



Employing Foreign Workers in The Current Iraqi Labor Law

Mustafa Habeeb Obaid Al Imari

Collage of Administration and Economics, Department of Banking and Finance Sciences, BUUniversity Of Babylon , Iraq

Dhuha Dhulfiqar Ali AL-Obaidi

Collage of Administration and Economics, University of Babylon, Iraq

OPEN ACCESS

SUBMITTED 19 October 2024

ACCEPTED 12 December 2024

PUBLISHED 06 January 2025

VOLUME Vol.05 Issue01 2025

COPYRIGHT

© 2025 Original content from this work may be used under the terms of the creative commons attributes 4.0 License.

Abstract: It is one of the essential topics related to regulating the labour market in Iraq, especially in light of the increasing need for foreign workers in various sectors such as oil, construction, and industry. The Iraqi Labor Law No. 37 of 2015, which aims to guarantee the rights of workers in general, including foreigners, regulates them, as it requires their employment according to certain conditions. The most prominent of these conditions is obtaining a work permit from the Ministry of Labor and Social Affairs and that the local worker cannot fill the available job.

The law also protects the rights of the foreign worker in several aspects, such as determining working hours, fair wages, and his right to obtain annual leave. It also requires employers to provide a safe and healthy work environment according to approved standards. In addition, the law obliges foreign companies investing in Iraq to employ a certain percentage of local workers while allowing them to employ foreigners when necessary.

However, implementing these laws faces several challenges, most notably weak oversight in some sectors, which leads to some employers exploiting foreign workers. Some companies also prefer to employ foreigners due to the low cost of labour, which creates tensions with local workers. However, the law shows great interest in balancing the local market's needs and attracting foreign investments.

Keywords: Foreign Workers, Iraqi Labor Law, working hours, healthy work environment.

Introduction: The influx of foreign labour into Iraqi

society has become a phenomenon accompanying the state of development it is going through, especially after the radical transformations that occurred as a result of the change in the political system in 2003 and the accompanying phase of openness at all economic, political and social levels, which led to opening the field widely for foreign labour to meet the requirements of development and cover the deficit in human resources. Given the steady increase in foreign labour in Iraq and the security, economic and social repercussions accompanying its presence, it is necessary to follow plans and policies to regulate this phenomenon and reduce its risks.

The right of foreigners to work is currently very important in all countries. Most of these countries suffer from the problem of unemployment to a degree that varies from one country to another. Therefore, these countries' interest in foreign labour stems from the necessity of protecting the national workforce from the risk of competition from foreign labour. Countries also consider their societies' economic and developmental conditions when they care about foreign workers. Even countries that do not suffer from the problem of unemployment, and we mean the countries receiving foreign workers, we see that they do not neglect the issue of foreign workers but rather pay great attention to it, realizing the necessity of controlling their labour market and taking into account managing the social and economic aspect on which the phenomenon of immigration for work in these countries depends. Accordingly, the topic (employment of foreigners in the current Iraqi Labor Law) is one of the critical topics that require accuracy in research, which aroused in us the scientific and human desire to study it in detail, especially after we noticed many of the books and legal publications that we referred to in our study, did not research this idea accurately and comprehensively. Still, it was a great help to us on our way to preparing this research entitled (employment of Foreigners in the Current Iraqi Labor Law).

The importance of the research

It is worth noting that the importance of this topic occupies a high position in all countries in their comparative labor legislation, and also at the international level, we see the circle of interest of international law in foreign workers clearly in it, as it bestows its protection on them through international agreements that regulate the issue of employing foreign workers in their rules, because foreign workers are considered weak groups, which requires the intervention of international law to protect them and oblige the countries in which they work to ensure decent treatment for them, and the preamble to the

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was concluded at the United Nations in 1990, referred to this.

