

Immigration Detention in United Arab Emirates

About the Global Detention Project

The Global Detention Project (GDP) is a non-profit research centre based in Geneva, Switzerland, that investigates the use of detention in response to global migration. The GDP's aims include: (1) providing researchers, advocates, and journalists with a measurable and regularly updated baseline for analysing the growth and evolution of detention practices and policies; (2) facilitating accountability and transparency in the treatment of detainees; and (3) encouraging scholarship in this field of immigration and refugee studies.

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Abstract

Despite its efforts to cultivate a reputation as a bastion of culture and tourism in the Gulf, the United Arab Emirates imposes harsh conditions on foreign workers, systematically represses those who speak out about abuses, and prevents investigations of its detention and incarceration of non-citizens. What little information is available about detention must be gleaned through reviewing relevant legislation, media reports, reports from foreign governments, as well as studies undertaken by international NGOs. Taken together, these sources appear to point to a burgeoning immigration detention regime in the UAE that has little independent review or oversight.

Introduction

In mid-2014, reports from major news sources highlighted the arrest and deportation of foreign workers who had gone on strike to protest deplorable labour conditions in the United Arab Emirates (UAE). A key place of unrest at the time was a construction site in Abu Dhabi that is intended to showcase the country's cultural advancements by hosting a campus of New York University as well as Louvre and the Guggenheim Museum sites.¹

According to these reports, in addition to being barred from conducting strikes or forming unions, foreign workers in the UAE are forced to pay fees of up to a year's wages to recruiters, surrender their passports to their sponsors, live in overcrowded and substandard housing, and work exceedingly long hours in difficult conditions.²

The stark employment conditions of foreign workers in the UAE have been repeatedly confirmed in follow up investigations undertaken by major international rights groups, including Human Rights Watch (HRW), which published back-to-back reports in 2014-2015 documenting abuses suffered by female domestic workers as well as foreign workers at the construction site in Abu Dhabi.³

However, there is an important gap in these reports, which one finds in nearly all media and NGO investigations about the UAE—that is, there is nearly no information about where and in what conditions migrants are detained after they are arrested or as they await deportation. The reason for this gap, as a HRW researcher told the Global Detention Project (GDP), is the government's effort to limit access by rights actors to detention centres.⁴

The UAE has endeavoured to cultivate a reputation as a bastion of business, tourism, and the arts. However, as numerous human rights researchers have discovered, the government appears to zealously protect this fledgling reputation by sometimes refusing to allow rights actors to enter the country. Researchers from both Amnesty International (AI) and HRW have been denied entry in recent years.

¹ Ariel Kaminer and Sean O'Driscoll, "Workers at N.Y.U.'s Abu Dhabi Site Faced Harsh Conditions," *The New York Times*, 18 May 2014, <http://www.nytimes.com/2014/05/19/nyregion/workers-at-nyus-abu-dhabi-site-face-harsh-conditions.html>.

² Michael Dickison, "Stagnant wages dash hopes of UAE migrants," *Al Jazeera*, 12 May 2014, <http://www.aljazeera.com/news/middleeast/2014/02/stagnant-wages-dash-hopes-uae-migrants-201422414312319248.html>.

³ Human Rights Watch, "I Already Bought You": Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates," October 2014; and "Migrant Workers' Rights on Saadiyat Island in the United Arab Emirates: 2015 Progress Report," February 2015.

⁴ Rothna Begum (Human Rights Watch), Email Correspondence with Michael Flynn (Global Detention Project), 5-10 February 2015.

The country appears to be particularly unnerved about its massive foreign-born population and has long sought to implement stringent border controls. For instance, a [confidential 2007 report](#) from the U.S. Consul General in Dubai, which was released by Wikileaks, recounts the UAE's efforts to build fences along its borders with Oman and Saudi Arabia "to stop illegal immigration." According to the report, "Since 2005 the [government] has been erecting fences along its borders with Saudi Arabia and Oman. [U.S. officials] have observed that the fence along the borders of the UAE and Oman is almost complete, except for a few sections, which are still being completed." One Omani source told the U.S. official "that when the residents of the mountains ... noticed strangers, they would detain them and call the police. When illegal immigrants are turned over to the RAK [Ras Al Khaimah] police, the RAK government gives them a reward. He added that illegal immigrants are detained a few times a month and that most of them were Pakistani, Baluchi, or Iranian."⁵

