



KAFALA SYSTEM AND MIGRANT WORKERS: A CRITICAL ANALYSIS OF LABOR EXPLORATION IN THE MIDDLE EAST

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Abstract

This research paper is a critical analysis of the Kafala system and its role in labor exploitation across the Middle East. The study examines how this sponsorship system, which governs migrant labor, restricts workers' rights, enables wage theft, and fosters forced labor. Using a qualitative approach, the research analyzes legal frameworks, policy documents, and workers' testimonies to assess the effectiveness of recent labor reforms in countries such as Qatar, Saudi Arabia, and the UAE. Despite incremental policy changes, findings reveal that systemic challenges persist, including restricted job mobility, weak legal enforcement, and employer dominance over workers. The study also explores alternative labor migration models to identify potential solutions for creating a more equitable labor system. By highlighting the limitations of current reforms and proposing policy recommendations, this research contributes to the ongoing discourse on migrant labor rights, ethical employment practices, and legal protections in the Middle East.

Keywords: Kafala System, Migrant Workers, Labor Exploitation, Middle East, Labor Reforms, Human Rights, Forced Labor, Wage Theft, Policy Recommendations.

Introduction

Labor migration has become a defining feature of globalization, with millions of workers from developing nations seeking employment in wealthier regions. The Middle East, particularly the Gulf Cooperation Council (GCC) countries, Like, Saudi Arabia, the UAE, Qatar, Kuwait, Oman, and Bahrain, has emerged as a major destination for migrant workers, especially from South Asia and Africa. A significant proportion of these workers are employed under the Kafala system, a sponsorship-based labor framework that ties foreign workers to their employers.

The Kafala system was originally designed to regulate the temporary migration of laborers and has been widely criticized for facilitating labor exploitation. By giving employers excessive control over workers' legal status, mobility, and employment conditions, the system has led to widespread human rights violations. Migrant workers often face wage theft, contract substitution, poor living conditions, physical and psychological abuse, and legal restrictions on job mobility. Despite international pressure and various reforms in some Gulf countries, the exploitation of migrant labor remains a persistent issue.

The Kafala (sponsorship) system is a legal framework that governs migrant labor in many Middle Eastern countries, including Saudi Arabia, the UAE, Qatar, Bahrain, Kuwait, and Oman. While it facilitates the employment of foreign workers, critics argue that it fosters labor exploitation, forced labor, and human rights violations. Migrant workers, particularly from South Asia and Africa, face low wages, restricted mobility, debt bondage, and poor working conditions. Despite recent reforms, concerns persist regarding the efficacy of these changes. This research critically examines the Kafala system's role in labor exploitation, evaluates reform efforts, and explores alternative models for protecting migrant workers' rights.

In short, the Kafala system remains a deeply flawed labor sponsorship model that facilitates migrant worker exploitation across the Middle East. While some reforms have been introduced, many legal and structural barriers continue to prevent meaningful change. By analyzing labor policies, worker experiences, and policy recommendations, this research aims to contribute to the broader discourse on labor rights, advocating for sustainable reforms that prioritize human dignity and fair labor practices. Ultimately, the Kafala system remains a

controversial and deeply entrenched labor structure in the Middle East. While reforms have been introduced, exploitation persists. This study seeks to critically assess existing policies, reform efforts, and alternative models to ensure a more just and equitable labor system for migrant workers.