The research problem

After reviewing the research topic, the research problem emerges that the damage and destruction that befell the infrastructure and productive sectors in the events of 2003 imposed on the new economic policy to seek the help of foreign companies to rehabilitate and develop the infrastructure and productive sectors in Iraq, and these companies brought with them foreign workers for the purpose of designing and implementing the required projects. In contrast, the private sector in Iraq has begun to prefer foreign labor at the expense of the national workforce in many jobs, especially service jobs.

Research objectives

In addition to the importance of the issue of the right of foreigners to work in all countries in their labor legislation, and also at the level of international law, as it entails great importance in legal studies related to it in various countries, by stating what is related to it in the international framework and comparative law, in order to direct the legislator to adopt the best solutions that suit the conditions of society and achieve the interests of the state, and at the same time do not conflict with the provisions of international law. The research objective is highlighted as the research attempts to shed light on a problem that is one of the serious problems that the economies of many countries suffer from, including the Iraqi economy, as an attempt to analyze the reality of this problem and know its risks to Iraqi society, as it has become a new serious threat to Iraqis, while providing some proposed solutions that we see as necessary to reduce this serious and multidimensional problem or to avoid its effects.

The first requirement: The nature of the foreign worker
First: The concept of the foreign worker.

Defining the concept of a foreign worker requires clarifying what is meant by a worker and a foreigner. A worker is anyone who performs work for a wage and whose work is predominantly physical in nature. An employee is anyone who performs work for a wage and whose work is predominantly intellectual or administrative in nature, such as an accountant and a department manager, etc. We note that the term worker and employee were mentioned in the two repealed labor laws (No. (1) of 1958 and No. (151) of 1970), while the current labor law No. (71) of 1987 only included the term worker. Therefore, the repealed law used the nature of the work as a criterion for

distinguishing between those who perform this work. This criterion is criticized and most laws have abandoned it, because all physical work requires a degree of thinking, and also all intellectual work requires physical effort (1). Therefore, both workers combine physical and intellectual effort, and accordingly, the current law only adopted the concept of worker. The worker is meant to be anyone who performs work for a wage, provided that when performing this work he is under the authority and supervision of the employer (2). It must also be noted that the worker can only be a natural person, because work requires effort and this effort is related to the natural person (human being), so the worker cannot be a legal person, because the legal regulation of labor relations and their social and human character can only be applied to the natural person (3). As for defining the concept of a foreigner, the social system means by a foreigner someone who is not considered a member of a certain society, and the description of belonging to the society may be determined by realistic criteria such as unity of origin and sharing of language and customs. They enjoyed this description in another country under the banner of its nationality or not (1).

Accordingly, nationality has the final say in defining the meaning of the concept of a foreigner and distinguishing him from other nationals, and the rights and duties that result from this distinction (2).

It is worth noting that the term foreigner differs from the term foreign nationality, as every foreigner is not considered a foreign national, while everyone who is a foreign national is considered a foreigner, and knowing this becomes clear by referring to the laws of those countries (3), and that the status of a foreigner must be determined according to the national legislation of each country, so in Iraq, everyone who does not hold an Iraqi nationality certificate is considered a foreigner. In Iraqi legislation, a foreigner means every person who does not hold the nationality of the state for countries that adopt the nationality system (such as the Republic of Iraq, the Syrian Arab Republic and all Arab countries), while for countries that adopt the domicile system, a foreigner is every person who is not settled there (4). Second: The basis for employing a foreign worker and its importance

In order for the basis for employing a foreign worker to be clear to us, we must clarify in general the basis for the foreigner's enjoyment of rights, including (the foreigner's right to work), as follows:

The issue of foreigners' enjoyment of rights has raised a dispute in jurisprudence. Some researchers believe that the foreigner's enjoyment of rights is determined according to the internal law of the state alone, and the

foreigner's rights that are recognized by law are nothing but a grant from the state, and their enjoyment in itself is not a right for the foreigner. The implication of this opinion is that the state is the one that determines the foreigner's status as it sees fit without being bound by any restriction (2). As for some others, they believe that the foreigner's enjoyment of rights is a right whose source is international public law, and this right is based on two foundations:

- The first foundation: The state, when exercising its authority over its territory, must take into account the rights of other states, and among these rights is the state's right to protect its citizens outside its territory. Accordingly, the state must determine the foreigner's status in it in a fair manner similar to what is the case in other states. The idea of similarity and international cooperation requires that the foreigner be enabled From enjoying rights.