More recently, several foreign writers and bloggers in the UAE who have tried to raise awareness of the treatment of non-citizens have been detained and deported. Detailing the arrest and expulsion of the Palestinian blogger Iyad el-Baghdadi in early 2014, Migrant-Rights.org reported: "Before [Iyad], stateless activist [Ahmed Abdulkhaleq](#) was jailed for months before being exiled to Thailand. [Yasin Kakande](#), a Ugandan journalist who worked in Emirati press for 10 years, was next. Kakande was exiled for writing a book on the UAE's migration and trafficking issues, a topic local journalists are heavily constrained in reporting. Iyad reminds us that these are not 'deportations' as the regime likes to phrase them, but repressive measures designed to silence criticism and dissent; authorities exploit migrants' legal vulnerabilities, easily displacing them without explanation, let alone justification."⁶

A small Gulf country occupying the southern coast of the Persian Gulf, the UAE is a federation of seven small semiautonomous principalities that was formed in 1971 after independence from Britain. Foreign labour has been a critically important element in the country's ability to spur economic growth and maintain a high standard of living for native Emiratis, who are a tiny minority. The country has one of the highest ratios of foreigners in the world with expatriates representing roughly 90 percent of the total population and 95 percent of the workforce.⁷ This imbalance is also starkly reflected in the country's prison population. According to the World Prison Brief, as of 2006 (the most recent year for which statistics are available), 92.2 percent of the country's prisoners were foreigners.⁸

Perhaps in an effort to improve public perception of its treatment of foreigners, in mid-2015, as the refugee crisis in Syria exploded, the UAE government announced that it was implementing a "strategic humanitarian plan" to assist refugees. A centerpiece of the plan was to fund shelters for refugees close to Lebanon "in order to facilitate their return home when the crisis is over." The state-run Emirates News Agency reported, "Since the crisis began in 2011, the Gulf countries received more than 100,000 Syrian refugees. ... The UAE was one of the first countries to respond to the growing humanitarian crisis, providing more than USD530 million in direct aid, mainly through the Syria Recovery Trust Fund." The Minister of State for Foreign Affairs told the news agency, "Syrian families are living a natural and normal life in the UAE's secure and welcoming environment."⁹

Similar to other countries of the Gulf Cooperation Council (GCC), foreign workers enter the UAE through the kafala sponsorship scheme. Though both highly-skilled/high wage workers and low-

⁵ Paul R. Sutphin, Consul General, Dubai, UAE, "NEW UAE-OMANI BORDER FENCE AIMED AT STOPPING ILLEGAL IMMIGRATION," 26 April 2007, released by Wikileaks, available at https://wikileaks.org/plusd/cables/07DUBAI282_a.html.

⁶ Migrant-Rights.org, "Inside Emirati Deportation Prisons," 17 February 2015, <http://www.migrant-rights.org/2015/02/inside-emirati-deportation-prisons/>.

⁷ The Economist Intelligence Unit, "UAE expatriates and the bottom line," The Economist, 2014, <http://www.fpinternational.ae/knowledge/economist-insight.jsp>.

⁸ World Prison Brief, "United Arab Emirates," <http://www.prisonstudies.org/country/ united-arab-emirates>.

⁹ Emirates News Agency, "UAE Continues Relief to Syrian Refugees in Lebanon," Inter Press Service, 12 September 2015, <http://www.ipsnews.net/2015/09/uae-relief-to-syrian-refugees-in-lebanon-continues/>.

wage workers have migrated to the UAE, it is particularly the low-wage workers employed in certain industries—such as construction, services, and domestic work—who are most susceptible to exploitation under the kafala scheme.¹⁰

Not only is dissent among migrant workers often forcefully suppressed, there is also no independent civil society network that can monitor migrant workers or advocate on their behalf. Domestic laws severely impede the ability of NGOs to operate and national human rights defenders are frequently harassed.¹¹

Because of the highly non-transparent nature of the government, the virtual non-existence of independent civil society,¹² and the sensitive nature of the topic of migrant workers' rights, it is exceedingly difficult to develop a detailed profile of the country's immigration detention regime. What little information the GDP was able to gather was gleaned through reviewing relevant legislation, media reports, reports of the U.S. State Department, as well as reports from researchers at international NGOs like AI and HRW, with whom the GDP consulted directly during the preparation of this report. The GDP also undertook a thorough review of information available from European Union institutions and relevant UN agencies and human rights mechanisms. Lastly, the GDP reached out to international organisations with offices in the country and the embassies of migrant sending countries, though these efforts failed to result in much information.

