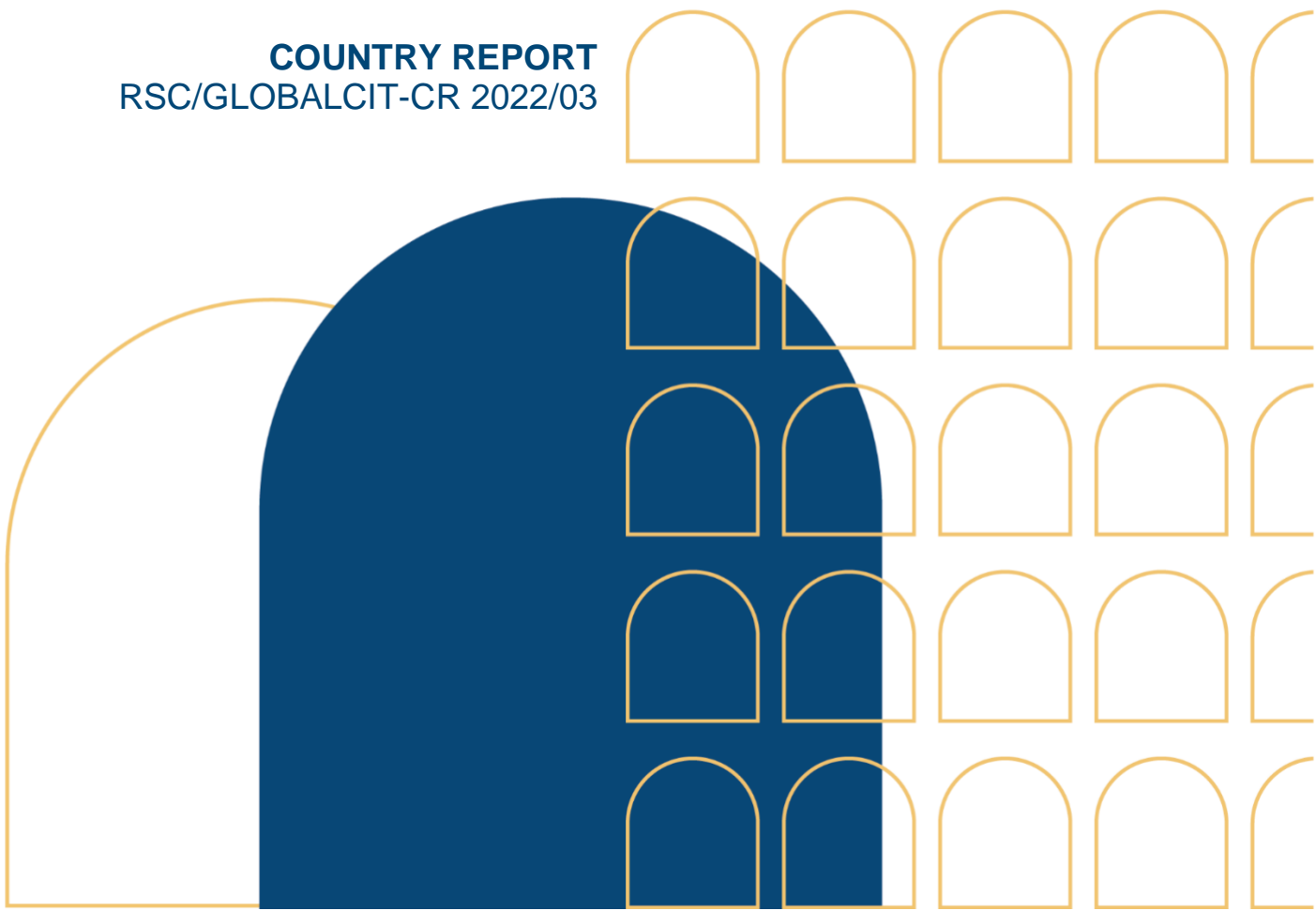


Report on Citizenship Law: Saudi Arabia

Zeineb Alsabeehg

COUNTRY REPORT
RSC/GLOBALCIT-CR 2022/03



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Robert Schuman Centre for Advanced Studies
in collaboration with Edinburgh University Law School

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Published in July 2022 by the European University Institute.
Badia Fiesolana, via dei Roccettini 9
I – 50014 San Domenico di Fiesole (FI)
Italy
www.eui.eu

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With the support of the
Erasmus+ Programme
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1. Introduction

Saudi Arabia is the only country in the world in which the state and its citizens are named after the ruler. The House of Saud – or *Al Saud* in Arabic – is the royal family who has ruled the country since 1932. That year, *Saudi Arabia* was founded by Abdulaziz bin Abdul Rahman Al Saud, the first King. The country's citizenship law was enacted in 1954. The citizens were called *Saudis*, and article 3 (a) of the law states that “the Saudi is whoever follows the Government of His Majesty the King according to this system's regulations”.

The official title of the citizenship law is the Saudi Arabian Citizenship System (hereafter: SACS).¹ It has been amended five times since its enactment in 1954. The law and its amendments are made by the Council of Ministers – also called the Cabinet – which consists of the most senior ministers of the government along with the King and the Crown Prince. The Cabinet is led by the King, who also ratifies all decisions made by the Cabinet. The King is the Prime Minister and the Crown Prince is the Deputy Prime Minister. Some of the Council Ministers are *emirs*, male members of the Al Saud royal family, such as the King's nephews.

Saudi Arabia is the largest and most populous country in the Arabian Peninsula. In the Gulf region, which is known for its high immigration rates, Saudi Arabia has the highest number of immigrants. Over 12 million of Saudi Arabia's 35 million inhabitants are non-Saudis, mostly migrant workers from Southern Asia and other parts of the world.² The increase in the number of immigrants since the citizenship law was issued in 1954 has had an impact on citizenship policies and changes made to the law.

This report examines the citizenship law in Saudi Arabia by looking into the amendments that have been introduced since 1954 and by explaining the current citizenship regime, including the main modes of acquisition and loss of Saudi citizenship. The citizenship regime is characterised by acquisition of citizenship predominantly by patrilineal descent, complex procedures for naturalisation for which very few of the country's migrant population are eligible,

¹ The original Arabic title of the law is: “نظام الجنسية العربية السعودية”. The law and its amendments are available at the Global Nationality Laws Database: <https://globalcit.eu/national-citizenship-laws/> (accessed 22 January 2022).

² Françoise De Bel-Air, “Demography, Migration and Labour Market in Saudi Arabia”, *Gulf Labour Markets, Migration and Population*, Explanatory Note No. 5/2018, page 8, https://gulfmigration.grc.net/media/pubs/exno/GLMM_EN_2018_05.pdf (accessed 22 January 2022).

and supreme powers of the Saudi monarch to grant and revoke citizenship. Gender discrimination is found in the SACS, as Saudi women cannot transfer citizenship to their children and spouses on an equal basis to Saudi men. Discrimination against persons with disabilities is present in some of the legal requirements for foreigners to apply for naturalisation.

The Saudi law and its amendments are dated following the Islamic calendar (the Hijri calendar). In this report, the amendments are referred to by the year that they were enacted in the Gregorian calendar, as this is most widely used in English-language publications.³ However, it is important to note that a Hijri year is approximately 10 days shorter than a year after the Gregorian calendar. This means that – for instance – when the SACS states that the legal age or the age of maturity is 18 years, this will equal approximately 17.5 years in the Gregorian calendar. This definition of the legal age is found in the Executive Regulation of the Saudi Arabian Citizenship System (hereafter: ERSACS), which is annexed to the SACS. This report refers to the ERSACS alongside the SACS as both are necessary to understand citizenship regulations in Saudi Arabia.

2. Historical background

Until 1918, large parts of the Arabian Peninsula, including present day Saudi Arabia, were part of the Ottoman empire. Through conquest of Riyadh and other provinces, Al Saud managed to acquire power over various territories before declaring the birth of the modern Kingdom of Saudi Arabia in 1932. The founding father and first king of Saudi Arabia, Abdulaziz Al Saud, reigned until his death in 1954. His successor, his son Saud bin Abdulaziz Al Saud, approved the country's current citizenship law later the same year. As of the end of 2021, six sons of Abdulaziz Al Saud have in turn ruled as the monarch of the Kingdom. Several of them have made changes to the law of 1954.