- The second basis: It is based on the fact that the individual, as a human being, regardless of the state to which he belongs, requires recognition of his enjoyment of some rights. The individual is a tangible reality with a legal personality that accompanies him wherever he goes, and thus he enjoys the rights that accompany his personality wherever he goes, provided that the foreigner's enjoyment of rights is not free from any restriction because the foreigner's right to enjoy rights and the state's obligation to observe it is met by the state's right to maintain its existence, which enables it to restrict the foreigner's enjoyment of rights (3).

There is no doubt that the second opinion is the most valid opinion in our view, because it places international relations in the first place, without which the world might seem ruined, in addition to being distinguished by its human spirit, as it shows great interest in the humanity of the individual and his legal personality (2). Accordingly, the idea of a foreigner enjoying legal personality and the rights associated with it, including among these rights, the right of a foreigner to work or practice professional activity, is recognized, but international custom recognizes the state's right to restrict some types of work and professions to nationals without foreigners, such as professions and jobs of social importance or that are clearly related to the interest of the group (such as law, medicine, and pharmacy) and every industry or trade monopolized by the state, including also industries related to defense and national security such as shipbuilding and aircraft (1). In Iraq, the Iraqi legislator tried to limit commercial, industrial, agricultural, etc. jobs and professions to Iraqis, while making room for Arab nationals in them. There are professions that the Iraqi legislator limited to Iraqis only, and there are other professions in which the law equates Arab nationals with Iraqis, and there are

professions that the law allows foreigners to practice under certain conditions and restrictions (2). As for its importance, states enjoy a broad right when organizing the rights of foreigners present in their territory, as long as they are committed to the provisions of international public law and international treaties in force today, which are among the matters that have become part of the established human rights that the state may not deviate from in any way, otherwise international responsibility will result from it. When the state organizes the rights of foreigners, it takes into account several considerations (whether demographic, economic, or considerations related to security and reassurance), and the goal of taking these considerations into account is to achieve its supreme interests and protect the interests of its citizens when they leave their country (1). Consequently, when the state allows a foreigner to reside in its territory, it recognizes a set of rights for him, and these rights represent (the minimum rights of foreigners internationally established). Accordingly, the state is bound to take into account these rights and the obligation to respect the international agreements it concludes in this regard, by taking into account the minimum rights of foreigners when establishing its internal legislation, and states must respect the minimum rights of foreigners in their agreements that they conclude regarding foreigners, and this principle (the minimum rights of foreigners internationally established) aims to develop international relations and exchange technical expertise and manpower that cannot be It can only be obtained by granting freedom of movement (2), and we must clarify the content of the minimum internationally established rights of foreigners that every country must guarantee for foreigners wherever they are and that all countries are committed to towards them, which is as follows:

- The right to recognition of legal personality, because any rights that can be determined for a foreigner are not important unless he is recognized as a legal personality that qualifies him to enjoy rights and bear obligations (3).
- The rights and freedoms inherent in his human personality, especially the right to be protected from any unlawful interference in his private life, the right to benefit from public facilities, and the right to enjoy family rights within the framework of national laws. He must also enjoy freedom of movement within the territory of the country in which he is located, etc. (1). In light of the above, the right of a foreigner to work falls within the discretionary authority of the state, which regulates it from all aspects and stages according to what it deems to be in the interests of its citizens and its interests. We notice at the present time

that states are deliberately tightening the issue of foreigners working in their country by imposing many conditions and restrictions that would protect the national workforce from the risk of foreign competition (2).

