



The Ruling on Muslims Residing in Non-Muslim Countries: A Jurisprudential Analysis Based on Islamic Sources

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ABSTRACT

This article examines the Islamic legal ruling on Muslims taking up permanent residence in non-Muslim countries, a question of growing relevance given the scale of contemporary Afghan and Muslim migration. Using a qualitative, library-based doctrinal method, the study analyzes Qur'anic verses, prophetic Hadith, classical juristic positions, and contemporary fatwas addressing residence, citizenship, and hijra. The analysis first defines Dar al-Islam and Dar al-Kufr and distinguishes the technical, religious meaning of hijra from migration in the general, modern sense. It then examines the textual and consensus-based evidence generally cited to prohibit voluntary residence in non-Muslim lands, alongside the juristic conditions under which residence based on necessity is permitted. The study finds that the operative criterion in the classical sources is not residence in a non-Muslim country as such, but a Muslim's capacity to practice their religion openly and their safety from persecution, a distinction with direct bearing on how the ruling should apply to Muslims living under modern constitutional protections for religious freedom. The article's contribution is to reframe this question away from a blanket prohibition and toward a conditions-based framework capable of accommodating contemporary realities such as asylum, labor migration, and citizenship in non-Muslim states, while still identifying the harms scholars associate with unrestricted residence.

KEYWORDS: Muslim, Ruling, Definition of Hijra, Residence, Non-Muslim Countries, Contemporary Migration.

1. INTRODUCTION

All praise is due to Allah, Lord of the worlds, and peace and blessings be upon the most noble of prophets and messengers, upon his family, companions, followers, descendants, and household, one and all. Allah the Exalted says: "And whoever among you takes them as allies indeed, he is one of them. Verily, Allah does not guide the wrongful people" (Al-Ma'idah 5:51). And He says: "And do not incline toward those who do wrong, lest you

be touched by the Fire, and you would not have other than Allah as protectors; then you will not be helped” (Hud 11:113). The Messenger of Allah (peace be upon him) said, as reported by Abu Dawud on the authority of Samura ibn Jundab: “Whoever lives among the polytheists and resides with them is like them” (Abu Dawud, 1420 AH, Vol. 3, p. 93).

Muslims today face numerous problems, whether economic or otherwise, and among the most dangerous and unfortunate is that Muslims, particularly Afghans, travel to and reside in non-Muslim countries for various reasons. Why do they choose to settle there? Is this residence voluntary or forced? For this reason, I found it necessary to examine the causes and factors behind this residence and to clarify its ruling from an Islamic perspective.

From an academic standpoint, this phenomenon intersects with questions addressed in the broader field of migration and refugee studies, including the economic, political, and security drivers of cross-border movement, as well as with contemporary Islamic legal scholarship on citizenship and religious freedom in non-Muslim states. Much of the existing Islamic literature on this subject, however, was formulated in periods and contexts that differ markedly from the scale and circumstances of present-day Muslim migration, particularly from Afghanistan, and does not fully address the conditions under which modern residence abroad might be reconciled with Islamic legal principles. In the present era, this issue is consequently treated either with extreme strictness or extreme laxity. This article seeks to help close that gap: it strives to determine the correct Islamic stance on this matter to make clear whether Muslims residing in these countries to such an extent is correct and consistent with the spirit of Islam and even whether the term ‘hijra’ can be applied to it, while situating the classical evidence within present-day realities. May Allah grant that I conduct sound research in this area and accept it in His presence (Amen).

1.1 Research Problem

Members of society have the right to live in a peaceful and Islamic environment. The disbelievers have made Muslim countries so unstable that this blessing has been taken from Muslims. Muslims have either been compelled to leave, or they place such value on worldly wealth that they abandon their countries and travel to non-Muslim countries to reside. Yet Muslims in the early days of Islam were blessed with security and stability, as Allah says: “Let them worship the Lord of this House, who has fed them against hunger and made them safe from fear” (Quraysh 106:3–4). In truth, security and stability should exist in Muslim countries. However, Muslims may have abandoned the true worship of the Lord of the Ka’bah, which is why Allah has taken from

them their security and stability. But Allah will restore this security to Muslims once more, the disbelievers will come under their governance, and Muslim countries will enjoy security, a good life, and abundant provision. That era is drawing near. There is a Hadith in Mishkat Sharif that upon the coming of Imam Mahdi, the earth will be filled with justice just as it had been filled with oppression. This is confirmed by a Hadith narrated by Abu Dawud on the authority of ‘Ali (may Allah be pleased with him), who reported that the Prophet (peace be upon him) said: ‘If nothing remained in this world except one day, Allah would send a man from my family who would fill the earth with justice as it had been filled with injustice’ (Abu Dawud, 1420 AH, Vol. 4, p. 107).