Laws, Policies, and Practices

According to Article 26 of the UAE Constitution, “Personal liberty is guaranteed to all citizens. No person may be arrested, searched, detained or imprisoned except in accordance with the provisions of law. No person shall be subjected to torture or to degrading treatment.”¹³ Article 40 reads: “Foreigners shall enjoy, within the Union, the rights and freedom stipulated in international charters which are in force or in treaties and agreements to which the Union is party. They shall be subject to the corresponding obligations.” Article 344 of the Penal Code reads: “Whoever illegally kidnaps, arrests, detains or deprives a person of his freedom, whether by himself or through another by any means without lawful justification, shall be punished by term imprisonment.” Punishment can be up to life imprisonment.¹⁴

These strong safeguards notwithstanding, there appears to be a wide gap between law and policy in the country. According to the U.S. State Department, arbitrary arrests, incommunicado detentions, and lengthy pretrial detentions of dissenting citizens and non-citizens alike are commonplace in the UAE. There are also frequent reports of prison guard brutality, discrimination against non-citizens, and mistreatment and sexual abuse of foreign domestic servants and other migrant workers.¹⁵

Grounds for detention and criminalisation. Federal Law No (13) of 1996 Concerning "Aliens Entry and Residence," which amends provisions of Federal Law No (6) of 1973 relating to immigration and residence (hereafter Federal Law No. 6 on Entry and Residence of Aliens),

¹⁰ David Batty, “Conditions for Abu Dhabi’s migrant workers ‘shame the west’,” *The Guardian*, 22 December 2013, http://www.theguardian.com/world/2013/dec/22/abu-dhabi-migrant-workers-conditions-shame-west?CMP=tw_t_gu.

¹¹ Martin Ennals Award Jury, “United Arab Emirates: Lift travel ban on 2015 finalist Ahmed Mansoor, urges Martin Ennals Award Jury,” Martin Ennals Foundation, 14 September 2015, <https://www.amnesty.org/en/documents/mde25/2454/2015/en/>

¹² Article 16 of the UAE’s 2008 Law on Associations prohibits civil society organizations from interfering “in politics or matters that impair state security and its ruling regime,” in Human Rights Watch, “UAE: Civil Society Crackdown Widens,” 3 May 2011, <http://www.hrw.org/news/2011/05/03/uae-civil-society-crackdown-widens>.

¹³ Constitution of the United Arab Emirates – Constitutional Amendment No. (1) of 1996, <http://www.refworld.org/pdfid/48eca8132.pdf>.

¹⁴ Federal Law No (3) of 1987 on Issuance of The Penal Code, [https://www.icrc.org/ihl-nat/6fa4d35e5e3025394125673e00508143/e656047207c93f99c12576b2003ab8c1/\\$FILE/Penal%20Code.pdf](https://www.icrc.org/ihl-nat/6fa4d35e5e3025394125673e00508143/e656047207c93f99c12576b2003ab8c1/$FILE/Penal%20Code.pdf).

¹⁵ U.S. State Department, 2014 Country Reports on Human Rights Practices – United Arab Emirates, 2014.

prescribes detention in certain circumstances, including to execute a deportation or as punishment for violating immigration provisions.¹⁶

Aliens can be detained for up to three months for failing to maintain a valid residence permit; failing to leave the country after cancellation or expiry of an entry or residence permit; or failing to pay overstay fines (Article 21 of Federal Law No. 6 on Entry and Residence of Aliens). The Department of Nationality and Immigration is authorized to order the deportation of any alien who does not have a residence permit or who has not renewed his permit in accordance with legal requirements (Article 29).

In addition, the Minister of Interior is authorized to detain any foreigner against whom a deportation order has been issued for a period not exceeding two weeks, but only if the detention is essential for executing the deportation order (Article 25). The Minister may order the deportation of a non-national—even if holding a residence permit—if convicted and the court has issued an order for his deportation; if he has no apparent means of living; or if the security authorities see that public interest or public security or public morals require his deportation (Article 23).

Under Article 26 as amended by Federal Decree - Law no. 7 of 13 November 2007, the Ministry of Interior is to bear the costs if the foreigner cannot cover the expense of deportation. Article 28 provides that anyone ordered deported may not return to the UAE, except with special permission from the Minister of Interior.

Article 31 provides that anyone who enters the UAE illegally shall be imprisoned for a period of “not less than one month” and/or pay a fine of “not less than 1,000 Dirham” (approximately \$270), followed by deportation ordered by the court. Article 35, a catch-all general provision, states that any person who violates the provisions of this law or related regulations shall be punished with imprisonment for a period not less than one month and a fine of no less than one thousand Dirham (approximately \$270).