The second requirement: Conditions and procedures for obtaining a work permit

First: Conditions for employing a foreign worker

Work is a right for every citizen who is able and willing to do it, and in the state it is a right for its citizens without foreigners, and what is meant by work here is either in the form of practicing a specific liberal profession such as law, medicine, pharmacy, and engineering, or trade such as importing, exporting, buying and selling, or a specific industry or craft such as hairdressing, mechanics, or any other work (1), and some define it as any industrial, commercial, agricultural, financial, cultural, or other activity that is determined by instructions issued by the ministry (2), and the law permitted, for many technical, political, and economic considerations and as an exception to the general rule, the possibility of allowing a foreigner to practice work in Iraq according to certain conditions, as the previous labor law (3) made all work and professions in Iraq the right of Iraqis alone and excluded from this rule Arab workers who are equal to their Iraqi brothers (4), and it also excluded from the rule of limiting work and professions to Iraqis (political and military refugees) If he accepts his asylum in Iraq (5).

As for the foreigner, the law has permitted him to work in Iraq on condition of obtaining a work permit, and this permit is determined by a special system with conditions for granting it (6).

As for the current Labor Law No. 71 of 1987, it has permitted the foreigner to practice work in Iraq under certain conditions, namely obtaining permission to work by obtaining a work permit from the competent ministry, and the conditions and procedures for granting the permit are regulated by instructions issued pursuant to the law, and Instructions No. 18 of 1987 were issued regarding foreigners practicing work in Iraq.

As for granting the permit or work license, the Iraqi legislator has stipulated specific conditions that must be taken into account to grant the permit or license, and these conditions are as follows: -():

1. The extent of Iraq's need for foreign labor in light of what the national economy requires, and the requirements of each governorate after verifying this by the Department of Labor and Vocational Training in Baghdad and the labor departments in the governorates.
2. Approval from the relevant security departments that

there is no security impediment to the foreigner working in Iraq. From the above, we note that for various considerations, they may or may not be allowed to work in the event that the national economy needs labor. In this case, the foreign worker can work in any other sector that needs foreign labor after ensuring that there is no one who can do the required work from the citizens of the country (.

Second: Procedures for obtaining a work permit

The instructions issued under the current labor law regarding foreigners practicing work in Iraq differentiate between a foreigner who is outside Iraq and wants to practice work in Iraq and a foreigner who is inside Iraq and wants to practice work in Iraq, by taking into account the following when issuing a work permit: -

First: A foreigner who is outside Iraq and wants to practice work there must follow the following procedures for the purpose of obtaining a work permit (1)

A. Submit a written request to the Ministry of Labor and Social Affairs through the Iraqi representations abroad or his official agent in Iraq or through the employer who intends to employ him on his behalf.

B. The request must include all information related to the qualifications of the foreign worker, documenting this information with the certificates and documents available to him, stating his name His nationality, type of work, duration, employer's name and full address.

C. The Department of Labor and Social Security in Baghdad and its departments in the governorates verify the legal conditions and obtain approval to work in Iraq, and then the department contacts the competent authorities to grant an entry visa to the foreign worker. The foreign worker, upon entering Iraq, must visit the Department of Labor and Social Security in Baghdad or its departments in the governorates within a period of (seven days) from the date of entry of the foreign worker into Iraq for the purpose of noting (that he is permitted to work in Iraq under such and such) and completing the procedures for granting the permit.

Second: The foreign person present in Iraq, and who wants to work in Iraq, must follow the following procedures for the purpose of obtaining a work permit (2)

A. Submit legal documents proving that his entry into Iraq and residence in Iraq are legal.

B. Submit a written request to the Department of Labor and Social Security in Baghdad or its departments in the governorates or through the employer who wants to employ him.