The law mentions the Ottoman period as a reference point for determining who were Saudis at the time it was enacted. According to Article 4 of the SACS, the Saudis were those who were Ottoman nationals and the original inhabitants of Saudi Arabian lands in the year 1914. However, there were also others who had resided in the territory from the time of the Ottoman rule and who, despite not being native peoples, were regarded as Saudis. These included Ottoman citizens who were born or resided in Saudi Arabian lands in 1914 and continued to reside in the territory until 1926. It also included non-Ottoman citizens who resided in the territory in 1914 and continued living in it throughout the same period. A requirement for the latter two groups was that they had not obtained a foreign citizenship in 1926.⁴ The latter two groups also had to apply to acquire Saudi Arabian citizenship within one year of the enactment of the law or within one year of the day they turned the legal age of 18 years.⁵

This initial phase of citizenship acquisition and determination in 1954 was thus predominantly based on residency in the territory prior to the end of the Ottoman rule, with that residency requirement continuing to 1926. In short, all those who had lived within the boundaries of what became known as Saudi Arabia in the 12-year period from 1914 to 1926 and who had no foreign citizenship could demand Saudi citizenship in 1954 and until 1955; minors had a little more time – until the day they turned 19. This is very different from today's citizenship policies, which are based on other provisions of the SACS. The main route to citizenship acquisition

³ When converted from the Hijri calendar to the Gregorian calendar, there is a probability of minor error of one day or so. For instance, the original law was issued on 25/1/1374 after Hijra. This should be the same as 23/9/1954 A.D., according to a date converter found on the internet.

⁴ Saudi Arabian Citizenship System (SACS), Art. 4

⁵ SACS, Art. 6

today is based on descent, specifically patrilineal descent. A period of residency is just one of several requirements for an individual who wishes to apply for naturalisation. Although Saudi Arabia was not formally a British protectorate, unlike other Gulf states up to the early 1970s, links have nonetheless been drawn to the historical influence of British colonialism on the development of citizenship regimes across the Arabian Peninsula.⁶

The remainder of this section provides a historical account of the development of the 1954 Saudi citizenship law. The current citizenship regime is described in more detail in section 3.

2.1 Amendments to the modes of acquisition of citizenship

The first amendment to the citizenship law of 1954 was introduced in 1960. It was concerned with a group which was not mentioned in the original law: foundlings. A new provision was added to Article 7 – which deals with the main route to citizenship acquisition, namely acquisition by descent – declaring that individuals “born inside the Kingdom from unknown parents” are also considered Saudis. The law stresses that “the foundling inside the Kingdom is considered born in it unless the opposite is proven”.⁷ The abandoning of new-borns in the streets is an old and ongoing issue in Saudi Arabia. Many of the foundlings are found outside mosques where the parent(s) can expect that the imam or others visiting to perform the daily prayers will notice them. The issue of foundlings is often linked to children born out of wedlock. Intimate relationship between a man and a woman outside marriage is forbidden according to the Islamic-inspired laws of Saudi Arabia. Therefore, a pregnancy resulting from such relationship is likely to be kept secret and children born from it are often abandoned by their parents. Infants may also be abandoned if the parents cannot afford to keep them. Hundreds of foundlings are found in the Kingdom every year and it is therefore of significant importance that the citizenship law addresses their legal status. It was estimated that there were 17,000 individuals with unknown parents in Saudi Arabia in 2011.⁸

The second amendment to the SACS came in 1985 and also dealt with the modes of acquisition of citizenship. The opportunity to acquire citizenship by birth in the country was restricted in favour of the principle of citizenship by descent. The 1954 law had allowed individuals born in the country to two foreign parents to acquire Saudi citizenship when they reach the age of 18 if they fulfil some requirements, but this right was removed in 1985.⁹ Explaining this decision, the Cabinet stated that, under the original law, the requirements to acquire citizenship for individuals born in Saudi Arabia to foreign parents were “very achievable” and that “the conditions when the law was put into force have changed, in which the number of foreigners who could apply to this clause was limited and had several connections to the country not restricted to a connection of financial interests”.¹⁰ The latter is probably a reference to the increasing number of foreigners who migrated to Saudi Arabia for employment during the second half of the 20th century. In 1985, the number of non-nationals

⁶ Jane Kinninmont, “Citizenship in the Gulf”, *The Gulf States and the Arab Uprising*, 2013, https://www.chathamhouse.org/sites/default/files/public/Research/Middle%20East/0713ch_kinninmont.pdf, pp. 48-51 (accessed 2 March 2022).

⁷ SACS, Art. 7

⁸ “17 thousands foundlings in Saudi Arabia” (original title: “17 ألف لقيط ولقيطة في السعودية”), *Al-Bayan*, 19 February 2011, <https://www.albayan.ae/one-world/correspondents-suitcase/2011-02-19-1.1387919> (accessed 22 January 2022).

⁹ SACS, Art. 8

¹⁰ The text to the 1985 amendment is found on page 16-18: <https://laws.boe.gov.sa/BoeLaws/Laws/Viewer/dab5f623-453b-446c-a1f5-7303fe0836ca?lawId=d9f183b6-3afc-4405-834f-a9a700f18571> (accessed 22 January 2022).

had reached 2.5 million, which was almost 13 % of the total population. The number and proportion have continued to rise since then.¹¹

Article 8 of the SACS, which contained the right to acquire citizenship for individuals born in the country to two foreign parents, also gave this right to children of Saudi mothers and foreign fathers. In fact, both of these groups were called “foreigners” under the law, and Article 8 defined the terms under which these “foreigners” could acquire Saudi citizenship. The 1985 amendment kept this opportunity open to individuals born to Saudi mothers and foreign fathers, but changed the criteria that such individuals were required to fulfil. Firstly, the original law had given this right to both those born inside the country and abroad – although the latter had to have a father of known nationality – but after 1985 Article 8 only applied to children of Saudi mothers born in Saudi Arabia to a foreign father. Secondly, the language requirement was made stricter, from being “familiar with the Arabic language” to “fluent in Arabic”. Thirdly, Article 8 made clear that children of Saudi mothers and foreign fathers had to apply to naturalise and that they could only apply during the first year after reaching the age of 18. Lastly, the original law had prevented people considered insane whose fathers were still alive from gaining Saudi citizenship under Article 8, but this health criterion was removed in 1985. However, in other parts of the SACS, discrimination against people with mental illness or other health issues still exists, as described below.

In 2004, amendments to several more articles in the SACS were introduced. Naturalisation of foreigners was made more difficult. Two new requirements were added to Article 9, which dealt with granting citizenship to foreigners. The first was that they must be working in one of the professions that the country needs. The law defines the eligible professions, which are described in section 3.1.3 of this report. The second was a language requirement: fluency in Arabic had not been listed in Article 9 prior to 2004. Moreover, the required continuous permanent residence period was prolonged from five to ten years minimum. Furthermore, the original law stated that the applicant for naturalisation could not be insane; in 2004, this was expanded to any mental or physical illness.¹²

With regard to the status of the family of a naturalised citizen, the 2004 amendment made clear that the wife of a naturalised citizen can acquire Saudi citizenship following a separate application and only after her arrival in the country. The amendment added the condition of her being resident in the country at the time of application. Previously, she was automatically granted Saudi citizenship with the expectation that she would renounce her foreign citizenship, unless she declares within the first year that she wants to keep it. Now, the spouse of a naturalised citizen must take a proactive role by expressing her desire to exchange her citizenship.¹³ The minor children of a naturalised citizen are automatically granted Saudi citizenship if they reside in the country or arrive there before they turn 18 years. In 2004, this opportunity was also given to children over the age of 18, but only following a separate application and with approval of the Minister of the Interior, with the additional requirement that they must have resided in Saudi Arabia at least five years and apply within one year after the naturalisation of their father.¹⁴

The 2004 amendment also introduced the right to citizenship acquisition for a foreign widow of a Saudi male citizen. The amendment made clear that such widows – as well as foreign wives,

¹¹ Françoise De Bel-Air, “Demography, Migration and Labour Market in Saudi Arabia”, *Gulf Labour Markets, Migration and Population*, Explanatory Note No. 5/2018, page 8, https://gulfmigration.grc.net/media/pubs/exno/GLMM_EN_2018_05.pdf (accessed 22 January 2022).

¹² SACS, Art. 9

¹³ SACS, Art 14

¹⁴ Ibid.

who have had this right since 1954 – can only acquire Saudi citizenship following an application and the renunciation of her original citizenship.¹⁵ By contrast, neither a non-Saudi husband nor widower of a Saudi female citizen have ever had this right, as addressed in more detail in section 3. Moreover, in 2007, the law gave the Minister of the Interior the opportunity to delegate to others in his Ministry the authority to process applications for naturalisation based on marriage, i.e. marriage between foreign women and Saudi men.¹⁶ This delegation of authority was probably needed because such applications are more common, given that the rules are less strict and complicated compared with the rules for naturalisation on grounds other than marriage. According to the Saudi Ministry of the Interior, they approved more than 6,000 applications for marriage between a Saudi citizen and a foreigner in 2010 alone – arguably mostly between Saudi men and foreign wives.¹⁷ These wives would thus be able to apply to obtain the citizenship of their husbands, giving rise to thousands of such applications each year.

Section 3 of this report describes in more detail the requirements for naturalisation of all groups of “foreigners” under Saudi law – among them individuals born to female citizens and foreign fathers – including the requirements that have not been amended since the SACS was issued in 1954.

