



International  
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Organization

## **Access to work for Syrian refugees in Jordan:**

### **A discussion paper on labour and refugee laws and policies**



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A discussion paper on labour and refugee laws and policies**

**International Labour Organization  
Regional Office for Arab States**

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## Contents

Preface.....	4
Executive Summary .....	5
1. Introduction .....	7
2. Background – Over 100 years of refugees in Jordan .....	9
3. Refugee Law in Jordan .....	11
4. Labour Law in Jordan .....	13
5. Government, UN & NGO Policies and Practices .....	14
6. Right to work: regional overview .....	17
Turkey .....	17
Lebanon .....	18
Iraq.....	19
Egypt.....	20
Iran: A Comparative Case Study .....	21
7. Main Findings.....	23
8. Policy Recommendations.....	24
Bibliography .....	27

## Preface

As the Syrian refugee crisis enters its fifth year, Jordan has accepted more than 650,000 refugees. With its national resources stretched, Jordan continues to struggle with the large number of refugees seeking to take part in the labour force, while the lowest-paid Jordanian workers find themselves replaced by desperate Syrians willing to undercut them. As more time passes, the Syrian refugees' need for gainful employment intensifies. Yet this is not an easy call for the Jordanian authorities. This paper intends to address the contentious and multifaceted issue of access to work for Syrian refugees in Jordan.

In this discussion paper, the International Labour Organization, funded by the Swiss Agency for Development and Cooperation, seeks to develop a qualitative understanding of the legal and policy framework applicable to Syrian refugees seeking work, complimentary to the recent quantitative studies of the impact of Syrian refugees on the Jordanian labour market.

The main author of this paper is Mary Alecia Briggs, ILO consultant. Extensive comments were provided by Mary Kawar (Senior Employment Specialist at the ILO Regional Office for Arab States), Maha Kataa (ILO Coordinator for the Syrian Refugee Response in Jordan), and Torsten Schackel (Senior Specialist on International Labour Standards and Labour Law at the Regional Office for Arab States). In addition, Aya Jaafar (Research Economist) provided overall and indiscernible support.

## Executive Summary

Jordan has absorbed various refugees for well over a century. Before the Syrian refugee crisis, it took on significant numbers of Iraqi refugees, many of them still in the country today. Jordan has also long grappled with historic numbers of Palestinian refugees and the accompanying regional dynamics and implications. Yet, Jordan has not, so far, developed a coherent legal and policy framework to appropriately address the important questions surrounding the situation of refugees in the country. Current workforce challenges (high national unemployment, dependency on low wages, low-skilled foreign labour) leave Jordan unable to meet its national economic needs, let alone the needs of over 650,000 Syrian refugees. Generally, it has maintained an open border and been willing to accept Iraqi and Syrian refugees, even at great expense and with significant security implications.

Jordan has not ratified the 1951 UN Convention Relating to the Status of Refugees nor its 1967 Protocol. Nevertheless, its Constitution prohibits the extradition of political refugees.<sup>1</sup> More broadly, it is generally recognized that all countries have an obligation under the principle of 'non-refoulement' to refrain from forcibly returning refugees to their country of origin if their lives or freedom would be threatened. Due to its wide acceptance, the said principle is considered to have become part of customary law and would thus apply, even where a country has not signed the above convention. However, Jordan still lacks domestic refugee legislation and policy that would outline concrete measures and provisions for planning, rights and protections for its refugee population – not just Syrians, but Iraqi and other groups as well. Additionally, the labour law does not protect vulnerable workers (such as refugees or asylum seekers who do not hold a work permit) against abusive practices, nor does the national legislation define a clear process for how they can obtain a work permit. Given the obstacles, Jordan has taken only limited steps to allow Syrian refugees to work, despite its claims to have made work permits for Syrian refugees a priority. Even with the vital MOU between UNHCR and Jordan of 1998, which gives UNHCR the right to determine the refugee status of asylum seekers in Jordan, the economic needs of refugees have not been addressed in any meaningful or explicit fashion. Furthermore, Jordan defines refugees in a way that does not have any meaning under international or domestic laws and contradicts the MOU with UNHCR.

However, there is room within the domestic laws of Jordan to allow certain refugees to participate in the labour force, including, in particular, skilled workers from Arab countries with which it had previous agreements. For example, for over a decade Jordan had a labour cooperation agreement with Syria, which allowed for Syrians to participate in the labour market as migrant workers on the basis of reciprocity. Jordan has also worked extensively

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<sup>1</sup> Article 21.

with UNHCR and other humanitarian organizations to coordinate the humanitarian response needs of refugees, including some opportunities for livelihood development activities.

Moreover, in searching for possible solutions, this paper puts the Jordanian situation into a broader perspective by highlighting national laws, policies and practices in the four other main countries in the region that also host Syrian refugees (Turkey, Lebanon, Iraq and Egypt). In addition, by way of historical comparison, it reviews the case of Iran, which hosted Afghan refugees. The intention of this comparison is to demonstrate the complexity of the issue and how other countries are (or are not) addressing the same challenges.

Given the complexities of the Syrian refugee crisis and the domestic challenges that Jordan faces, there are no easy policy fixes. But there are some approaches that can help set a policy agenda for the future and move towards meeting the needs of the Jordanian government, its citizens and the refugees until such time as they are able to return home. Besides the need for a comprehensive livelihoods programme that would benefit both Jordanian and Syrian refugee communities, this discussion paper proposes the following recommendations: **(1) develop a clear refugee policy; (2) give Syrians formal work permits in specific sectors in accordance with Jordanian regulations; (3) promote Syrian investment in Jordan; (4) open a dialogue at the national level on the employment of Syrian refugees; and (5) establish dialogue at the regional level between host countries.**

## 1. Introduction

As the war in Syria enters its fifth year, Egypt, Iraq, Jordan, Lebanon and Turkey continue to absorb an increasing number of refugees, currently close to three million individuals.<sup>2</sup> UNHCR, along with a myriad of other UN agencies and NGOs, have provided the bulk of humanitarian relief in close cooperation with host governments. As in any refugee crisis, providing for the needs of a vulnerable and traumatized population is a daunting task. Along with a protection mandate comes the responsibility for logistics, such as camp and shelter management, provision of water, sanitation and hygiene (WASH), education, medical and psychosocial support, security concerns, advocacy efforts, and a continual plea for funding. The protracted nature of the Syrian conflict, along with a general dearth of refugee-specific legislation and policy in host countries of Syrian refugees, regional tensions and security fears, internal political conditions in host countries and a lack of appropriate humanitarian funding has made the protection of refugees all that more trying.

Perhaps one of the most contentious and challenging issues in refugee situations is the refugees' right to work, either formally or informally, in the host countries. Most refugees fleeing conflict do not enter host countries with the intention to work, and yet it is almost inevitable that remunerated labour becomes essential for both economic survival and psychosocial well-being, particularly in protracted situations. The architects of the 1951 Refugee Convention surely had this in mind when they drafted Articles 17, 18 and 19, all relating to gainful employment. In the *travaux préparatoires*<sup>3</sup> to the 1951 Refugee Convention, significant attention was given to the right to work of refugees. Given the regional economic cooperation that the Syrian government previously enjoyed with many of the current refugee host countries, especially Jordan and Lebanon, where workers could cross borders for travel and work purposes with only their national identification card, the issue of the right to work in the current context becomes even more significant.

