

## **Regulation for Umrah Service Providers serving pilgrims from outside the Kingdom**

Executive By-law of the Decree regulating the services rendered to Umrah performers and visitors to the Prophet's Mosque from outside the Kingdom of Saudi Arabia.

Issued on 21/12/1420 H.

### **Article 1:**

The terms used in the By-law carry the connotations expounded below unless otherwise required by the context. Terms in the singular form may also denote the plural depending on the context and vice versa.

**The Kingdom:** Kingdom of Saudi Arabia

**The Decree:** Decree regulating the services rendered to Umrah performers (Mu'tamirun) and visitors to the Prophet's Mosque from outside the Kingdom, being issued pursuant to the Cabinet's Resolution No 93, dated 10/6/1420 AH

**Legation:** Embassy or Consulate of the Custodian of the Haramayn

**The Ministry:** The Ministry of Hajj

**Al-Mu'tamirun:** Persons coming from outside the Kingdom of Saudi Arabia to perform Umrah and visit the Prophet's Mosque

**The Licensee:** Any Saudi institution/company authorized to provide services to the Mu'tamirun according to its commercial registration

**Director General:** The Director General of the institution/company seeking authorization to attend to the Mu'tamirun according to its commercial registration

**Branch Offices:** The offices the Licensee must open in Makkah, Madinah and Jeddah as required by Clause 3 of Article 3 of the Decree

**Foreign Party:** Any organization, bureau or travel company authorized in foreign countries to organize travels and tourist tours overseas.

**Services Contract:** The agreement signed between the licensee and a foreign party

**Official Authority:** Any ministry, government agency, or public institution in the Kingdom of Saudi Arabia

**Approved List of Standard Services:** The detailed list pertaining to the services rendered to the Mu'tamirun, including their categories, degrees, quality and cost, as stipulated in Clause 3 of Article 5 of the Decree

**The Committee:** The Permanent Committee mentioned in Article 8 of the Decree

**Defendant:** The party against whom a complaint has been made before the Committee according to the rules and regulations of the Decree and this Executive By-law

**Article 2:**

To obtain a license to carry out activities pertaining to the services for the Mu'tamirun, the following requirements must be fulfilled:

1. The institution/company seeking the license must be a private one or one established according to the rules of Saudi company law. It must produce a legal instrument from the Ministry of Commerce certifying that its capital – not less than SR 500,000 – is totally owned by Saudi national(s).
2. An irrevocable and unconditional guarantee letter of SR 200,000 in favor of the Ministry, from any local bank accredited by the Saudi Central Bank, valid throughout the license period, automatically renewable with the renewal of the license, and non-revocable except by a written approval of the Ministry.
3. Copy of the commercial registration if the party seeking license is a company.
4. Copy of the foundation contract of the company and its amending appendices together with a copy of the commercial registration if the party seeking license is a company.
5. Attachment of the list of services to be rendered to the Mu'tamirun with the Commercial registration of the party seeking license based on a referral from the Ministry to the Ministry of Commerce.
6. Copy of the civil status record of the Director General and branch directors of the company.
7. Copy of the criminal record with no previous convictions of the branch directors and the owner of the company if the licensee is a private company.
8. Administrative chart pertaining to services for the Mu'tamirun according to the requirements of the Ministry.
9. Graphic description of the sites of the company's/institution's branch offices in Makkah, Madinah and Jeddah.
10. Copy of the tenancy agreement or title deeds of the branch offices' premises.
11. Computer system equipment as specified by the Ministry, including connecting the Licensee's computer net with the Ministry's net so as to facilitate efficient flow of the required information from the Licensee to the Ministry.
12. Fill in and sign the license application form – provided by the Ministry – by the Director General of the institution/company.
13. Approval of the Minister of Hajj.

**Article 3:**

Copies of the original documents as required in Article 2 must be produced together with the license application for certification before the Ministry's officer in charge.

**Article 4:**

In case the private institution/company applying for license is owned by a woman, she must have an attorney of Saudi nationality authorized to make the necessary arrangements for the license application, delegated to represent her before the Ministry or otherwise, and to be responsible for the management of services to the Mu'tamirun.

**Article 5:**

The Director General, the directors of branch offices and the officers in charge of services must be Saudi citizens of good conduct and character, not convicted of any violation of the public order or subject to Had or Ta'zir (Shariah punishments) for breach of trust, recorded in their criminal record, unless rehabilitated.

