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Embracing Reality to Find Sustainable Solutions: An Examination of the
Law Surrounding Work for Iraqi Refugees in Jordan.

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INTRODUCTION

For nearly two decades, international aid organizations – along with the Jordanian government – have worked tirelessly to improve the situation of Iraqi refugees living in Jordan. These efforts have had much success: Iraqi refugees have benefitted greatly from food and cash assistance, resettlement programs, vocational training, health programs, legal aid, and educational programs. However, despite the many advances, Iraqi refugees in Jordan have not yet attained the legal right to employment *in practice*. As a result, the situation of Iraqi refugees living in Jordan is precarious.¹ Without access to livelihoods, many Iraqis living in Jordan are dependent upon fickle and uncertain sources of income: remittances from abroad, cash assistance provided by non-governmental organizations (NGOs), and meager wages from informal employment.

The deleterious effects of this issue are pervasive in the lives of Iraqi refugees living in Jordan. Because they have no reliable source of income, many cannot afford to meet their basic needs. For example, Iraqis who need access to tertiary healthcare – which is not widely available for free – must often go without it.² Additionally, there are reports that Iraqi children sometimes

¹ U.N. Office for the Coordination of Humanitarian Affairs, 2011 U.N. Regional Response Plan for Iraqi Refugees, at 43 (Dec. 28, 2010), <http://ochaonline.un.org/humanitarianappeal/webpage.asp?Page=1932> [hereinafter 2011 Regional Response Plan, 2011].

² U.N. Office for the Coordination of Humanitarian Affairs, Consolidated Appeals Process (CAP): Mid-Year Review of the 2010 Regional Response Plan for Iraqi Refugees, at 1 (Jul. 20, 2010), <http://reliefweb.int/node/361563>.

drop out of school to pursue informal employment and support the family.³ Due to the pervasive nature of this issue, many Iraqi refugees and aid personnel working in Jordan have identified access to legal employment as the most pressing need facing Iraqi refugees in Jordan.⁴ It affects every facet of life for the Iraqi refugee population: social wellbeing, nutritional intake, physical and mental health, access to education, etc. For this reason, the NGO community must make a serious effort to address the problem.

Such an effort by the NGO community requires a comprehensive understanding of the law governing the right to work for Iraqi refugees – if one hopes to change the law, he/she must first know what the law *is*. This law is convoluted, and originates from several different sources: decrees from the Prime Minister, administrative regulations, and parliamentary legislation. To complicate matters, some of the laws are unpublished and, as a result, can be hard to find and identify; this author was unable to find any source that systematically documented the various laws governing work permits for Iraqi refugees. Thus, the legal environment makes it hard for the NGO community to make progress regarding the right to work for Iraqis in Jordan.

The major laws governing the right to work for Iraqi refugees in Jordan are the Residence and Foreigners' Affairs Law of 1973⁵; the Labour Code, Law no. 8 of 1996⁶; the 1997 Regulation of Employment Permits Fees for Non-Jordanian Workers⁷; and the Prime Minister's

³ *Id.*

⁴ See generally KARA WHITMAN, IMPROVING OUTCOMES: ASSESSING HUMANITARIAN PROGRAMS FOR DISPLACED IRAQIS IN JORDAN (2011).

⁵ See Law No. 24 of 1973 on Residence and Foreigners' Affairs (Jordan), (Jan. 1, 1973), <http://www.unhcr.org/refworld/docid/3ae6b4ed4c.html> [accessed 13 September 2011] [hereinafter Residence and Foreigners' Affairs law].

⁶ See Labour Law and its Amendments No. 8 of the Year 1996, 4113 OFFICIAL GAZETTE 1173 (Jordan), <http://www.mol.gov.jo/Default.aspx?tabid=231> [hereinafter Labor Law].

⁷ See Regulation No. 36 of the Year 1997 – The Regulation of Employment Permit Fees for Non-Jordanian Workers, 4221 OFFICIAL GAZETTE (Jordan), www.mol.gov.jo/Portals/1/Regulation36e.pdf [hereinafter Regulation of Employment Permit Fees].

Decree of 2011⁸. According to the written law, Iraqi refugees are able to obtain work permits provided that they meet certain requirements. However, in practice very few Iraqis living in Jordan are able to pursue legal employment. For the vast majority of this refugee population, the right to work is rendered impossible by various bureaucratic and legal obstacles.