The existing literature on Syrian refugees places a heavy emphasis on the outcomes of humanitarian interventions, the needs of vulnerable populations, social and political rights, gender-based violence, and mental and physical health concerns. Most of this literature contains a very short reference to the prohibition against work that refugees face in host countries, yet rarely provides any in-depth analysis of the legal or policy structures that create this condition. Not surprisingly, recommendations and solutions often fall short. More broadly, refugee studies that focus particularly on the Mashriq region<sup>4</sup> are overwhelmingly concerned with Palestinian refugees and their specific concerns. In general,

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<sup>2</sup> UNHCR, n.d. Syria Regional Refugee Response. Available at [data.unhcr.org](http://data.unhcr.org). [1 May 2014.]

<sup>3</sup> UNHCR, 1995. "The Refugee Convention, 1951. The *travaux préparatoires* analysed with a commentary by Dr. Paul Weis." Available at [www.unhcr.org](http://www.unhcr.org). [14 May 2014.]

<sup>4</sup> A region of Arab countries to the East of Egypt: Lebanon, Palestine, Jordan, Syria and Iraq.



despite the regional and historical experience of mass refugee movements from the 19<sup>th</sup> century onward, the Middle East remains largely under-examined.<sup>5</sup>

When Syrian refugees arrive in host countries they possess little to no economic resources. Without formal residency rights and work permits, many refugees quickly exhaust their resources and are forced to find income through the informal labour market to provide for their families' survival needs. With regard to Jordan, reports by independent, state and international media, the Ministry of Labour, the International Labour Organization and other UN agencies indicate that Syrian refugees are impacting on the Jordanian labour market, particularly in the informal and lowest-wage sectors. A recent study released by the International Labour Organization highlighted the economic impact of refugees in Jordan and provides much needed insight into their participation rates, sector involvement, wages and the general effect on Jordanian workers.<sup>6</sup> One pressing issue is to understand the legal and policy context under which refugees seek to participate in the labour force in Jordan.

Within the framework of technical cooperation between the International Labour Organization and the Government of Jordan, funded by the Swiss Agency for Development and Cooperation, the purpose of this paper is to evaluate the right to work of Syrian refugees by assessing international treaties and domestic laws, as well as the policy environment of Jordan. Three specific goals of this analysis are: (1) to better understand Syrians' labour participation and rights in Jordan from both a historical and current perspective; (2) assess the laws and policies which govern their participation in, or exclusion from, the Jordanian labour force; and (3) to provide a context for the evolution of Jordan's legal and policy-based response to the complex refugee crises, particularly where work is concerned. On this last goal in particular, Jordan's experience of the Iraqi refugee crisis between 1998 and 2003 is used as a reference. In addition, a comparative analysis of the refugee and labour policies of Iran in relation to the Afghan refugee crisis is provided to give the reader an alternative example of a national and UN response to one of the largest such crisis in the world. Policy recommendations are intended to guide the development of an ILO response strategy by placing specific activities and stakeholders within a time span that includes short, medium and long-term targets.

The paper opens in Section 2 with a brief historical background of Jordan as a refugee-receiving country, connecting Jordan's past experience to the current situation of Syrian refugees. Section 3 explores the parameters of refugee law in Jordan, while Section 4 sets out the international and national legal framework pertaining to Syrian refugees and their right to work. Section 5 delves into the intersection of government and UN policy. Section 6 sets out a brief comparative analysis of the different country that host Syrian refugees and

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<sup>5</sup> For an excellent in-depth discussion on forced migration in the Middle East, Dawn Chatty wrote the book, *Displacement and Dispossession in the Modern Middle East*, Cambridge University Press, 2010.

<sup>6</sup> Ajluni, S & Kwar, M. "The impact of the Syrian refugee crisis on the labour market: a preliminary analysis." ILO. April 2014. Available at [www.ilo.org](http://www.ilo.org). [2 May 2014.]

then zooms in on the Iranian response to the Afghan refugee crisis in order to give an in-depth perspective of a country which once faced a similar situation. The final section highlights findings and offers recommendations.

## 2. Background – Over 100 years of refugees in Jordan

Jordan has received millions of refugees for over a century. In fact, Jordan is often cited as having the highest ratio of refugees to the native population of any country in the world.<sup>7</sup> During the latter part of the 19<sup>th</sup> century, when the country was still known as Transjordan, Circassians, Chechens, Assyrians, and Armenians sought refuge in the area to escape volatile situations in their homelands and have since integrated, to a large degree, into Jordanian society.<sup>8</sup> Circassians are perhaps the best example of integration – up until the 1940's, they served largely in the military and police forces and constituted the Ceremonial Guard to King Hussein. Other refugee populations over the years have included Somalis, Sudanese, Russians and Egyptians. At over 2 million,<sup>9</sup> Jordan also hosts the largest number of Palestinian refugees of any one country in the world.<sup>10</sup> According to some estimates, approximately half of the Jordanian population is made up of Palestinians and their descendants.

Over the course of the first Gulf War<sup>11</sup> and the 2003 Anglo-American invasion of Iraq, Iraqis also sought refuge in Jordan. Indications of numbers of Iraqi nationals in Jordan, including refugees and asylum seekers, vary widely, but register close to 500,000 as estimated by a study conducted (at the request of the Jordanian Government) by the Norwegian Research Institute (FaFo) and the United Nations Population Fund (UNFPA) in 2007.<sup>12</sup>

Jordan's modern citizenry has largely been shaped by historical forces, regional economic relationships and outside pressure from other states. The dispossessed Circassians, Chechens and others from the Caucasus and Balkans regions were actively resettled by the Ottomans in what is now Syria and Jordan.<sup>13</sup> At the same time, Bedouins and other settlers in the same areas had long-established economic activities with the ancient cities of Hebron, Nablus and Gaza, creating economic and cultural ties that remain today.<sup>14</sup> For the past several decades, Jordan and Syria have been important partners,

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<sup>7</sup> Chatelard, G. 2010. *Jordan: A Refugee Haven*. Migration Policy Institute. Available at [www.migrationpolicy.org](http://www.migrationpolicy.org). [25 March 2014.]

<sup>8</sup> Escoffier, Tainturier, Halasa, Baba & Sidham. 2008. *Economic and Social Rights of Migrants and Refugees in the Euro-Med Region*. Euro-Mediterranean Human Rights Network. [25 March 2014.]

<sup>9</sup> UNRWA. "Where we work." Available at [www.unrwa.org](http://www.unrwa.org). [26 April 2014.]

<sup>10</sup> Chatelard, op. cit.

<sup>11</sup> August 1990 – February 1991.

<sup>12</sup> Fafo. 2007. *Iraqis in Jordan 2007, their Number and Characteristics*. Available at [www.faf.no](http://www.faf.no). [14 Aug 2014.]