Limitations of Research

This research paper aims to provide a critical analysis of the Kafala system and labor exploitation in the Middle East, several limitations may affect the scope and generalizability of the findings. Such as, Due to legal and political restrictions, obtaining direct interviews with migrant workers may be challenging, as many may fear retaliation or deportation for speaking out against their employers or host governments. Moreover, employers and government officials may be reluctant to participate, leading to potential gaps in perspectives from policymakers. Furthermore, the Kafala system differs across Middle Eastern countries, with some nations implementing more reforms than others (e.g., Qatar vs. Saudi Arabia) and comprehensive comparative analysis of all Kafala systems may not be possible due to variations in legal frameworks and enforcement mechanisms. Furthermore, the study relies on existing reports, legal documents, and NGO publications, which may have inherent biases or may not fully capture the on-ground realities of labor exploitation and some government reports may present an overly positive view of reforms, while activist sources may emphasize negative aspects, making it necessary to balance perspectives. Moreover, the interpretation of qualitative data, including workers' testimonies and policy evaluations, may involve a degree of subjectivity and despite using NVivo software for thematic analysis, the process is still influenced by researcher bias and selection criteria. Furthermore, several Middle Eastern countries are continuously updating their labor laws in response to international pressure (e.g., Qatar's 2020 labor reforms) and by the time this research is completed, new policies may emerge, making some findings partially outdated. Moreover, this research provides a snapshot analysis of labor exploitation but does not include long-term data on how reforms impact workers over several years and A longitudinal study would be more effective in tracking systemic changes over time, but resource and time constraints prevent such an approach.

In short, this study provides valuable insights into the Kafala system's role in labor exploitation, the limitations highlight the need for further research that includes longitudinal analysis, expanded fieldwork, and diverse stakeholder perspectives. Despite these challenges, the research aims to contribute to the growing discourse on labor rights and policy reforms in the Middle East.

Significance of Research

This research is crucial in addressing the systemic labor exploitation associated with the Kafala system in the Middle East. It offers theoretical, policy-related, and social contributions that can help improve labor rights for millions of migrant workers.

This study sheds light on human rights violations under the Kafala system, emphasizing issues such as wage theft, restricted mobility, forced labor, and unsafe working conditions and It contributes to the global labor rights movement by highlighting migrant workers' struggles and advocating for fairer labor policies. Furthermore, the study provides a critical evaluation of existing reforms in Gulf countries, helping policymakers assess the effectiveness of recent changes in labor laws and it offers practical recommendations for governments, labor rights organizations, and international bodies like the International Labor Organization (ILO) to design alternative, worker-friendly migration systems. Moreover, while several studies focus on labor exploitation, this research takes a comparative approach, analyzing different Middle Eastern countries and assessing variations in Kafala policies and reforms and it explores alternative models, such as the European labor mobility system, to

propose realistic and adaptable solutions for the Middle East. Moreover, by documenting migrant workers' experiences, the study provides empirical evidence that can strengthen advocacy efforts for better wages, legal protections, and social security and NGOs, labor unions, and human rights organizations can use this research to push for stronger legal frameworks and monitor implementation gaps in existing policies. Moreover, the study contributes to multiple academic fields, including labor studies, migration policy, sociology, and Middle Eastern studies and also it serves as a valuable resource for researchers studying forced labor, economic migration, and human rights in global labor markets.

In short, this research is significant in shaping future labor policies, protecting migrant workers' rights, and influencing regional and international labor laws. By critically examining the Kafala system and its reforms, the study contributes to the broader effort of creating fair and humane labor migration systems worldwide.

Problem Statement

The Kafala system continues to be a tool for labor exploitation, disproportionately affecting low-wage migrant workers. Although reforms have been introduced in certain GCC states, such as Qatar's removal of the exit permit requirement and Saudi Arabia's labor mobility improvements, the systemic issues of employer control and lack of legal protection remain largely unaddressed. Workers in construction, domestic service, and low-skilled jobs are particularly vulnerable to long working hours, unpaid wages, and restricted mobility. Despite their vital contribution to the economic growth of Middle Eastern nations, migrant workers often lack fundamental labor rights and social protection. Many workers are unable to seek justice due to language barriers, financial constraints, and legal hurdles. This research critically examines the structural flaws of the Kafala system, its impact on migrant workers, and the effectiveness of recent policy changes, providing insights into how sustainable labor reforms can be implemented.

Research Questions

1. How does the Kafala system contribute to labor exploitation and forced labor?
2. What legal and structural factors reinforce the system in Middle Eastern countries?
3. To what extent have recent reforms mitigated labor exploitation under the Kafala system?
4. What alternative models can ensure better labor protection for migrant workers?

Research Objectives

- To analyze how the Kafala system contributes to labor exploitation and restricts migrant workers' rights.
- To examine the legal and socio-economic factors sustaining the system.
- To assess the effectiveness of recent labor reforms in the Middle East.
- To propose alternative models for fair labor migration policies.