The primary goal of this paper is to document Jordanian law surrounding work permits for Iraqi refugees. The report seeks to examine not only the laws on the books, but also the situation on the ground. This is done with the hope of furthering the understanding of the law and finding legal solutions to the employment issue – solutions that are desirable and acceptable to the Jordanian government, the NGO community, and Iraqi refugees themselves. To this end, the report makes the following conclusions with regard to work permits for Iraqi refugees: (1) By far the most pressing need facing Iraqi refugees in Jordan is access to livelihoods; the legal regulations surrounding this issue are unclear to all actors involved. (2) Jordan is barred by the international legal principle of non-refoulement from returning Iraqi refugees to Iraq; furthermore, third-country resettlement, by its nature, is available to a small minority of refugees. The reality, therefore, is that most Iraqi refugees will remain in Jordan until they can safely return to Iraq. Given this reality, and for reasons explained in part V, the Kingdom should grant the right to work to Iraqi refugees *in practice*. Such an action will be beneficial to all actors involved: the Jordanian government, the Jordanian people, and Iraqi refugees. (3) The international community needs to change the debate about livelihoods for Iraqi refugees. Any viable solution to the problem requires *job creation*, not just work permits. Such an approach signifies a shift from humanitarian programs to development programs. This reflects the reality

⁸ Decree from Prime Minister of Jordan to the Ministry of the Interior, the Ministry of Labour, and the Ministry of Planning and International Cooperation (Jan. 11, 2011) (on file with author) [hereinafter PM Decree].

of the situation on the ground – although there are undoubtedly humanitarian needs, a mid and long-term solution requires a development agenda.

This paper proceeds in six parts. First, it offers a comprehensive background of the Iraqi refugee situation in Jordan. Second, the report examines Jordan's international legal obligations regarding the right to work. This section describes the Kingdom's obligation to abide by the international legal principle of non-refoulement, and details Jordan's promises to UNHCR in a 1998 Memorandum of Understanding regarding refugees. The third part introduces a study performed by AVSI researcher, Kara Whitman. This study is included to show that access to formal employment is the most pressing need facing the Iraqi population – it offers first-hand accounts from Iraqi refugees describing an urgent need for the provision of livelihoods. The fourth part proceeds by examining the law surrounding provision of work permits, as well as the practical implications for Iraqi refugees. This section contains information acquired in numerous interviews with government officials, NGO and International Organization (IO) personnel, and Iraqi refugees; it describes published and unpublished law, as well as implementation of the law in practice. Part five proposes practical solutions to the work permit issue – solutions that are acceptable to the Jordanian government, the Jordanian people, and Iraqi refugees themselves. Finally, part six offers conclusions and attempts to tie together some of the overarching themes of the report.

I. BACKGROUND

As of August 2010, the Hashemite Kingdom of Jordan had the highest per capita percentage of refugees in the world.⁹ Jordan is currently host to more than 2 million registered refugees;¹⁰ this number is particularly remarkable when one considers that the country's total population is only 5.97 million.¹¹ The refugee population in Jordan is composed primarily of Palestinians – numbering *at least* 2 million¹² – and Iraqis, numbering *at least* 46,000.¹³

Iraqi refugees first came to Jordan en masse during the 1990's as a result of the UN-imposed embargo and repressive Baathist regime.¹⁴ However, the largest influx came after the US-led invasion of Iraq in 2003, with most Iraqis coming after the Al-Askari mosque bombing and subsequent sectarian violence in 2006.¹⁵ Estimates of the total number of Iraqi refugees in Jordan are controversial – while the Jordanian government claims that there are 450,000 Iraqis residing in the Kingdom,¹⁶ official registration with the United Nations High Commissioner on Refugees (UNHCR) is much lower (30,654).¹⁷ Most scholars believe that the actual number is much closer to UNHCR registration figures – the majority of estimates range from 50,000 to

⁹ See Géraldine Chatelard, *Jordan: A Refugee Haven*, MIGRATION INFORMATION SOURCE (Aug, 2009), <http://www.migrationinformation.org/feature/display.cfm?ID=794>; *Fact Sheet: Iraqi Refugees in Jordan and Syria*, HUMAN RIGHTS FIRST (Aug. 1, 2007), www.humanrightsfirst.org/wp-content/uploads/pdf/irp-jordan-syria.pdf.

¹⁰ See *Jordan–UNRWA*, UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINIAN REFUGEES (Dec. 31, 2010), <http://www.unrwa.org/etemplate.php?id=66>.