Length of detention. According to a source at the International Organisation for Migration (IOM), the length of time a person can remain in detention as they await removal from the country can vary widely, ranging anywhere from a month to more than a year.¹⁷ Some of the factors that can prolong detention include: difficulties getting passport/travel documents (especially for those whose passports are held by sponsors who will not return them); procuring the funds to pay overstay fees; waiting for a clearance or “no objection letter” from local police before leaving (which can be delayed if there are claims against a worker for theft, or if the migrant has any debts from loans); and in case of refugees, waiting until a resettlement country accepts them.¹⁸

Adherence to international norms. The UAE has only ratified half of the core international human rights treaties. It has not ratified the main instruments relevant to immigration detention, including the International Covenant on Civil and Political Rights and the Migrant Workers Convention. Upon ratification of the Convention against Torture, the UAE made a reservation limiting the definition of torture provided for in Article 1. In response, over a dozen states parties to the Convention registered official objections to this reservation with the UN Secretariat for being “incompatible with the object and purpose of the Convention.”¹⁹

¹⁶ Federal Law No (13) for 1996 Concerning "Aliens Entry and Residence" amending some provisions of the Federal Law No (6) for 1973 relating to immigration and residence, <http://www.sohbetna.com/business/uaelaw/federallaw6entryandresidenceaffairs/>.

¹⁷ International Organization for Migration (UAE), Email exchange with Parastou Hassouri (Global Detention Project), 28 January 2014.

¹⁸ Ibid.

¹⁹ United Nations Treaty Collection, Chapter IV Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10 December 1984, Status as at 13 October 2015, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&lang=en#EndDec.

Asylum seekers and refugees. The UAE is not a signatory to the 1951 Convention on Refugees or its 1967 Protocol. There is no domestic legal framework for providing asylum or refugee status and there appears to be no transparent, codified system for providing protection to refugees. However, the authorities reportedly cooperate with representatives from the UN High Commissioner for Refugees (UNHCR) in the country and allow refugees to remain temporarily until UNHCR finds another solution. Nevertheless, asylum seekers and refugees can be detained for lack of legal residency status.²⁰ The number of persons registered with the UNHCR as asylum seekers and refugees is quite small. According to figures available on the UNHCR's website, there are approximately 633 such "persons of concern" registered with their offices.²¹

However, according to official sources there were 243,324 Syrian residents in the country as of September 2015, 101,364 of whom had arrived since the conflict began in 2011. The government, which does not formally recognize Syrians as refugees, previously had regularized the status of tens of thousands of Syrians whose residency permits or passports had expired.²²

Trafficked persons. All forms of human trafficking are forbidden under federal law Number 51 of 2006, which provides penalties ranging from one year to life in prison as well as fines and deportation.²³ The law does not include protection from detention for victims of trafficking. According to the U.S. Department of State's 2014 Trafficking in Persons Report (TIP Report), the government of the UAE does not fully comply with minimum standards for the elimination of trafficking, though it made efforts to do so.²⁴ The government did not proactively enforce a prohibition on the widespread withholding of workers' passports, which greatly contributes to forced labour. The TIP report states that "unidentified victims of sex trafficking and forced labor may have been penalized through incarceration, fines, or deportation for unlawful acts committed as a direct result of being trafficked, such as prostitution or immigration violations."

The UN Special Rapporteur on Trafficking visited the UAE in 2012 and received allegations of arbitrary arrests and deportation of women and girls who were not provided interpreters, detained in overcrowded rooms, and deported within 24 to 36 hours. The Rapporteur expressed concern that "trafficked persons may often be misidentified as irregular migrants and consequently, arrested, detained and summarily deported" and she recommended that victims should not be criminalised or penalised, or detained for status-related offences.²⁵

Minors. The UN Committee on the Rights of the Child (CRC) examined the report of the UAE in September 2015. It urged the UAE to prevent the trafficking of children, bring perpetrators to justice, provide effective protection to these children, and ensure that they are no longer deported but made no reference to their national origin. The CRC also recommended that the UAE formalize a cooperation agreement with the UNHCR concerning trafficking in persons including children.²⁶

²⁰ U.S. State Department, 2014 Country Reports on Human Rights Practices – United Arab Emirates, 2014, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

²¹ United Nations High Commissioner for Refugees, 2015 UNHCR Regional Operations Profile – Middle East, United Nations High Commissioner for Refugees, 2015, <http://www.unhcr.org/pages/49e486b46.html>.

