaiti Bidun and the Burden of Statelessness](#)' (page 21) 13 June 2011

'The current committee, the Central System – Central System to Resolve Illegal Residents' Status – has more extensive powers than its predecessors. Referred to as "a state within the state", the Central System regulates the Biduns' access to documents and formal rights in an arbitrary and non-transparent manner. Biduns do not have insight into the basis of the committee's decisions, nor can they contest the decisions. In practice, the courts also lack authority to rule on the status of stateless persons.

'According to the Central System itself, the Bidun files are categorised in three groups (Central Agency 2017):

- '1. Illegal residents whose status need to be adjusted.
- '2. Illegal residents who might be considered for naturalization.
- '3. Illegal residents for whom residency permits are issued after remedying their status (i.e. after declaring their original nationality [Landinfo's comment]).'<sup>49</sup>

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## 5.2 Civil ID card

### 5.2.1 Human Rights Watch stated in its June 2011 report:

'While both Kuwaiti citizens and legal foreign residents receive civil identification cards issued by the government, the Bidun, as "illegal residents," do not. These ID cards must be presented in order to rent or purchase real estate or cars, open bank accounts, enroll in private universities and some private schools; hold legal employment; and receive birth, marriage, or death certificates. While both government authorities and private entities have created limited exceptions, the requirement of civil ID cards effectively bans the Bidun from many forms of employment and public services.'<sup>50</sup>

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## 5.3 Green card (1996-2000)

### 5.3.1 Bidoon who registered with 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<sup>51</sup>.

### 5.3.2 According to HRW, 106,000 Bidoon who registered with the Bidoon Committee between 1996 and 2000 were issued with security cards<sup>52</sup>.

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<sup>49</sup> Landinfo, '[Kuwait: The Bidun's review cards](#)' (page 4) 24 August 2020

<sup>50</sup> HRW, '[...Kuwaiti Bidun and the Burden of Statelessness](#)' (page 19) 13 June 2011

<sup>51</sup> HRW, '[...Kuwaiti Bidun and the Burden of Statelessness](#)' (page 19) 13 June 2011

<sup>52</sup> HRW, '[...Kuwaiti Bidun and the Burden of Statelessness](#)' (page 5) 13 June 2011

#### 5.4 Review card (commonly referred to as 'Security Card) issued by the Central System (2000 – present)

5.4.1 Although commonly referred to as 'security card', the Kuwaiti government refers to these documents as 'review cards'. In an undated response to a letter from HRW in May 2011 the Kuwaiti Government stated:

'Firstly, the term used in your report—"security card"—is not accurate. The proper official term is "review card." Under Decree 482/1996, amended by Decree 49/2010, a card is issued to every person over the age of five who has a file with the Central System to Resolve Illegal Residents' Status. 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. There are two types:

'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.'<sup>53</sup>

5.4.2 The Kuwaiti Government further stated:

'The review card verifies that the person is registered in state records with the Central System as an illegal resident. In addition, it establishes that its bearer has a set of rights, benefits, and facilities that were enumerated in Cabinet Decree 409/2011.

'As for the responsibilities that fall to the bearer, they are the duty of individuals of this class to alter their illegal status in the country by legalizing their residency.

'The Central System reserves the right to revoke these cards if the status is altered or in case of death, although those who alter their status continue to enjoy the rights and benefits upheld for this class.'<sup>54</sup>

5.4.3 According to the FCDO letter of June 2016, these 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<sup>55</sup>.

5.4.4 A submission to the UN Expert Mechanism on the Rights of Indigenous Peoples dated 28 February 2019 produced by Abdulhakim al Fadhli and Susan Kennedy Nour al Deen provided an example of a review card issued between 2018 and 2019:

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<sup>53</sup> Kuwait Government via HRW, '[...Response to its Questions and Inquiries](#)' (page 8) no date

<sup>54</sup> Kuwait Government via HRW, '[...Response to its Questions and Inquiries](#)' (page 9) no date

<sup>55</sup> UK FCDO, 'Letter to the Border and Immigration Agency' (paragraph 23) July 2016 [Annex A](#)



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5.4.5 The August 2020 Landinfo query response citing various sources stated:

‘Biduns registered with the Central System are to be issued a card confirming their registration, a so-called review card (also known as a security card). The card contains the holder’s personal data and a case number but is not a regular ID card. Furthermore, a valid card supposedly confirms the holder’s right to certain public services, such as personal documents (birth certificates, marriage/divorce certificates, death certificates), health services and schooling, as well as employment rights.