**Article 6:**

The institution/company applying for license must have, apart from its headquarters, branch offices in Makkah, Madinah and Jeddah to attend to and carry out the Mu'tamirun services. The branch offices must satisfy the following conditions:

1. It must be located in an easily accessible place convenient for the services needed by the Mu'tamirun.
2. In terms of space, design, outward appearance as well as furniture and equipment, the branch must satisfy the specifications set up by the Ministry.

**Article 7:**

It is permissible for the Director General to be also the Director of the branch in the city where the headquarters of the institution/company is located.

**Article 8:**

In case of termination or completion of the services of the Director General or any branch director of the institution/company, their replacement must be made within sixty days according to the conditions specified in this By-law. The Ministry must be notified of the name of the new director not later than three days after his name has been recorded in the commercial registration.

**Article 9:**

The Licensee must show any amendments, within 30 days from the date of license to the Ministry with a full statement on its employees in each branch, including their names and nationalities, the type of job assigned to each one of them, and copies of their passports and work permits. The Ministry must also be notified of any changes in this statement within three days from the date of the amendment.

**Article 10:**

The Licensee must notify the Ministry of the address of his headquarters and any changes therein within 15 days of the change, failing which all notifications and communications by the Ministry on the previous address will be valid and will bear all their legal effects, provided no violation is made of any of the penalties specified in Article 4 of the Decree.

**Article 11:**

The Licensee must attend to the services of the Mu'tamirun by himself and no transfer of the license to someone else is allowed.

In case the institution/company is sold or merged into another one, the license cannot be transferred unless the buyer or merger satisfies the conditions and rules stipulated in this By-law.

**Article 12:**

The Ministry prepares a personal file for the Licensee that shall include the following data:

The name of the Licensee and the number and date of his commercial registration

Location and full address of the headquarters

Location and addresses of branch offices

Number and date of the license

Names of the personnel, including the names of the Director General and Branch Directors

Number and date of the banking guarantee letter provided by the Licensee, and the name of the issuing bank

Penalties inflicted on the Licensee

**Article 13:**

The Minister of Hajj may decide the closing of new license applications if the Ministry sees no need for such application for a certain period.

**Article 14:**

A license is valid for five renewable years. A license is considered completed at its expiry date unless it has been renewed

**Article 15:**

The Licensee must submit a renewal application to the Ministry at least 30 days before the expiry date of the license. Renewal applications must in all cases satisfy the following:

1. All the conditions required for license application
2. Payment of all fines imposed on the Licensee for any violations of the terms and rules stipulated in the Decree and By-law.

**Article 16:**

The license is considered null and void in the following cases:

1. Death or incompetence of the owner of the private institution/company if the license has been issued in the name of a private institution/company.
2. Liquidation or bankruptcy of the company if the license has been issued in the name of a private company, in which case the Director General, or the heirs of the private company's owner or their guardians, or the liquidators, must notify the Ministry within 30 days from the date of the liquidation or bankruptcy. The license can also be annulled by a decision approved by the Minister of Hajj in the following cases:
  - a. Cancellation according to Article 7 of the Decree
  - b. Relinquishment of the license by the Licensee
  - c. If the license has not been amended according to the rules stipulated in Article 11 of this By-law.
  - d. If the Licensee has not undertaken/carried out the services of the Mu'tamirun within one year from the date of the license.

- e. In case the Licensee has stopped carrying out the services of the Mu'tamirun for one complete year. Unless there are convincing reasons accepted by the Ministry, in which case the Licensee will be given an extension not exceeding six months. Failing to carry out the required activity, during the extension period, the license will automatically be cancelled.
- f. If the Licensee does not satisfy one of the conditions for obtaining the license, according to the rules and regulations of the Decree and of the By-law.

**Article 17:**

To obtain an Umrah visa, the Mu'tamir must apply for it at the Kingdom's Legation through the Foreign Party contracted by the Licensee, provided the following requirements are satisfied.

1. Confirmed roundtrip tickets
2. Bank checks from any bank accredited by the Saudi Arab Monetary Establishment in favor of the Licensee covering the expenses of all the services required by the Mu'tamir according to services list approved by the Ministry. As a matter of exception, Mu'tamirun journeying as a group can issue one single check covering all the expenses or make a collective payment through the Foreign Party in the country of their departure. In all cases, the Foreign Party is responsible for submitting the Mu'tamirun's passports to the Saudi Legation together with evidence of the transferred amount to the Licensee.

**Article 18:**

Political personalities are exempted from the stipulations of Article 17. Heads of Saudi Diplomatic Mission abroad can also exempt prominent Islamic and other renowned personalities from some or all of these stipulations.

