



## Saudi Arabian Male Guardianship & Foreign Sponsorship Laws are Trapping American Mothers and their Children in Saudi Arabia

Congress has rightfully condemned Saudi Arabia's male guardianship laws and discrimination against Saudi women. Male guardianship must further be understood as a global issue, as it is the system responsible for the facilitation of Saudi fathers kidnapping children from all around the world to Saudi Arabia with impunity. Similarly, the same systemic gender discrimination faced by Saudi women under male guardianship exists for women from all around the globe via the foreign sponsorship or "kafala system" and must be addressed immediately.

Dozens of American mothers and/or their children from the States of Washington, Massachusetts, Michigan, Florida, Pennsylvania, New York, Ohio, California and Texas are currently wrongfully trapped or have children who have been kidnapped to Saudi Arabia due to complications surrounding both the Saudi male guardianship & kafala (foreign sponsorship) system laws. These systems both make women vulnerable to situations of domestic abuse, violence, marital rape (which is not a crime in Saudi Arabia), and other manipulations of the legal system due to the advantage men have over women.

### *The Kafala System*

The Kafala system is a system of sponsorship where every foreign resident is under the complete control of their Saudi sponsor, or "*kafeel*". The *Kafeel* exercises significant ownership over their dependents life. When American women wed Saudi men, they come under their Saudi husband's sponsorship. The Saudi *kafeel* alone has the power to keep the immigration status of their "dependent" up to date; failure to do so results in the freezing of all financial services, inability to obtain medical treatment, inability to file lawsuits or cases with the police, and arrest and deportation if found to be illegal. The Saudi *kafeel* alone has the power to permit their dependent to exit or reenter the country, must approve their moving to a new household, must sign them out of prison if they are arrested, and must approve their work or changing work. If a foreign wife leaves the household without her Saudi husband's permission, the Saudi husband can register her as a runaway, and she would be subject to arrest and deportation.

As you can imagine, the vulnerable status of foreign wives of Saudi citizens makes it incredibly difficult for them to protect themselves or their children. Several women fear the power their sponsors have over them, and accept abuse in silence. As they generally do not have family members residing in the country, when they leave to escape abuse it must be with the permission of the husband and sponsor.

### *The Male Guardianship System*

In Saudi Arabia, men are automatically granted full legal guardianship of their children at birth. This decision-making authority is based solely on the male gender of the father, hence it is called male guardianship. The male guardian must give his permission for his dependent to marry, and then the guardianship is transferred from the guardian (typically a father or brother, but sometimes even a son can be a guardian over their divorced mother) to the husband. Male guardianship is an indefinite state, and while women now are permitted to travel at the age of 21 years and issue themselves passports, the significant loophole is that disobedience to a male guardian is a punishable crime.

Women may be awarded full physical custody of their children, but only if it is not contested by the father or his family members. Even if a father is deemed unfit to parent, he remains the legal guardian of the child. With full physical custody Saudi mothers do have the right to travel with their child (foreign mothers do not), enroll them in school (foreign mothers do not), and issue them I.D.'s (foreign mothers do not). However, the father, as legal guardian always has the right to challenge these rights. The father's permission is also required for major medical procedures and surgeries.

Saudi fathers are automatically considered the male guardians of their children at birth; they do not need the mother's consent to issue travel documents for their children, dual citizenship is not recognized in Saudi Arabia. These factors contribute to Saudi Arabia being notorious for Saudi fathers kidnapping their children from foreign countries to Saudi Arabia with impunity.

### *Foreign Mothers of Saudi Citizens*

Foreign mothers who have resided in Saudi Arabia have the right to a "mother of a Saudi citizen" residency. With this, they are listed as their own Sponsor in the country, and issue themselves exit and reentry visas at their own expense and convenience. The issue being, that even when a foreign mother, granted full physical custody of their child, she has none of the decision-making authority required to meet her children's basic needs in her care without their father. She cannot issue medical insurance for her children, cannot issue I.D.'s or get simple civil affairs print outs on the children, cannot exit the country with the children without the father's permission, cannot enroll the children in public school without the father's permission, and so on. If the father passes away, another male relative from the father's side will become the children's male guardian in his place, meaning the mother may never have any control over her or her children's lives. Additionally, foreign mothers of Saudi citizens do not qualify for benefits, or assistance in order to care for their children. The result is most foreign mothers in Saudi Arabia surrender parental rights over their children due to their low legal status in society or suffer at the mercy of their ex-husbands for the rest of their life.

### **The Solution**

Congress must call on Saudi Arabia to abolish the kafala system and male guardianship systems, which are modern forms of slavery entrapping women in vulnerable situations and facilitating

the kidnapping of children from around the world to Saudi Arabia by their fathers. State department must also take a more aggressive stance, the U.S. Embassy must grant protection to women and children being subject to abuse under these systems of oppression, and must include these cases in their annual Trafficking in Persons report.

***For more information contact Bethany Alhaidari: [womensrights@freedomforward.org](mailto:womensrights@freedomforward.org)***