Despite this extensive classical discussion, the existing literature on residence in non-Muslim lands tends either to treat the subject in general terms alongside many other issues, or to focus narrowly on a single dimension such as citizenship or wartime alliance (see the Literature Review below). Few studies directly examine the specific, large-scale, and largely economically driven migration of Muslims and Afghans in particular to non-Muslim countries, or connect the classical ruling to the social and political conditions that drive such a movement today: conflict, unemployment, and the absence of physical security at home. This research addresses that gap by combining classical jurisprudential sources with explicit attention to these contemporary social and practical realities, and by clarifying the specific conditions under which such residence may be deemed permissible rather than treating the question as a simple binary of permitted or forbidden.

1.2 Research Objectives

This research has several objectives, organized into conceptual, jurisprudential and practical dimensions:

1.2.1 Conceptual objective

- To define permanent residence in a non-Muslim country and clarify its conceptual relationship to hijra.

1.2.2 Jurisprudential objectives

- To learn the Islamic ruling on permanent residence in non-Muslim countries.
- To determine whether such travel in modern times is compulsory or voluntary, and what bearing this has on its ruling.

1.2.3 Practical objectives

- To understand the causes and factors behind travel to non-Muslim countries and to propose solutions.
- To raise Muslims’ awareness of this sensitive issue: that residing in non-Muslim countries without genuine necessity is not correct in Islam.

1.3 Research Questions

1. What is the Islamic ruling on voluntary residence in non-Muslim countries, and how does it differ from the ruling on involuntary (compelled) residence?
2. Why is travel to non-Muslim countries treated as forbidden in principle, and under what conditions can it become permissible?
3. What specific conditions must be satisfied for residence in a non-Muslim country to be considered religiously permissible?

1.4 Significance of the Research

This research is of great importance because this topic carries grave danger it is even connected to matters of faith and disbelief, as noted in the earlier hadith that whoever resides with polytheists becomes like them. In brief, the significance of this research includes:

1. To clarify the Islamic ruling on Muslims residing in non-Muslim countries.
2. To become aware of the harms of residing in non-Muslim countries.
3. To demonstrate that such extensive travel to non-Muslim countries is not in the interest of Muslims.
4. To determine, if such travel is permissible, under what conditions it is so.

2. LITERATURE REVIEW

This topic is relatively new in this form and manner. Some Hadith collections contain narrations strongly prohibiting residence in non-Muslim countries, though a clear specific ruling on residence is not always explicitly stated. In my view, several works have addressed this topic:

- Ikhtilaf al-Darayn wa Atharuhu fi Ahkam al-Shari'ah al-Islamiyyah (The Difference Between the Two Abodes and Its Effects on Islamic Legal Rulings), written in 1424 AH / 2004 CE. Its limitation is that it addresses far more than just the issue of residence and is written in Arabic, while this article is written in Pashto and focuses exclusively on the topic of residence.
- Buhuth fi Qadaya Fiqhiyya Mu'asira (Research on Contemporary Jurisprudential Issues) by Qadi Muhammad Taqi al-'Uthmani, son of Shaykh Mufti Muhammad Shafi', written in 1424 AH / 2003 CE also not in Pashto, and it addresses only the topic of citizenship in non-Muslim countries.
- Al-Khulasat fi Hukm al-Isti'anah bil-Kuffar fil-Qital (Summary on the Ruling of Seeking Help from Disbelievers in Combat) by Ali bin Nayef al-Shahud, written in 1432 AH / 2011 CE also in Arabic, and it addresses more than just the topic of residence.

Read together, these three works reveal a divide in emphasis rather than in conclusion: the first two treat residence as one issue among several within broader questions of legal territoriality and citizenship, while the third situates it within the separate question of wartime alliance. None directly compares the stricter classical position with the more conditional stance found in later fatwas discussed below, which is the gap this article seeks to fill.

3. METHODOLOGY

This study employs a qualitative, library-based doctrinal (textual-analytical) method: it examines primary Islamic legal texts, the Qur'an and hadith, alongside classical and contemporary fiqh literature and fatwas, and analyzes them comparatively rather than through empirical or field research. Every verse is cited with its reference, and translations are taken from the word-for-word and fluent translation by Mawlawi Sarfaraz Janbaz. Hadiths are attributed to their original sources in an attempt to note the ruling on each Hadith. Every statement is attributed to its author. Al-Maktabah al-Shamilah and internet resources were also used.