<sup>13</sup> See Chapter 3 in Chatty, D. *Circassian, Chechnyan, and Other Muslim Communities Expelled from the Caucasus and the Balkans*.

<sup>14</sup> *Ibid*, page 116.

trading goods and services with an easy flow of workers between the two countries. In fact, it was Jordan (along with Lebanon and Iraq) that declined to implement or endorse Arab League sanctions against Syria.<sup>15</sup> In the face of substantial social tensions, stresses on ecological<sup>16</sup> and energy resources,<sup>17</sup> and a downward pressure on national wages for the poorest workers, the United States and other powerful countries continue to push Jordan to maintain an open door policy for Syrian refugees at their border.<sup>18</sup>

It is against this backdrop that Jordan hosts over 650,000 UNHCR-registered Syrian refugees across the country, with unofficial estimates putting the number of *unregistered* refugees at around 741,000 people.<sup>19</sup> Other estimates place the number of Syrian refugees in Jordan between 750,000 and one million people, with 20 per cent residing in camps and 80 per cent in host communities.<sup>20</sup> Notably, there are high numbers of very young children and working age adults. Although not within the scope of this paper, it is important to note that there are grave concerns about rising numbers of both Syrian and Jordanian child labour.

According to UNHCR estimates, the majority of the 80 per cent residing outside camps in both rural and urban areas (also called host communities) is most strongly concentrated in four governorates. As mentioned above, Syrians have not always come to Jordan as refugees; Jordan has had a workforce cooperation agreement with Syria for over a decade.<sup>21</sup> Although accurate numbers are difficult to assess given the politically charged environment and a lack of adequate tracking, the most commonly quoted figure is 160,000 Syrian workers in total. One of the most significant challenges with this figure is the uncertainty of the workers' status – are they registered refugees who entered the labour market without work permits? Or are they workers who were already present before the current conflict in Syria? The most reasonable assumption is that they are a mix. But given the periodic expulsion of undocumented workers by the government,<sup>22</sup> these become very important questions when considering the international legal prohibition against *refoulement* of

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<sup>15</sup> Nasser, R., Mehchy, Z. & Abu Ismail, K. 2013. "Socioeconomic Roots and Impact of the Syrian Crisis" Syria Center for Policy Research. Available at <http://scpr-syria.org/en/>. [14 May 2014.]

<sup>16</sup> King Hussein Memorial website. "Jordan's Water Shortage", date unknown. Available at [www.kinghussein.gov.jo/](http://www.kinghussein.gov.jo/). [13 May 2014.]

<sup>17</sup> Arab News. "Jordan signs \$771 million deal for Israeli gas" 21 February 2014. Available at [www.arabnews.com](http://www.arabnews.com). [13 May 2014.]

<sup>18</sup> Testimony before Congress by Anne C. Richard, Assistant Secretary, Bureau of Population, Refugees, and Migration on the Syrian Crisis. 7 January 2014. Available at [www.state.gov](http://www.state.gov). [13 May 2014.]

<sup>19</sup> Assessment Capacities Project (ACAPS). "Syria Needs Analysis Project, April 2014", page 18. Available at [www.acaps.org](http://www.acaps.org). [5 May 2014.]

<sup>20</sup> ILO Regional Office for the Arab States. Mission Report, June 1-6, 2013.

<sup>21</sup> Jordan's Agreements website. "Agreement Of Workforce Cooperation Between The Government Of The Hashemite Kingdom Of Jordan And The Government Of The Syrian Arab Republic." 8 October 2001. Available at [www.jedco.gov.jo](http://www.jedco.gov.jo). [30 July 2014.]

<sup>22</sup> Aljazeera. 2013. "Jordan threatens to deport Syrian workers." 22 Oct 2013. Available at [www.aljazeera.com](http://www.aljazeera.com). [13 Aug 2014.]

refugees. There have also been a number of bilateral agreements between the two countries related to free trade and economic cooperation.<sup>23</sup>

### 3. Refugee law in Jordan

The 1951 Refugee Convention and its 1967 Protocol, ratified by 147 countries, establishes refugees as autonomous persons who are entitled to dignity and rights in exile. Refugees' work rights, including the right to engage in wage-earning employment and self-employment, are explicitly provided for in Chapter III of the Refugee Convention.

Refugees' rights to work are also supported by fundamental international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant of Economic, Social, and Cultural Rights (ICESCR), both of which stipulate that the right to work should be enjoyed by everyone.<sup>24</sup>

Although there is no ILO convention dealing specifically with the right to work of refugees, the whole body of ILO instruments and recommendations, particularly including the conventions ratified by Jordan, may provide guidance on important questions arising in the context of efforts to facilitate the access of Syrians to decent work opportunities, with due regard to the broader political, economic and security environment.

Jordanian law makes limited references to asylum seekers and refugees. Despite having the highest ratio of refugees to citizens in the world, Jordan has not signed the Refugee Convention of 1951 or its subsequent 1967 Protocol. Several concerns are usually cited over Jordan's non-signatory status, including the politically and socially complex – and yet unresolved – Palestinian refugee issue, popular sentiment against refugee integration, lack of resources and capacity to provide for refugees, and misinformation about the perceived social and economic burden of refugees and related questions of national security.<sup>25</sup>

However, Jordanian law does contain important prohibitions on *refoulement* in accordance with customary international law, including in its Constitution, which stipulates that: "Political refugees shall not be extradited on account of their political beliefs or for their defense of liberty."<sup>26</sup> Additionally, the 1973 Residency and Foreigners' Affairs Law, which sets out the requirements for the entry and residence of foreign nationals in Jordan, also allows exemptions "on account of special consideration connected with international or humanitarian courtesy or of the right to political asylum".<sup>27</sup> Other provisions in the 1973 law provide that *laissez-passers* shall be issued to stateless persons and "refugees recognized as

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<sup>23</sup> Jordan's Agreements website. Available at [www.jedco.gov.jo](http://www.jedco.gov.jo). [30 July 2014.]

<sup>24</sup> UDHR, art. 23; ICESCR, art. 6.

<sup>25</sup> Euro-Mediterranean Human Rights Network. 2008. "Asylum and Migration Country Fact Sheet, Jordan". [25 May 2014.]

<sup>26</sup> Article 21.

<sup>27</sup> Article 29.

such”.<sup>28</sup> Jordan also ratified the UN Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment in 1991, which prohibits *refoulement* in article 3(1).

The only refugee-specific directive in Jordan is a 1998 Memorandum of Understanding (MOU) between UNHCR and Jordan, which gives UNHCR the right to determine the refugee status of asylum seekers in Jordan. Based on the 1951 Refugee Convention and its Protocol, the MOU removes any geographic or time limitation<sup>29</sup> and respects the concept of *non-refoulement*.<sup>30</sup> It also notes religious rights and the freedom to access courts and legal assistance. Originally designed to cope with Iraqis settling in and transiting through Jordan due to repression and violence at home,<sup>31</sup> the MOU was renewed in 2003 after the Anglo-American invasion of Iraq. Today, the MOU makes it the UNHCR’s obligation to determine Syrian asylum seekers’ status and provide for their protection.