C. The application must include all information related to the qualifications of the foreign worker, documented by the certificates and documents available to him, stating his name, nationality, type of work, duration, name of the employer and his full address. It must be noted here that the (repealed) system No. 30 of 1970 also stipulated the establishment of special conditions and controls for non-Iraqis to practice work in Iraq in terms of procedures for obtaining a work permit (1). The aforementioned system also indicated another case in which the Ministry grants a work permit to some persons for the requirements of the public interest, and these persons are:

(Those born in Iraq, married to Iraqi women or men, those who have a first-degree relative in Iraq, those residing in Iraq before (24-9-1958) and continued to reside there continuously and legally, companies, institutions and individuals who wish to invest their money in Iraq for the purposes of economic development, representatives of foreign companies and institutions provided that they submit a letter of representation from the company they represent certified by the Iraqi representations abroad and also submit a certificate from one of the banks proving that all of his expenses and salaries are transferred to him from abroad (2)). It is worth noting that when completing the procedures for obtaining a work permit, the legislation of countries differs in the period they specify for the foreign person who is allowed to enter the country in order to practice work. In Lebanon, we find that the foreigner must submit a request for approval to the Ministry within (ten days) from the date of his entry (3), while in the case of Iraq, the period has been set at (seven days). Third requirement: Challenges facing the employment of foreign workers

First: Legislative and administrative challenges

The foreigner is governed by a set of legal rules that determine the rights of the foreigner (4), and the duties of the foreigner before the state in whose territory he resides and the state to which he is not linked by nationality but by residence or domicile. These rights and obligations are basically the least that a national has, and the exception is that the foreigner may excel over the national, especially in the field of rights. Some justify the inadmissibility of the foreigner's superiority over the national by saying that equality between them is the maximum that can be granted to the foreigner. Rather, they find that exceeding this amount of rights is an infringement on the position of the national and an infringement on his dignity.

These rules are established by the national legislator in each country, and they regulate the mechanism of entry, residence and exit of foreigners. They also mean

stating their rights and obligations. When establishing these rules, the legislator in each country must take into account the principles established by international custom and the agreements to which the state is bound, meaning that the legislator of the legal rules related to the foreigner must respect the agreed rules (agreements and treaties) ratified by his country and the rules Customary, which is respecting the minimum rights of foreigners. Any transgression by the legislator of these contractual or customary rules triggers the international responsibility of his country, and the source of these rules is either international practices, international agreements, or customs. Perhaps the most prominent practices required by international dealings are those that are often expressed through the principle of reciprocity or reciprocity, and the applications of this principle differ in terms of form and subject matter. In terms of form, the applications of reciprocity appear in three categories: 1. Diplomatically established reciprocity: which is regulated by international agreements, as the latter is the source that regulates foreigners' exercise of rights on the territories of the member states of the agreement. We mention, for example, the Agreement on the Transfer of Labor in the Member States of the Unity Council ratified by Iraq by Law No. 64 of 1970 (5). 2. Legislatively established reciprocity: which is regulated by the national legislation of the state, as the latter is the source of foreigners' exercise of rights on the territory of the state. 3. Really established reciprocity: The mechanism for exercising rights is not regulated by international agreement texts or national legislative texts, but rather it has been settled and represents a historical practice that has settled in the form of a common custom that allows citizens of two or more countries to exercise a type of rights. As for reciprocity in terms of subject matter, it is also divided into three categories:

- Equality of foreigners with nationals in treatment and rights: In this, the foreigner finds treatment equal to that of the national, which is the best that the foreigner's status can reach. Equality can be general or specific to a type of rights (6).
- Equality of foreigners with nationals in certain rights: As if an Iraqi were allowed to own real estate in Syria with a certain area and within a certain location, then Syrians in Iraq would be allowed to own property with the same amount and mechanism.
- Equality of foreigners and nationals in a certain treatment: As if an Iraqi were allowed to claim compensation for harm inflicted on him in a country as a result of its exercise of an act of sovereignty, where the citizens of that country in Iraq would be treated the same as the Iraqi ().