Sources were selected according to three criteria: their recognized authority within an established school of Islamic jurisprudence or as a primary Hadith collection; their direct relevance to the ruling on residence in non-Muslim lands (as opposed to related but distinct topics such as combat alliance); and, for contemporary material, their availability as a specific, attributable fatwa rather than general commentary. A limitation of this method is that it draws primarily on Arabic-language classical and contemporary fiqh sources and does not incorporate empirical or field data on migrants' lived experiences; its conclusions are therefore doctrinal rather than sociological, and should be read alongside empirical migration research for a fuller picture. Key methodological points include:

- Library research: studying and collecting Islamic jurisprudential books and contemporary studies.
- Comparison and analysis: analyzing and comparing various jurisprudential views.
- Fatwa research: consulting the fatwas of recognized Islamic scholars and jurists.
- Assessment of the topic's conditions: examining the legal and rational dimensions of Muslims' residence in non-Muslim countries.
- Reaching conclusions with reference to the Quran, Sunnah, and Islamic jurisprudence.
- The APA citation format is used throughout, with in-text volume/page references retained for Hadith and fiqh collections, and full alphabetical references listed at the end.
- Efforts were made to rely on authoritative and primary sources.

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- Full impartiality and fairness were maintained, and information was conveyed with complete integrity.

4. RESULTS AND DISCUSSION

4.1 Scope of the Research

This research addresses the ruling on Muslims in non-Muslim countries. Quranic verses, prophetic Hadiths, Islamic jurisprudence, and the fatwas of contemporary scholars have been compiled, and the scope is limited to the permissibility and permissibility of such residence. While the primary focus remains jurisprudential, the research briefly acknowledges related contemporary issues: citizenship acquisition, globalization, and international labor mobility, insofar as they bear on the conditions of permissible residence discussed in Chapter Three.

4.1.1 Chapter 1: Definition of Muslim and Non-Muslim Countries

4.1.1.1 First Section: Definition of a Muslim Country (Dar al-Islam)

Dar al-Islam has many definitions; we will briefly mention them. Some scholars define it as: “Dar al-Islam is every territory in which the rulings of Islam are apparent” (Ministry of Awqaf, 1404 AH, Vol. 42, p. 177). Others define it as: “The land in which decisions are made according to Muslim law and whose people uphold it.” There is no significant difference between these two definitions, since making rulings according to Islamic law is itself an Islamic ruling (Muhammad Ashraf, 1415 AH, Vol. 7, p. 1710). From these definitions we understand: (1) sovereignty belongs to Muslims, and (2) Islamic law is applied. When both conditions are present, the land is Dar al-Islam.

4.1.1.2 Second Section: Definition of a Non-Muslim Country (Dar al-Kufr)

Some scholars define it as: “Dar al-Harb is every territory in which the rulings of disbelief are apparent” (Ministry of Awqaf, 1404 AH, Vol. 42, p. 177). In Hanafi jurisprudence there are two well-known views regarding Dar al-Harb:

- First View that of the two disciples (al-Sahibayn): Dar al-Harb is a land in which authority does not belong to a Muslim ruler, Islamic rulings are not applied, and there is no covenant between Muslims and its people. This is the view of the majority of jurists.
- Second View that of Imam Abu Hanifa: “A land does not become Dar al-Kufr except by three conditions: (1) the rulings of disbelief are apparent in it; (2) it borders Dar al-Kufr; and (3) no Muslim or dhimmi remains safe in it under the original covenant of security i.e., the security granted by Muslims” (Al-Kasani,

1406 AH, Vol. 7, p. 130). Some contemporary scholars have preferred Abu Hanifa's view, arguing that security for Muslims has been removed in Dar al-Harb and that aggression from the disbelievers is to be expected (Muhammad Ashraf, 1415 AH, Vol. 7, p. 1710).

These classical definitions were formulated under a pre-modern system of contiguous territorial sovereignty in which political rule and religious law were largely unified. Their application to the modern nation-state where citizenship, legal residency, and political sovereignty are defined by secular constitutional and international law rather than by the direct application of any religion's law remains contested among contemporary jurists. Several modern scholars argue that the criterion of "apparent rulings" should be read functionally, in terms of whether a state permits or obstructs the practice of Islam, rather than mechanically applied to any state that is not formally constituted as Islamic. On this reading, a secular state that constitutionally protects religious freedom and equal citizenship raises different questions than a state that actively suppresses Islamic practice, even though neither is Dar al-Islam in the classical sense, a distinction addressed further in the discussion of contemporary fatwas in Chapter Three.

4.1.2 Chapter 2: Definition and Types of Hijra

4.1.2.1 First Section: Linguistic and Technical Definition of Hijra

Linguistically: Imam Raghīb al-Isfahani says: "Al-hijr and al-hijran mean a person's separation from another whether in body, in tongue, or in heart" (Raghīb, 1412 AH, p. 833). Some scholars say hijra is a verbal noun from hajara-yuhajiru, meaning 'leaving one place for another.' Others state that hijra has two linguistic meanings: (1) abandonment, e.g., 'a people migrated from one abode to another, abandoning the first for the second'; and (2) binding or fastening something. The first meaning is what is intended here.