¹¹ See *Background Note: Jordan*, DEP'T ST. BUREAU OF NEAR E. AFFAIRS (Nov. 17, 2010), <http://www.state.gov/r/pa/ei/bgn/3464.htm>.

¹² See Regional Response Plan, 2011, *supra* note 1, at 40. See also Chatelard, *supra* note 9. The vast majority of the Palestinian refugees in Jordan trace their status to the 1948 war in Palestine. Therefore, they are not technically refugees under the 1951 Refugee Convention. Furthermore, many Palestinians in Jordan were granted Jordanian citizenship by King Hussein. For more information on this topic, see Christine Cervenak, *Promoting Inequality: Gender-Based Discrimination in UNRWA's Approach to Palestine Refugee Status*, 16 HUM. RTS. Q. 300, 357 (1994).

¹³ See Regional Response plan, 2011, *supra* note 1, at 40.

¹⁴ See Géraldine Chatelard, *Iraqi Refugees and IDPs: From Humanitarian Intervention to Durable Solutions*, MIDDLE EAST INSTITUTE & FONDATION POUR LA RECHERCHE STRATEGIQUE – REFUGEE COOPERATION, 1 (Jun. 9, 2011) http://reliefweb.int/sites/reliefweb.int/files/resources/Full_report_109.pdf.

¹⁵ See INTERNATIONAL RESCUE COMMITTEE, *FIVE YEARS LATER, A HIDDEN CRISIS – REPORT OF THE IRC COMMISSION ON IRAQI REFUGEES 1* (2008).

¹⁶ See Chatelard, *supra* note 14, at 3.

¹⁷ Regional Response Plan, 2011, *supra* note 1, at 42.

161,000¹⁸ – noting that Jordan has an incentive to propagate a higher number in an effort to get more international aid money.¹⁹ Irrespective of the controversy over the number of Iraqi refugees in Jordan, all actors agree that Jordan hosts the second largest Iraqi refugee population in the world, second only to Syria.²⁰ Despite this fact, Jordan has received a greater amount of international aid than Syria.²¹ This disproportionate amount of aid money is due to Jordan’s close friendship with the United States and the European Union.²²

Prior to 2005, the Kingdom allowed Iraqis to enter the country freely. However, Jordan curtailed universal entry following terrorist attacks perpetrated by Iraqi nationals in Amman in 2005.²³ Furthermore, the country instituted a visa system in 2007, which severely reduced the number of Iraqi refugees crossing the border: the system effectively denied entry to men between the ages of 18 and 35.²⁴ As a result of these measures and a relative improvement of the security situation in Iraq, Iraqi migration to Jordan slowed after 2007. By 2009, UNHCR declared that Iraqi migration to Jordan had become “relatively stable... with no major new displacement being reported.”²⁵ Thus, the majority of Iraqi refugees currently residing in Jordan have been in the

¹⁸ See INTERNATIONAL CRISIS GROUP, *FAILED RESPONSIBILITY: IRAQI REFUGEES IN SYRIA, JORDAN, AND LEBANON* 4 (2008); FAFO, *IRAQIS IN JORDAN 2007 THEIR NUMBER AND CHARACTERISTICS*, 7 (2007) [hereinafter Fafo Report]; See generally Chatelard, *supra* note 14.

¹⁹ See Chatelard, *supra* note 14, at 3; Nicholas Seeley, *The Politics of Aid to Iraqi Refugees in Jordan*, MIDDLE EAST RESEARCH AND INFORMATION PROJECT (2010), <http://www.merip.org/mer/mer256/politics-aid-iraqi-refugees-jordan>.

²⁰ See Chatelard, *supra* note 14, at 2.

²¹ *Id.* at 7.

²² *Id.*

²³ See Chatelard, *supra* note 9; See also Associated Press, *Iraqi Woman Admits Role in Jordan Explosions*, MSNBC.COM, (Nov. 13, 1995, 5:04 PM), http://www.msnbc.msn.com/id/9979747/ns/world_news-terrorism/t/iraqi-woman-confesses-role-jordan-blasts/#.Tk3sCjs0I94. In November 2005, Jordan was attacked by several operatives from Al Qaeda in Iraq. The terrorists targeted hotels throughout Amman, and killed 57 people.