2.2 Amendments to modes of loss of citizenship

Changes were made to the modes of loss of Saudi citizenship in 1969 and in 2004. In 1969, a decision made by the Council of Ministries amended Article 22 of the SACS concerning loss of citizenship due to fraudulent acquisition and simultaneously withdrew the citizenship of seven naturalised citizens – a father and his five sons, along with another individual – based on the same provision. The amendment did not actually make major changes to the grounds for loss of citizenship based on fraud, but the text of the decision highlighted the importance of centralising naturalisation decisions and stressed that the authorities on the Saudi borders should avoid issuing citizenship papers to individuals whose origins or connection to the country are doubtful.¹⁸ In 2004, an amendment was made to Article 21, which deals with two further grounds for citizenship revocation for naturalised citizens namely criminal conviction and public security. This amendment extended the time period in which the authorities can act to revoke citizenship on these grounds from five to ten years after naturalisation.¹⁹

Moreover, in 2004, there were two changes regarding women and loss of citizenship. The first concerned Saudi women who married to Saudi men, where the latter choose to obtain a foreign citizenship and renounce their Saudi citizenship. Prior to 2004, their wives would then automatically lose their Saudi citizenship, but now they can choose: they lose their Saudi citizenship only if they express their desire to replace it with the new foreign citizenship of their husbands. For all individuals – Saudi men and women – replacing Saudi citizenship with a foreign citizenship can only occur with permission from the Ministry of the Interior.²⁰ The

¹⁵ SACS, Art. 16

¹⁶ The text to the 2007 amendment is found on page 28: <https://laws.boe.gov.sa/BoeLaws/Laws/Viewer/dab5f623-453b-446c-a1f5-7303fe0836ca?lawId=d9f183b6-3afc-4405-834f-a9a700f18571> (accessed 22 January 2022).

¹⁷ “The [Ministry of] Interior approved more than 6000 applications for marriage between Saudis and foreigners last year» (original title: « وافقت على أكثر من 6 آلاف طلب زواج للسعوديين من الخارج العام المنصرم », *Al-Riyadh*, 27 May 2011, <https://www.alriyadh.com/636233> (accessed 22 January 2022).

¹⁸ The text to the 1969 amendment is found on page 10-15: <https://laws.boe.gov.sa/BoeLaws/Laws/Viewer/dab5f623-453b-446c-a1f5-7303fe0836ca?lawId=d9f183b6-3afc-4405-834f-a9a700f18571> (accessed 22 January 2022).

¹⁹ SACS, Art. 21.

²⁰ SACS, Art. 12

second change concerned foreign women who have been granted citizenship on the basis of marriage to Saudi men. Article 16 of the SACS was amended so that these women risk losing their Saudi citizenship in cases of divorce if they decide to return to their original citizenship or obtain any other foreign citizenship.²¹

3. The current citizenship regime

The Saudi Arabian Citizenship System (SACS), including its amendments, regulates the acquisition and loss of Saudi citizenship. The modes of acquisition of citizenship are, first and foremost, (1) by descent, predominantly through a Saudi father, as well as (2) by birth in the country for foundlings, (3) by naturalisation, and (4) by marriage, the latter only for foreign wives of Saudi male citizens. With regard to loss of citizenship, the law differentiates between native and naturalised citizens, with greater scope for withdrawal for the latter. In addition, there is a ban on dual citizenship without prior permission. The King, His Government and the Minister of the Interior are the main authorities which deal with issues related to the acquisition and loss of Saudi citizenship. The current citizenship regime in Saudi Arabia is examined in more detail below.

3.1. Modes of acquisition

3.1.1 Citizenship by descent

The main route to acquiring citizenship in Saudi Arabia is through a father who is a Saudi national. This applies regardless of whether an individual is born in Saudi Arabia or abroad. All children born to a Saudi father are granted Saudi citizenship by descent. Citizenship acquisition based on descent from the mother's side is rare and difficult to achieve. Article 7 of the SACS states that "A Saudi is anyone who is born inside the Kingdom of Saudi Arabia or abroad to a Saudi father or a Saudi mother and a father with unknown or no citizenship [...]".²² Although this last part of the provision represents a safeguard against statelessness among children of Saudi mothers, it is unknown how often it is implemented. In any case, the authorities try to limit the number of children who can end up being born into families consisting of a Saudi mother and a stateless father. Applications for marriages between Saudis and foreigners have to be sent to the Saudi Ministry of the Interior, which approves or refuses applications based on guidelines set by the Ministry. According to the guidelines, Saudi women cannot marry men who do not have citizenship.²³ Applicants are required to submit a copy of the suitor's valid passport.²⁴ Saudi women who marry non-Saudis are thus mainly married to husbands of known foreign nationality, because they will rarely get their marriage approved by the Saudi authorities if the prospective husband is stateless.

²¹ SACS, Art. 16

²² SACS, Art. 7

²³ Habib Toumi, "New conditions for Saudi marriages with foreigners", *Gulf News*, 18 March 2018, <https://gulfnews.com/world/gulf/saudi/new-conditions-for-saudi-marriages-with-foreigners-1.2189750> (accessed 22 January 2022).

²⁴ "Marriage of Saudi Female to Non-Saudi Resident", GOV.SA, 26 October 2021, [https://www.my.gov.sa/wps/portal/snp/servicesDirectory/servicedetails/9505!/ut/p/z1/jY_NCoJAFIWfpQeQe6_OmC4nA2nlphD_ZhOz0YRSEWnR0ze0Eyk7uwPfB-eAhhJ0Z55tY6a278zd9kr7V3kOGAKkFRD5elnCYH8i6WGMUMwB5fGdBZKtEmIOiBz0Pz5-icA1X64B9oE7JIHSgB7MdHParu6hDLmdVoCe2yqWzNqUuVzmlwvvgOW9D_Bjf2pGGB5Z-TrW6cERmzcV4ass/dz/d5/L0IHSkovd0RNQU5rQUVnQSEhLzROVkuVZW4/!](https://www.my.gov.sa/wps/portal/snp/servicesDirectory/servicedetails/9505!/ut/p/z1/jY_NCoJAFIWfpQeQe6_OmC4nA2nlphD_ZhOz0YRSEWnR0ze0Eyk7uwPfB-eAhhJ0Z55tY6a278zd9kr7V3kOGAKkFRD5elnCYH8i6WGMUMwB5fGdBZKtEmIOiBz0Pz5-icA1X64B9oE7JIHSgB7MdHParu6hDLmdVoCe2yqWzNqUuVzmlwvvgOW9D_Bjf2pGGB5Z-TrW6cERmzcV4ass/dz/d5/L0IHSkovd0RNQU5rQUVnQSEhLzROVkuVZW4!/) (accessed 22 January 2022).

Children who have a Saudi mother and a foreign father and are born in Saudi Arabia have an opportunity to apply for Saudi citizenship when they reach the legal age. This is thus more akin to a naturalisation process than to birthright citizenship acquisition. However, the requirements for this group to acquire citizenship by application are to some extent more moderate than for 'ordinary' foreigners. Article 8 of the SACS defines the requirements for such applications. Firstly, the individuals must have permanent residency in Saudi Arabia at the time they become 18 years old. Secondly, they must demonstrate good behaviour and have never been convicted or imprisoned for more than six months. Lastly, they must be fluent in Arabic. The applications have to be submitted within one year from reaching the legal age.²⁵ Every year, there are thousands of Saudi women who get married to foreigners. In 2018 alone, the number was more than 2,500; that year, Saudi women married men with 30 different nationalities, most of them Yemeni.²⁶ Each year, such mixed marriages can in turn be expected to give rise to an even greater number of children. These children are not entitled to citizenship by matrilineal descent but can apply for it when they reach the legal age of maturity. Patrilineal descent remains the dominant mode of acquisition of Saudi citizenship. Hence, the Saudi nationality law embodies gender discrimination against women and their right to transfer their Saudi citizenship to their children.

3.1.2 Citizenship for foundlings

Citizenship acquisition by birth in the country is only available to one group: foundlings. As mentioned in the previous section, Article 7 provides that anyone who is "born inside the Kingdom from unknown parents" is a Saudi and that "a foundling is regarded as being born in the Kingdom until proven otherwise".²⁷ Figures from 2011 show that there were 17,000 foundlings in the country, who were thus counted as Saudi citizens by birth according to the law.²⁸ However, granting Saudi citizenship to this group has been disputed, as explained in section 4 of this report.

3.1.3 Citizenship by naturalisation

Saudi citizenship can be granted, on the basis of an application, to several different groups. The first group defined by the law are the children of Saudi female citizens and non-Saudi fathers. This group was discussed in section 3.1.1 as those who are born in Saudi Arabia to fathers with known foreign citizenship are entitled to apply for Saudi citizenship when they reach the legal age. However, while those with fathers with unknown or no nationality are by law entitled to acquire citizenship by descent, it is unclear whether this is implemented in practice or if they are also more likely to have to pursue the naturalisation route if they want to acquire Saudi citizenship. The second group entitled to naturalisation are the wives of Saudi

²⁵ SACS, Art. 8

²⁶ Suad Al-Jalaa, "In 2018, Saudi women married men from 30 nationalities" (original title: "سعوديات يتزوجن برجال من 30 جنسية خلال 2018"), *the Independent Arabia*, 11 September 2019, <https://www.independentarabia.com/node/55236/%D8%A7%D9%84%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1/%D8%A7%D9%84%D8%B9%D8%A7%D9%84%D9%85-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A/%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A7%D8%AA-%D9%8A%D8%AA%D8%B2%D9%88%D8%AC%D9%86-%D8%A8%D8%B1%D8%AC%D8%A7%D9%84-%D9%85%D9%86-30-%D8%AC%D9%86%D8%B3%D9%8A%D8%A9-%D8%AE%D9%84%D8%A7%D9%84-2018> (accessed 22 January 2022).