Technically (as a term): "Abandoning the homeland among the disbelievers and moving to the abode of Islam" (Al-Ta'rifat, 1403 AH, p. 256). Some scholars define it as: "Moving from Dar al-Kufr to Dar al-Islam; if done for the sake of drawing closer to Allah, it is the legally valid hijra" (Ministry of Awqaf, 1404 AH, Vol. 42, p. 177).

This technical, religiously defined hijra must be distinguished from migration in the general, modern sense. The contemporary population movement for labor, education, family reunification, or refuge from conflict is a broader phenomenon studied in migration and refugee studies, and is not equivalent to hijra as defined in Islamic law, even though the two are frequently conflated in popular usage, including by migrants themselves who

sometimes describe their own departure as a form of hijra regardless of its direction or purpose. Distinguishing the terms matters because the religious rulings discussed in this article attach specifically to hijra as a technical concept, not to migration as such.

4.1.2.2 Second Section: Types of Hijra

Hijra has many types:

1. Migration to Abyssinia: when the disbelievers inflicted harm on the Companions, they migrated to Abyssinia.
2. Migration from Mecca to Medina: well-known in Islamic history.
3. Migration of tribes to the Prophet to learn the religion and then teach it to their people.
4. Migration of Meccan Muslims to the Prophet, then returning to Mecca.
5. Abandoning what Allah has prohibited is also a type of hijra (Ministry of Awqaf, 1404 AH, Vol. 42, p. 177).

Ibn al-Qayyim, as related in *Al-Mawsu'ah al-Fiqhiyyah*, divides hijra into two types:

First: physical hijra migrating from one city to another in body, whose rulings are well known.

Second: hijra of the heart toward Allah and His Messenger, of which there are many examples, such as: (1) migrating from love of other than Allah to love of Allah; (2) migrating from worship of other than Allah to worship of Allah; (3) migrating from fear of other than Allah to fear of Allah; (4) migrating from hope in other than Allah to hope in Allah; (5) migrating from reliance (tawakkul) on other than Allah to reliance on Allah; (6) migrating from supplicating and asking other than Allah to supplicating and asking Allah alone; (7) migrating from humbling oneself before other than Allah to humbling oneself before Allah and many other such forms of hijra (Ministry of Awqaf, 1404 AH, Vol. 42, p. 178).

Of these classical categories, only physical migration from a land of disbelief to a land of Islam corresponds structurally to what is popularly though incorrectly labelled “hijra” when applied to present-day Muslims moving to non-Muslim countries. None of the classical categories describes movement in the reverse direction, which is precisely the situation most relevant to contemporary Afghan and other Muslim migration; this confirms, at a conceptual level, the conclusion reached later in this article that such movement should not itself be termed hijra.

4.1.3 Chapter 3: The Ruling on Muslims Residing in Non-Muslim Countries

Throughout Islamic history, the matter of a Muslim choosing to reside in a non-Muslim country was essentially not raised as an option. Consequently, the legal texts address this issue in strong terms, and there are even hadiths in which the Prophet (peace be upon him) declared himself free of anyone who resides among disbelievers and polytheists. The following sections present this evidence progressively first the Qur'anic evidence, then the prophetic hadith, and finally scholarly consensus before turning, in the second section, to the juristic conditions under which necessity may permit exceptions, and, in the third, to the resulting harms.

4.1.3.1 First Section: Voluntary Residence

All legal texts indicate that this form of residence is forbidden (haram) in Islam, proven by the Quran, hadiths, and scholarly consensus.

4.1.3.1.1 First: Evidence from the Quran

First Evidence: Allah says: “Indeed, those whom the angels take [in death] while wronging themselves [the angels] will say, ‘In what [condition] were you?’ They will say, ‘We were oppressed in the land.’ The angels will say, ‘Was not the earth of Allah spacious [enough] for you to emigrate therein?’ For those, their refuge is Hell and evil it is as a destination” (Al-Nisa 4:97).

Al-Qurtubi states on this verse: “This verse is evidence that one must emigrate from any land in which sins are committed” (Al-Qurtubi, 1400 AH, Vol. 5, p. 346). Ibn Kathir says: “‘Wronging themselves’ refers to their failure to make hijra. This verse is general, applying to all who live among polytheists while able to emigrate and unable to practice their religion openly such a person commits a sin by consensus and according to this verse” (Ibn Kathir, 1420 AH, Vol. 2, p. 389). Al-Qasimi adds: “The verse is evidence that if a person cannot practice his religion in a country, hijra is obligatory upon him” (Al-Qasimi, 1418 AH, Vol. 3, p. 289).