²⁴ See FARAH THALJI, CENTER FOR STRATEGIC STUDIES – THE UNIVERSITY OF JORDAN, *THE ECONOMIC CONDITION OF DISPLACED IRAQIS LIVING IN JORDAN: A STUDY OF VOCATIONAL TRAINING* 7 (2010); Ian Black, *Rich or Poor, a Million Iraqi Refugees Strain the Hospitality of Jordan*, THE GUARDIAN (Jan. 24, 2007), <http://www.guardian.co.uk/world/2007/jan/24/iraq.ianblack>.

²⁵ U.N. Office for the Coordination of Humanitarian Affairs, 2010 U.N. Regional Response Plan for Iraqi Refugees, at 39 (Jan. 13, 2010), http://reliefweb.int/sites/reliefweb.int/files/resources/8121FA46BAB9FA51852576AA007F5E3E-Full_Report.pdf [hereinafter Regional Response Plan, 2010].

country for several years. Without widespread access to livelihoods throughout their years in the country, many of those who once relied on dwindling savings to meet their basic needs now find themselves in very dire circumstances.²⁶

As with any refugee crisis, there are three long-term solutions to the Iraqi refugee situation in Jordan: third-country resettlement, repatriation, and local integration. However, repatriation to Iraq is not a viable option at this time because of the tenuous security situation in the country.²⁷ Furthermore, the Jordanian government has refused to fully and permanently integrate Iraqis – thus eliminating the option of long-term local integration. Given these realities, aid organizations working in the country have resolved to increase the temporary protections provided to Iraqi refugees in Jordan while seeking resettlement for the most vulnerable.²⁸ However UNHCR, the organization in charge of resettling Iraqi refugees, acknowledges that resettlement is a “solution only for a minority of refugees.”²⁹ Therefore, aid personnel have determined that the most pragmatic approach is to increase the protection space for Iraqis within the Kingdom until they can be repatriated.³⁰

i. Characteristics of Working-Age Iraqis in Jordan

The most comprehensive demographic study of Iraqis in Jordan was performed by Fafo, a Norwegian research institute, in 2007. Fafo was commissioned by the Jordanian government, and produced two sets of statistics: (1) an estimate of the total number of Iraqi refugees living in Jordan, and (2) demographic information drawn from a representative sample of Iraqi refugees.³¹

²⁶ *Id.* at 37 (“Despite considerable gains in 2009, the combined lack of legal status and access to livelihoods, coupled with a spiraling and precarious economic situation, an increasing number of Iraqis [are finding] themselves in dire circumstances”).

²⁷ *Id.* at 1 (“conditions are not yet ripe for a voluntary and sustainable return to Iraq in large numbers. While security inside Iraq has been on a gradual path of improvement, it remains precarious and volatile”).

²⁸ See Regional Response Plan, 2010, *supra* note 25, at 37,43.

²⁹ *Id.* at 1.

³⁰ *Id.*

³¹ See Fafo Report, *supra* note 18.

While the organization's estimate of the total number of Iraqi refugees garnered criticism,³² its demographic information is uncontroversial, widely cited, and based on a representative sample.³³ This study, along with figures and statistics released by UNHCR, provide a glimpse into the composition of the Iraqi refugee population in Jordan as of 2007.³⁴

The Iraqi refugee population in Jordan is diverse, with a disproportionate number of ethnic and religious minorities.³⁵ There are several characteristics that make this population unique among other refugee groups. First, Iraqi refugees in Jordan are a highly educated population: according to UNHCR, approximately 35% of them have had some form of higher education.³⁶ When they first came to Jordan, Iraqi refugees were “overwhelmingly members of the educated upper and middle classes;” however, without widespread access to the formal labor market, “many have faced a *drastic* drop in social and economic status.”³⁷ Second, Iraqi refugees are dispersed throughout an urban area, with around 80% of the population residing in Amman,³⁸ unlike other refugees, who are concentrated in camps, Iraqi refugees are difficult to identify,

³² See Géraldine Chatelard, *Iraqis in Jordan: Elusive Numbers, Uncertain Future* (2008), <http://ifporient.academia.edu/G%C3%A9raldineChatelard/Papers>. The report garnered criticism not because of its methods or original findings; in fact, its original estimate of 161,000 is widely regarded as being an acceptable estimate of the total number of Iraqis in Jordan. However, when Fafo submitted its report to the Jordanian government, the government required an upward revision of the total estimate of Iraqi refugees in Jordan. This second number – which was based on different data – led to criticism from the international community. Fafo presented all of the final estimates in its report – both the higher government estimates and its own internal findings. The study noted “while the survey has managed to capture the main characteristics of the Iraqi community in Jordan, yet it may not have been able to provide an estimate for the number of Iraqis currently in Jordan on its own.” Fafo Report, *supra* note 18, at 7.

