

The Kingdom of Saudi Arabia

Executive Summary

The process of employing a foreigner in the Kingdom of Saudi Arabia (the “Kingdom”) is relatively complicated compared to other countries, but is expected to be simplified as a result of the Kingdom’s accession to the World Trade Organization (the “WTO”).

Citizens of member countries to the Gulf Cooperation Council (“GCC”) - Saudi Arabia, Qatar, Oman, Yemen, United Arab Emirates and Kuwait - are allowed to enter into each member country’s territory without the need to obtain an entry visa. In some cases, presenting a national identification card suffices.

Key Government Agencies

With respect to the employment of foreigners, the Ministry of Labor is responsible for work permits.

The Ministry of the Interior’s Directorate General for Passports is responsible for issuing residence permits.

Once the required authorizations from the relevant agencies are obtained, the Ministry of Foreign Affairs through Saudi Arabian embassies and consulates will be the first contact point with the employee and will be responsible for the issuance of visas.

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Business Travel

Business Visit Visa

A Business Visit Visa may be issued based upon a letter of invitation by a Saudi person for business reasons. The issuer of the invitation letter (“Sponsor”) would normally be required to sponsor the holder of the Business Visit Visa during the stay in the Kingdom.

The original purpose of Business Visit Visas is to allow foreigners to enter into the Kingdom for conducting limited business transactions with the Sponsor. By way of example, this would include negotiations of agreements, or holding business meetings generally. In practice, however, business visit visas are very commonly used to facilitate rendering short term or intermittent contractual services (e.g., managerial, professional, technical or consultancy services) and the practice has been historically tolerated by the Saudi authorities.

Beyond this limited scope, Business Visit Visas do not grant foreigners the right to work or reside in the Kingdom.

Visa Waiver

Citizens of Bahrain, Kuwait, Oman, Qatar and United Arab Emirates are not required to have visas to visit the Kingdom.

Training

There is no visa designed expressly for training, but the visas discussed for employment assignments might be appropriate in some circumstances.

Employment Assignments

As a general rule, foreigners may not come or be brought to the Kingdom to work unless the prior approval of the Ministry of Labor is obtained.

In order for the required permits to be issued, the following conditions must be met:

- The foreigner must have entered the country legally. For a non-resident, this would require obtaining the Work Visa;
- The foreigner must possess vocational skills or educational capabilities needed in the Kingdom that are either lacking or insufficiently available;
- The foreigner must have a contract with a Saudi employer or a non-Saudi employer authorized to do business in the Kingdom; and
- The foreigner must be under sponsorship of an employer.

In relation to this last requirement, a foreign employee may not leave the current position with his employer unless the approval of the current employer is obtained to transfer sponsorship to the prospective new employer. This rule governs all foreigners working in the country, regardless of their time in the Kingdom.

As a pre-requisite for obtaining the Work Visa, the employer should have an “immigration file” opened with the Ministry of Interior. The immigration file typically contains up-to-date information on the residency status of each of the employer’s expatriate manpower. Once the immigration file is opened, an employer can thereafter obtain the Work Visa after obtaining the Ministry of Labor’s approval, who will in turn instruct the Ministry of Foreign Affairs to have the relevant Saudi embassy issue the required visa.

At that point, the prospective employee will be required to present the following to the relevant Saudi embassy:

- A valid employment contract in Saudi Arabia (which has to be either with a Saudi citizen, company or a foreign entity licensed to conduct business in the Kingdom);
- Educational diplomas or certificates by the prospective employee;
- Medical reports; and
- 3 recent passport photographs.

After the Work Visa is issued, the employee will be required to obtain a residency permit (“igama” or “iqama”) and a work permit before commencing work in the Kingdom. The issuance of the aforementioned permits begins with filing an application with the Ministry of Labor. After its approval, the Ministry of Labor will forward the application to the Ministry of Interior for the issuance of the required residency permit.

Work Temporary Visa

Recently, Saudi Arabia introduced a new type of visa – the temporary visit work visa. The purpose of this visa is to allow the employee of a foreign entity, which has no presence in Saudi Arabia, to perform temporary work for its clients in Saudi Arabia.

Seasonal Employment Visa

This type of visa is available for those who wish to enter the Kingdom during the annual pilgrimage (“hajj”) season for the purpose of filling certain required positions.

The procedures for issuing a Seasonal Employment Visa starts with filing an application with the Ministry of Labor by the Saudi employer requesting permission to allow certain expatriate workers to enter the Kingdom during the pilgrimage season only for carrying out certain tasks. If the Ministry of Labor approves the application, the prospective employee will be required to present to the Saudi embassy in the relevant country a valid employment contract in applicant's country, in addition to an attestation by the worker that the purpose of coming to the Kingdom is solely for work and not the performance of pilgrimage.

Group Employment Visa

In order to facilitate bringing foreign workers to the Kingdom, it is currently possible for employers to apply for a Group Work Visa, also referred to as "block visa." The objective of the Group Employment Visa is to enable business owners to process multiple visas simultaneously for certain positions without the need to initially identify the prospective employees by name.

The application is usually submitted on the basis of the number of workers required for each profession. Upon the approval of the application, the required number of visas will be issued and copies of which will be sent along with other documentary requirements to the relevant Saudi embassies. Thereafter, the prospective employee will submit the passport to the Saudi embassy in order to have the passport stamped with the required visa.

Other Comments

Foreigners who overstay their visit in the Kingdom are subject to monetary fine and incarceration pending deportation proceedings. It is important to clarify from authorities upon arrival as to the permitted length of stay, which is not necessarily the same as the validity date of the visa itself.

Visitors to the Kingdom must abide by the country's Islamic laws and regulations, and respect its society's values and traditions.

A medical report showing that the foreigner is free of any contagious disease is generally required for work and residence permits.