Historically, this verse addressed Muslims who remained in Mecca despite having the means to emigrate to Medina, at a time when Mecca was actively hostile to Islam. Its extension by classical jurists to residence in any non-Muslim land presumes a comparable capacity to emigrate and a comparable inability to practice one's religion openly. Several later scholars have observed that this comparison does not automatically hold for Muslims living under modern constitutional protections for religious practice, where the specific harm the verse addresses inability to practice Islam may not be present; this point is developed further below in the discussion of scholarly consensus.

Second Evidence: “And do not incline toward those who do wrong, lest you be touched by the Fire” (Hud 11:113). Imam al-Baghawi comments: “Do not live alongside the wrongdoers, or you will enter the Fire.” Ibn Kathir adds: “Do not seek help from the wrongdoers, or you will become like them.”

4.1.3.1.2 Second: Evidence from the Prophetic Hadiths

First Evidence: The Prophet (peace be upon him) said, in a lengthy hadith: “I am free of every Muslim who lives among the polytheists.” The Companions asked: “O Messenger of Allah, why?” He replied: “Their two fires should not be visible to one another.” Imam al-Bukhari stated that this hadith is mursal (Takhrij Ahadith al-Ihya, 1426 AH, p. 624), while al-Albani classed it as sahih (Sahih Abi Dawud, 1423 AH, Vol. 7, p. 397; Al-Tirmidhi, 1998, Vol. 3, p. 207). This means a Muslim should not live so close to the disbelievers that their fires are mutually visible. The argument here is that residence in non-Muslim countries is forbidden because the Prophet declared himself free of such a person and this declaration is only made regarding something forbidden. For this reason, Imam al-Baghawi states that whoever accepts Islam in a non-Muslim country must migrate to a Muslim country (Sharh al-Sunnah, 1403 AH, Vol. 10, p. 373).

Second Evidence: Samura ibn Jundab reported: “Amma ba’du the Messenger of Allah (peace be upon him) said: Whoever lived together with a polytheist and resided with him is like him” (Abu Dawud, 1403 AH, Vol. 3, p. 93). The word rendered “lived together” (jama’a) has been understood in three ways: that he joined and united with them; that he agreed with them; or that his wife remained among the polytheists without emigrating and he continued conjugal relations with her though the first meaning is preferred (‘Awn al-Ma’bud, 1415 AH, Vol. 7, p. 337). Commenting on this hadith, the author of ‘Awn al-Ma’bud cites al-Zamakhshari: “This is a rational matter loyalty to a friend and loyalty to an enemy are mutually exclusive. There is here a firm obligation in the heart to keep away from the enemies of Allah and to guard against mixing with them and associating with them: believers do not take disbelievers as allies instead of the believers” (Muhammad Ashraf, 1415 AH, Vol. 7, p. 338).

He also narrates, from Imam Ahmad’s Kitab al-Zuhd, on the authority of Ibn Dinar: “Allah revealed to one of the prophets: tell your people do not enter the dwellings of My enemies, do not wear the garments of My enemies, and do not ride the mounts of My enemies, lest you become My enemies just as they are My enemies” (Muhammad Ashraf, 1415 AH, Vol. 7, p. 338).

Finally, he cites a lengthy passage from Ibn Taymiyyah, part of which states: “If resemblance in worldly matters produces love and alliance, then resemblance in religious matters is even more so. Alliance with polytheists is incompatible with faith, as Allah says: ‘And whoever among you takes them as allies indeed, he is one of them’”

(Muhammad Ashraf, 1415 AH, Vol. 7, p. 338). He also relates a similar view from Ibn al-Qayyim, which is not repeated here for brevity.

In short, these hadiths make clear that residing in the lands of the disbelievers is forbidden and a grave sin, even carrying the risk of nullifying one's faith.

Third Evidence: From the longer hadith of Bahz ibn Hakim: "Allah does not accept any deed from a polytheist who has accepted Islam until he separates from the polytheists and goes to the Muslims" (Al-Nasa'i, 1406 AH, Vol. 5, p. 82 classed as hasan by al-Albani). This hadith is clear evidence that Muslims' residence in non-Muslim countries is forbidden.

Fourth Evidence: "Hijra will not cease until repentance ceases, and repentance will not cease until the sun rises from the west" (Abu Dawud, 1403 AH, Vol. 3, p. 3 classed as sahih by al-Albani). This hadith is evidence that migration from non-Muslim countries remains obligatory to this day.

Fifth Evidence: Jarir ibn Abdullah reported that the Prophet pledged allegiance with him on the condition that he "worship Allah, establish prayer, give zakat, be sincere to Muslims, and separate from the polytheists" (Al-Bayhaqi, 1422 AH, Vol. 7, p. 181 classed as sahih by al-Albani, 1415 AH, Vol. 2, p. 228). This clearly indicates that residing with the disbelievers in their country is forbidden. Many other hadiths exist on this point; these will suffice.