**Article 19:**

The following categories willing to perform Umrah or visit the Prophet's Mosque are not required to associate themselves with or seek the assistance of, a particular Licensee:

1. State guests
2. Official students, cultural, media or sport delegations and whatever category subsumed under the same rule
3. People entering the Kingdom by visit visa

The personalities and categories mentioned in this Article and in Article 17 of this By-law can, if they wish, associate themselves with, or seek the assistance of, a Licensee.

**Article 20:**

The Legation shall indicate the Licensee's name in the entry visa provided its requirements are satisfied.

**Article 21:**

To organize, arrange and execute Umrah journeys, whether individual or collective, according to the rules of the Decree and its Executive By-law, every Licensee must enter into a contract with a specific Foreign Party who shall act as agent or representative in dealing with the Mu'tamirun right from the agreement on the trip up to their arrival to the Kingdom.

**Article 22:**

The contracting parties on the Umrah services are free to arrange their contractual relationship according to the conditions and terms they prefer, provided they comply with the following:

- ❑ Abidance by the laws and regulations in force in the Kingdom
- ❑ Commitment of the Foreign Party to execute, in all accuracy and discipline, the Umrah journeys, whether individual or collective; and commitment of the Licensee to provide all the services in the Kingdom as required in terms of both accuracy and efficiency.
- ❑ The Foreign Party must provide an unconditional guarantee letter of SR 100,000 in favor of the Licensee, from an authorized bank in the Party's country, which is accredited by the Saudi Arabian Monetary Establishment. This guarantee letter shall be valid throughout the contract period and renewable with it.
- ❑ Any disputes arising between the contracting parties in the interpretation or execution of the contract that cannot be settled amicably, shall be referred to the concerned judicial authorities or to the Court of Arbitration in the Kingdom according to the law of arbitration and its Executive By-law.
- ❑ The interpretation and execution of the contract shall be governed by the laws and By-laws of the Kingdom, and the contracting parties can be guided by the contract model prepared by the Ministry.
- ❑ In order to take effect, the contract must be registered and certified by the Ministry.

**Article 23:**

The Licensee is personally responsible before the Mu'tamir for any failure to carry out his commitments according to the terms of the agreement with the Mu'tamir.

**Article 24:**

No Licensee is permitted to enter into a contract with a Foreign Party already contracted with another Licensee.

**Article 25:**

The Licensee must, upon the completion or termination of contract with the Foreign Commercial Partner, notify in writing the Ministry as well as the Legation in the Party's country.

**Article 26:**

The service contract must be signed on three original copies certified by the respective authorities in the Foreign Party's country, by the Legation in that country and by the Ministry of Foreign Affairs in the Kingdom, following which it must be

submitted to the Ministry for registration and certification according to Article 4:4 of the Decree.

**Article 27:**

In case the services contract is made with a Foreign Party in a non-Arab country, the contract must be written in Arabic and in the official language of the Partner's country or in English. Should there arise any conflict between the Arabic and non-Arabic versions of the contract, the Arabic version will overrule.

**Article 28:**

In case both parties of the services contract agree to make any amendment (s) in the contract, the amendment (s) must be included in the copy deposited with the Ministry according to the procedures stipulated by Article 27 of this By-law.

**Article 29:**

The Minister of Hajj shall issue a resolution approving the list of services to be rendered to the Mu'tamirun, including their categories, degrees, standard, quality and prices. The said list shall be prepared in coordination with the Ministry of Commerce and with the consent of Minister of the Interior, and shall be considered an integral part of the By-law. A committee made up of delegates from the Ministry of Interior, the Ministry of Commerce and the Ministry of Hajj, shall review the list every three years or whenever need be, and submit its recommendations to the Minister of Hajj who shall make whatever amendments needed on the list after the consent of the Minister of Interior.

**Article 30:**

The Licensee must attend to the Mu'tamirun in all sincerity and trust according to the rules and regulation of the Decree and its Executive By-law and according to the agreed upon standard of services. The Licensee is also responsible for the reception of the Mu'tamirun at all arrival points such as airports, seaports and road check points, and for their transportation with their luggage to their residence and ensure their comfortable stay according to the terms of agreement.

**Article 31:**

The Licensee must confirm that return bookings of the Mu'tamirun in a convenient time. In case a Mu'tamir loses his ticket before submitting it to the Licensee, the latter must assist him in securing a replacement ticket from the agent of the carrier company which issued the ticket. Failing that for any reason, and if the Mu'tamir does not have enough money to buy a new ticket, it is the responsibility of the Licensee to secure for the Mu'tamir a return ticket and claim the reimbursement from the Foreign Party.