In practice, Jordan avoids the official recognition of refugees under its domestic laws and prefers to refer to Syrian refugees as ‘visitors’, ‘irregular guests’, ‘Arab brothers’ or simply ‘guests’,<sup>32</sup> which has no legal meaning under domestic laws, and was the same for Iraqi refugees under the MOU.<sup>33</sup> This was further confirmed in an interview with the MOL, Labour Inspection department.<sup>34</sup> Unlike Iraqis who entered after the 1998 MOU,<sup>35</sup> Syrians entering the country as asylum seekers or who are registered as refugees with UNHCR are not given residency, which, in turn, seriously limits their ability to seek lawful employment. UNHCR-registered refugees living in camps receive humanitarian assistance and shelter, as well as free legal aid and assistance with access to courts. For the majority of refugees residing *outside* camps, however, they can generally only access government-subsidized primary medical care and schooling. The government also subsidizes a number of basic goods available to all people inside Jordan, including refugees, such as bread, cooking fuel, water, and electricity.<sup>36</sup>

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<sup>28</sup> Article 4(c). Article 6 of the same law also has a reference to asylum-seekers, stipulating that persons entering the country to seek political asylum shall report to the Directorate of Public Security/Division for Residence and Foreign Affairs.

<sup>29</sup> Article 1.

<sup>30</sup> Article 2.1.

<sup>31</sup> Joseph Sassoon, in his book, “The Iraqi Refugees: The New Crisis in the Middle East,” noted that the bulk of Iraqi refugees went to Iran until about 1995. After that time, they also started heading to Jordan for settlement or transiting purposes. There were an estimated 100,000 Iraqis in Jordan before 1996.

<sup>32</sup> IRIN, “Briefing: The mounting Syrian refugee crisis” 20 August 2012. Available at [www.irinnews.org](http://www.irinnews.org). [10 June 2014.]

<sup>33</sup> Stevens, D.

<sup>34</sup> Interview conducted 10 June 2014.

<sup>35</sup> It is estimated that approximately 30% of Iraqis have residency permits, making access to work permits much easier. See UNOCHA’s report, “Regional Response Plan for Iraqi Refugees.” 2011. Available at [www.unocha.org](http://www.unocha.org). [19 Aug 2014.]

<sup>36</sup> Assessment Capacities Project (ACAPS). “Syria Needs Analysis Project: Legal status of individuals fleeing Syria, June 2013.” Available at [www.acaps.org](http://www.acaps.org). [10 May 2014.]

Despite its lack of domestic refugee legislation or accession to the Refugee Convention (neither does Jordan have a domestic migration policy) there are positive indicators. Jordan has been a member of the UNHCR Executive Committee since 2006, which, among other things, advises on international protection and reviews the agency's programs.<sup>37</sup> It has been observed that one of Jordan's more influential functions is "the production of regular conclusions on global refugee law and policy that seek to further good practices by states. As an ExCom member, [Jordan] can be regarded as implicitly acknowledging the importance of UNHCR and of refugee law and policy more generally."<sup>38</sup>

#### 4. Labour Law in Jordan

The 1954 Constitution spells out most clearly that the *right to work* in Jordan is reserved exclusively for Jordanian citizens.<sup>39</sup>

Labour Law No. 8 of 1996 defines the rights, protections and responsibilities for all workers and employers, except for those in the domestic and agricultural sectors (who are covered under separate laws). The Labour Law does not contain any references to 'refugees' or 'asylum seekers'. Non-Jordanian workers must be approved by the Minister of Labour, which generally requires that they will fill needs which Jordanian workers cannot. There is an additional provision that notes the priority of Arab workers who have particular expertise or technical skills.<sup>40</sup>

The new social security legislation does not make any distinctions based on nationality,<sup>41</sup> although there is no evidence to indicate that Syrian refugees are receiving benefits under it.

The 1973 Residence and Foreigners' Affairs Law instructs Jordanian nationals and companies not to employ foreigners without a valid residence permit.<sup>42</sup> However, as mentioned above, this law allows for exemptions in connection with humanitarian needs or political asylum. In terms of refugees, residency status has, in practice, generally been granted *only* to Palestinians except under special circumstances. One example, referred to in the previous section, was the status granted to Iraqi refugees between 1998 and 2003. To date, this exception has not been implemented for Syrian refugees.

The 1973 Residence law also contains a provision that allows foreign entrepreneurs to obtain a residence permit if they are in Jordan to invest in commercial or industrial ventures. This provision is spelled out in the 1995 Investment Law No. 16 and its 2000

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<sup>37</sup> UNHCR. Executive Committee page. Available at [www.unhcr.org](http://www.unhcr.org). [5 May 2014].

<sup>38</sup> Stevens, D. "The Case of Iraqi 'Refugees' in Jordan."

<sup>39</sup> Article 23.

<sup>40</sup> Article 12(A).

<sup>41</sup> Temporary Law No. 7 (2010) on Social Security, art 4(A) "The provisions of this law are applicable to all laborers who are not under sixteen years of age, without any discrimination as to nationality..."

<sup>42</sup> Article 16.

amendments, which details the operation of these foreign investors in Jordan's commercial and industrial sectors. Recent decisions by the Jordanian government to allow for Syrian manufacturers to operate businesses in industrial zones has given rise to the possibility of Syrian workers being granted work permits for employment in these ventures.

The UNHCR MOU with Jordan provides important language around work. The MOU mentions the need for lawfully residing refugees<sup>43</sup> to provide a living for one's family<sup>44</sup> and authorizes those with degrees recognized by the Jordanian authorities to practice certain professions as allowed by laws and regulations.<sup>45</sup> While these 'certain professions' are not spelled out in any law or policy document, there is a Closed Professions List<sup>46</sup> published by the MOL with at least 16 job types specified. Those professions closed to all non-Jordanians include medical and engineering, teaching, most service sector jobs (sales, services, beauty salon), clerical and telephone jobs, driving, guard and servant positions, and industrial-related jobs (warehouse, car repairs, electrical).

While the above discussion indicates that Syrian refugees and asylum seekers do not have any clear right to work in Jordan, historically Syrians have crossed the border freely under a bilateral workforce cooperation agreement between Jordan and Syria, signed in 2001.<sup>47</sup> Article 2 states that the "conditions and terms of employing labours shall be specified by an individual employment contract between the worker and the employer".<sup>48</sup> It clarifies that the work contract should contain the conditions and terms of work, and the applicable laws should be noted in the contract language. Importantly, it also states that workers may transfer their earnings to their country.

## 5. Government, UN and NGO policies and practices

According to the UNHCR country profile, the refugee protection space in Jordan is considered 'favourable'.<sup>49</sup> Jordan has allowed the establishment of four Syrian refugee camps, all of which are located to the north of its capital city Amman. UNHCR and Jordan's Ministry of Planning and International Cooperation coordinate activities, along with the Ministry of Interior (MOI), which is responsible for national security, emergency response and other domestic security concerns. Recent structural and personnel changes in the MOI indicate coming changes in the scope of refugee management by the government; instead of only managing camp affairs, the new Directorate will be involved in all Syrian affairs,

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<sup>43</sup> This condition is not made clear in the MOU and leaves it open to question. Do UNHCR-issued documents satisfy the requirement?