Second: The economic effects of employing foreign workers on the national economy

The increasing number of foreign workers, which constitute a large percentage of the labor force in the market, results in major economic risks that affect the security and economy of Iraqi society. The most important of these risks are:

1. The exacerbation of the unemployment problem among the country's citizens due to the competition of foreign workers for the labor force in the labor market, which leads to the failure to achieve job security, which in turn leads to an increase in crime rates (7). As is known, unemployment is one of the most important problems that countries seek to solve and eliminate, as these countries work to follow various means to eliminate or reduce it, due to its serious effects on national economic security, starting with poverty and ending with deviance and crime, in addition to its other political, economic and social effects. We can say that the increasing flow of foreign workers to Iraq and reliance on them is a major competitor to the Iraqi national workforce, which ultimately leads to an increase in unemployment rates, as economic security is one of the most important indicators of human security, as economic security is the cornerstone of societal stability and protection from poverty and sudden serious threats (8).

2. 1. Increasing the percentage of remittances of expatriate workers to their countries, as these remittances constitute a drain on Iraq's resources and leak a large stock of hard foreign currencies out of the country (9). It is clear from the size of cash remittances that they constitute a large percentage of the state's revenues, and these large remittances have direct destructive economic effects on the Iraqi economy, as they cause a drain on local liquidity that flows into the arteries of the economies of other countries, and at the same time work to support the economy in the countries of expatriate workers (10). In addition to strengthening the balance of hard currencies, they provide an important economic resource that helps to strengthen the national income in their countries, as the return from the work of these workers is transferred abroad to the countries from which they came, especially if we notice that the majority of these workers tend to save, which in turn leads to an increase in cash remittances, which leads to a decrease in foreign reserves (11). 2. Obstructing human development programs due to the increasing numbers of foreign workers and the flooding of the Iraqi markets with these workers at low wages (12). We note that this matter hinders the employment of Iraqi citizens and their qualification to meet Iraq's needs for workers due to the presence of trained and ready foreign workers at low

wages at the same time, thus depriving them of opportunities to develop their capabilities and skills. 3. One of the most important risks that accompany the increasing number of expatriate workers is the risk to criminal security, as we notice that there are many and varied social problems that accompany expatriate workers and affect Iraqi society and its cohesion, as we notice that many of them differ and are distinguished by their customs, traditions, religions and culture, which leads to an exacerbation of crime rates (13), the spread of corruption and moral decay, and what gangs of workers do in committing crimes such as theft, forgery, drug and alcohol trafficking, indecent pictures and films, begging and human smuggling gangs, in addition to the fact that there are crimes of a very high degree of danger such as crimes of forwarding international calls and the crime of espionage, and we can say that there is a type of labor that may be driven by an external party to achieve certain purposes of espionage or spreading deviant ideas or to learn about the nature of the country and the condition of its people and their strengths and weaknesses as well as the areas of influence on them. It is clear from the above that the escape of a number of expatriate workers and their need for work and their presence in large numbers and their excess over the actual need, is one of the reasons for the slippage of some of those workers who came to work to another purpose, which is to obtain money through crime and breach of security, and then bear legal responsibility, in addition to the severe harm that befalls society and some of its members due to the crimes that occur, the purpose of which may be to obtain money as an alternative to obtaining it legally. We believe that it is necessary to establish joint-stock companies specialized in training and qualifying national workers to be a link between national workers and the market so that they identify the actual need of the market, in terms of quantity and quality, and then provide training programs according to the nature of the work required to be filled in the private sector, and in all its fields. This matter will achieve an economic and security aspect, in addition to being the appropriate alternative to reduce the occurrence of crimes by some expatriate workers. 4. The increasing flow of expatriate workers leads to the spread of loose workers looking for job opportunities, and their collective presence turns into a hotbed of crime in some major cities, where population density is concentrated and slums exist, and shelter opportunities are available for them to escape from their sponsors or from the security authorities' pursuit of them to implement the regulations related to residence and work. If there is a real role for some employers in creating crime through their neglect of workers, this is not activated from a regulatory

perspective, although it is their responsibility in Iraq to inform the Department of Labor and Vocational Training in Baghdad or its departments in the governorates when the expatriate worker leaves work (14). Also, the mechanisms for tracking those workers who violate the system do not achieve their purpose, which is to deport dangerous cases who work for other than their employers or even to identify their locations. 5. Increased pressure on goods and services, which leads to increased expenditures, as we note that expatriate workers receive education and health services, in addition to using public facilities and obtaining them as citizens do, free of charge or for a nominal fee, which contributes to raising the rates of general government spending to support these services and goods, which in turn leads to an increase in the deficit in the state's general budget (15).