²⁷ SACS, Art. 7

²⁸ "17 thousands foundlings in Saudi Arabia" (original title: "17 ألف لقيط ولقيطة في السعودية"), *Al-Bayan*, 19 February 2011, <https://www.albayan.ae/one-world/correspondents-suitcase/2011-02-19-1.1387919> (accessed 22 January 2022).

male citizens, who are discussed in section 3.1.4. The naturalisation requirements for these first two groups are less strict than for the for the third “remnant” group.

The last group are foreigners who do not fall into either of the other groups, including all migrants, as well as children born abroad to a Saudi mother and a non-Saudi father with known nationality. The citizenship law uses the same term to refer to the acquisition of Saudi citizenship by all three groups: they may all be “granted” citizenship by a decision of the Saudi authorities. All are processes of naturalisation for persons whom the authorities regard as foreigners, even though the rules are more complicated for the last group. The remainder of this section describes the prerequisites that the latter group must fulfil in order to obtain Saudi citizenship, according to Article 9 of the SACS and the ERSACS.

According to Article 9, there are several requirements for foreigners to be naturalised in Saudi Arabia: they must have 1) reached the legal age; 2) been permanently resident in the country for at least 10 years continuously; 3) good mental and physical health; 4) good behaviour without having been convicted or imprisoned for more than six months in criminal cases; 5) employment in a profession that the country needs; 5) an income with legal sources; and 6) fluency in spoken and written Arabic. Moreover, a seventh requirement also applies: applicants must be ready to (7) give up their original citizenship, as Article 9 states that an applicant must attach to the citizenship application “all documents related to the citizenship that he renounces”, such as a passport.²⁹ Several of these requirements are worth elaborating on, particularly by reference to the ERSACS, as well as other provisions of the SACS.

The requirement of 10 years residency in the country (number 2 above) implies that the residency must be legal and continuous. The applicant must have arrived in the country in a legal way with a valid passport and the whole residence period must be based on a residence permit issued by the Saudi authorities.³⁰ In cases of interruption of a stay in the country, the residence period may start over. If an applicant has started his or her application, he or she cannot leave the country for more than one year. If the application has not been sent yet, but the 10 years residence period has been completed, an absence from the country of six months would mean that he or she loses the right to apply for Saudi citizenship.³¹ All prior residence time will be void in these cases and the person will need to start counting the time of his or her residency all over again upon returning to Saudi Arabia.

The health requirement for naturalisation (number 3 above) is further explained in the ERSACS: “The term of having a healthy mind and body according to Article 9 of the [law] must be proven by a medical report issued by a public hospital”.³² This requirement thus disfavors persons with disabilities and implies discrimination against people with physical or mental illnesses. As described in section 2.1 of this report, there was also a health requirement for naturalisation for individuals born in Saudi Arabia to Saudi mothers and foreign fathers, but this was removed in 1985.³³ The reasons for keeping the health requirement for “ordinary” foreigners have not been announced. However, it signals a preference for new citizens who have good health and are thus likely to be employable, which is also supported by the requirement addressed below. At the same time, the 1985 amendment can be seen as a step towards facilitating naturalisation for the children of Saudi mothers.

²⁹ SACS, Art. 9

³⁰ ERSACS, Art. 8

³¹ SACS, Art. 20

³² ERSACS, Art. 10

³³ SACS, Art. 8

Perhaps the most inaccessible requirement for naturalisation for most people of foreign origin in Saudi Arabia today is the employment condition. The applicant's occupation has to qualify to one "that the country needs". A large part of the migrant population in Saudi Arabia is employed in construction and retail services. However, the ERSACS lays out which professions the country needs, which exclude these common sectors for migrant workers. Instead, an applicant must be an "outstanding" scientist, doctor, engineer or employee in a rare profession. The "outstanding" criterion must be demonstrated by the applicant's qualifications and by a recommendation from the authority responsible for the profession.³⁴ The law makes an exemption for one group who are not evaluated by their occupation in the naturalisation process, namely individuals born in Saudi Arabia to a foreign mother and an unknown father.³⁵ It is unclear why this exemption was made for this group.

The profession requirement was introduced in 2004 and was called "the open citizenship scheme". Gulf News reported a few months later that around 100 Indian expats had applied on this scheme.³⁶ There are no figures confirming whether they succeeded in their application and how many have been naturalised over the years. However, the newspaper quoted an Indian doctor who had lived in Saudi Arabia for more than ten years saying that "it remains to be seen how many Indians will actually get citizenship. As far as I am concerned I am applying a wait-and-watch-approach".³⁷ This is probably an approach that many possible eligible migrants took, not least because a successful application would mean that they would need to renounce their original citizenship.

Moreover, in a naturalisation application, the fulfilment of all the above-mentioned requirements has to be documented. For example, to prove good behaviour (requirement number 4 above), the applicant has to include statements from the imam of the mosque in the area they live, as well as from their employer.³⁸ What is more, the law requires the applicant to submit "information about his religious sect, political or party activity and previous military service".³⁹ It is unclear whether such information is used primarily for statistical purposes or is also taken into consideration in the assessment of applications.

3.1.3.1 A point-based evaluation system of applications for naturalisation

Saudi Arabia has a points-based system to evaluate applications for naturalisation. There are a maximum of 33 points available; an applicant needs at least 23 points for their application to proceed. Although all requirements listed above must be fulfilled, the system places a decisive weight on three factors. One of these is the applicant's professional qualifications: a PhD in medicine or engineering gives 13 points; a PhD in other sciences equals 10 points; a master's degree counts as 8 points; and a bachelor's degree corresponds to 5 points.⁴⁰

The second 'points-giving' requirement is residence. The fulfilment of 10 years residency in Saudi Arabia rewards the applicant with 10 points.⁴¹ Thus, an applicant who both fulfils this criterion and holds a PhD in medicine or engineering will proceed automatically for further consideration. Other applicants will need points relating to the third and final factor, namely

³⁴ ERSACS, Art. 11

³⁵ SACS, Art. 9

³⁶ Sunita Menon, "Dozens of Indians apply for Saudi citizenship", *Gulf News*, 21 February 2005, <https://gulfnews.com/world/gulf/saudi/dozens-of-indians-apply-for-saudi-citizenship-1.278058> (accessed 22 January 2022).

³⁷ *Ibid.*

³⁸ ERSACS, Art. 14

³⁹ ERSACS, Art. 12

⁴⁰ ERSACS, Art. 8

⁴¹ *Ibid.*

family ties, which is not actually listed as a requirement for naturalisation in Article 9 of the SACS. Instead, it is mentioned in ERSACS in relation to the executive implementation of Article 9. In practice, this factor plays a decisive role in most cases, seeking to “ensure that the applicant has Saudi relatives”.⁴² A total of 10 points can be acquired based on kinship: three points are given to an applicant with a Saudi father; three points if his mother is Saudi and the mother’s father is Saudi, and two points if only the mother is Saudi; two points if his wife is Saudi and the wife’s father is Saudi, and one point if only the wife is Saudi;⁴³ two points if he has more than two siblings or children who are Saudis, and one point if he has only one sibling or one child who is Saudi.⁴⁴ The three points that can be acquired if the father is Saudi apply if the father is a *naturalised* Saudi and the individual who is applying is an adult child of the naturalised citizen.

3.1.3.2 Supreme powers to reject any application

Applications for naturalisation are submitted to the Agency of Civil Affairs under the Ministry of the Interior. A committee of three members established by the Agency is in charge of evaluating such applications. It is the committee’s responsibility to recommend an application for further processing or dismiss it based on whether or not the applicant has fulfilled all the requirements for naturalisation and reached a minimum of 23 points based on the requirements of residency, professional qualifications, and family ties.⁴⁵ Where these requirements have been fulfilled, the committee sends their recommendation to the Naturalisation Committee – also established by the Ministry – which makes an evaluation before sending it on to the Minister of the Interior. Under Article 10 of the SACS, the Minister has the power to reject any application without giving any reason; if the Minister approves an application, it is then the leader of the Council of Ministries – the King – who makes the final decision on naturalisation.⁴⁶

3.1.3.3 Supreme powers to grant citizenship

In November 2021, King Salman bin Abdulaziz Al Saud granted Saudi citizenship to “a selection of distinguished talents”, according to the government-owned Saudi Press Agency (SPA).⁴⁷ The number was unspecified, but among those who were awarded citizenship were clerics, doctors, and academics.⁴⁸ SPA wrote that this was done in support of the “Saudi Vision 2030”, a programme designed by the Crown Prince Mohammed bin Salman Al Saud whose goal is to create “an attractive environment that enables attracting, investing in and retaining exceptional creative minds”.⁴⁹ According to sources of the Saudi Gazette, citizenship was given by the King “through nomination based purely on public interest and there won’t be any option to submit applications”.⁵⁰ Hence, although Saudi citizenship law includes rules for

⁴² ERSACS, Art. 8

⁴³ This is perhaps the only place where a foreign husband to a Saudi woman can take advantage of his marital relationship in an application for Saudi citizenship acquisition. Spousal transfer of citizenship is otherwise exclusively to foreign wives of Saudi male citizens. See chapter 3.1.4 of this report.