Literature Review

The Kafala system has long been a central point of debate in the context of migrant labor in the Middle East. It is widely regarded as a system that, while initially intended to regulate migrant labor migration, has evolved into a mechanism that contributes significantly to labor exploitation, particularly for low-wage workers from South Asia and Africa. This literature review draws upon a variety of sources to critically analyze the Kafala system's impact on migrant workers and to assess the effectiveness of recent reforms intended to address labor exploitation in the region.

Overview of the Kafala System

The Kafala system ties a migrant worker's immigration status to their employer, which often leads to power imbalances in employer-employee relationships. According to Zohra, K., & Zia, M. (2020), the system forces workers to depend entirely on their employers for visas,



housing, and work permits, which limits their freedom to change employers or leave the country. This dependence creates opportunities for exploitation and abuse, as workers often face poor working conditions, wage theft, and even physical abuse, without recourse for justice (Zohra & Zia, 2020). Moreover, Al-Mousa (2021) argues that the system was designed to attract temporary workers for the Gulf Cooperation Council (GCC) countries, but has since become a tool for enslaving migrant workers, particularly in sectors such as construction and domestic work. These workers, according to Al-Mousa (2021), often find themselves in a cycle of debt bondage, with little ability to change jobs or seek legal protection.

Exploitation and Abuse under the Kafala System

Labor exploitation under the Kafala system has been a recurring theme in research. Khattab, E. (2019) explains that many migrant workers face wage theft, long working hours, and harsh living conditions. Domestic workers, in particular, are vulnerable to physical and psychological abuse due to their isolation and lack of legal rights (Khattab, 2019). These workers often face verbal and physical abuse from their employers, yet have no legal standing to report such abuses because of their reliance on employers for immigration status (Khattab, 2019). Additionally, Hussain (2020) notes that the Kafala system is further exacerbated by ineffective legal frameworks and weak enforcement of workers' rights. While reforms have been introduced in countries like Qatar and Saudi Arabia, these reforms are often superficial and do not address the root causes of exploitation (Hussain, 2020).

Reforms and Legal Changes: Partial Progress

While criticisms of the Kafala system are widespread, some Gulf countries have introduced reforms to mitigate its harshest features. Fahmy (2022) discusses the recent labor reforms in Qatar and Saudi Arabia, such as the abolition of the No Objection Certificate (NOC) and reforms allowing for job mobility. However, Fahmy (2022) cautions that these reforms are not always well-implemented and continue to be undermined by the lack of proper enforcement mechanisms. Despite reforms, workers still report that they are subjected to pressure by employers, who are often able to bypass reforms through legal loopholes (Fahmy, 2022). According to Rahman and Jameel (2021), although Qatar's 2020 labor reforms were lauded internationally, they still leave workers vulnerable to abuse. Many workers report continuing challenges in changing jobs, leaving the country, or even seeking legal recourse due to employer control over their residency permits (Rahman & Jameel, 2021). This persistent issue indicates that reforms, while significant, often fail to fundamentally alter the employer-worker power dynamics under the Kafala system.

The Role of Remittances and Economic Dependence

An important aspect of labor migration in the Middle East is the role of remittances sent home by migrant workers. According to Chaudhry (2020), migrant workers from South Asia play a crucial role in the economies of their home countries by sending substantial amounts of money back to their families. In many cases, families in countries like India, Pakistan, and Bangladesh rely heavily on these remittances for their livelihoods. Chaudhry (2020) suggests that these remittances help support national economies but also create a cycle of dependence that can leave these countries vulnerable to economic shifts in the Middle East. Moreover, Mujtaba (2019) argues that the economic vulnerability of migrant workers due to wage exploitation and poor living conditions contributes to their continued reliance on remittances from workers in the Gulf. This dynamic is problematic because the financial stability of workers is often precarious, and remittances are not a sustainable solution for long-term economic growth in their home countries (Mujtaba, 2019).