²² Middle East Eye, "UAE says over \$1bn spent on Syrian Refugees," 17 September 2015, <http://www.middleeasteye.net/news/uae-says-over-1-bn-spent-syrian-refugees-1369633280>.

²³ Federal Law on Combating Trafficking in Human Beings No. 51 of 2006, https://www.unodc.org/cld/document/are/2006/the_federal_law_on_combating_trafficking_in_human_beings_no._51_of_2006.html.

²⁴ U.S. State Department, 2014 Trafficking in Persons Report – United Arab Emirates, June 2014, <http://www.state.gov/documents/organization/226849.pdf>.

²⁵ Human Rights Council, Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo Addendum Mission to the United Arab Emirates, United Nations, A/HRC/23/48/Add.1, 22 February 2013, <http://www.ohchr.org/EN/Issues/Trafficking/Pages/visits.aspx>.

²⁶ Committee on the Rights of the Child, Concluding observations on the second periodic report of the United Arab Emirates, Advanced Unedited Version, CRC/C/ARE/CO/2, 2 October 2015, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=828&Lang=en.

The privately owned Gulf News produced a video report in 2013 from inside the Dubai Women's Central Jail in Al Aweer, which showed detained women with their children. As we detail in the section on Detention Infrastructure below, this is one of a handful of prisons in the UAE that reportedly has a deportation function, thus we conclude that it is highly likely that accompanied children slated for deportation with their mothers are detained at the facility.²⁷

Access to detainees. The UAE has neglected to provide international human rights organisations access to facilities that are used to detain people for immigration-related reasons. In its 2014 report on abuses suffered by female domestic labourers in the country, HRW reported: “Due to the failure of the UAE authorities to respond, Human Rights Watch was unable to visit the Ewa’a Shelters, the deportation center, and prisons. The Dubai Foundation for Women and Children said they were unable to arrange a visit to their shelter. Human Rights Watch cannot, therefore, verify the circumstances in which shelters admit foreign domestic workers or assess their conditions and treatment in shelters or when detained pending deportation or in prisons.”²⁸

Consular representatives have also expressed problems in the past attempting to visit facilities. In its 2006 report on human rights in the UAE, the U.S. State Department reported that diplomatic representatives were “refused entry to the Dubai Immigration Detention Center by the deputy director of the center to talk to with potential sex trafficking victims awaiting deportation.”

On the other hand, in its more recent 2014 report on the UAE, the U.S. State Department reported that the government had begun permitting civil society groups to visit prisons, though it did not explicitly mention immigration detainees. According to the 2014 report, officials permitted “charitable non-governmental organizations to visit prisons and provide material support. Members of the government-sanctioned, albeit largely privately funded, Emirates Human Rights Association (EHRA) met with federal Ministry of Interior officials and prisoners during visits to several detention facilities.”

Staff from the UNHCR told the GDP that they were being given access to asylum seekers in detention centres for the purpose of conducting “refugee status determination” interviews.²⁹ In addition, staff from IOM, who assist in both resettlement of refugees to third countries and repatriation of migrants to home countries, confirmed that they are given access to detainees.³⁰

The GDP has been unable to get first-hand accounts from any other sources who may have visited detention facilities or prisons in the UAE.

Access to detention information. Obtaining information regarding detention practices is extremely difficult. Not only does the government not allow researchers investigating the rights of migrant workers to access detention centres, it also has not released statistics on prison demographics³¹ or made prison records public in nearly a decade. The most recently available statistics concerning incarceration in the UAE provided by World Prison Survey are from 2006. Attempts by the GDP to obtain information from embassies of sending countries also failed to produce results.³²

²⁷ Gulf News, “Inside the Dubai Women's Central Jail in Al Aweer,” 8 April 2013, <https://www.youtube.com/watch?v=rbhj9TMQJ3I>.

²⁸ Human Rights Watch, “‘I Already Bought You’: Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates,” October 2014, <https://www.hrw.org/report/2014/10/22/i-already-bought-you/abuse-and-exploitation-female-migrant-domestic-workers-united>.

²⁹ Nisreen Rubaian, United Nations High Commissioner for Refugees (UAE), Email exchange with Parastou Hassouri (Global Detention Project), 3 March 2014.

³⁰ International Organization for Migration (UAE), Email exchange with Parastou Hassouri (Global Detention Project), 28 January 2014.