‘In general, however, the system is less straightforward than it might seem. The card needs to be renewed frequently, having been issued with an increasingly shorter validity length in recent years. While they were previously valid for one or two years, they are now valid for either three months, six months or a maximum of twelve months. A well-informed source told Landinfo that more and more frequently, the cards are only valid for three months.’<sup>57</sup>

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#### Renewal of review cards

5.4.6 The August 2020 Landinfo query response stated:

‘Precisely how often and on under what conditions Biduns must renew their card, depends on the circumstances of the case. For many, however, the process is arbitrary, non-transparent and difficult. Biduns with “security restrictions” will probably not be able to renew their cards. This may apply to their family members as well. Also, Biduns suspected of having a foreign nationality may face severe difficulties renewing their cards.

‘Sources report that the Central System uses dubious methods to get as many Biduns as possible to declare their “true nationality” and renounce their claim on Kuwaiti citizenship. This occurs when Biduns are trying to renew their review cards or obtain other necessary permits to access public services. The practice includes various forms of administrative hurdles and means of pressure, such as:

<sup>56</sup> Al Fadhli, A; Nour Al Deen A, ‘[Bedoon Indigenous Rights ...](#)’ (section iii) 28 February 2019

<sup>57</sup> Landinfo, ‘[Kuwait: The Bidun’s review cards](#)’ (pages p4-5) 24 August 2020

‘• Repeated postponements of permissions to access services and requests for additional documentation.

‘• Shortening the validity of the review cards (down to three months), requesting the holder to “regularise his/her basis of residence”.

‘• Pressure to sign various types of documents in exchange for a renewed card or other services. This includes declarations renouncing their claim to citizenship, confirmations of information not revealed to them, and signing blank pieces of paper. Subsequently, the Biduns’ signatures could be used as a confession of having another nationality.

‘• Arbitrary and unjustified attribution of presumed nationality, which then appears both on the renewed review card and in the database records system. A well-informed source says this practice is becoming increasingly current and irrational. It could be based on irrelevant information, such as having an uncle who is a citizen of a neighbouring country. There are also cases where siblings have been assigned two different nationalities.

‘As a consequence of this practice, some registered Biduns will not have valid review cards Landinfo has been informed that many Biduns resist the kind of pressure describe above, and thus may be unable to renew their cards. A well-informed source adds that the increasing practice of attributing another nationality and noting it on the cards, causes some Bidun to refrain from trying to renew them. For others, it may be cumbersome bureaucratic processes that prevent renewal.’<sup>58</sup>

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### Children of registered Bidoons

#### 5.4.7 The August 2020 Landinfo query response stated:

‘In principle, children of registered Biduns are supposed to get registered. From the age of five, they are entitled to have their own review card. However, Landinfo has no information indicating that this occurs automatically. According to [Claire] Beaugrand [a Gulf Research Fellow at the Institute of Arab and Islamic Studies at the University of Exeter], many Bidun children are not included in official statistics because they lack birth certificates. Similarly, the U.S. Department of State reports that some Bidun children still do not receive birth certificates and, consequently, no review cards.

‘...Group29, a Kuwaiti human rights organisation, reported on this topic in 2012. Apparently, obtaining birth certificates for children over the age of six, was particularly cumbersome. Group29 describes a very bureaucratic process of 23 steps, taking at least 15 months, where the parents must prove that the child is theirs. The case is processed by departments for genealogy and forensic evidence before a court decides on the matter. The court decision must then be approved by the Central System before a birth certificate can be issued.

‘In order to get civil documents for their children, parents must have valid review cards. As mentioned above, this is not necessarily the case for all

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<sup>58</sup> Landinfo, ‘[Kuwait: The Bidun’s review cards](#)’ (pages 5-6) 24 August 2020

registered Biduns. Even those who have valid cards may be put under pressure to resolve their status before getting access to documents and services that they are entitled to.’<sup>59</sup>

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## 5.5 Birth, marriage and death certificates

5.5.1 In response to Human Rights Watch’s May 2011 letter, the Kuwaiti government stated:

‘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.