Alternatives and the Need for Reform

There is growing support for alternative migration frameworks that prioritize workers' rights and mobility. Zohra, K. & Zia, M. (2020) advocate for the adoption of worker-centered labor



policies, similar to those in Europe, which would allow workers to have more control over their employment and legal status. According to their research, such policies could significantly reduce the power of employers over workers and help protect against exploitation. Furthermore, Al-Mousa (2021) proposes that labor unions and advocacy groups should play a more prominent role in advocating for migrant workers' rights, ensuring that migrant workers have a stronger voice in labor negotiations and policy reforms.

Research Methodology

This research paper contributes to policy discussions on labor rights and migration reforms in the Middle East. It will help policymakers, activists, and international organizations advocate for sustainable labor protections by providing an in-depth analysis of Kafala's exploitative aspects, it. This research paper adopts a qualitative approach with thematic analysis of labor laws, policy documents, and workers' testimonies. The primary Data has been collected from Labor rights activists, and policymakers and also case studies of workers' experiences under the Kafala system. The secondary data has been gathered through the analysis of academic articles, legal frameworks, government reports, and NGO publications on labor migration in the Middle East. The Data has been analyzed through NVivo software that has been used to analyze qualitative data and identify key themes related to labor exploitation, policy effectiveness, and reform challenges and through comparative analysis of different labor migration models to propose sustainable alternatives.

In short, the Kafala system remains a controversial and deeply entrenched labor structure in the Middle East. While reforms have been introduced, exploitation persists. This study seeks to critically assess existing policies, reform efforts, and alternative models to ensure a more just and equitable labor system for migrant workers.

Discussion & Analysis

This section critically examines the Kafala system as a structural mechanism of labor exploitation in the Middle East. By analyzing legal frameworks, policy reforms, and real-world labor conditions, this study assesses the extent to which the system restricts migrant workers' rights and the effectiveness of recent labor law changes in Qatar, Saudi Arabia, and the UAE. A qualitative thematic analysis of policy documents, NGO reports, and workers' experiences reveals that while some reforms have been implemented, systemic exploitation persists due to weak legal enforcement, employer dominance, and lack of worker protections.

The Kafala System: A Legal and Structural Analysis

The Kafala system, originally designed to regulate foreign labor migration, effectively ties a migrant worker's legal status to their employer (kafeel). This dependency structure creates conditions where:

- Workers cannot change jobs without employer approval.
- Employers control residence permits, making workers vulnerable to deportation.
- Many workers face wage theft, as salaries are withheld or reduced without legal recourse.
- Legal complaints often favor employers, leaving workers without effective legal remedies.

A Review of Labor Laws

Across GCC countries shows that while some modifications have been introduced, loopholes in implementation allow exploitation to persist.

Qatar (2020 Reform): Removed the No Objection Certificate (NOC) requirement, theoretically allowing workers to change jobs freely. However, many employers still block job transitions by pressuring workers or delaying necessary documents.

Saudi Arabia (2021 Labor Mobility Initiative): Introduced policies allowing job mobility, but workers still require employer consent for exit permits, limiting true autonomy.

UAE (Labor Reforms 2022): Established fixed-term contracts to increase job flexibility, yet workers in domestic service roles remain outside these protections.

This legal analysis highlights a pattern of partial reforms, which often fail due to poor enforcement mechanisms and power imbalances in labor relations.

Socio-Economic Impact on Migrant Workers

Working Conditions and Wage Exploitation

Analysis of case studies and worker testimonials collected from NGO reports and legal aid organizations reveals that:

- Construction workers in Qatar and the UAE frequently endure excessive working hours, with inadequate wages and unsafe conditions.
- Domestic workers, mostly women from South Asia and Africa, often experience verbal, physical, and sexual abuse, with no access to justice due to restrictions on mobility.
- Delayed salary payments and contract violations remain widespread, despite wage protection systems in some countries. Despite legal provisions such as wage protection systems (WPS) in Qatar and the UAE, enforcement remains weak, and complaint mechanisms favor employers.

Psychological and Social Impact

The mental health of migrant workers is significantly affected by:

- Isolation and lack of mobility, especially for domestic workers.
- Uncertainty over wages and job security, leading to psychological distress and anxiety.
- Exploitation and abuse, contributing to high levels of depression among migrant workers.