⁴⁴ ERSACS, Art. 8

⁴⁵ Ibid.

⁴⁶ SACS, Art. 10

⁴⁷ “Custodian of the Two Holy Mosques approves granting Saudi Citizenship to a selection of distinguished talents,” *Saudi Press Agency*, 11 November 2021, <https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=2303296#> (accessed 22 January 2022).

⁴⁸ “Saudi Arabia grants citizenship to prominent doctors, scholars”, *Al-Monitor*, 15 November 2021, <https://www.al-monitor.com/originals/2021/11/saudi-arabia-grants-citizenship-prominent-doctors-scholars#ixzz7IPaCzBKG> (accessed 22 January 2022).

⁴⁹ See footnote 47.

⁵⁰ “Through citizenship, Saudi Arabia aims to attract world-class foreign professionals”, *Saudi Gazette*, 11 November 2021, <https://www.saudigazette.com.sa/article/613464/SAUDI-ARABIA/Through-citizenship-Saudi-Arabia-aims-to-attract-world-class-foreign-professionals> (accessed 22 January 2022).

naturalisation applications, which in fact prioritise outstanding and talented persons, the 2021 naturalisations appear to not have been based on any application. National and international newspapers reported the incident in 2021 as a landmark move, as instances of naturalisation are otherwise rarely made public, probably because they do not often taken place.

It is embodied in the King's supreme authority that he can grant the Saudi citizenship to whomever he wants. Article 29 of the SACS states that the King can grant citizenship to anyone, even to persons who do not possess the requirements set out in Article 9.⁵¹ In another case, in 2019, it was reported that 50,000 individuals and their families were given Saudi citizenship "on humanitarian grounds". These individuals were displaced in Saudi Arabia "following political, economic and social turmoil in their countries", although the exact countries were not publicised.⁵² However, most of Saudi Arabia's millions of immigrants cannot expect to be bestowed the gift of citizenship by the King. There are, for example, no figures indicating that long-term resident immigrants are any more likely to be included in a royal grant of citizenship.

In an astonishing moment in 2017, a humanoid robot called Sophia was granted Saudi citizenship. In this way, Sophia became the first robot citizen in the world. This announcement was made during the Future Investment Initiative conference in Riyadh, which was initiated by the Saudi Crown Prince.⁵³ The Crown Prince is the son of the current King Salman Al Saud who is the last of the six sons of King Abdulaziz, the founder of Saudi Arabia, who have held the position of monarch. Mohammed bin Salman, the next in line to the throne, will be the first among Abdulaziz's grandson to reign over Saudi Arabia. The Crown Prince already has an influential position and presence in Saudi politics, including through his strategic "Vision 2030".

3.1.4 Citizenship for wives and other women related to Saudi male citizens

Naturalisation based on marriage and other family ties is more common than citizenship acquisition by 'ordinary' foreigners, typically migrants settled in Saudi Arabia for employment. Foreign women can thus be expected to naturalise more often than men. According to figures from 2000, there were almost 4,700 persons who acquired citizenship by naturalisation, of whom all but 903 were women.⁵⁴ Most of them are probably foreign wives of Saudi male citizens, as their citizenship acquisition is provided for under Saudi citizenship law. This is not the case for the foreign husbands of Saudi female citizens, putting couples in mixed marriages of the latter sort in a disadvantaged position. This represents another form of discrimination against Saudi women, along with their restricted right to pass citizenship to their children.

Article 16 of the SACS concerns citizenship acquisition by spousal transfer. It states that the Minister of the Interior can grant Saudi citizenship to a wife or a widow of a Saudi man. This happens following an application and requires that she renounces her original citizenship.⁵⁵ Additional requirements are set out in the ERSACS, including that she has to be resident in Saudi Arabia and never convicted in a criminal or ethics-related case.⁵⁶ In the case of a wife,

⁵¹ SACS, Art. 29

⁵² "Kingdom granted citizenship to over 50,000 displaced people", *Saudi Gazette*, 11 October 2019, <https://saudigazette.com.sa/article/579608> (accessed 22 January 2022).

⁵³ Rozina Sini, "Does Saudi robot citizen have more rights than women?", *BBC*, 26 October 2017, <https://www.bbc.co.uk/news/blogs-trending-41761856> (accessed 22 January 2022).

⁵⁴ Françoise De Bel-Air, "Demography, Migration and Labour Market in Saudi Arabia", *Gulf Labour Markets, Migration and Population*, Explanatory Note No. 5/2018, page 24, footnote 85, https://gulfmigration.grc.net/media/pubs/exno/GLMM_EN_2018_05.pdf (accessed 22 January 2022).

⁵⁵ SACS, Art. 16

⁵⁶ ERSACS, Art. 21 and 22

the application must prove that the marriage relationship conforms to Shariah and the statutory regulations of marriage between a Saudi citizen and a foreigner.⁵⁷ The statutory regulations prohibit – among other things – a Saudi’s marriage to a foreigner if the Saudi is employed in certain governmental positions, as well as if he is a student abroad.⁵⁸

Moreover, when applying, the wife must prove that the marriage has lasted at least five years. However, there are many exceptions which can reduce the required number of years. The relevant conditions are predominantly related to having Saudi relatives, such as a parent, sibling or child. For example, if the woman has more than one child, or one child and a Saudi mother, any duration of marriage is accepted. To take another example, if the woman has given birth to one child and the woman was born in Saudi Arabia to two foreign parents or if her husband has a profession such as a doctor or engineer, a one-year marriage is sufficient.⁵⁹

Foreign widows of Saudi men are also rewarded if they have children. In order to be naturalised, such individuals must have had at least one child with their deceased Saudi husbands, or any other former Saudi husband, and this child must have reached, or be close to reaching, the legal age of majority. Moreover, foreign widows cannot be married after the death of their husbands in order to apply for Saudi citizenship.⁶⁰

The rules presented in this section so far apply primarily to the wives and widows of native citizens. In the case of naturalised citizens, citizenship acquisition for their wives, as well as other female relatives, appears to be less complicated. According to Article 14 of the SACS, following a man’s naturalisation, his wife can acquire Saudi citizenship whenever she expresses her will to do so, provided that she moves to Saudi Arabia and is willing to renounce her original citizenship.⁶¹ Furthermore, the law gives the right to acquire Saudi citizenship to any other women who the naturalised male citizen “has guardianship over”.⁶² According to the guardianship system in Saudi Arabia, each woman is required to have a “guardian”, usually among her male relatives. A man typically has the role of guardian in respect of his daughters and wife, but can also have guardianship over his sisters, as well as his mother and grandmother. In the case of the 50,000 displaced people who were granted Saudi citizenship in 2019, the public statement says that these would acquire citizenship along with their families.⁶³ It is therefore reasonable to assume that these 50,000 individuals were men whose families consist of minor children, as well as women who according to the law can acquire the new citizenship of naturalised male citizens.⁶⁴ In this way, for those who manage to be naturalised, the requirements are eased so that their families can follow.

⁵⁷ ERSACS, Art. 21

⁵⁸ The statutory regulations of marriage between a Saudi citizen and a foreigner are available in Arabic here: <https://cva.moi.gov.sa/wps/wcm/connect/afb3ac64-33d7-496c-84a2-08df4f3eeec7/madina+%284%29.pdf?MOD=AJPERES&CVID=IDQx6DQ> (accessed 22 January 2022).

⁵⁹ ERSACS, Art. 21

⁶⁰ ERSACS, Art. 22

⁶¹ SACS, Art. 14

⁶² SACS, Art. 15

⁶³ ‘Kingdom granted citizenship to over 50,000 displaced people’, *Saudi Gazette*, 11 October 2019, <https://saudigazette.com.sa/article/579608> (accessed 22 January 2022).