‘...The Central System, based on investigations and research, supplies the Ministry of Health (in the case of birth and death certificates) and the Ministry of Justice (in the case of marriage and divorce certificates) with an indication of the citizenship of the concerned parties. This information is recorded in the official documents being requested. The statement of citizenship is essential on these documents and it must be supplied before they are issued. However, realistically, some individuals of this class [the Bidoon] refrain from collecting their documents as they object to the statement of citizenship found in them. The reality of the matter is that the denial comes from this class, not from the Kuwaiti government.’<sup>60</sup>

5.5.2 The ENS and INS report published in May 2019 stated ‘Civil documentation such as birth, marriage and death certificates are sometimes accessible for Bidoon with a “reference” or “security” card. Bidoon with this card need to request permission to obtain these civil documents and they may still be refused if the Government suspects that they have other nationalities.’<sup>61</sup>

5.5.3 In a joint July 2020 submission to the UN Committee for Rights of the Child, Salam for Democracy and Human Rights, Rights Realisation Centre, MENA Rights Group, Global Campaign for Equal Nationality Rights and the Institute on Statelessness and Inclusion (ISI) stated:

‘According to the Ministry of Interior, Bidoon parents have to provide an official document from the Central System for the Remedy of Situations of “Illegal Residents” (Central System), set up in the state by the Amiri Decree No. 467/2010, before receiving birth certificates for new-born children. This process requires the parents to confirm that whatever information stipulated in their new IDs is true, in order to obtain the necessary papers to secure birth registration for their children. They are often not afforded the opportunity to read and validate this information. Therefore, many Bidoon parents have no choice but to affirm that information put forward by the Central System – claiming they are nationals of another State – is true. This in turn reinforces the false state

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<sup>59</sup> Landinfo, ‘[Kuwait: The Bidun’s review cards](#)’ (page 7) 24 August 2020

<sup>60</sup> Kuwait Government via HRW, ‘[...Response to its Questions and Inquiries](#)’ (page 6-7) no date

<sup>61</sup> ENS & INS, ‘[Statelessness in Kuwait: Country Position Paper](#)’ (page 8) May 2019

narrative, as also articulated in the State party report to the Committee, which underplays the extent of statelessness in the country and undermines the legitimate claim of the Bidoon to be recognised as Kuwaiti citizens. Signing these consent forms effectively bars them from Kuwaiti nationality and increases the stigmatised perceptions of the Bidoon as having hid their original nationalities to abuse the Kuwaiti system. If they refuse to be coerced by the system, then they are inevitably depriving their child of the rights that flow from legal recognition.’<sup>62</sup>

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## 5.6 Article 17 travel documents

### 5.6.1 The FCDO letter of June 2016 stated:

‘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).

‘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.

‘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.’<sup>63</sup>

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<sup>62</sup> SHDR, RRC, MENA, GCENR, ISI, ‘[Joint submission to the UNCRC](#)’ July 2020

<sup>63</sup> UK FCDO, ‘Letter to the Border and Immigration Agency’, (para 25-27) July 2016, [Annex A](#)

- 5.6.2 The USSD report published in March 2020 stated ‘The Ministry of Interior has not issued “Article 17” passports (temporary travel documents that do not confer nationality) to Bidoon except on humanitarian grounds since 2014. In August [2019] the Ministry of Interior said it would indefinitely suspend the issuance of “Article 17” passports.’<sup>64</sup>

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Section 6 updated: 12 March 2021

## 6. Treatment of Bidoons

### 6.1.1 Amnesty International stated:

‘Until 1986, the Bidun enjoyed a status similar to that of Kuwaiti citizens. Since then, however, many thousands of Bidun 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, Bidun who are able to work in the public sector accept lower wages and poorer terms of employment than Kuwaiti citizens. The Bidun often pay higher fees for essential medical care they cannot obtain at state facilities. Bidun 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 Bidun families can access.’<sup>65</sup>

- 6.1.2 The FCDO letter of June 2016 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 are closely linked into Kuwaiti families, and possess the support networks contacts and wealth to circumvent obstacles.’ Illegal residents who are not registered within the Central System are not able to access any government services and could be subject to arbitrary arrest and detention<sup>66</sup>.

### 6.1.3 The USSD report published in March 2020 stated:

‘Some Bidoon and international NGOs reported that the government did not uniformly grant some government services and benefits to Bidoon, including education, employment, medical care, and the issuance of civil documents, such as birth, marriage, and death certificates. Since the government treats them as illegal residents, Bidoon do not have property rights. In February [2019] press reports indicated that the Interior Ministry would not hire Bidoon in its uniform services until the National Assembly passed legislation on the Bidoon’s civil and social rights.