Economic Dependence and Remittance Risks

Migrant workers send billions of dollars in remittances to their home countries, which are often economically dependent on these inflows. However:

- Remittance fluctuations due to economic downturns, pandemic-related layoffs, or political shifts destabilize economies in South Asia and Africa.
- Lack of financial inclusion for workers means that many remain financially insecure, even after years of labor abroad.

Effectiveness of Reforms: A Critical Review

Despite recent reforms, evidence from policy documents, labor rights organizations, and government reports suggests that:

- Legal gaps allow continued employer control, especially in low-wage sectors.
- Lack of enforcement means that many companies circumvent reforms through informal pressures on workers.
- Judicial systems favor employers, with labor disputes often taking months or years to resolve, discouraging workers from seeking justice.
- Even in countries like Qatar and the UAE, where labor reforms have been internationally recognized, exploitative conditions persist, particularly for low-income workers.

Alternative Labor Migration Models and Policy Recommendations

A comparative analysis of other labor migration systems suggests potential models for reform
Europe's Free Labor Mobility System: Offers job flexibility and worker protections.



Canada's Temporary Foreign Worker Program: Implements legal safeguards that prevent employer exploitation.

Key Policy Recommendations

- 1. Abolition of Employer-Controlled Sponsorship: A shift toward government-regulated labor permits would reduce employer dominance.*
- 2. Independent Labor Courts: Fast-tracking labor disputes to ensure fair and timely justice for workers.*
- 3. Strengthened Wage Protection Systems (WPS): Enforcing automatic salary deposits with penalties for non-compliance.*
- 4. Universal Labor Protections: Extending reforms to all workers, including domestic and agricultural laborers.*
- 5. Worker Representation and Unions: Allowing collective bargaining to enhance worker negotiation power.*

In short, this analysis demonstrates that, despite incremental reforms, the Kafala system continues to enable labor exploitation due to structural power imbalances, weak enforcement, and economic dependency. While some GCC states have introduced positive changes, these efforts are often undermined by inconsistent application and employer resistance and a sustainable solution requires comprehensive policy reforms, stronger enforcement mechanisms, and international cooperation to protect migrant workers' rights. The findings of this study highlight the urgent need for systemic change, moving beyond superficial legal modifications toward a rights-based approach to labor migration.

Sum Up

The analysis of the Kafala system and its impact on migrant workers in the Middle East is based on a qualitative research methodology, which includes a detailed review of secondary data sources such as policy documents, labor laws, NGO reports, and worker testimonials. This approach allows us to critically evaluate the effectiveness of the Kafala system in regulating labor migration, as well as the challenges and rights violations faced by migrant workers in the region. The Kafala system continues to play a dominant role in regulating the employment of migrant workers, particularly from South Asia. The system ties workers to their employers, meaning that workers cannot change jobs without the employer's consent, and employers have significant control over the worker's legal status. This dependency structure has created an environment where workers are often subjected to exploitation and abuse. Despite recent reforms in countries like Qatar and Saudi Arabia, such as the removal of the exit permit requirement and job mobility improvements, the system remains largely intact, with employers retaining considerable power over their employees. Reports from human rights organizations and labor rights groups highlight the ongoing wage theft, poor working conditions, and physical abuse that migrant workers endure under this system. In the construction sector, for instance, many workers face long hours, unsafe working conditions, and delayed salaries. Domestic workers, who make up a significant portion of the migrant labor force, often experience verbal and physical abuse but are typically reluctant to report such incidents due to fear of retaliation and deportation. This is largely due to the legal restrictions placed on them by the Kafala system, which prevents workers from seeking other employment or lodging complaints without the employer's consent. Despite the introduction of reforms in Qatar and the UAE, the enforcement of these changes remains inconsistent, and many migrant workers continue to face the same challenges. Qatar's reform in 2020, which allowed workers to change jobs without the employer's approval, has been largely ineffective in practice. Many workers still report employer pressure to remain with their current employer or face severe penalties. Similarly, the Saudi Arabian labor reforms, although promising, have not completely eradicated the power imbalance between employers and workers. The UAE's labor reforms have led to improvements for some sectors, but domestic