⁶⁴ SACS, Art. 14 and 15

3.2 Modes of loss

3.2.1 Revocation of citizenship

Saudi citizenship can be lost in several ways. Article 13 of the SACS states that a Saudi citizen can have his[/her] citizenship withdrawn by decree in the following cases:

- a. If he obtained another citizenship in violation of Article 11 of [SACS].
- b. If he worked for the armed forces of any foreign government without obtaining the permission of the Government of His Highness the King.
- c. If he worked for the benefit of a foreign country or government during wartime with the Kingdom of Saudi Arabia.
- d. If he accepts employment for a foreign government or international organisation and remains working for it despite an order from the Government of His Highness the King to quit.⁶⁵

The first grounds listed in this article – concerning loss of citizenship where a second citizenship is obtained – is discussed in section 3.2.3. For all four grounds, citizens are given a three-month warning about the consequences of their actions before a decree is issued withdrawing their citizenship. Once citizenship revocation has taken place, all of their assets are confiscated in accordance with the Real Estate Possession System in Saudi Arabia. In addition, the authorities may prevent them from residing in the country, as well as the possibility to return to it.⁶⁶ Citizenship revocation may also have an effect on the citizenship of the children of individuals who are deprived of their citizenship on grounds b, c and d. The law states that minor children of such individuals who reside abroad have the possibility of acquiring Saudi citizenship when they reach the legal age of majority, meaning that they do not have this right while they are still underage. The wives of former citizens can choose to keep their Saudi citizenship or, where relevant, to acquire their husband's new citizenship. If they choose the latter option, they can have their Saudi citizenship restored in cases of divorce.⁶⁷ Article 29 of the SACS provides that the King also has the authority to revoke the citizenship of individuals even if Article 13 is not applicable to them.⁶⁸

A well-known incident of citizenship revocation took place in 1994 when Saudi Arabia revoked the citizenship of Osama bin Laden, the founder of Al-Qaeda. Bin Laden was accused of assassinating the Saudi ambassador in Pakistan. In 2018, his son Hamza bin Laden was also stripped of his Saudi citizenship, apparently for his involvement in Al-Qaeda.⁶⁹ From these cases, it is evident that engaging in acts of terrorism can lead to the revocation of Saudi citizenship.

Although it is not known how frequently withdrawal of citizenship takes place in the country, the Saudi Human Rights Commission has reported that they have received almost 300 cases from people calling for their citizenship to be restored in 2014 after having it revoked.⁷⁰ Many

⁶⁵ SACS, Art. 13

⁶⁶ SACS, Art. 13

⁶⁷ SACS, Art. 19

⁶⁸ SACS, Art. 29

⁶⁹ Jon Gambrell, "Saudi Arabia revokes citizenship of Hamza bin Laden," *AP News*, 1 March 2019, <https://apnews.com/article/middle-east-ap-top-news-dubai-united-arab-emirates-saudi-arabia-2c52afad8f8e433f84f6eafb317c1ade> (accessed 22 January 2022).

⁷⁰ "Jurists: Saudi Arabia does not revoke citizenship of its citizens except in few cases" (original title: "قانونيون: السعودية: لم تسحب الجنسية من مواطنيها إلا في حالات نادرة"), *The New Khalij*, 15 December 2016, <https://thenewkhalij.news/article/53994/%D9%82%D8%A7%D9%86%D9%88%D9%86%D9%8A%D9%88%D>

of these may have had their citizenship withdrawn on the basis of other legal rules allowing the authorities to deprive Saudis of their citizenship, as described below.

3.2.2 Denaturalisation of naturalised citizens

Article 21 of the SACS defines the specific conditions under which citizenship can be withdrawn from naturalised Saudi citizens. Firstly, naturalised citizens can have their Saudi citizenship deprived of if they are sentenced or imprisoned for more than one year for a criminal act connected to security or honour. Secondly, also related to their criminal record, citizenship can be revoked if a court ruling proves that they committed or were involved in any act that disturbed the public security of the Kingdom or that renders their presence in the country unwanted. Denaturalisation on the basis of these two grounds can only take place within ten years of naturalisation.⁷¹ In 2016, the Saudi-based Makkah newspaper wrote that a court had revoked the Saudi citizenship of an individual of Nigerian origin for disturbing the public security, including by using violence and expressing his support for his brother, who had killed a prison guard. The same individual was also sentenced to eight years in prison and to deportation after completion of his sentence.⁷²

The last condition for denaturalisation is not time restricted. If the Saudi authorities discover that naturalised citizens acquired Saudi citizenship by fraud, such as by lying, cheating or providing fabricated documents, their citizenship can be withdrawn.⁷³ As a rule, whenever a naturalised citizen is denaturalised, the Saudi citizenship will also be withdrawn from any individual who acquired their citizenship through their relationship to the denaturalised person, such as their wife and descendants.⁷⁴ In 2014, Saudi newspapers wrote that the authorities were prosecuting three siblings from Somalia who had obtained Saudi citizenship by falsifying their relationship to a Saudi man. The fraudulent acquisition had taken place more than 80 years previously, even before the enactment of the 1954 citizenship law, which shows that the regulation has retroactive effect. There were originally six siblings in total, but three of them were deceased. However, their descendants were included in the trial. As a result, twenty-five individuals, among them the children and grandchildren of the original six siblings, lost their Saudi citizenship on the grounds of the fraudulent acquisition decades earlier. Following the withdrawal of their citizenship, these 25 individuals were also deprived of the rights to continue studying, working, and using public health services in Saudi Arabia.⁷⁵

9%86-%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A9-%D9%84%D9%85-%D8%AA%D8%B3%D8%AD%D8%A8-%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9-%D9%85%D9%86-%D9%85%D9%88%D8%A7%D8%B7%D9%86%D9%8A%D9%87%D8%A7-%D8%A5%D9%84%D8%A7-%D9%81%D9%8A-%D8%AD%D8%A7%D9%84%D8%A7%D8%AA-%D9%86%D8%A7%D8%AF%D8%B1%D8%A9 (accessed 22 January 2022).

⁷¹ SACS, Art. 21

⁷²“Imprisonment and revocation of citizenship of a Nigerian who disturbed the public security” (original title: “السجن والبلاد (وسحب الجنسية من نيجيري أخل بأمن البلاد)”), *Makkah Newspaper*, 12 December 2016, <https://makkahnewspaper.com/ampArticle/586678> (accessed 22 January 2022).

⁷³ SACS, Art. 22

⁷⁴ SACS, Art. 23

⁷⁵“Somalis obtained the Saudi citizenship by fraud” (original title: «صوماليون يحصلون على الجنسية السعودية بالتزوير»), *Al-Arabiya*, 19 May 2014, <https://www.alarabiya.net/saudi-today/saudi-press/2014/05/19/%D8%AB%D9%84%D8%A7%D8%AB%D8%A9-%D8%B5%D9%88%D9%85%D8%A7%D9%84%D9%8A%D9%8A%D9%86-%D9%8A%D8%AD%D8%B5%D9%84%D9%88%D9%86-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9-%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A9-%D8%A8%D8%A7%D9%84%D8%AA%D8%B2%D9%88%D9%8A%D8%B1> (accessed 22 January 2022).

3.2.3 Loss of citizenship in cases of dual citizenship

As mentioned above, SACS lists the acquisition of another citizenship as a ground for loss of Saudi citizenship.⁷⁶ According to Article 11, acquisition of another citizenship is prohibited unless prior permission has been received from the Council of Ministers. Thus, a Saudi cannot be a dual citizen – a citizen of Saudi Arabia and another country simultaneously – without this having first been approved by the Saudi authorities. In cases where a citizen has been given permission to obtain another citizenship, his minor children will lose their Saudi citizenship if they become citizens of the other country where their father has naturalised, even if this happens automatically by operation of that country's citizenship law. The children can, however, apply to reobtain their Saudi citizenship within one year of reaching 18 years of age.⁷⁷

It is known that there are Saudis even within the royal family who hold dual citizenship. One example is the Saudi investor Al-Waleed bin Talal Al Saud, who holds Lebanese citizenship along with his Saudi passport.⁷⁸ There is no report that indicates that his children have lost their Saudi citizenship because of this, which casts doubt on the enforcement of the rules on dual citizenship. Other well-known Saudis are also dual citizens, such as two activists who in 2019 were arrested in Saudi Arabia for their criticism of the regime; newspapers reported that they were dual US-Saudi citizens.⁷⁹

In the case of a Saudi female citizen who is married to a foreigner and obtains the citizenship of her husband, the law is more straightforward: she will lose her Saudi citizenship if and when she chooses to acquire the same citizenship as her husband.⁸⁰ This is another aspect of the gender discrimination in Saudi citizenship law. On the one hand, the law speaks about how Saudi men can transfer their citizenship to their foreign wives; on the other hand, when it mentions Saudi women who are married to foreigners, the law is concerned with defining how these women can lose their citizenship. The latter case is more of a warning; the former is a right. Foreign wives of Saudi citizens who acquire their husbands' citizenship via marriage and renounce their original citizenship (see section 3.1.4) will lose their Saudi citizenship if they get divorced and decide to reacquire their original citizenship.⁸¹

3.3 Specific rules and status for certain groups

3.3.1 Saudi women and naturalised citizens

The examination above shows that there are different rights for Saudi women and men when it comes to the right of filial and spousal transfer of citizenship. Saudi male citizens are privileged. Children of Saudi men will acquire citizenship by descent regardless of their birthplace. This route to citizenship acquisition is highly restricted for the children of Saudi women who are married to non-Saudis. Moreover, Saudi husbands can transfer their citizenship to their foreign wives, while this is not an option for Saudi female citizens who are

⁷⁶ SACS, Art. 13

⁷⁷ SACS, Art. 11

⁷⁸ Sebastian Castelier, "Rich families buy second citizenship in post-Ritz Saudi Arabia", *Al-Monitor*, 28 September 2020, <https://www.al-monitor.com/originals/2020/09/saudi-arabia-ritz-carlton-second-citizenship-passport.html> (accessed 2 March 2022).