‘Bidoon advocates reported that many Bidoon families were unable to obtain birth certificates for their children due to extensive administrative requirements, which restricted the children’s ability to obtain government-issued identification cards, access adequate medical care, attend school, and be counted in official statistics... In June [2019] the Ministry of Education

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<sup>64</sup> USSD, ‘[2019 Country Reports on Human Rights Practices: Kuwait](#)’ (section D) 11 March 2020

<sup>65</sup> Amnesty International, ‘[The “Withouts” of Kuwait ...](#)’ (page 2) 16 September 2013

<sup>66</sup> UK FCDO, ‘Letter to the Border and Immigration Agency’ (paragraph 21) July 2016 [Annex A](#)

said it would refuse to pay the salaries of Bidoon teachers with expired civil identification documents (IDs) until they received new identification cards. Reports also indicated that the Central Agency for Illegal Residents asked some banks to close the accounts of Bidoon who did not provide the necessary documentation to renew their identification cards. In August [2019] the Ministry of Education suspended admission of Bidoon students, alleging lack of space in schools and advised Bidoon parents to consider enrolling their children in private school instead.

‘Many adult Bidoon lacked identification cards due to the many administrative hurdles they face, preventing them from engaging in legal employment or obtaining travel documents.

‘The restriction on identification cards also resulted in some Bidoon children not being able to register for public school and instead working as street vendors to help support their families. Since citizen children were given priority to attend public school, many Bidoon children whose families could afford it enrolled in substandard private schools.’<sup>67</sup>

6.1.4 The same source further stated in regard to foreign travel: ‘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 overseas for medical treatment and education, and to visit Saudi Arabia for the annual Hajj.’<sup>68</sup>

6.1.5 In April 2020 the Bertelsmann Stiftung project (BTI) published a country report on Kuwait which stated:

‘For decades, Bidoon have been denied full citizenship rights (e.g. access to social welfare, favorable employment and voting rights), despite often having lived all their lives in Kuwait. In public discourse, Bidoon are regularly suspected of holding other citizenships and seeking Kuwaiti citizenship only for its material benefits.

‘...Bidoons continue to be excluded from full citizenship, despite their long history in Kuwait. Women in Kuwait still face legal discrimination. The nationality law does not afford Kuwaiti citizenship to the child of a Kuwaiti woman and foreign-born father.

‘...Bidoons are not allowed to enroll in Kuwait’s free public schools, but can attend private educational facilities at a reduced charge. Parents pay up to 30% of the tuition fee, with the rest subsidized by the state. However, stateless children are regularly denied access to schools due to accusations that their parents destroyed their real identification documents to allow them to pass as Bidoon and benefit from state subsidies.’<sup>69</sup>

6.1.6 MRGI stated in an undated profile on Bidoons:

‘Due to their stateless status, Bidoon face difficulties in obtaining civil documents, finding employment, and accessing healthcare, education, and

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<sup>67</sup> USSD, ‘[2019 Country Reports on Human Rights Practices: Kuwait](#)’ (section G) 11 March 2020

<sup>68</sup> USSD, ‘[2019 Country Reports on Human Rights Practices: Kuwait](#)’ (section D) 11 March 2020

<sup>69</sup> BTI, ‘[BTW 2020 Country Report Kuwait](#)’ (pages 7,14,27) 29 April 2020

other social services provided to Kuwaiti citizens. As a result, many live in relative poverty and are relegated to working in the informal sector.

'... As is often the case in marginalized communities, Bidoon girls and women have been particularly vulnerable to discrimination and abuse. They have faced sexual harassment from government officials while applying for documentation. At the same time, the government has failed to protect Bidoon women, whose marriages are often unregistered, for instance in obtaining their legal rights upon divorce.

'Since they are not recognized as Kuwaiti citizens, Bidoon children do not have the right to attend public schools. However, most children are able to receive an education through private schools. The parents are normally expected to pay 30 per cent of the school fees while the remainder is covered by charitable foundations, both public and private. Bidoon families may send girls to school every other year in order to afford to send a male sibling every year. Although this arrangement is certainly an improvement upon the situation of the late 1980s and 1990s, when many Bidoon children, especially girls, were excluded from education entirely, it remains the case that girls are more likely to miss out on education than boys.

'It has been pointed out that private schools in Kuwait generally offer a much lower standard of education than public schools. Moreover, until the 2013-2014 academic year, Bidoon were not permitted to attend Kuwait University. Now, the university accepts a maximum quota of 100 Bidoon students per year, but they must have achieved a high school average of 90 per cent and obtain security clearance from the Central System to Resolve Illegal Residents' Status.