workers remain excluded from many of the new protections. In terms of the economic dependency on migrant labor, the contribution of remittances from South Asian workers to their home countries is significant. For countries like India, Pakistan, Bangladesh, and Nepal, remittances from workers in the Middle East are a vital source of income. However, this dependence creates vulnerabilities for these countries. Any economic downturns or job market fluctuations in the Middle East, due to factors such as falling oil prices or global recessions, can severely impact the financial stability of these countries. Moreover, workers often face financial insecurity while abroad, as they are unable to save or invest adequately due to the low wages and high living costs they endure. While recent labor reforms offer some hope for improved conditions, they do not fully address the root causes of exploitation, namely the power imbalance between employers and workers and the structural weaknesses of the labor migration system. Many reforms lack strong enforcement mechanisms, leaving workers vulnerable to illegal practices by employers. For example, although exit permits have been abolished in some countries, workers can still face difficulties leaving their employers due to the legal hold employers have over them.

In short, the analysis confirms that while some reforms have been implemented in the Gulf countries, the Kafala system continues to be a tool for labor exploitation, with migrant workers still facing significant challenges. These challenges are compounded by the economic dependency on remittances and the lack of strong legal protection for migrant workers. To address these issues, there is an urgent need for comprehensive reform that goes beyond superficial changes and addresses the root causes of exploitation in the labor migration system. Sustainable solutions will require stronger legal frameworks, better enforcement of reforms, and greater support for migrant workers' rights in both the host and home countries.

Conclusion

The Kafala system has long been a subject of global criticism for its role in facilitating labor exploitation and restricting the rights of migrant workers in the Middle East. While some policy reforms have been introduced in countries like Qatar and Saudi Arabia, challenges such as wage theft, restricted mobility, and forced labor persist. This research has critically examined the structural inequalities embedded in the system, the effectiveness of recent reforms, and the need for alternative labor migration models that ensure fair and ethical treatment of workers. Findings indicate that legal loopholes, weak enforcement, and employer control over workers' mobility continue to hinder meaningful change. While some nations have abolished employer consent requirements for job transfers, enforcement remains inconsistent, and many migrant workers still lack access to justice. This study highlights the urgent need for transparent labor laws, independent grievance mechanisms, and stronger international labor protections.

Ultimately, the research underscores that true labor reform requires more than surface-level policy adjustments. A structural transformation, including worker empowerment, international oversight, and alternative sponsorship models, is necessary to eradicate labor exploitation in the region. By providing policy recommendations and comparative analyses, this study aims to contribute to the ongoing discourse on labor rights, supporting efforts to establish a fairer, more equitable employment system for migrant workers in the Middle East.

Recommendations for Future Research

Future research should explore the following areas to expand the discourse on migrant workers' rights and labor reforms in the Middle East.

- Future studies should conduct long-term assessments of recent labor law reforms to determine their actual impact on migrant workers. Research should track policy implementation gaps, worker mobility trends, and changes in employer-worker dynamics over time.

- Future Research should focus on how factors such as gender, nationality, and socio-economic background influence the degree of exploitation migrant workers face and studies on female migrant domestic workers would help address unique vulnerabilities such as sexual harassment, unpaid labor, and legal exclusion.
- Future research should evaluate how international organizations like the International Labor Organization (ILO) and United Nations (UN) influence labor reforms in the Middle East and case studies on bilateral agreements between labor-sending and labor-receiving countries could reveal the effectiveness of diplomatic labor protections.
- Future research should explore the mental health consequences of migrant labor exploitation, including depression, anxiety, and social isolation and studies on community-building strategies for migrant workers can offer insights into improving their well-being and integration in host countries.
- Future studies could examine how awareness campaigns influence labor policies and whether media narratives contribute to policy stagnation or reform.

In short, Future research should adopt interdisciplinary approaches to address the legal, economic, psychological, and technological aspects of labor exploitation under the Kafala system. Expanding the scope of inquiry will help design sustainable labor policies, strengthen worker protections, and contribute to a more ethical labor migration framework in the Middle East.

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