³³ Fafo Report, *supra* note 18, at 26–31.

³⁴ Though Iraqi migration to Jordan slowed drastically after 2007, these numbers may not reflect all of the current realities of the situation in Jordan. Most notably, in the 4 years since 2007, many Iraqi refugees have depleted their savings; however, as the Fafo study relies upon relative income measures (income quintiles), it is likely that the data is still very similar. These numbers are used here because they are the most comprehensive, reliable, and recent data on the refugee situation in Jordan.

³⁵ See HUMAN RIGHTS WATCH, *THE SILENT TREATMENT: FLEEING IRAQ, SURVIVING IN JORDAN* 73 (2006); Seeley, *supra* note 19.

³⁶ Regional Response Plan, 2010, *supra* note 25, at 38.

³⁷ Chatelard, *supra* note 9 (emphasis added).

³⁸ See FARAH THALJI, *supra* note 24, at 7.

register, and help.³⁹ This unique urban refugee situation has been a challenge for international aid organizations.⁴⁰

The Fafu study determined that approximately 70% of Iraqis living in Jordan are of working age – of these only about 30% participate in the work force.⁴¹ The majority of Iraqis live on savings and transfers from Iraq, which makes them particularly vulnerable: remittances from Iraq are greatly dependent on the tenuous security situation there, and savings will deplete with the passage of time. The study found a high correlation between a household’s overall wealth and the source of its income: “the poorest households are more dependent on income from employment, whereas the more wealthy households have a higher dependency on income from self employment and on transfers from Iraq. The middle wealth groups are the ones that have the least income from employment and are hence the most dependent on transfers from outside the household.”⁴² Thus, changes in access to employment and self-employment will have a greater effect on wealthy and poor households than on middle-income households.

There is a high correlation between wealth and the possession of residency permits within the Kingdom: around 80% of those in the wealthiest quintile have a valid residency permit, compared with 22% of those in the poorest quintile.⁴³ This is significant because legal residency is a prerequisite to, though not a guarantee for, lawful employment. Not surprisingly, employment among Iraqi refugees in Jordan is correlated with their time of arrival – those who

³⁹ *Id.*

⁴⁰ See INTERNATIONAL RESCUE COMMITTEE, *supra* note 15, at 5; See generally JEFF CRISP ET AL., UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES POLICY DEVELOPMENT AND EVALUATION SERVICE, SURVIVING IN THE CITY: A REVIEW OF UNHCR’S OPERATIONS FOR IRAQI REFUGEES IN URBAN AREAS OF JORDAN, LEBANON, AND SYRIA (2009).

⁴¹ See Fafu Report, *supra* note 18, at 4. The vast majority of those participating in the work force have informal employment, as access to work permits is severely restricted.

⁴² *Id.* at 5.

⁴³ *Id.* at 18.

arrived in 2003 are almost twice as likely to be employed as those who arrived in 2006.⁴⁴ Of those who work, the majority work as employees for someone else (61.4%), while 23% consider themselves employers, and 14.7% are self-employed.⁴⁵

Iraqi refugees report that their primary reasons for staying in Jordan are security (50%) and family reunion (38%).⁴⁶ Overall, 21% of Iraqi refugees have plans to emigrate to a third country (“resettle”).⁴⁷ The desire to resettle is greatest among those in the low and middle wealth quintiles – 27.3% among those with the lowest wealth, 35.6% among those with low wealth, and 30.8% of those with middle wealth.⁴⁸ Substantially more Iraqi refugees have plans of eventual repatriation: 40.8% of those surveyed had plans to repatriate.⁴⁹ Furthermore, there is a correlation between wealth and desire to repatriate, with the highest wealth quintiles being the most likely to go back to Iraq at some point. A similar correlation exists between education and repatriation plans – 47.7% of those with a bachelors degree or greater planned to repatriate to Iraq, compared to only 29.8% of those with an elementary education.⁵⁰

ii. Legal Status of Iraqi Refugees in Jordan

The vast majority of Iraqi refugees in Jordan do not have legal residence within the country: UNHCR notes that only 30% have a residency permit.⁵¹ This is problematic because – among other things – the lack of a residency permit “makes it difficult and costly to obtain a

⁴⁴ *Id.* at table 1.5.

