Q: 71 – Title: Is Umrah compulsory every time one goes to Makkah? What if his visa restricts him from performing Hajj and Umrah?

Question

1) Is it mandatory to perform Umrah whenever you go to Makkah or to pay damm?

2) My friend has gone from a mobile phone company to facilitate Hajj phone operation this year but his visa has written “not for Hajj and Umrah”. Some people say it is mandatory to perform an umrah or pay a damm whenever you go to Makkah. Please clarify. When his visa is restricting him, will it be a breach of accord if he performs Umrah ? Is this type of Umrah acceptable? Jazakallah.

Answer

In the Name of Allah, the Most Gracious, the Most Merciful.
As-salamu ‘alaykum wa-rahmatullahi wa-barakatuh.

1) If a person is outside the boundaries of the Meeqat and he intends to enter Makkah or the Haram, it is compulsory on him to wear Ihraam before passing the Meeqat and to perform Hajj or Umrah. This rule applies even if the person intends to go to Makkah or the Haram for other than performing Hajj and Umrah, such as for work, trade or to visit relatives etc.

If such a person does pass the Meeqat without Ihraam, he should go back to the Meeqat (unless he intends to do Hajj and he fears that if he goes back to the Meeqat, the Hajj days will be over), wear Ihraam and enter again. If he wears Ihraam without going back to the Meeqat, then paying of a damm will become compulsory on him for neglecting the right of the Meeqat.

If a person has previously entered Makkah or the Haram from outside the Meeqat without Ihraam, it is compulsory on him to perform a Hajj or Umrah for each time he did that. If, however, he performs a compulsory Umrah (such as an Umrah that became compulsory due to a vow he made) or compulsory Hajj in the same year as the last time that he passed the Meeqat without Ihraam, then such a Hajj or Umrah will suffice for the last time that he passed the Meeqat without Ihraam; however, it will not suffice for the other times.

From the above it becomes clear that one does not have the option of paying damm in place of performing Hajj or Umrah as you have alluded to in your query.[1]

2) As mentioned above, it is compulsory on anyone who is outside the Meeqat who intends to go to Makkah for whatever reason -- including work purposes -- to wear Ihraam before passing the Meeqat and to perform Hajj or Umrah.

In the case of your friend, however, since his visa restricts him from performing Hajj and Umrah, then due to the constraint, he may act upon the following heela (expedient) so that performing Hajj or Umrah does not become compulsory on him:

When passing the Meeqat, he should not intend to go directly to Makkah or the Haram. Instead, he should intend to firstly go to a place between the Meeqat and the Haram for fulfilling some necessity, such as buying or selling something. Once he has reached the place and fulfilled his necessity (regardless of how long he has been there), he may then proceed to Makkah without the intention of performing Hajj or Umrah. This way, he will neither have to wear Ihraam when passing the Meeqat and nor will he have to perform Hajj or Umrah.

Note, however, that when he passes the Meeqat, he should intend to go to a place between the Meeqat and the Haram to fulfill some necessity. Merely intending to temporarily stop at such a place is not sufficient, as every outsider who goes to Makkah may need to temporarily stop at some place.
Also note that he does not need to specify the exact place that he will go to to fulfil his necessity; it is sufficient to make a general intention of going to some place between the Meeqat and the Haram for the purpose of fulfilling his necessity.[2]

And Allah knows best.
Ml. Faizal Riza
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Concurred by:
Mufti Abrar Mirza

Chicago, IL (USA)
Under the Supervision of Mufti Ebrahim Desai (South Africa)

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