**Article 32:**

The Licensee must keep computer records – easily and automatically communicable as required by Clause 11 of Article 2 of the By-law – including the names of the Mu'tamirun, their nationalities, their ages and gender, their ticket reference, their arrival and departure dates, their passport numbers, means of transport, name of the carrier company and its agent, their residence addresses in Makkah, Madinah and

Jeddah, name of the person in charge of Umrah land journeys, and the type of services required by the Mu'tamirun.

The Licensee must provide a manifest certified by the Immigration Department authorities concerning the essential data about the Mu'tamirun he attends to and submit it to the Ministry within not more than twenty four hours of their arrival.

**Article 33:**

The Licensee must furnish the Ministry with a manifest containing information about the names and locations of hotels and furnished apartments prepared for the accommodation of the Mu'tamirun. Any changes in this respect must be communicated to the Ministry.

**Article 34:**

The Licensee must keep the Mu'tamirun's tickets together with a copy of their passports until their departure date(s). The Licensee is also obliged to ensure the departure of the Mu'tamirun upon the expiry of their visa in the Kingdom, and to submit to the Ministry a manifest certified by the Immigration Department authority concerning the departure of the Mu'tamirun within twenty four hours of their leaving.

**Article 35:**

In case any Mu'tamir fails to return home on time for valid lawful reason(s) such as illness, etc, the Licensee must inform the Ministry about that so it, in turn, would inform the Immigration authority about the new departure date of the Mu'tamir.

**Article 36:**

In case any Mu'tamir fails to return home for no valid and lawful reason, the Licensee must inform the Ministry of Hajj, the Police authority and the Immigration about that in order to search for him. If he is not found one month after the initial date of departure, the Licensee must provide the Ministry with a copy of his passport and ticket to be sent to the Immigration authority.

**Article 37:**

The Immigration authorities are allowed to grant Umrah visas to transit passengers, whose stay exceeds 24 hours at King Abdul Aziz International Airport in Jeddah, Prince Muhammad Ibn Abdul Aziz International Airport in Madinah or Jeddah Islamic Seaport, if they have confirmed booking and agreement with a Licensee for Umrah services.

**Article 38:**

The Licensee is obligated to inform the nearest health care center in case any of the Mu'tamirun he attends to catches a contagious disease, and to assist the sick person to have the necessary medical treatment in any one of the hospitals or health care centers. If the health condition of the Mu'tamir is so critical that he cannot move to the hospital or care center, the Licensee must bring a doctor to the Mu'tamir's residence at the latter's expense.

**Article 39:**

In case any of the Mu'tamirun dies, the Licensee is obligated to report his death to the Ministry, the Treasury, the Police and the Immigration Department. The report must include the name of the deceased, his nationality, age, passport number, an inventory of his luggage, cash and currency left behind, place of death and its cause(s). A death certificate from the competent authorities must also be furnished. The Licensee is responsible to make the necessary burial arrangements for the deceased in the Kingdom or sending his body to his country according to the legal procedures in force.

**Article 40:**

Provided no violation of the agreed upon services is made, transportation of the Mu'tamirun inside the Kingdom must exclusively be made by the following means:

1. Saudi Airlines
2. Saudi Public Transportation Company (SAPTCO)
3. Companies for Hujjaj transport (through the General Car Syndicate)
4. Intercity cabs authorized by the Ministry of Transport
5. Transportation owned by the Licensee

By virtue of the fact that the transportation of the Mu'tamirun is part of the services provided for them according to the services list, the Licensee is responsible for making all the necessary arrangements in this respect with the transport companies mentioned in the Article.

**Article 41:**

The Mu'tamirun are allowed to travel in all the regions of the Kingdom according to the following rules:

1. It must be during the period of stay granted to the Mu'tamir in the Umrah visa provided he obtains permission from the Immigration Department specifying the areas and time.
2. The Licensee is responsible for arranging for the transport and accommodations
3. Confirmation of roundtrip reservation.
4. In case the Mu'tamir fails to return on time as specified in the permission Clause 1 above, the Licensee must notify the Immigration Department.

**Article 42:**

A permanent Committee in the Ministry shall be formed upon a resolution by the Minister of Hajj to look into the complaints by the Mu'tamirun regarding the violations. The members of the Committee shall represent the Ministry of Hajj, the Ministry of Interior and the Ministry of Commerce.