⁷⁹ Martin Chulov, "US-Saudi dual citizens among eight critics of regime detained", *The Guardian*, 5 April 2019, <https://www.theguardian.com/world/2019/apr/05/us-saudi-dual-citizens-among-eight-critics-of-regime-detained> (accessed 2 March 2022).

⁸⁰ SACS, Art. 17

⁸¹ SACS, Art. 16

in mixed-nationality marriages. This is despite the fact that a significant percentage of married Saudi women – 10 % or around 700,000 individuals – have foreign husbands.⁸²

Moreover, the examination in this report signals that there are some differences between the conditions of loss of citizenship between those who acquire citizenship at birth and those who acquire citizenship by naturalisation. The latter face a wider range of grounds for citizenship stripping; in particular, they need to be cautious about their criminal record during the first ten years after naturalisation. Moreover, naturalised citizens, as well as their descendants and anyone else who acquires Saudi citizenship through family ties to them, risk having their Saudi citizenship withdrawn at any time – even 80 years after their naturalisation (based on the case mentioned above) – if it is found that their original acquisition of citizenship was in some way fraudulent. Furthermore, naturalised citizens do not acquire all of the same political rights as native citizens immediately after naturalisation: in order to run for office in the municipal elections, at least ten years must have passed since their naturalisation.⁸³

3.3.2 The Rohingyas and the issue of “irregular migrants” in Saudi Arabia

One of the diasporas living in Saudi Arabia is the Rohingyas, one of the most persecuted minority and stateless groups in the world. Due to the systematic persecution that they faced (and still face) in Burma/Myanmar since the mid-20th century, many fled the country, including a significant number who went to Saudi Arabia. Initially, in the 1970s, they received special treatment from King Faisal Al Saud, who granted the Rohingyas residency papers so they could stay, work and travel in the country. Despite these benefits, and due to the strict naturalisation regulations in Saudi Arabia, the Rohingyas have lived in the country for decades without being eligible for Saudi citizenship. Their status as stateless persons has continued in Saudi Arabia and they have become a multi-generational stateless community in the country. Nonetheless, newcomers continue to arrive due to the ongoing harsh conditions that Rohingyas experience in Myanmar and neighbouring countries. Many of the newcomers live illegally and undocumented in the country; many use fake Bangladeshi passports to reach Saudi Arabia and enter using temporary visas for pilgrimages to the holy sites in Saudi Arabia, but then remain in the country. Like elsewhere in the region, exact statistics on the number of stateless persons are not publicised. According to the United Nations High Commissioner for Refugees (UNHCR), there are 70,000 stateless persons in Saudi Arabia, but they note that they are verifying this number with Saudi authorities.⁸⁴ Other estimations put the number of Rohingyas in Saudi Arabia at 250,000, placing the country among the top three host nations for Rohingyas, along with Bangladesh and Pakistan.⁸⁵

In recent years, and as part of the regime’s announced crackdown on “irregular immigrants”, Rohingyas in Saudi Arabia have been subjected to several measures. First, Saudi authorities have demanded that the Bangladeshi government grant citizenship to Rohingya expatriates in

⁸² Habib Toumi, “New conditions for Saudi marriages with foreigners”, *Gulf News*, 18 March 2018, <https://gulfnews.com/world/gulf/saudi/new-conditions-for-saudi-marriages-with-foreigners-1.2189750> (accessed 22 January 2022).

⁸³ “Elections in Saudi Arabia.. A Test on the Prospect of Political Reforms” (original title: “انتخابات السعودية.. امتحان لقبالية”), *الإصلاح السياسي*, *Al-Jazeera*, 24 January 2005, <https://www.aljazeera.net/opinions/2005/1/24/%D8%A7%D9%86%D8%AA%D8%AE%D8%A7%D8%A8%D8%A7%D8%AA-%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A9-%D8%A7%D9%85%D8%AA%D8%AD%D8%A7%D9%86-%D9%84%D9%82%D8%A7%D8%A8%D9%84%D9%8A%D8%A9> (accessed 2 March 2022).

⁸⁴ UNCHR, “Global Trends: Forced Displacement in 2019”, <https://www.unhcr.org/5ee200e37.pdf>, p. 75, (accessed 7 March 2022).

⁸⁵ Areeb Ullah, “Trapped. The Rohingya who flee to Saudi Arabia”, *Middle East Eye*, <https://www.stories.middleeasteye.net/trapped-rohingya-flee-saudi-arabia> (accessed 27 February 2022).

Saudi Arabia. According to Saudi authorities, most of the members of the Rohingya diaspora were in Bangladesh before immigrating to Saudi Arabia and arrived in the country with Bangladeshi ID documents. Therefore, the Saudi authorities argue, it is Bangladesh's responsibility to solve the current stateless situation of Rohingyas in Saudi Arabia, a claim that Bangladesh denies.⁸⁶ Second, the Rohingyas in Saudi Arabia have faced the same legal actions that the Saudi authorities have carried out against others who are regarded as illegal immigrants. This includes detention and deportation.⁸⁷ These actions have been taken against members of other migrant groups, such as those from Ethiopia, many of whom also arrived in the country using temporary pilgrimage visas or were smuggled through the Yemeni borders.⁸⁸ According to the Saudi Gazette, the Saudi authorities arrested more than 3.8 million illegal foreigners and deported almost one million of them between 2017 and 2019.⁸⁹

Lastly, it has been reported that even *legal* migrant workers have been subjected to the same treatment. The fight against illegal immigrants and undocumented workers is part of the Saudi Vision 2030, whose goals includes the "Saudisation" of the workforce. There are therefore indications that large numbers of migrants are being subjected to arrest and expulsion in an effort to transform the migrant-dominated workforce.⁹⁰ However, in a contradictory move, the Saudi authorities also announced in late 2019 that they have given residency papers to 800,000 expats who live in the country without proper documents, along with 50,000 who were granted Saudi citizenship. These individuals are now able to reside, work, study, travel and access health services, while any fees and penalties associated with these rights and services would be waived. Moreover, the Saudi government said that they have donated 38 million USD to the cause of Rohingya refugees through the UNHCR Programme.⁹¹

3.4 Special institutional arrangements

Saudi citizenship law centres on three actors who have authority in matters of granting and withdrawing of citizenship: (1) the King, (2) the Government (or what is also called the Council of Ministers), and (3) the Minister of the Interior. The latter, together with his Ministry, has the day-to-day responsibility in citizenship cases and applications, while the hierarchy of decision-making is from the former to the latter. The Ministry of the Interior also makes use of committees, including in the assessment of applications for naturalisations. In such applications, the Minister of the Interior has the right to reject any application before passing it on to the other authorities for consideration, as discussed in section 3.1.3.2. If the Minister accepts it, he will send over a recommendation for a decision on the application to the Council of Ministers and the King. Decisions regarding the acquisition and loss of citizenship are

⁸⁶ Areeb Ullah, "Rohingya fear deportation after Saudi Arabia calls on Bangladesh to give minority passports", *Middle East Eye*, 14 October 2020, <https://www.middleeasteye.net/news/saudi-arabia-rohingya-bangladesh-deportation-passports> (accessed 27 February 2022).

⁸⁷ Areeb Ullah, "REVEALED: Hundreds of Rohingya imprisoned 'indefinitely' in Saudi Arabia", *Middle East Eye*, 13 November 2018, <https://www.middleeasteye.net/news/saudi-arabia-rohingya-bangladesh-deportation-passports> (accessed 27 February 2022).

⁸⁸ International Labour Organization, "Situations and needs of Ethiopian returnees from the Kingdom of Saudi Arabia: Assessment report", 2018, , pp. 6-7 https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_670539.pdf (accessed 27 February 2022).

⁸⁹ Saudi Gazette, "3.87m illegal foreigners netted, 962,234 deported in 22 months", 22 September 2019, <https://saudigazette.com.sa/article/577935> (accessed 27 February 2022).

⁹⁰ Sondos Shalaby, "Jobs for Saudis, deportation for expats: Saudisation rollout begins", *Middle East Eye*, 12 September 2018, <https://www.middleeasteye.net/news/jobs-saudis-deportation-expats-saudisation-rollout-begins> (accessed 27 February 2022).