⁴⁵ *Id.* at table 2.36.

⁴⁶ *Id.* at table 2.11.

⁴⁷ *Id.* at table 2.12; *See also* NATIONAL CENTER FOR HUMAN RIGHTS (JORDAN), HUMAN RIGHTS SITUATION IN THE HASHEMITE KINGDOM OF JORDAN FOR 2009, 42 (2010). The national Center for Human Rights reports that there were 9616 applications for resettlement in 2008, and 8529 applications in 2009. Of these, 6658 and 4852, respectively, were resettled.

⁴⁸ *See* Fafo Report, *supra* note 18, at table 2.12.

⁴⁹ *Id.* at table 2.14.

⁵⁰ *Id.*

⁵¹ *See* Regional Response Plan, 2011, *supra* note 1, at 44.

work permit.”⁵² Jordan’s residence laws are governed by Chapter 3 of Law No. 24 of 1973 on Residence and Foreigners’ Affairs.⁵³ According to this law, residence permits are valid for one year and may be renewed at the discretion of the Ministry of Labor directorate.⁵⁴ Additionally, they are granted only when the applicant meets certain criteria. To be eligible for a residence permit, one must: (a) have an employment contract with a Jordanian employer, along with certification from the Ministry of Labor that his activities are not in competition with those of Jordanians, or (b) have certification of secure and lawful source of income, or (c) have the intention and approval to invest in the Jordanian economy, or (d) unique skills for which there is no equivalent in the Kingdom.⁵⁵ Residence permits are also granted to diplomats, disabled and minor dependents of Jordanian residents, and students.⁵⁶

Jordan is not a party to the 1951 Convention Relating to the Status of Refugees (the “Refugee Convention”) or its 1967 Protocol.⁵⁷ Therefore, it is not bound to the traditional legal framework governing most refugee situations. Notably, it is not bound by Art. 17 of the 1951 convention, which stipulates that refugees must be accorded the “most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.”⁵⁸

While it is not a party to the 1951 Refugee Convention, Jordan signed a Memorandum of Understanding (MOU) with UNHCR in 1998.⁵⁹ Although this document likely has the legal status of a treaty, its terms do not merit enforcement because they offer little additional

⁵² *Id.*

⁵³ See Law No. 24 of 1973 on Residence and Foreigners' Affairs (Jordan), at chap. 3 (Jan. 1, 1973), <http://www.unhcr.org/refworld/docid/3ae6b4ed4c.html> [accessed 13 September 2011].

⁵⁴ *Id.* at art. 22.

⁵⁵ *Id.* at art. 26.

⁵⁶ *Id.*

⁵⁷ See Chatelard, *supra* note 9.

⁵⁸ See U.N. Convention Relating to the Status of Refugees, July 28, 1951, art. 17, 189 U.N.T.S. 150.

⁵⁹ See MICHAEL KAGAN, UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS POLICY DEVELOPMENT AND EVALUATION SERVICE, THE UN SURROGATE STATE AND REFUGEE POLICY IN THE MIDDLE EAST, at 17 (2011).

protection to the Iraqi population in Jordan.⁶⁰ Nevertheless, the MOU is important because of its contribution to the legal lexicon surrounding the status of Iraqis in Jordan, and because of Jordan's demands that UNHCR adhere to its provisions.⁶¹ The MOU stipulates that Jordan will respect the principle of non-refoulement⁶² and honor the definition of "refugee" contained in the 1951 Refugee Convention.⁶³ Additionally, the MOU states that Jordan will allow refugees legally residing in the country to "work in Jordan for [their] own accord whenever the laws and regulations permit;"⁶⁴ this provision is not helpful, however, as the right to work can be denied by the presence of *any* domestic law prohibiting said right. The MOU also curtails the civil and political rights of refugees, forbidding them from speaking with the media or "embarrassing the government." Additionally, it describes the presence of refugees as a "sojourn" that "should not exceed six months."⁶⁵ Therefore, the Memorandum envisions Jordan as a transit country rather than a final destination for refugees.