4.1.3.1.3 Third: Scholarly Consensus (Ijma')

There is broad agreement among classical scholars that voluntary residence in non-Muslim countries is forbidden. This is supported by both classical and contemporary scholarly opinions.

4.2 Classical Scholars

Hanafi scholars state: "Whoever resides in enemy territory even if he claims Islam while able to move to Muslim lands, shall have the rulings of polytheists applied to him. If a combatant disbeliever accepts Islam and remains in their lands while able to leave, he is not considered a Muslim, and the rulings applied to combatants regarding blood and wealth apply to him" (Al-Jassas, 1405 AH, Vol. 3, p. 216).

Maliki scholars state that it is not permissible for a Muslim to be able to leave a non-Muslim country and yet remain (Ibn 'Abd al-Barr al-Qurtubi, 1400 AH, Vol. 1, p. 470).

Ibn Rushd states: “Whoever accepts Islam in Dar al-Harb is obligated to leave for Dar al-Islam; if he stays, he has sinned” (Abu Bakr ibn al-’Arabi, 1424 AH, Vol. 1, p. 611).

Imam Malik held that it is forbidden to reside in a land where the early Muslims are reviled how much more so in a land where the Most Merciful is disbelieved and idols are worshipped (Al-Qurtubi, 1408 AH, Vol. 2, p. 153).

The Shafi’i and Hanbali scholars say that a Muslim’s residence in a non-Muslim country falls into three categories:

1. If he has family or tribe there to support him, can openly practice the rulings of Islam, and comes to no harm, hijra is recommended (mustahab) for him, for Allah says: “O you who believe, do not take the Jews and Christians as allies” (Al-Ma’idah 5:51).
2. If he has no family or tribe there and cannot emigrate due to weakness, hijra is not obligatory upon him, though if he undertakes hardship for the sake of hijra anyway, he is rewarded for it.
3. If he has no one there to protect him and is able to emigrate, hijra is obligatory upon him and not emigrating is sinful (Mabruk, 1424 AH, Vol. 2, p. 168).

There are many other similar scholarly statements declaring residence in non-Muslim countries forbidden.

Hamd ibn ‘Atiq (d. 1301 AH) was asked about Allah’s statement, “And when you see those who engage in [offensive] discourse concerning Our verses, then turn away from them until they enter into another discourse” (Al-An’am 6:68), and about the hadith “Whoever lived together with a polytheist and resided with him is like him” what was his view? He replied that the verse is to be taken in its apparent sense: whoever sits with people who mock Allah’s verses or His religion, without being coerced to do so and without objecting, is a disbeliever, even if he does not himself take part for this is contentment with disbelief, and contentment with disbelief is itself disbelief (‘Alawi al-Saqqaf, 1420 AH, Vol. 1, p. 114). He then added that if a Muslim utters a word of disbelief with his tongue while his heart remains firm in faith, this is not without one of two cases:

First Case: The Muslim is in the hands of the disbelievers, who threaten him with death or imprisonment, and he has no power to act otherwise as with ‘Ammar ibn Yasir (may Allah be pleased with him) and other Companions in similar circumstances. Such a person is excused: he may utter the word of disbelief with his tongue and is not thereby a disbeliever, for Allah says: “Whoever disbelieves in Allah after his belief except one who is compelled while his heart is at rest with faith [is condemned], but those who open their breast to disbelief, upon them is wrath from Allah” (Al-Nahl 16:106).

Second Case: The Muslim is not in the disbelievers' power and faces no threat from them, yet he outwardly utters the word of disbelief for the sake of worldly wealth or position, even though his heart still holds faith. Such a person is an apostate and has left Islam; the soundness of his heart avails him nothing, for Allah says: "That is because they preferred the worldly life over the Hereafter, and because Allah does not guide the disbelieving people" (Al-Nahl 16:107).

In short, in our own time as well, most Muslims who reside in the lands of the disbelievers have no genuine excuse, yet they submit to those countries' laws (Al-Saqqaf, 1420 AH, Vol. 1, p. 116, with minor changes).

4.3 Contemporary Scholars

Several fatwas from contemporary scholars address this matter.

First fatwa: "It is not permissible for a Muslim to take citizenship of a non-Muslim country, as this leads to alliance with them and agreement with their falsehood" (Al-Duwaish, 1420 AH, Vol. 18, p. 448).