3. 6. In addition to the above, expatriate workers with low wages lead to an increase in the unfair distribution of wealth and national income as a result of reducing wages, as we note that the influx of expatriate workers leads to a negative impact on the level of wages (16), as expatriate workers lead to a reduction in the wages of national workers who are similar in skill, which in turn leads to an unfair distribution of national income, and expatriate workers also have a negative impact on the wages of unskilled national workers. In addition, the disparity and lack of homogeneity in living standards and wages between citizens and expatriate workers leads to the commission of crimes, and the high percentage of males who represent the majority of expatriate workers leads to an increase in the rates of moral crimes (17). 7. The work of expatriate workers for long periods in certain professions may lead the Iraqi citizen to despise and despise some of the professions and jobs practiced by these workers and which are linked in one way or another to them (18). For example, we notice that if the expatriate worker works in agriculture and the children see that the Iraqi citizen often works as a manager of the agricultural project, it may become ingrained in their minds that agriculture is a lowly job that only expatriate workers do. Therefore, we see that the Iraqi legislator did well when he stipulated that the duration of the foreign worker's leave be one year and renewed only when needed, i.e. specifying the duration of the expatriate worker's work (19).

CONCLUSION

After completing our research (Employment of Foreigners in the Current Iraqi Labor Law), we find it necessary to end the research with a conclusion that includes our results after this study of the research topic and a statement of our proposals.

First: Results

The issue of the rights enjoyed by foreign workers in the territory of the country in which they reside has undergone many developments, which we mention through the results we have reached, which are:

1. Regarding defining the concept of a foreign worker, it means (every person who does not hold Iraqi citizenship or citizenship of one of the Arab countries and wishes to work in Iraq as a worker in the private, mixed and cooperative sectors).
2. Foreigners have been recognized as being able to work in the territories of the countries where they reside until it reached the current situation after many developments.
3. The employment of a foreign worker and his enjoyment of rights have two foundations: the first, in which the rights of the foreign worker are determined according to the internal law of the country alone, and the second, in which the rights are determined according to international public law. As we have noted, the second opinion is the prevailing opinion.
4. As for the conditions for employing a foreign worker, they are: (obtaining a work permit, following the procedures for obtaining the permit, specifying the duration of the work permit, renewing it and cancelling it, in addition to the obligations of both the foreign worker and the employer, and there are exceptions to the condition of obtaining a work permit). The foreigner can work in Iraq if all of these conditions are met.
5. Finally, the foreign worker enjoys rights in the fields of work and social security, and international organizations, whether global (such as the United Nations and the International Labor Organization) or regional (such as the Arab Labor Organization), have been interested in concluding many agreements and recommendations in this field.

Second: Recommendations

After this study of our topic, scientific integrity required us to show the most significant proposals: -

1. When the Iraqi legislator issues new legislation or amends existing legislation, he should address the rights of the foreign worker and the organization of his work by referring to the applicable labor law.
2. We also suggest that all provisions that regulate the employment of foreign or dispersed workers be unified in several laws that address their affairs, with the necessity of making these provisions not conflict with the provisions of the current labour law so that they are unified provisions that include the employment of foreigners throughout the country and in all fields, except for those for which exceptions have been made

for special considerations.

3. Strengthening mechanisms for monitoring the employment of foreigners to ensure that their employment is by the law.

4. Improving coordination between the public and private sectors to regulate the labour market to balance the employment of foreigners and provide job opportunities for citizens.