³¹ U.S. State Department, 2012 Country Reports on Human Rights Practices – United Arab Emirates, 19 April 2013, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

³² An NYU university student who volunteers for a shelter operated by the Philippines Embassy submitted numerous requests for information to the Embassy on behalf of the Global Detention Project, to be told that that the information could not be shared, NYU Student (UAE), Email exchange with Parastou Hassouri (Global Detention Project), 16 February 2014.

Foreign workers. The status of foreign workers in the UAE is governed by Federal Law No. 6 on Entry and Residence of Aliens as well as the labour law, Federal Law No. 8 of 1980.

Like all GCC countries, the UAE has a sponsorship scheme that ties an individual to a specific employer. Article 11 of Federal Law No. 6 on Entry and Residence of Aliens states that foreigners who enter the UAE as visitors may not work anywhere in the country, with or without pay, or on their own (self-employment); and that if a foreigner holds a work visa, he may not work for another individual or establishment without the written consent of the original sponsor and approval from the Directorate of Nationality and Immigration. The residency law also requires anyone who employs a foreigner to submit to the authorities, within 48 hours of when the employment begins, a declaration regarding the employment relationship, and to declare when the employment ends (Article 16 of Federal Law No. 6 on Entry and Residence of Aliens).

According to Article 13 of the labour law (Law No. 8/1980), foreigners may be employed in the UAE after approval of the labour department and obtaining of work permits, which are only granted if the foreign employee has the competence/qualifications for the job and has lawfully entered the country and complies with residence regulations in force. Article 14 of Law No. 8/1980 states that the Department of Labour may only approve the employment of foreign workers if there are no qualified UAE nationals for the job. Article 15 of the law states that a work permit may be cancelled if the worker remains unemployed for a period exceeding three consecutive months.

If a worker quits his job, the employer will request the Ministry of Labour to cancel his work permit, which will also nullify his visa. Remaining in the UAE without a visa puts the worker at risk of arrest, detention, fines and ultimately deportation.

The condition of workers, particularly in the low wage and services industry, has been explored and criticized by numerous human rights organizations. HRW has reported on labour conditions of construction workers at Saadiyat Island, a 27-square kilometre island 500 meters off the coast of Abu Dhabi in the Arabian Gulf, which has been the object of ambitious development plans that include cultural institutions (including outposts of the Guggenheim and Louvre museums), a campus of New York University, golf courses, private residences and hotels.

HRW's first report in 2009 on labour conditions at Saadiyat Island explored the following problems faced by the labourers:³³ the fact that workers arrive in Abu Dhabi already in debt for having had to pay high fees to recruiters/ labour agencies; deception regarding work conditions; coercive contractual circumstances (including threats of deportation for refusing to sign contracts); confiscation of passports; restrictions of freedom of movement (limited transport off construction sites/ labour camps); wage violations (refusal to pay overtime, late wages or refusal to pay wages and illegal deductions); other exploitative work conditions (insufficient leave, inadequate health care, unsafe work conditions); threats against organizing/joining unions; and a fear of expressing grievances (worry about being deported or pursue claims against employers).

A follow-up report by HRW in 2012 revealed that though steps had been taken to remedy some of the grievances recounted by workers previously, many problems remained.³⁴ In particular, HRW found that the following problems still existed: payment of high recruitment fees, contract substitution, passport confiscation, inability to terminate contracts, deductions from wages, poor accommodation, inadequate medical care and workplace injury compensation, insufficient workplace safety training, and late payment of wages. Further, they found still a need for an independent, third party to monitor the implementation of the recommendations.

³³ Human Rights Watch, "The Island of Happiness": Exploitation of Migrant Workers on Saadiyat Island, Abu Dhabi," May 2009, http://www.hrw.org/sites/default/files/reports/uae0509webwcover_4.pdf.

³⁴ Human Rights Watch, "The Island of Happiness Revisited: A Progress Report on Institutional Commitments to Address Abuse of Migrant Workers on Abu Dhabi's Saadiyat Island," March 2012, http://www.hrw.org/sites/default/files/reports/uae0312webwcover_0.pdf.

The reports do not, however, cover the issue of detention and deportation or provide any details regarding detention practices, despite referring to threats of deportation as a common tactic used by employers to keep workers in line. The main reason for this lack of coverage is the government's refusal to grant rights actors access to detention centres.³⁵

Like other countries of the GCC, many households in the UAE employ female migrant workers as domestic servants. One study on domestic workers in the UAE estimates that each household employs an average of three domestic workers, with most coming from the Philippines, Indonesia, Sri Lanka, India, and Ethiopia.³⁶ As domestic workers are not covered in labour laws (Article 3 of Law No. 8 of 1980 specifically exempts "domestic workers working in private residences"), and as they work in the isolation of the private household, they are particularly vulnerable to abusive work conditions and exploitation. An International Labour Organization study on domestic workers in the UAE found similarities between the conditions of domestic workers there and other GCC countries. The workers interviewed expressed feeling that they were completely controlled, isolated, and subject to demeaning treatment.³⁷ The chief complaint regarding working conditions was the long hours worked without time off. In addition, many reported being targets of verbal abuse, and to a lesser extent physical violence at the hands of their employers. The report fails to provide any details regarding potential detention of runaway domestic workers.