⁹¹ "Kingdom granted citizenship to 50,000 refugees and ID documents to 800,000 residents" (original title: "المملكة منحت الجنسية لـ 50 ألف لاجيء والهوية لـ 800 ألف مقيم"), *Al-Yaum newspaper*, 8 October 2019, <https://lym.news/a/6215158> (accessed 22 January 2022).

primarily taken by the Council of Ministers, which is led by the King. The King also has the unrestricted and supreme authority to grant Saudi citizenship and revoke it from anyone, as outlined in sections 3.1.3.3 and 3.2.1. The courts are not authorised to revoke the citizenship of Saudis and likely not overturn a denaturalisation decision either. The President of the Saudi Human Rights Commission stressed in 2016 that revocation of citizenship can only happen by royal decree.⁹²

4. Current political debates and reform plans

In a country with minimal political representation by the people, political debates are less institutionalised in places such as a parliament. However, in an era of social media and mass media, issues are discussed on online platforms. Two examples of online debates and campaigns regarding citizenship are described in this section. The first is about birthright citizenship for foundlings, while the second concerns gender discrimination against women.

In early 2021, the government appointed Human Rights Commission (HRC) produced an information poster about the right of foundlings to acquire Saudi citizenship by birth. They posted a picture of the poster on Twitter, which was not well received by all.⁹³ Commenting on the tweet by the HRC, people argued that this legal opening helps and may even encourage people who have a relationship out of wedlock in violation of Saudi law. Others said that it is fair to give children who are abandoned by their parents a chance to live and grow up with same citizenship rights as other Saudis. Some called these children “orphans”, having no parents, and who therefore should have the right to Saudi citizenship and other state-sponsored benefits. Others were outraged because other groups in society do not have the same right to citizenship by birth. For example, some commented that this right should instead be given to the children of Saudi mothers and foreign fathers, who today largely do not have access to birthright citizenship.⁹⁴

While the foundling information campaign was initiated by the Saudi Human Rights Commission with the aim of promoting a human right in Saudi Arabia, activists have for their part campaigned for a change to address what they see as a violation of another human right: women’s right to transfer their citizenship to their children. Such activists call for a solution to this “enduring problem” that results in children of Saudi women and foreign fathers being aliens in their mothers’ home country. This issue has also been raised in the Kingdom’s Shura Council, an advisory board to the Saudi leadership. Reforms have been made in recent years that have improved the living conditions of these children, such as granting them the same access to education and health services as Saudi citizens, but not to amend the Saudi

⁹² “In Saudi Arabia, revocation of citizenship is a punishment for terrorists and counterfeiters!” (original title: “في السعودية.. إسقاط الجنسية عقوبة الإرهابيين والمزورين”), *RT*, 17 December 2016, <https://arabic.rt.com/news/854587-%D9%81%D9%8A-%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A9-%D8%A5%D8%B3%D9%82%D8%A7%D8%B7-%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A%D8%A9-%D8%B9%D9%82%D9%88%D8%A8%D8%A9-%D8%A7%D9%84%D8%A5%D8%B1%D9%87%D8%A7%D8%A8%D9%8A%D9%8A%D9%86-%D9%88%D8%A7%D9%84%D9%85%D8%B2%D9%88%D8%B1%D9%8A%D9%86/> (accessed 22 January 2022).

⁹³ Tweet by @HRCSaudi, 20 January 2021, <https://twitter.com/hrcsaudi/status/1351792180113899520> (accessed 22 January 2022).

⁹⁴ “Granting of citizenship to foundlings makes a huge controversy in Saudi Arabia” (original title: “منح الجنسية لـ'اللقطاء' ”), *Erem News*, 20 June 2021, <https://www.ereemnews.com/news/arab-world/saudi-arabia/2303252> (accessed 22 January 2022).

citizenship law.⁹⁵ Activists likewise call for equality between men and women with regard to the opportunity for spousal transfer of citizenship, though this is a more contentious issue.

In response to these calls for gender equality in Saudi citizenship law, there have been counter-campaigns on Twitter. In the summer of 2021, a trending hashtag declared that the “naturalisation of children of Saudi women is dangerous”. From the supporters’ perspective, the children of Saudi mothers and foreign fathers represent a large group – estimated to be around 1.5 million individuals – who could threaten public security. Their argument is that if these children become Saudi citizens, they could be manipulated to serve the foreign countries to which their fathers belong.⁹⁶ Another argument that has been put forward, including by the president of the Human Rights Commission, is that the Saudi system is based on the unity of the family, which would be disrupted by multiple citizenships.⁹⁷ The reforms that Saudi authorities have introduced to improve the conditions for education, employment and health services for children of Saudi women and foreign fathers were thus seen as less controversial. By contrast, there is no change in sight concerning citizenship acquisition, or at least nothing has yet been announced. Nonetheless, legal amendments can happen rapidly by royal decree, as exemplified in recent years by changes made to the guardianship system and by the decision allowing women to drive in 2017.

5. Conclusions

The Saudis and Saudi Arabia are unique in being the only citizenry and country that are named after their rulers, the Al Saud monarchs. After providing an overview of the historical development of the Saudi Arabian Citizenship System of 1954, this report has concentrated on describing the current citizenship regime. The main mode of acquisition of Saudi citizenship is by descent, predominantly through a Saudi father. It is also possible to acquire Saudi citizenship by application. However, naturalisation is difficult to achieve for foreigners, being based, among other things, on 10 years of continuous residency, “outstanding” professional qualifications as defined by law, and having Saudi family ties. In this way, the requirements for naturalisation leave most of Saudi Arabia’s large immigrant population ineligible for Saudi citizenship. Citizenship can be granted by marriage to foreign wives of Saudi male citizens. By contrast, Saudi female citizens are excluded from the right to transfer citizenship to their foreign husbands, as well as to give it to their children, in most cases. Gender discrimination is thus present in Saudi citizenship law and practice. Calls have been made by activists and Saudi women married to foreigners to amend the law and give equal conditions for Saudi men and

⁹⁵ “Naturalisation of children of Saudi women: an enduring problem and renewed hopes after the King’s reforms” (original title: “تجنيس أبناء السعوديات.. مشكلة “أزلية” وأمل متجدد بعد إصلاحات الملك”), *Al-Hurra*, 7 June 2021, <https://www.alhurra.com/saudi-arabia/2021/06/07/%D8%AA%D8%AC%D9%86%D9%8A%D8%B3-%D8%A3%D8%A8%D9%86%D8%A7%D8%A1-%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A7%D8%AA-%D9%85%D8%B4%D9%83%D9%84%D8%A9-%D8%A3%D8%B2%D9%84%D9%8A%D8%A9-%D9%88%D8%A3%D9%85%D9%84-%D9%85%D8%AA%D8%AC%D8%AF%D8%AF-%D8%A5%D8%B5%D9%84%D8%A7%D8%AD%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D9%84%D9%83> (accessed 22 January 2022).

⁹⁶ “What frighten the Saudis about #citizenship_to_children_of_Saudi_women?” (original title: « ما الذي يخيف السعوديين «: «تجنيس أبناء السعوديات من «)», *Al-Arab*, 8 June 2021, <https://alarab.co.uk/%D9%85%D8%A7-%D8%A7%D9%84%D8%B0%D9%8A-%D9%8A%D8%AE%D9%8A%D9%81-%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D9%8A%D9%86-%D9%85%D9%86-%D8%AA%D8%AC%D9%86%D9%8A%D8%B3%D8%A3%D8%A8%D9%86%D8%A7%D8%A1%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A7%D8%AA> (accessed 22 January 2022).

⁹⁷ Abdulla Al Hatila, “Human rights: the issue of naturalisation needs attention” (original title: “حقوق الإنسان»: «: ملف «: «التجنيس بحاجة إلى «اهتمام «)», *Okaz*, 8 November 2016, <https://www.okaz.com.sa/local/na/1507745> (accessed 22 January 2022).

women for filial and spousal transfer of citizenship, but no such reform has yet been announced. Foundlings in Saudi Arabia can obtain Saudi citizenship by birth in the country, although this has been contentious for some segments of Saudi society.

Loss of citizenship can take place in several ways, with naturalised citizens more at risk, fraudulent acquisition being one of them. There is also a general ban on dual citizenship unless prior permission is obtained. As a consequence, both native and naturalised citizens generally need to choose whether to have Saudi citizenship or a foreign citizenship. Nonetheless, exceptions arise in practice. The Ministry of the Interior is the main authority responsible for citizenship cases and applications. However, decisions concerning withdrawal of citizenship and the granting of citizenship by naturalisation to foreigners other than the children of Saudi female citizens and wives of Saudi male citizens have to be brought to the Council of Ministries. The King has the supreme power to grant and revoke the citizenship of anyone on any grounds. Saudi Arabia made history in 2017 when it was the first to grant citizenship to a humanoid robot. There is also a sign of change in its citizenship policy following a royal decree in 2021 which gifted Saudi citizenship to a selection of foreigners based on their “distinguished talents”.⁹⁸ Nonetheless, it is too early to predict whether this will be followed by a relaxation of the naturalisation requirements and procedures in a way that might include more of Saudi Arabia’s non-national inhabitants.

⁹⁸ “Custodian of the Two Holy Mosques approves granting Saudi Citizenship to a selection of distinguished talents,” *Saudi Press Agency*, 11 November 2021, <https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=2303296#> (accessed 22 January 2022).

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