REFERENCES

Ahmed Hussein Jalab - The Legal System for Proving Nationality - Master's Thesis - Al-Nahrain University - College of Law - Baghdad - 2002.

Ahmed Mubarak Salem, The Density of Expatriate Labor in the GCC Countries and Its Impact on Localization Policies, Kingdom of Bahrain, 2014.

Ban Ali Hussein Al-Mashhadani, Labor in the Gulf Cooperation Council Countries, Challenges and Solutions, Basra and Arabian Gulf Studies Center, Gulf Economic Magazine, Issue 24, 2013

Dr Jaber Ibrahim Al-Rawi - Private International Law, in the Provisions of the Center - Foreigners in Jordanian Law - Arab House for Distribution and Publishing - 1986

Dr. Jaber Jad - Abdul Rahman - Private International Law - Part 1 - 1968 -

Dr. Rushoud bin Muhammad Al-Kharif, Population Imbalance in the Gulf Cooperation Council Countries: Solutions and Confrontation, Arab Conference on Population and Development in the Arab World: Reality and Prospects, King Saud University, Riyadh, 2009.

Dr. Saleh Abdul Zahra Al-Hassoun. Foreigners' Rights in Iraqi Law, First Edition, Dar. New Horizons - 1981.

Dr Saleh Abdul Zahra Al-Hassoun - Foreigners' Rights in Iraqi Law - 1st ed. - Dar Al-Afaq Al-Jadida - Baghdad - 1981.

Dr. Adnan Al-Abed, Dr. Yousef Al-Elias - Labor Law - 1st ed. - Dar Al-Ma'rifah - Baghdad - 1980-

Dr Adnan Al-Abed, Dr Yousef Al-Elias - Labor Law - 2nd ed. - Central Workers' Press - Baghdad - 1989-

Dr. Ezz El-Din Abdullah - Private International Law - Part 1 - 9th ed. - Egyptian General Book Authority Presses - 1972.

Dr Essam El-Din Al-Qasabi - Private International Law - Mansoura University Press, 2009

Dr. Ayada Saeed Hussein, Unemployment in the Iraqi Economy, Its Causes - Ways to Address It, Anbar University Journal of Economic and Administrative Sciences, Volume No. 4, Issue No. 8, College of Administration and Economics, 2012.

Dr. Ghaleb Ali Al-Dawoudi, Explanation of the Labor Law

Journal of Management and Economics

and its Amendments, A Comparative Study with an Appendix of Texts and Latest Amendments, Third Edition, Wael Publishing House, Hashemite Kingdom of Jordan, 2004.

Dr. Muhammad Ali Al-Taie - Labor Law - Legal Library - Baghdad - 2005 - p. 144, and also its author, Studies in Labor Law - Vol. 2 - 1st Edition - Baghdad - 2005 -

Dr Ghaleb Ali Al-Dawoudi - Private International Law, General Theory of Domicile and Legal Status of Foreigners and Their Provisions in Iraqi Law - Dar Al-Hurriyah for Printing - Baghdad - 1976 -

Saleh Ahmed Salem Huwaimel Al-Amiri, Press Coverage of the Issue of Expatriate Labor in the UAE Press (Analytical Study), (Master's Thesis), Middle East University for Graduate Studies, College of Humanities, Amman, 2008.

Abdul Qader Ishaq Ismail, Economic Development in the Gulf Cooperation Council Countries and Competition of Foreign Human Resources with Their Gulf Counterparts, Arab Academy of Denmark, College of Management and Economics, 2009.

Muzaffar Jaber Al-Rawi, The Impact of Legislation on Regulating Foreign Labor and Reducing Unemployment, (A Study in Light of Jordanian and Algerian Legislation), Amman Private University, Hashemite Kingdom of Jordan, 2011.

The current Labor Law No. (71) of 1987.

The (repealed) Labor Law No. 151 of 1970.