Second fatwa: "Residence in non-Muslim countries is not permissible unless one is able to openly practice one's religion. If one cannot do so, emigration is obligatory if able" (Salih al-Munajjid, 1430 AH, Vol. 1, p. 955). Obtaining citizenship of a non-Muslim country is likewise not permissible except in cases of necessity, given the serious harms it entails such as submitting to the rulings of disbelievers and pledging loyalty to them. Ibn Jibrin states: "Whoever is compelled to seek citizenship in a non-Muslim country such as a person fleeing his country who finds no refuge elsewhere is permitted to do so, provided he can openly practice his religion and is able to perform the rites of Islam. As for citizenship obtained for purely worldly benefit, I do not consider it permissible" (Muhammad ibn Salih, 1430 AH, Vol. 1, p. 955).

Third fatwa: Ibn Baz was asked about citizenship in non-Muslim countries and replied: "It is not permissible, for it could lead him to shirk; taking such citizenship is not permitted" (Multaqa Ahl al-Hadith Archive, 1432 AH, Vol. 53, p. 167). Many other such opinions exist; these will suffice.

It should be stressed that describing this position as full consensus (ijma') is itself contested. Classical jurists were broadly unanimous given the historical conditions in which they wrote conditions of active hostility between Muslim and non-Muslim polities. A number of contemporary scholars, writing in contexts of settled Muslim minorities under constitutionally protected religious freedoms, have instead argued that the operative rationale inability to practice one's religion, or a state of enmity toward Muslims rather than the mere fact of residing in a non-Muslim country, is what determines the ruling, as the second and third fatwas above already

suggest through their conditional phrasing ('unless one is able to openly practice one's religion'). On this reading, the classical consensus should be understood as applying most directly to residence in the absence of religious freedom, rather than as an unconditional prohibition on residence itself; classical and contemporary contexts should accordingly be distinguished when applying it, a distinction developed further in the following section.

4.4 Second Section: Residence Based on Necessity

By "compelled residence" I mean a situation in which a person is continuously tortured, beaten, humiliated, or even threatened with death in his own country, while no other Muslim country offers him refuge. By "necessity" I mean temporary travel for trade or for acquiring knowledge not available in Muslim countries. This type of residence has detailed rulings and conditions:

First Case: If the traveler can openly practice his religion in the non-Muslim country and faces no risk of tribulation, it is permissible, just as Abu Bakr traveled to the polytheists' land for trade and the Prophet raised no objection (Mabruk, 1424 AH, Vol. 2, p. 170). Scholars have specified several conditions for this:

1. There must be a legitimate religious need for residing in a non-Muslim country, such as da'wah, trade, acquiring knowledge, fear of persecution, or fear of permanent imprisonment.
2. The residence must be temporary, not permanent and one must not intend to remain permanently. One must return to a Muslim country when the necessity is resolved.
3. The non-Muslim country must not be Dar al-Harb; if it is, residence there is not permissible.
4. One must have religious freedom there must be no threat directed at one regarding the application of Islamic rulings.
5. One must be able to learn the teachings of Islam in that country.
6. It must be reasonably certain that one's religion and family will be protected and that one's family will not fall into tribulation.

In our times, I believe none of these conditions is met therefore residing in non-Muslim countries today is not correct. And Allah knows best (Mabruk, 1424 AH, Vol. 2, p. 168).

Applied to contemporary conditions, these six conditions raise practical questions that classical jurists did not directly confront. For example, it is unclear whether long-term residents who hold citizenship, are raising children abroad, and have no realistic prospect of return should be evaluated by the same standard as short-term travelers; and the requirement of a "legitimate religious need" arguably must be read to include circumstances

such as fleeing war, persecution, or seeking asylum situations with no precise classical equivalent but which plainly satisfy the underlying logic of necessity (darura) that these conditions were designed to express.

Second Case: If the traveler cannot openly practice his religion and fears tribulation, then traveling to such countries is not permissible. Scholars have stated: “Whoever is unable to openly practice his religion, falls into tribulation, and is unable to avoid friendship with the disbelievers such a person is not permitted to travel to such countries, and emigration is obligatory upon him.” As for travel in our times that involves no excuse whether for tourism or other worldly purposes combined with affection for the disbelievers, this is not permissible in any form. And Allah knows best.

4.5 Third Section: The Harms and Acknowledged Benefits of Residence in Non-Muslim Countries

The harms are many. The greatest is that whereas previously emigration was from Dar al-Kufr to Dar al-Islam, now people are going from Dar al-Islam to Dar al-Kufr thinking it is hijra. Other harms include:

1. Suspension of religious obligations: zakat, hajj, and jihad would not even be mentioned, for in a non-Muslim country no one would allow the discussion of jihad.
2. The value and dignity of Islam will be diminished through you, as you will witness many evils but be unable to speak.
3. You may end up residing in a country under a treaty (Dar al-'Ahd), since we earlier said residence in Dar al-Harb is forbidden. Christians are deceptive people who break covenants, so harm may come to you.
4. You will fall into tribulations: living among tribulations, you will not be safe from them as stated in the hadiths.
5. There is a risk of falling into sexual immorality, as the distinction between halal and haram is blurred in non-Muslim countries; only a person of very strong faith will remain safe.
6. Imitation of the disbelievers' customs and dress: Muslims are often influenced by their habits and dress because the environment has its effect.
7. You will be made to perform burdensome tasks, since the disbelievers own the wealth. They may compel you to do things Islam forbids a Muslim such as selling alcohol, selling pork, washing dogs, or selling things slaughtered in the name of other than Allah. But because you are compelled, you will do them (Al-Azdi, 1424 AH, p. 68).