Residency and nationality. The rules governing residency in the UAE are spelled out in Federal Law No. 6 on Entry and Residence of Aliens. The law requires that all foreigners entering the country be in possession of valid passports or travel documents (Article 2) and enter and exit through authorized, designated ports of entry (Article 3).

Foreigners entering the UAE are required to notify the authorities within a week of their entry regarding their residence, and to notify authorities of any change of address within a week of such change as well (Article 13). Furthermore, during their stay in the country, foreigners must present their passports or any other such documents to authorities upon request (Article 15).

Pursuant to Article 17 of the law, residence permits are issued by the Directorate of Nationality and Immigration, and are valid for up to three years. Article 20 authorizes the Minister of Interior to cancel a residence permit at any time and for any reason. Foreigners whose residence permits have been expired or cancelled and who have failed to request a new one or renew them may be fined at the rate of 100 Dirham per day (approximately \$27). Failure to pay overstay fines may also result in detention (up to three months), or additional fines of 4,000 Dirhams (approximately \$1,090) and deportation.

Detention Infrastructure

The GDP has been unable to develop detailed information about where people are detained for immigration-related detention or the conditions of their detention. Key reasons for the lack of information include: government secrecy; a refusal to grant access to independent civil society actors; and the failure to release statistical details about detention or incarceration in nearly a decade.³⁸

³⁵ Rothna Begum (Human Rights Watch), Email Correspondence with Michael Flynn (Global Detention Project), 5-10 February 2015.

³⁶ Rime Sabban, "Women Migrant Domestic Workers in the United Arab Emirates," Gender and Migration in Arab States: the Case of Domestic Workers, International Labour Organization, June 2004, http://www.ilo.org/wcmsp5/groups/public/-arabstates/---ro-beirut/documents/publication/wcms_204013.pdf.

³⁷ Ibid.

³⁸ World Prison Brief, United Arab Emirates, <http://www.prisonstudies.org/country/ united-arab-emirates>.

What information does exist about sites of detention used for immigration purposes has been gleaned from an assortment of sources, including media reports, the U.S. State Department human rights reports, interviews with representatives of international organisations, testimonies provided by former detainees, and information provided by foreign embassies.

Some sources appear to indicate that the UAE has operated at least one dedicated deportation or immigration detention facility. In its 2006 report on the UAE, the U.S. State Department specifically mentions an “Immigration Detention Centre” in Dubai. More recently, in 2015, a former detainee told Migrant-Rights.org that he had been initially detained in an “on-site jail block” at the immigration office of the Emirate of Amjan before eventually being taken “to a high-security prison called al-Sadr prison in al-Dhafra” to await deportation.”³⁹ While the former detainee referred to the facility as a “deportation prison,” based on his description of the conditions of detention and his fellow inmates, the facility appears to be used as part of the criminal justice system while also having a deportation component.

This assessment is supported by information provided in a 2013 information sheet about prisons in the UAE that was produced by the UK Embassies in Abu Dhabi and Dubai.⁴⁰ Of the several dozen prisons and police facilities mentioned in that sheet, five were specified as having deportation functions. The sheet states that when inmates complete their prison sentences at these five facilities, they are placed in deportation proceedings, which generally last a minimum of a week. Only one of the facilities mentioned on the sheet, the Sharjah Jail for Men, was described as having a separate section dedicated for people in deportation proceedings.

Although the UK embassy sheet does not mention the Al Sadr Prison, other sources confirm the existence of this facility and its use as a deportation centre. A Canadian government consular services website mentions the “Al Sader / Al Taweela Prison” and states that “most of the prisoners there are awaiting deportation.”⁴¹ Additionally, a former detainee at this facility who apparently was not charged with a crime but was held there in 2013 to await deportation was kept separately in a “deportation chamber.”⁴²

The GDP has been unable to confirm whether a dedicated immigration detention facility in Dubai is in operation, as reported in 2006 by the U.S. State Department. Thus, we have concluded that either the U.S. State Department was referring to a deportation section located in a Dubai prison or that the facility in question has ceased operating.