<sup>44</sup> Article (8).

<sup>45</sup> Article (9).

<sup>46</sup> This document is referenced in online legal websites, and is also available in print.

<sup>47</sup> Agreement on Workforce Cooperation between the Government of the Hashemite Kingdom of Jordan and the Government of the Syrian Arab Republic. 2001. Available at <http://www.jedco.gov.jo/>. [5 Aug 2014.]

<sup>48</sup> Ibid.

<sup>49</sup> UNHCR. 2014 country operations profile: Jordan. Available at [www.unhcr.org](http://www.unhcr.org). [9 Feb 2014.]

including host communities.<sup>50</sup> Although the MOU between Jordan and UNHCR says that refugees must have a durable solution after six months, Jordan does not enforce this provision through actions such as *refoulement*. Along with UNHCR, Jordan allows other UN agencies, NGOs and IGOs significant operating room to assist in the humanitarian response to the Syrian refugee crisis.

Jordan has for the most part maintained an open border policy to allow Syrian refugees into the country through its two official crossings, in spite of the growing numbers of refugees in the country and rising tensions between host communities and Syrians. Many Syrians enter through unofficial crossings and are often met by the Jordanian authorities. The army provides refugees with shelter or takes them to one of the camps. Identity documents are often taken away from arriving refugees, limiting their freedom of movement in their host country. Although the government has sharply curtailed these practices, refugees can leave the camp by being 'bailed-out' by a Jordanian citizen and have their documents returned to them. However, during a recent UNHCR re-verification process in Za'atari, it was discovered that about 35 per cent of refugees' documents had been lost or misplaced by the Government of Jordan.<sup>51</sup> Other refugees simply leave without authorization or obtain a short-term leave permit and do not return.

The ability for Syrian refugees to obtain work permits remains, at best, a convoluted process. Interviews with the MOL Inspection Department<sup>52</sup> help to shed additional light on government practices and specific challenges faced by Syrian refugees. According to the MOL, Syrian refugees were given priority over other foreign nationals to apply for work permits at the start of the crisis, provided the positions they were applying for did not compete with Jordanians. However, given the generally low skill sets of Syrian workers, they end up competing with lower-skilled Jordanian workers for the same jobs. Consequently, Syrians either do not apply for work permits or are denied, leading many to engage in paid work without any work permit. Moreover, although employers are required to pay for a worker's permit under Jordanian law,<sup>53</sup> it is workers who end up paying for them. At 170 – 370 Jordanian Dinars (\$240-\$522) for a work permit, this represents too high a cost for most refugees, many of whom have entered Jordan with very few personal belongings and often without passports, which is a requirement for this process. Syrian refugees and other foreign workers applying for a work permit must also pass a background security check by the MOI. Given the complex security dynamics of the Syrian crisis and the number of refugees currently in Jordan, in addition to loss of identity documents, this requirement also proves very challenging for Syrians.

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<sup>50</sup> Assessment Capacities Project (ACAPS). "Syria Needs Analysis Project, April 2014." Page 16. Available at [www.acaps.org](http://www.acaps.org). [10 May 2014.]

<sup>51</sup> *Ibid.* Page 19.

<sup>52</sup> In person interview conducted at the MOL office, 10 June 2014.

<sup>53</sup> Article 12 of the Jordanian Labour Law.



Additional information from the Syrian Needs Analysis Project (SNAP), published in an October 2013 report, indicated that the bureaucratic and financial requirements for obtaining a work permit were prohibitive for refugees.<sup>54</sup> An ILO mission report from 22-24 September, 2013 noted that the Jordanian government had given priority to Syrians to obtain work permits, but that only 2,600 people had applied for and received them.<sup>55</sup>

On the other hand, the volume of Syrian investments accumulated in the free zones in Jordan since the outbreak of the Syrian crisis reached approximately 50 million Jordanian dinars, equivalent to about US\$ 71 million.<sup>56</sup> These Syrian investments are dispersed across 385 industrial and commercial facilities owned by 135 Syrian investors and are concentrated in several sectors, most importantly the industrial and commercial sectors. These investments have contributed significantly to the provision of job opportunities for Jordanians. It has also significantly contributed to an increased value of national exports.

It is noteworthy that the Jordanian government agreed to facilitate the entry of Syrian investors and issue them ID cards by the Jordan Investment Board (JIB). Permission was granted for skilled Syrian workers to make up between 30 to 60 per cent of the investors' workforce in the remote areas and industrial cities outside the provincial centres, depending on the development needs of the provinces within the specific controls.

Jordan has, since mid-2013, engaged with the ILO on a project called "Enhancing Access to Employment Opportunities and Livelihoods in Host Communities", which provides technical support for the design of local economic development initiatives and employment creation interventions.<sup>57</sup> Working closely with UNDP, the programme activities include value chain development, business environment improvement initiatives, and increasing capacity for employment and business advisory services.<sup>58</sup> Two reports available on the ILO website give insight into two important agricultural products produced in Jordan – olives and tomatoes – and address constraints within these two sectors while also proposing ways at creating improved livelihoods for those affected by the refugee crisis.<sup>59</sup>

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<sup>54</sup> Assessment Capacities Project (ACAPS). "Syria Needs Analysis Project, October 2013." Page 6. Available at [www.acaps.org](http://www.acaps.org). [10 May 2014.]

<sup>55</sup> ILO. Mission Report 22-24 September, 2013.

<sup>56</sup> According to statements made by the Chairman of the Free Zones Investors in Jordan Nabil Rumman to "Al-Ghad" Jordanian newspaper, April 2014.

<sup>57</sup> ILO. Briefing note, "Response to the Syrian Refugee Crisis in Jordan." 21 November 2013. Available at [www.ilo.org](http://www.ilo.org). [19 May 2014].

<sup>58</sup> Project page: ILO Response to the Syrian Refugee Crisis in Jordan – 'Enhancing Access to Employment Opportunities and Livelihoods in Host Communities'. Available at [http://www.ilo.org/beirut/projects/WCMS\\_226940/lang--en/index.htm](http://www.ilo.org/beirut/projects/WCMS_226940/lang--en/index.htm). [19 May 2014].

<sup>59</sup> Ibid.

## 6. Right to work: A regional overview

While this paper is focused on the refugee situation in Jordan, the following section aims to put the Jordanian situation into a broader perspective by highlighting various national laws, policies and practices in the four other main host countries in the region. In addition, by way of historical comparison, this section also reviews the case of Iran in hosting Afghan refugees.

### Turkey

As of February 2015, Turkey hosted an estimated 1.6 million Syrian refugees with more than 225,000 residing in camps and 1.4 million living within Turkish communities. The UNHCR reports that as of 18 February, 1,552,839 Syrian refugees were registered with the Government in Turkey. The highest number of community-based refugees live in the south (Adana, Hatay, Osmaniye, and Gaziantep) and south-east (Adiyaman, Kahramanmaraş, Kilis, Mardin, Şanlıurfa). Other major cities, such as Istanbul, Konya and Mersin, have witnessed an increase in the number of Syrians. Some 74 of 81 provinces in Turkey currently host Syrian refugees. Outside of the camps, conditions for refugees are generally precarious, with families sharing crowded quarters and children not attending school; some are begging and working on the streets to help support their families.