Together with the names of the members of the Committee the resolution by the Minister of Hajj shall indicate the names of deputies who can substitute them in case of absence. One of the committee members and his deputy must be Shariah experts. By the same resolution, one of the members shall be nominated chairman of the Committee which shall also have a secretary appointed by the Minister of Hajj from the Ministry's officers.

**Article 43:**

The Ministry shall create a number of bureaus charged with receiving, investigating and documenting the complaints of the Mu'tamirun. The bureau shall also try to amicably settle the disputes related to the complaints failing which the complaints shall be referred to the Permanent Committee.

**Article 44:**

The Committee's jurisdiction is to investigate complaints by the Mu'tamirun and violations reported by official authorities against any of the Licensee, to recommend any of the penalties stipulated in Article 7 of the Decree, and to determine the monetary value of services not rendered by the Licensee to the Mu'tamir so as to be recovered by the Ministry from the former and returned to the latter.

**Article 45:**

In case of violations by the Licensee of the obligations stipulated in the Decree and in this By-law, the respective official authority shall request the Committee to impose on him one or more of the penalties mentioned in Article 7 of the Decree.

**Article 46:**

No meeting of the Committee is valid unless attended by the majority of members including the chairman or his deputy. The Committee's recommendations shall be passed by majority vote; in case of equal votes, the chairman shall have a casting vote. The recommendations must be justified and signed by all the Committee members. Any disagreeing member must have his opinion included in the minutes of the Committee's meeting.

**Article 47:**

After inspection of the Committee's recommendations, the Minister of Hajj can decide one or more of the penalties stipulated in Article 7 of the Decree deemed by him to be appropriate. The defendant has the right to appeal within 60 days to the Diwan al-Mazalim whose verdict is final.

**Article 48:**

The Committee's chairman oversees the Committee's activities, fixes its meeting schedules, and coordinates its tasks between himself and the rest of the members.

**Article 49:**

1. The parties concerned shall be notified at least seven days before the date fixed for the hearing of the complaint or violation provided that the notification includes a manifest of the complaint or the nature of the violation. The defendant or whoever is legally authorized to represent him must attend the hearing to present his defense and produce any relevant exhibits. The Committee should be prompt in examining the complaint or violation.
2. A decision on the complaint must be made within not more than thirty days from its lodging.
3. Subject to Article 45 of this By-law, for the examination of complaint to continue, the Mu'tamir is not required to remain in the Kingdom after the expiry date of his visa. However, he may, during his stay, attend the hearing or appoint a representative.

**Article 50:**

The parties concerned shall receive notification later concerning the date fixed for the hearing of the complaint or violation either by hand, or through telegraph, registered mail, express mail, fax or email. The absence of defendant shall not be an obstacle in the continuation of the hearings and examinations of the complaint/violation.

**Article 51:**

The defendant shall be notified by the Minister of Hajj of the penalty imposed on him by registered mail.

**Article 52:**

1. Pursuant to the provisions of the Decree and this By-law, the banking guarantee made by the Licensee shall be used to cover the fines imposed on him to recover the financial rights merited on him for the parties dealing with him.
2. In case the banking guarantee is decreased due to the fines and rights mentioned above, the Licensee must complete the guarantee within ten days of his receiving notification, otherwise the Minister can cancel his license.
3. The guarantee amount must be released in case the license is cancelled for its period completed without renewal, unless no financial obligations are due on the Licensee.

**Article 53:**

The fines and rights referred to in Article 52 shall be deducted from the banking guarantee only after the Licensee's refusal to settle the amounts due on him within seven days of the date of notification for payment of the due amount.

**Article 54:**

The amounts payable to the concerned Government agency as per the provisions of the Decree and the By-law are considered privileged debts that shall be recovered according to Government's financial and excise regulations.

**Article 55:**

The Licensee must allow the respective officers of the Ministry to discharge the tasks entrusted to them according to the Decree and the By-law, including inspection of the Licensees' offices, the Mu'tamirun's residence, means of transport, etc. These officers enjoy judicial prerogatives in implementing the provisions of the Decree and its Executive By-law and establishing whatever violations thereof.

**Article 56:**

The Ministry can refuse registering and certifying any contract between the Licensee and any other Foreign Party if the latter violates his contractual obligations.

**Article 57:**

The Ministry is the authority responsible for executing the provisions of the Decree and this By-law and for issuing the required administrative directives.

**Article 58:**

The Minister of Hajj has the right to amend this By-law by mutual agreement with the Minister of Interior.

**Article 59:**

The Decree and this By-law are effective ninety days after their issuance, according to Article 14 of the Decree.