Based on the above information, the GDP concludes that it has information indicating that there are at least seven facilities in the UAE that are currently used for immigration-related detention and that only one of these facilities—the Amjan Immigration Office—is immigration-only. All of the other facilities appear to combine criminal incarceration with immigration functions. And of these, only two, the Sharjah Jail for Men and the Al Sadr Prison, appear to have some system for segregating migrant detainees from the rest of the prison population. In addition, as noted earlier in in this report in the section on “Minors,” at least one of these facilities, the Dubai Central Jail for Women in Al Aweer, detains accompanied children alongside their mothers.⁴³

³⁹ Migrant-Rights.org, “Inside Emirati Deportation Prisons,” 17 February 2015, <http://www.migrant-rights.org/2015/02/inside-emirati-deportation-prisons/>.

⁴⁰ British Embassies of Abu Dhabi and Dubai, “Detention Facilities in the United Arab Emirates,” Last Updated April 2013, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224832/Detention_Facilities_in_the_UAE.pdf.

⁴¹ Canadian Government, “Arrest and Detention in Abu Dhabi,” Date Modified 17 August 2015, http://www.canadainternational.gc.ca/uae-eau/consular_services_consulaires/arrest-arrestation_detention.aspx?lang=eng.

⁴² Murtaza Hussain, “How the UAE Tried to Silence a Popular Arab Spring Activist,” The Intercept, 21 October 2014, <https://theintercept.com/2014/10/21/uae-tried-silence-popular-arab-spring-activist/>.

⁴³ Gulf News, “Inside the Dubai Women's Central Jail in Al Aweer,” 8 April 2013, <https://www.youtube.com/watch?v=rbhj9TMQJ3I>.

The list of facilities is:

- Al Sadr / Al Taweela Prison (located just outside Abu Dhabi, between Abu Dhabi and Al Ain)
- Amjan Immigration Office
- Dubai Central Jail for Men (also Al-Aweer Detention Centre for Men)
- Dubai Central Jail for Women (also Al-Aweer Detention Centre for Women)
- Dubai (Out)Jail (for short-term or temporary male prisoners)
- Sharjah Central/Out Jail for Men
- Sharjah Jail for Women

In addition to these facilities, female domestic workers who have disagreements with or otherwise leave (escape) their employers are sometimes accommodated in shelters located at the embassies of their countries of origin. Although these shelters are not technically speaking detention facilities and are “open” shelters, one student volunteer (who asked to remain anonymous) at a shelter run by an embassy informed the GDP that the women staying there are actively discouraged from leaving embassy grounds because they lack papers and are subject to arrest, especially if their sponsors have put out a “warrant.”⁴⁴

There are few current reports detailing conditions of detention facilities. According to the U.S. State Department’s 2014 Country Reports on Human Rights Practices prison conditions in the UAE vary widely. There were “unconfirmed reports that police and prison guards mistreated individuals” and in Dubai prisoners “reported poor sanitary conditions, inadequate lighting, and poor temperature control. Some prisons were reportedly overcrowded, especially in Abu Dhabi and Dubai.”

The U.S. State Department also reports that “Ombudsmen cannot serve on behalf of prisoners and detainees. Prisoners had a right to submit complaints to judicial authorities; however, details about investigations into complaints were not publicly available.”

UNHCR staff members told the GDP that they need prior authorization from the authorities to visit detainees, but that access is always granted.⁴⁵ UNHCR access is mainly for the purpose of conducting refugee status determination interviews, and the number of cases in detention were reported as “very few.” They said that the conditions of detention in prisons in Dubai and Abu Dhabi were good.⁴⁶

IOM representatives contacted by the GDP also reported that they visit detainees, mainly for the purpose of assisting with resettlement outside the country. The detention facility that IOM reportedly visited the most was the Al Aweer detention centre in Dubai (also known as the Dubai Central Prison). The IOM did not share any information about the conditions of detention it encountered at this facility.⁴⁷

⁴⁴ Anonymous Source in UAE, Email exchange with Parastou Hassouri (Global Detention Project), 16 February 2014.

⁴⁵ Nisreen Rubaian, United Nations High Commissioner for Refugees (UAE), Email exchange with Parastou Hassouri (Global Detention Project), 3 March 2014.

⁴⁶ Ibid.

⁴⁷ International Organization for Migration (UAE), Email exchange with Parastou Hassouri (Global Detention Project), 28 January 2014.

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