There has been no systematic assessment of the impact of the crisis on the socio-economic situation at the national and local levels – only limited sample-based information exists on the income levels of Syrian refugees in and outside camps. According to a study carried out by AFAD,<sup>60</sup> over half of the refugees in the communities earn less than US\$ 250 per month, far less than the minimum wage in Turkey. Limited information is available on the working conditions of Syrians who are currently making their living through informal work. The pressure on the local economy and on the Government to provide jobs and services has grown, causing discontent among host communities. Competition between Syrians and Turkish nationals has increased, especially for low-skilled jobs, thus putting downward pressure on wages. Syrian refugees are willing to accept the worst working conditions without core labour and social rights, taking many seasonal agricultural and low-skilled jobs. Local consultations suggest that salaries and wages dropped to one fifth of previous levels, causing the most vulnerable groups from both communities to work in worse conditions, including children who do not attend school.

Turkey retains a geographic limitation to its ratification of the 1951 UN Convention on the Status of Refugees (Refugee Convention), which means that only those fleeing as a consequence of "events occurring in Europe" can be given refugee status.

The Turkish Government manages the overall protection and humanitarian assistance response. Since the beginning of the Syrian crisis in 2011, Turkey has established an efficient

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<sup>60</sup> AFAD 2013 report, *Syrian Refugees in Turkey*.

emergency response and declared a temporary protection regime for Syrian refugees, ensuring protection and assistance in 23 camps, set up by the Disaster and Emergency Management Agency (AFAD).

In 2014 two significant legislative developments occurred: in April a new Law on Foreigners and International Protection was enacted, followed by the adoption in October of a Temporary Protection Regulation (TPR). These provide the legal and administrative framework for granting protection and assistance to persons in need. The TPR provides Syrian refugees with rights and duties, and creates a framework for access to health care, education, labour market and social assistance, which will be further refined by relevant ministries in the near future.<sup>61</sup> It is expected that the practical implications of this major change will unfold in 2015, following the adoption of relevant procedures by the Council of Ministers upon the proposal of the Ministry of Labour and Social Security (MoLSS). The MoLSS has finished working on the secondary legislation to detail the scope of the TPR and determine the sectors and occupations where Syrian workers could be recruited. The proposal has been submitted for approval by the Council of Ministers.

Effective implementation of the TPR will require the involvement of the private sector and service providers, as well as dialogue with workers' and employers' organizations. Until that time, the active participation of Syrian refugees in the formal economy will remain limited.

## **Lebanon**

As of March 2015, Lebanon hosted an estimated 1.18 million Syrian refugees, of whom 1.17 million are registered and some 11 thousand are awaiting registration. The country currently ranks first in the world in terms of refugees per capita. Lebanon is not a signatory of the 1951 Refugee Convention Relating to the Status of Refugees,<sup>62</sup> although the Lebanese Government created the Central Committee for Refugee Affairs in 1950 to administer the Palestinian population in Lebanon.

Prior to the Syrian crisis, it is estimated that some 300,000 Syrians were working in Lebanon, most of whom were employed in construction, agriculture and services, in some instances on a seasonal basis. In fact, unlike other nationalities, Syrians did not need any visa to enter the country, and hence constituted by far the greatest proportion of expatriate labour in the country.

With the deteriorating situation in Syria and the protracted nature of the crisis, the majority of Syrian refugees in Lebanon have little resources left, if any, and are living in

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<sup>61</sup> Turkey 3RP 2015-2016

<sup>62</sup>Assessment Capacities Project (ACAPS). "Syria Needs Analysis Project, April 2014

[http://reliefweb.int/sites/reliefweb.int/files/resources/legal\\_status\\_of\\_individuals\\_fleeing\\_syria.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/legal_status_of_individuals_fleeing_syria.pdf)

difficult socio-economic conditions with limited access to decent livelihood options. Some 75 per cent of Syrian refugee families are struggling to secure their food needs alone.

In 1993, a bilateral agreement for Economic and Social Cooperation and Coordination was signed between Lebanon and Syria, and abolished movement restrictions on persons and granted freedom to stay, work, and practice economic activity for nationals of both countries, in conformity with the laws and regulations in force within each country. Registered Syrians can live and work in Lebanon indefinitely, although in theory they need a work permit.

The Lebanese Government has also shown leniency towards those who remain in Lebanon irregularly or those who are working without permits. Generally, tolerance has been shown towards the opening and operating of unlicensed businesses in the country. Syrian nationals, as other foreign workers, can work on Lebanese territory if they abide by the procedures of the issuance of a work permit. However, like other foreign workers, they do not have access to full coverage under the National Social Security Fund (NSSF) – even if full contributions to the NSSF are made. Syrians can apply for a work permit from inside Lebanon and do not need to pay a deposit. The cost of work permits for foreign workers in Lebanon depends on the work category. For example, Syrian workers pay only 25 per cent of the normal work permit fee (LBP 480,000), amounting to LBP 120,000, for third category jobs. However, according to the most recent figures from the CAS yearly statistical book, in 2011 only 390 Syrian workers applied for a work permit for the first time and 571 work permits were renewed.<sup>63</sup> It should be noted that the low number of permits issued for Syrians is attributed mainly to the fact that the majority work in informal sectors, with unregistered enterprises or without a written contract.<sup>64</sup>

## **Iraq**

According to UNHCR estimates, Iraq is hosting some 244,912 Syrian Refugees, the majority of whom reside in the northern governorates under the Kurdish Regional Government. While Iraq is not a party to the Refugee Convention 1951, the Iraqi Government has issued some legislative instruments related to refugees in Iraq. For example, Law 21-2010 establishes the Ministry of Migration and Displacement, which provides assistance and services to both internally displaced persons and foreign refugees inside Iraq .

Though refugees in northern Iraq have the legal right to work, they can do so only if they have a residency permit. This can be difficult to obtain without legal documentation, which many were forced to leave behind in Syria. And even if refugees in Iraq do obtain a residency permit, this does not necessarily mean that they will be able to find work or jobs

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<sup>63</sup> Ministry of Labour

<sup>64</sup> Assessment of the impact of Syrian refugees in Lebanon and their employment profile / ILO Regional Office for Arab States - Beirut: ILO, 2014

paying a living wage. Furthermore, refugees are unable to register businesses, own land, or open bank accounts, as all of these activities require Iraqi national identification documents.<sup>65</sup>

## Egypt

Egypt is currently hosting some 136,661 Syrian refugees, of whom some 50,000 are awaiting registration. According to the UNHCR, approximately 183,000 refugees and 18,000 asylum seekers reside in Egypt. Despite being a party to the 1951 Refugee Convention and the ICESCR, Egypt has yet to develop national asylum procedures and institutions, and thus all aspects of refugee status determination are implemented by the UNHCR. Article 53 of the Egyptian Constitution provides that foreigners who have been granted political asylum may be eligible for work permits.