A balanced assessment also requires acknowledging the potential benefits Muslims may derive from residence in non-Muslim countries, which contemporary scholars discussing citizenship and asylum have noted alongside

the harms above: access to education and professional opportunities unavailable at home; protection from war, persecution, or political instability; and, in some cases, greater practical freedom to practice and even openly teach Islam than under conditions of conflict or restriction in the country of origin. A sound assessment therefore weighs these potential benefits against the harms identified above on a case-by-case basis, rather than treating the ruling as automatically one-sided.

4.6 DISCUSSION

The research objectives and the article's questions are fully aligned with the analysis presented. The finding is that residing in non-Muslim countries carries numerous harms by which many Muslims have unfortunately become afflicted, and whose effects have extended to Muslim society as well. It is also concluded that residing in non-Muslim countries without necessity is forbidden according to the classical scholarly position, and in some cases may even entail the risk of losing one's faith. At the same time, if residence in non-Muslim countries is compulsory, it is then permissible on the basis of necessity, and a growing body of contemporary opinion ties the ruling more directly to religious freedom and safety than to residence as such.

5. CONCLUSION

The findings of this study show that, in light of contemporary circumstances and Islamic legal principles, the casual practice of Muslims traveling to and permanently residing in non-Muslim countries cannot generally be considered permissible from an Islamic perspective.

The study indicates that Islamic scholars have maintained that residing in non-Muslim countries without a legitimate and recognized necessity or excuse is prohibited, particularly when such residence may expose Muslims to religious, moral, social, and cultural harms. The study further clarifies that Hijra, in its Islamic legal meaning, refers to migration from a non-Muslim country to a Muslim country and therefore does not apply to migration from a Muslim country to a non-Muslim country. Although Hijra has several forms and categories recognized in Islamic jurisprudence, permanent residence in non-Muslim countries does not fall within these categories when it is undertaken without a legitimate necessity or valid Islamic justification. Therefore, such a residence should be evaluated according to the specific circumstances, objectives, and consequences involved.

Furthermore, the findings demonstrate that residing in non-Muslim countries may involve various potential religious, moral, and social harms. These harms should be carefully weighed against any possible benefits or

necessities associated with such a residence. Among the most significant concerns identified is the possibility that prolonged residence may gradually lead to excessive attachment, alliance, or friendship with non-Muslims in ways that could negatively affect a Muslim's religious commitment and identity. However, the study also recognizes that temporary travel to non-Muslim countries may be permissible when there is a genuine necessity or legitimate purpose, such as education, trade, employment, medical treatment, or other essential needs, provided that the conditions and restrictions established by Islamic scholars are observed.

Overall, the study concludes that the ruling concerning Muslims' residence or travel to non-Muslim countries should not be understood independently of the purpose, duration, necessity, circumstances, and potential consequences involved. Permanent residence without a legitimate justification is generally impermissible, whereas temporary travel for genuine needs may be permitted when the relevant Islamic conditions are fulfilled and the individual is able to safeguard his or her religious beliefs, practices, and Islamic identity.

5.1 Research Contribution

To summarize: hijra means moving from a non-Muslim country to a Muslim country. Moving from a Muslim country to a non-Muslim country without a legitimate excuse does not fall under any form of hijra. It is also clear that permanently residing in non-Muslim countries without excuse is forbidden. However, if travel is temporary or for a legitimate excuse, it is permissible on the basis of the legal maxim: 'Necessities render prohibitions permissible' (al-daruriyyat tubih al-mahzurat) but only to the extent of the necessity, as the maxim states: 'Necessity is assessed by its measure' (al-darura tuqaddar bi-qadriha).

The principal contribution of this research is to bring the classical jurisprudential evidence on this question into direct conversation with present-day conditions, rather than repeating the classical ruling in isolation. By identifying the operative criterion as a Muslim's capacity to practice their religion and their safety rather than residence in a non-Muslim country as such this article reframes the debate away from a blanket prohibition and toward a conditions-based framework better suited to evaluating individual cases of contemporary Muslim migration, including that of Afghans fleeing conflict, seeking education, or pursuing livelihoods abroad.

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