Although the MOU theoretically affords rights to refugees in Jordan, Iraqi refugees do not enjoy these protections in practice. This is because many of the favorable protections – which are applicable "whenever the laws and regulations permit" – are defeated by domestic policy.⁶⁶ Other provisions, such as those excepting refugees from overstay fines,⁶⁷ are not enjoyed by Iraqis because the government refuses to recognize Iraqis as refugees, viewing them instead as

⁶⁰ See Memorandum of Understanding between the Government of Jordan and UNHCR, Apr. 5, 1998 [hereinafter MOU] (unofficial translation, copy on file with author). The most significant provision of rights in the MOU – the right to work in art. 8 and the right to practice liberal professions in art. 8 – are rendered nugatory by the conditional phrase "whenever the laws and regulations permit." Were an international court to enforce these terms, the Kingdom could circumvent substantive obligations through laws and regulations prohibiting the right to work for non-citizens.

⁶¹ These demands are described in section II, *infra*.

⁶² *Id.* at art. 2(1). Non-refoulement is an international law principle forbidding states from returning refugees or asylum-seekers to countries where they have a reasonable fear of persecution. Jordan has, for the most part, respected this principle in practice.

⁶³ *Id.* at art. 1.

⁶⁴ *Id.* at art. 8.

⁶⁵ *Id.* at art. 5.

⁶⁶ *Id.* at arts. 8 & 9. This is especially true of the provisions surrounding work permits for Iraqi refugees, which are rendered nugatory by the Jordanian regulations described in section IV *infra*.

“guests” or “fellow Arabs,” who are not entitled to protections conferred in the MOU.⁶⁸ Jordan uses the “guest” terminology to avoid legal obligations accompanying refugee populations; the practice underscores “the country’s inability to provide comprehensive and long-lasting legal and political solutions for refugees.”⁶⁹

Jordan’s inability to provide such legal and political solutions is due to several factors. Most notably, the country is resource-starved. As one of the ten water-poorest countries in the world, it faces a significant and chronic water shortage.⁷⁰ In addition, the presence of Iraqi refugees has strained already overstretched services such as electricity, healthcare, and sanitation.⁷¹ Significantly, Jordanian nationals face high unemployment rates – 13.1% as of April, 2011⁷² - and a feeble economy, which is dependent upon international aid and remittances from abroad.⁷³ The precarious economic situation has only been exacerbated by the global economic downturn that began in 2008. These economic and limited-resource concerns are at the heart of Jordan’s refusal to grant more economic rights to Iraqi refugees.

The Jordanian government is understandably afraid that if it were to grant additional rights to Iraqi refugees, it would become more of a magnet for other refugee populations. This concern is amplified by the political turmoil in neighboring Syria, which hosts the largest Iraqi refugee population in the world. Given Jordan’s limited resources, another massive influx of refugees could be devastating – the Jordanian government is acutely aware of this fact.

⁶⁷ *Id.* at art. 9.

⁶⁸ See ANNA DI BARTOLOMEO, ET AL., CONSORTIUM FOR APPLIED RESEARCH ON INTERNATIONAL MIGRATION, CARIM – MIGRATION PROFILE: JORDAN 9 (2010) [hereinafter CARIM MIGRATION PROFILE].

⁶⁹ *Id.*

⁷⁰ See INTERNATIONAL CRISIS GROUP, *supra* note 18, at 12 n.98.

⁷¹ See Regional Response Plan, 2010, *supra* note 25, at 41.

⁷² See JORDAN DEPARTMENT OF STATISTICS, QUARTERLY REPORT ON UNEMPLOYMENT: FIRST QUARTER 1 (2011). Though official statistics place the number at 13.1%, some economists argue that the real number could be as high as 30%; Seeley, *supra* note 19 (“Unemployment is officially at 13.5 percent, and some economists say the real number could be as high as 30 percent”).

⁷³ See Chatelard, *supra* note 9.

Additionally, Jordan is reluctant to grant more rights to Iraqi refugees because of its over half-century experience with Palestinian refugees, who now make up at least one-third of the population.⁷⁴ Jordanian officials worry that “the crisis narrative [will] lead to Iraqis becoming like the millions of Palestinian refugees to whom Jordan already plays host, many of whom are provided their own schools and social services through the UN.”⁷⁵ In an attempt to avoid a similar outcome – that is, a new permanent refugee population – the Jordanian government refuses to enlarge the protection provided to Iraqi refugees.

Jordanian officials are also worried about threats to national security. Currently a wave of pro-democratic protests are sweeping through the Middle East and threatening longstanding governmental regimes; given this fact, Jordanian officials are concerned about the health and stability of the monarchical system. The country has already witnessed several small-scale demonstrations protesting dismal economic conditions and high unemployment – some of these have led to violent clashes between protestors and security forces.⁷⁶ In the face of these realities, the Kingdom is reluctant to extend more protections to the refugee population. The Jordanian people, many of whom are already upset by the high unemployment rate, would likely be incensed if the government were to introduce more competition into the job market by making new populations eligible for employment.