To be eligible for assistance, an asylum seeker entering Egypt must register with the UNHCR for protection. Upon registration, an individual receives the asylum-seeking card (the yellow card), which enables them to stay in Egypt under the protection of the UNHCR until a refugee status determination (RSD) interview is scheduled to determine their eligibility for refugee status. The length of time between receiving the yellow card and the RSD interview varies, but can possibly take years. If refugee status is granted, the person becomes a recognized refugee and receives a blue card. The main difference between a recognized refugee (a blue card holder) and an asylum seeker (a yellow card holder) is that recognized refugees become eligible for one of UNHCR's durable solutions: local integration in Egypt, voluntary repatriation to their country of origin, or resettlement to a third country. A durable solution is one in which refugees regain the protection of a state and thus are no longer considered refugees.<sup>66</sup>

Data from an employment and livelihoods survey, carried out in May and June 2013, reveal that work is the main source of income for many Syrian families residing in Egypt, as 45.5 per cent of the surveyed sample reported work as their only source of income. The remainder depended on a combination of work and financial aid or prior savings to sustain themselves. A very small percentage depended on money transfers from outside Egypt as their only source of income.<sup>67</sup> The majority of survey respondents worked informally. Respondents reported that they had to change their occupations and take up less skilled jobs upon their arrival in Egypt, due to an inability to find suitable jobs or obtain a work permit, thus having to resort to the informal sector. Insufficient funds meant an inability to establish businesses.

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<sup>65</sup> <http://www.loc.gov/law/help/refugees/legal-status-refugees.php>

<sup>66</sup> Maysa Ayoub and Shaden Khallaf, 'Syrian Refugees in Egypt: Challenges of a Politically Changing Environment', Center for Migration and Refugee Studies (CMRS) or the American University in Cairo. Paper No.7 / September 2014

<sup>67</sup> Syrian Refugees in Egypt: Challenges of a Politically Changing, Op.cit.

Egypt did not make a reservation against articles 17 and 18 of the Refugee Convention, which protect refugees' rights to employment<sup>68</sup>. However, Egyptian work permits are difficult to obtain. Article 11 of Ministerial Resolution 390 of 1982, issued by the Ministry of Labour, requires proof on the part of the employer that no Egyptian national is available to do the work before a permit may be issued. Business permits are easier to obtain but require investment capital and registration with Egyptian partners.<sup>69</sup>

## **Iran: A comparative case study**

Over the past 25 years, Iran has been hosting one of the largest refugee populations in the world, comprised particularly of Afghan refugees, and, much like Jordan, Iran also shares significant borders with countries that have been the source of vast numbers of refugees: Iraq and Afghanistan. Both countries have received and hosted sizeable refugee populations for protracted periods of time, and in both countries refugees live overwhelmingly in host communities in both rural and urban areas, performing low-skill work for wages that are often significantly lesser than nationals'. In light of these similarities, a closer look at the Iranian case may serve to inform the comparative analysis between Jordan and other refugee-hosting countries.

As of January 2014, Iran hosted 850,000 refugees, mostly from Afghanistan, and a much smaller number from Iraq. It is estimated that between 1991 and 1992, at its highest number, more than 3 million Afghan refugees lived in Iran. The pattern of mostly urban living with only relatively small numbers of refugees residing in camps is even more pronounced in Iran than it is in Jordan, with 97 per cent of refugees living in urban or semi-urban areas, compared to only about 3 per cent in camps. In contrast to the situation in Jordan, Afghans are instructed by the government to live in particular provinces, as well as forbidden from entering 'No-Go' areas unless their ability to relocate to the particular provinces is not successful.

Afghan refugees entering Iran face difficult working conditions and are required to seek paid work, mostly in relatively low-skill, low-wage and/or informal sectors: manufacturing, construction and retail. With an estimated two million documented and undocumented Afghans working in Iran as of 2010, they make up less than two per cent of the total active labour force. However, not all Afghans have come to Iran as refugees: much like Syrians in Jordan, they have also had a long tradition of migrating specifically for work opportunities.

Iran has been a signatory to the 1951 Refugee Convention and its subsequent 1967 Protocol since 1976. Although Iran declared a number of reservations, the protection against non-refoulement<sup>70</sup> remains intact. The 1979 Constitution, however, makes no

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<sup>68</sup> Global refugee work rights report, September 2014, Asylum access.

<sup>69</sup> [http://reliefweb.int/sites/reliefweb.int/files/resources/legal\\_status\\_of\\_individuals\\_fleeing\\_syria.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/legal_status_of_individuals_fleeing_syria.pdf)

<sup>70</sup> Refoulement refers to the forcible return of refugees or asylum seekers to a country where they are liable to be subjected to persecution.

specific mention of refugees, nor does it refer to any normative principals such as the concept of protection against non-refoulement. The Iranian Labour Law contains references to 'immigrants and political refugees' and 'refugee card' holders, allowing the Ministry of Labour and Social Affairs to extend or renew their work permit<sup>71</sup>.

Perhaps the most marked different between Iran and Jordan is in the level of involvement of the government in refugee policy and planning. Even while facing hyper-inflation and international sanctions, Iran has mostly independently managed the needs of significant numbers of refugees over the past 25 years. In 1996, Iran estimated that it had spent up to 20 billion US dollars providing for the needs of refugees over the previous 16 years.

Since 2000, Iran has actively registered its refugee population in order to keep accurate statistics. In 2003, the system became known as Amayesh, with subsequent years of registration taking place in 2005, 2007, 2008/09, 2009/10, and 2011. This system of tracking refugee numbers is coordinated by the Ministry of Bureau for Aliens & Foreign Immigrants Affairs (BAFIA). BAFIA is the main coordinator for refugee affairs, but also has several specialized offices to deal with specific issues related to refugees and other forcibly displaced people within the country.

Iran's main refugee policy since 2002 has been voluntary repatriation back to Afghanistan. Additional factors of its refugee policy include greater coordination with international organizations and, to a more limited degree, local integration of refugees. Along the lines of voluntary repatriation, Iran has since 1992 worked with UNHCR to facilitate the return of Afghan refugees back to their country. Alongside this move came the government's attempts to rectify the residency status of significant numbers of undocumented refugees, granting them temporary legal status, but also putting them on track for repatriation. While the process of repatriation was very successful in years past, 2014 has seen a tremendous decrease in the numbers returning. According to UNHCR, only 401 Afghan and 44 Iraqi refugees voluntarily repatriated. Iran has temporarily suspended repatriation efforts in the past: They did so in 1995 because of renewed conflict in Afghanistan.

The Iranian government and its bureaus and ministries engage with the UN and several NGOs on humanitarian assistance and development, most notably, UNHCR, World Food Program (WFP), International Organization for Migration (IOM), Danish Refugee Council and Norwegian Refugee Council. In 2014, there were a total of 27 agencies involved in projects. UNHCR engages in significant activities that include registration, repatriation planning through the Solutions Strategy for Afghan Refugees committee, resettlement coordination, healthcare, education and livelihoods. Of particular interest to livelihoods, the focus of activities is to enhance and increase the skills of refugees preparing for eventual

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<sup>71</sup> Article 122

repatriation. Examples include skills and vocational training in welding, plumbing and tailoring, as well as assisting women in setting up home-based businesses. Iran has also supported integration of Afghan refugees through UNHCR and other NGOs in creating employment opportunities, supporting private homebuilding and ownership, and the creation of farming communities.