'Regardless of their level of education, Bidoon face discrimination in employment by virtue of their "illegal" status. Although many government ministries hire Bidoon, this is generally on the basis of "remuneration for work" contracts which offer little job security and none of the benefits provided by law to citizens and expatriate workers, such as paid sick leave, annual leave, and pensions. Moreover, in both the public and private sectors, salaries offered to Bidoon are generally lower than those offered to citizens and expatriate workers. In reality, many Bidoon are forced to earn a living in the informal sector, such as by selling fruits and vegetables on the street. However, since they cannot obtain commercial licenses or own property, they are at constant risk of being arrested or having their goods confiscated for operating businesses illegally.'<sup>70</sup>

#### 6.1.7 The same source further stated:

'In terms of healthcare, Bidoon can purchase low-cost insurance plans from the government that allow them to be treated in public hospitals. However, these health plans exclude many types of tests, medications and operations. Moreover, Bidoon without reference cards can be refused care altogether at government hospitals. The only other option for undocumented Bidoon is to attend one of the private hospitals, which are prohibitively expensive for many.

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<sup>70</sup> MRGI, ['World Directory of Minorities and Indigenous Peoples - Kuwait Bidoon – Profile'](#) no date

'Discriminatory policies towards Bidoon have contributed to the community's relative poverty and social segregation over the long term. Most Bidoon live in slum-like settlements on the outskirts of Kuwait City, Tayma, Sulaibiyya and Ahmadi where they lack adequate housing and protection from Kuwait's extreme weather conditions. Although the government constructed low-cost housing units in these areas in the 1970s, there has not been any further development since then, which has led to overcrowding and the growth of shantytowns. Reportedly, suicide rates are high within the Bidoon community.'<sup>71</sup>

- 6.1.8 Freedom House stated in March 2020 that Bidoons 'often live in poor conditions and have difficulty accessing public services and obtaining formal employment.'<sup>72</sup> The same source further stated that while Kuwaiti laws allows citizens and foreign nationals to own private property, Bidoons are prohibited from doing so. Additionally, the report also stated that detained Bidoons have been known to experience torture and beatings while in custody<sup>73</sup>.

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Section 7 updated: 12 March 2021

## **7. Bidoon protests and security restrictions**

- 7.1.1 The USSD report published in March 2020 stated that 'The constitution provides for freedoms of peaceful assembly and association for citizens, but noncitizens and Bidoon are prohibited from demonstrating... Bidoon activists have reported that if they try to assemble peacefully or organize campaigns to gain equal rights, authorities regularly harass them. Some Bidoon activists indicated they were detained for questioning by authorities each time they planned campaigns or protests.'<sup>74</sup>

- 7.1.2 MRGI stated:

'Following decades of political quiescence, in 2011 Bidoon were emboldened by the Arab Spring to begin protesting their unfair treatment. On 18 February 2011, around 1,000 Bidoon took to the streets to call for citizenship rights. Kuwaiti security forces responded with tear gas, water cannons and smoke bombs, injuring 30 protestors and detaining 50. Some of those detained were subjected to torture, ill-treatment and sexual abuse. Further demonstrations took place in March, May and successive weekends in December. On 7 January 2012, the Deputy Interior Minister declared that Bidoon demonstrations were forbidden, though another was held in July 2012.'<sup>75</sup>

- 7.1.3 According to the FCDO letter of 2016:

'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

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<sup>71</sup> MRGI, '[World Directory of Minorities and Indigenous Peoples - Kuwait Bidoon – Profile](#)' no date

<sup>72</sup> Freedom House, '[Freedom in the World 2020 – Kuwait](#)' (section F4) 4 March 2020

<sup>73</sup> Freedom House, '[Freedom in the World 2020 – Kuwait](#)' (section F3, G2) 4 March 2020

<sup>74</sup> USSD, '[2019 Country Reports on Human Rights Practices: Kuwait](#)' (section B) 11 March 2020

<sup>75</sup> MRGI, '[World Directory of Minorities and Indigenous Peoples - Kuwait Bidoon – Profile](#)' no date

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.<sup>76</sup>

#### 7.1.4 The USSD report published in March 2020 stated:

‘Ayed Hamad Medath committed suicide on July 7 [2019], which human rights advocates pointed out occurred after the government denied him civil documentation needed to access employment, education, and other public services. During protests that occurred after Medath’s death, the State Security agency arrested at least 15 Bidoon activists between July 11 and 14 [2019]. Those arrested included prominent human rights defender Abdulhakim al-Fadhli during a raid on his home in which authorities confiscated al-Fadhli’s and his family’s cellphones and computers. Authorities had arrested al-Fadhli several times in previous years for his peaceful activities advocating for the rights of the Bidoon community.