## 7. Main Findings

Jordan has absorbed refugee flows for well over a century. Before the Syrian refugee crisis, it took on significant numbers of Iraqi refugees, many of them still in the country today. Jordan has also long grappled with historic numbers of Palestinian refugees and the accompanying regional dynamics and implications. Yet, Jordan continues to plan for the temporary stay of refugees, many of whom remain indefinitely, without any formal domestic refugee or migration policies or laws to guide them. Current workforce challenges (high national unemployment, dependency on low wage, low skill foreign labour) leave Jordan unable to meet its nationals' economic opportunity needs, let alone the needs of over 600,000 Syrian refugees. It has maintained a mostly-open border in order to accept Iraqi and Syrian refugees even at great expense and with significant security implications.

Jordan has not signed the 1951 UN Convention Relating to the Status of Refugees nor its 1967 Protocol. Nevertheless, it is generally recognized that all countries have an obligation under the principle of 'non-refoulement' to refrain from forcibly returning refugees to their country of origin if their lives or freedom would be threatened. Because of its wide acceptance, the said principle is considered to have become part of customary international law and would therefore apply even if a country has not ratified the above convention. While respect for non-refoulement is clearly enunciated in Jordanian law, a lack of domestic refugee legislation and policy outlining refugee planning, rights and protections leaves Jordan and its refugee population – not just Syrians, but Iraqi and other groups, as well – at a disadvantage. Additionally, the labour law cannot protect vulnerable workers such as refugees or asylum seekers who do not hold a work permit against abusive practices, nor does the national legislation define a clear process for how they can obtain such permit. So far, Jordan has taken only limited steps to allow Syrian refugees to work, despite its claims to have made work permits for Syrian refugees a priority. Even with the vital MOU between UNHCR and Jordan, the economic survival needs of refugees are not addressed in any meaningful or explicit fashion. Furthermore, Jordan defines refugees in a way that does not have any meaning under international or domestic laws, and which contradicts the MOU with UNHCR.

However, there is room within the domestic laws of Jordan to allow certain categories of refugees to participate in the labour force, including through the preference accorded to skilled "Arab workers" in art.12 of the Labour Code. Jordan also had for over a decade a labour cooperation agreement with Syria which allowed for Syrians to participate in the



labour market as migrant workers, based on reciprocity. Jordan has also worked extensively with UNHCR and other humanitarian organizations to coordinate the humanitarian response needs of refugees, including some opportunities for livelihood development activities.

## **8. Policy Recommendations**

Given the complexities of the Syrian refugee crisis and the domestic challenges that Jordan faces, there are no easy policy fixes. But there are some steps which can help set a policy agenda for the future which could go a long ways towards meeting the needs of the Jordanian government, its citizens and the refugees until they are able to return home.

### ***Develop a clear refugee policy***

The right to work of refugees is perhaps the most contentious issue in refugee situations given the complexities of forced migration and the heavy impact often exacted upon host countries, particularly those with limited resources. In the case of large scale protracted crises, such as the current Syrian refugee crisis in Jordan the challenge of meeting immediate humanitarian needs must be balanced with long term planning.

Jordan is at a juncture where the development of a comprehensive refugee policy and approach to deal with the *current* refugee crisis must be a priority. Given the status of Jordan as an historic place of refuge and continuing regional instability, an overall policy and approach would ensure the stability of the country, safety of its citizens and the adequate protection of refugees. The issue of right to work and the circumstances leading to it should also be clarified.

### ***Give Syrians formal work permits in specific sectors in accordance with Jordanian regulations***

The Syrian refugee influx has compounded existing problems associated with large numbers of migrant workers in Jordan. Currently there are large numbers of irregular migrant workers who are subject to discrimination and abuse. Moreover as long as employers have access to migrant workers there will be no incentive to improve the wages and quality of work. With the existence of Syrian refugees already working in Jordan this situation has intensified with the illegal work of Syrian refugees and who can be exposed to exploitation. Jordan needs a clear policy framework for migration management and which will be implemented effectively.

While, migrant workers who choose to come to Jordan to work and Syrian refugees fleeing the conflict in their country is not the same thing however one practical approach is to treat Syrian workers as a priority among other foreign workers. In this case the Government may ease the process through first delinking it from the need for a valid passport and second through simplifying the procedures and reducing the costs. As such

Syrians can apply for work permits like other migrants and so that the Jordanian labour law will protect their rights in terms of working conditions and wages.

### ***Promote Syrian investments in Jordan***

It is worth noting that Jordan benefits from the Syrian direct investment inflows in the country which not only have accelerated the industrial activity of the economy but have also created jobs and employment opportunities for both Syrians and Jordanians. Indeed not all Syrians are vulnerable refugees and many industries seem to have relocated to Jordan. According to Jordanian regulations Syrian enterprises are encouraged to register and operate. They can bring skilled Syrian workers at a rate ranging between 30% in big cities to 60% to the remote areas and factories in the industrial cities and the parts outside the provincial centers, and according to the development needs of the provinces within the specific controls. Additionally it is preferred Syrian refugees already in the country are hired rather than Syrian nationals migrating solely for work purposes.

Moreover, as many Syrians tend to be talented, skilled and entrepreneurial it is recommended to support refugees through the legalization of refugee self-employment. Jordan can explore ways to ensure that refugees are able to start businesses and engage in entrepreneurial activities that can benefit their economy over the long-term.

### ***Open a dialogue at national level on the employment of Syrian refugees***

The Government can open a dialogue at the national level with high-level government actors from different ministries and other stakeholders such as parliamentarians, workers and employers organizations and other civil society actors to directly with the Syrian refugee crisis. The aim would be to gauge challenges, obstacles, support needed and perceived future needs and to come up with policy options and the means to implement them. International organizations can facilitate such a dialogue.

Such dialogue forums would be critical within the context of the changing nature of the security situation. Greater coordination and collaboration between different stakeholders from all sectors would provide the chance to discuss challenges, ideas, and reach a consensus on the possible ways for addressing the challenges and moving forward. Different Dialogue forums could be organized around specific topics in order to give a deeper look at areas of concern.

### ***Establish dialogue at regional level between host countries***

All countries hosting Syrian refugees are facing similar challenges (Lebanon, Turkey, Iraq and Egypt). As such, opening up a regional exchange of experience in the area of right to work of refugees can deliberate on the best forms of action needed to address the complex issue of employment. The goal will be that through information sharing Jordan (and other countries) can reach a comprehensive approach in terms of the need for host communities

to have access to decent jobs without pressure from Syrian refugees; the rights of Syrian refugees to live in dignity and have access to livelihoods, and for both to have social peace. Moreover, such a dialogue could create strategic and innovative partnerships to ensure that the right to work are realized in policy and practice and to define the various roles and responsibilities of actors to facilitate legislative change and to ensure that domestic laws and policies enshrine refugees' right to work as set forth in international and regional human rights law.

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