‘Some of the detained Bidoon activists engaged in a 12-day hunger strike beginning August 22 to protest the plight of their community. The hunger strike was called off because of deteriorating health of the activists. On September 10, the Criminal Court held its first hearing on the case against the Bidoon for organizing unlicensed protests and sit-ins. The court postponed the trial until September 17 and subsequently released five defendants on bail. Two additional public hearings were held on November 12 and November 26. On November 4, two separate Bidoon men committed suicide.

‘The detainees faced numerous charges, including joining a banned organization aimed at undermining basic systems and overthrowing the regime of the country; spreading false news; insulting friendly countries; misusing a phone; organizing and participating in gatherings and rallies without a license; and incitement to murder. All the defendants denied all charges.’<sup>77</sup>

#### 7.1.5 MRGI provided an update on the charges brought against the Bidoon activists and stated:

‘In January 2020, the 4th Circuit Criminal Court issued its ruling in the case of these 15 defendants plus one further activist living in exile, who was tried in absentia. The Court described the group as “illegal residents”, which in itself was a reminder of Bidoon exclusion. Two of the group were sentenced to ten years’ imprisonment and forced labour, followed by their deportations. The defendant who was tried In absentia was sentence to life imprisonment. The rest of the defendants were acquitted, although near all had to pay bail

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<sup>76</sup> UK FCDO, ‘Letter to the Border and Immigration Agency’ (para 17) July 2016 [Annex A](#)

<sup>77</sup> USSD, ‘[2019 Country Reports on Human Rights Practices: Kuwait](#)’ (section G) 11 March 2020

as well as hand over the mobile phones and computers that they had been using at the time of their arrest. The arrests and subsequent trial were widely criticized by human rights groups in the region, as violating basic free assembly and free speech rights.<sup>78</sup>

- 7.1.6 The USSD report published in March 2020 stated 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 was derived from that person also lose their citizenship and all associated rights.’<sup>79</sup>
- 7.1.7 The FCDO letter of June 2016 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<sup>80</sup>.
- 7.1.8 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 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.’<sup>81</sup>
- 7.1.9 The August 2020 Landinfo query response stated:  
‘Security restrictions have been imposed for a number of reasons, and it is difficult to form a clear picture of the motives behind. Sources say the system appears to be arbitrary. Initially, security restrictions were imposed on Biduns who had joined Saddam Hussein’s Popular Army during the Iraqi invasion in 1990. Now, actions such as participating in unauthorised demonstrations and posing threats against the government on social media could lead to security restrictions. Furthermore, security restrictions may also be imposed on families who have acquired fake foreign passports to get five-year work visas. Upon expiration of these passports, the concerned families are not able to restore their former status as registered Biduns and fall into the category of unregistered Biduns.’<sup>82</sup>

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<sup>78</sup> MRGI, ‘[World Directory of Minorities and Indigenous Peoples - Kuwait Bidoon – Profile](#)’ no date

<sup>79</sup> USSD, ‘[2019 Country Reports on Human Rights Practices: Kuwait](#)’ (section D) 11 March 2020

<sup>80</sup> UK FCDO, ‘Letter to the Border and Immigration Agency’ (para 16) July 2016 [Annex A](#)

<sup>81</sup> UK FCDO, ‘Letter to the Border and Immigration Agency’ (para 16) July 2016 [Annex A](#)

<sup>82</sup> Landinfo, ‘[Kuwait: The Bidun’s review cards](#)’ (page 5) 24 August 2020

# 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 blog campaign on this issue, and on the importance of swift action from the government to address it. Some have seen these moves – at least in part – as due to political self interest, as the Bidoon constituency, if naturalised, would be more inclined to share Islamist and tribal political priorities. 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**

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal Context
  - Nationality Law
  - Implementation of the law
- Bidoons
  - History
  - Population
  - Documentation
  - Issues facing Bidoons

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **1 April 2021**

## Changes from last version of this note

Updated COI and guidance.

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