Despite the government’s refusal to acknowledge Iraqis as refugees and grant to them certain rights attendant to that status, Jordan has taken several measures to help Iraqis within its borders. For example, the Kingdom has opened up its public health system to Iraqi refugees,

⁷⁴ See *Background Note: Jordan*, DEP’T ST. BUREAU OF NEAR E. AFFAIRS (Nov. 17, 2010), <http://www.state.gov/r/pa/ei/bgn/3464.htm>.

⁷⁵ See Seeley, *supra* note 19.

⁷⁶ See Kareem Fahim, *Jordan’s Protestors Ask Little, and Receive Even Less*, NYTIMES.COM, <http://www.nytimes.com/2011/07/20/world/middleeast/20jordan.html?pagewanted=all> (last visited Sept. 13, 2011).

putting them on the same footing as uninsured Jordanian citizens.⁷⁷ Additionally, in 2007,⁷⁸ the country began allowing Iraqi children to attend public schools; since then, access to public schools has been granted on an annual basis to Iraqi children living within the Kingdom.⁷⁹ Finally, the government has periodically forgiven overstay fines for those not legally residing within the kingdom.⁸⁰ This has been incredibly beneficial to Iraqi refugees, who are charged 1.5 JOD (\$2.12 USD) for each day they reside in the country illegally.⁸¹

II. JORDAN'S INTERNATIONAL LEGAL OBLIGATIONS AND THEIR IMPLICATIONS FOR IRAQI REFUGEES

A. The Memorandum of Understanding

In 1998, Jordan signed a Memorandum of Understanding (MOU) with UNHCR. Although this document likely rises to the level of an international agreement or treaty, its provisions are not very helpful because they are (1) easily defeated by Jordanian domestic legislation, and (2) effectively circumvented by the Jordanian government. Among other things, the MOU affords refugees the right to work (when domestic law permits it), to access the Jordanian legal system (where possible), and to practice their religion freely (when it does not conflict with Jordanian law or “public decency”).⁸² Importantly, the MOU affirms Jordan’s decision to abide by the principle of non-refoulement and accept the definition of “refugee”

⁷⁷ See Chatelard, *supra* note 14.

⁷⁸ See LEILA HILAL & SHAHIRA SAMY, EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK, ASYLUM AND MIGRATION COUNTRY FACT SHEET: JORDAN 9 (2008).

⁷⁹ *Id.* Thus, this service is granted on an annual basis and is not permanent. As of the publication of this paper, the Ministry of Education had extended the right through the 2011-2012 school year.

⁸⁰ *Id.*

⁸¹ See HUMAN RIGHTS WATCH, *supra* note 36, at 4.

⁸² See MOU, *supra* note 62.

contained in the 1951 Refugee Convention.⁸³ Jordan has been successful in its attempts to avoid many of these obligations by referring to Iraqi refugees as “guests” rather than refugees.⁸⁴

The Kingdom’s justification for labeling Iraqi refugees as “guests” rather than refugees is based on several legal technicalities inherent in the MOU. First, the MOU speaks of two categories of people: asylum-seekers and refugees.⁸⁵ The former are merely guests in the Kingdom – people who are seeking asylum in 3rd party countries of resettlement. “Asylum-seekers” are not granted many of the rights present in the MOU: for example, they are not granted the right to employment and are not exempted from paying overstay fines.⁸⁶ Every Iraqi who registers with UNHCR is automatically given asylum-seeker status, and is allowed to reside in the Kingdom pending a “refugee status determination” (RSD) by UNHCR.⁸⁷ RSD is the process whereby UNHCR determines whether an asylum-seeker meets the criteria of a “refugee.” When refugee status is conferred on an individual, the MOU stipulates that UNHCR must resettle him within six months.⁸⁸

The MOU thus poses several problems for UNHCR. First, the organization lacks the capacity to carry out individual refugee status determinations for the sizeable Iraqi refugee population in Jordan.⁸⁹ Although UNHCR granted *prima facie* refugee status to the vast majority

⁸³ See U.N. Convention Relating to the Status of Refugees, July 28, 1951, art. 17, 189 U.N.T.S. 150 (The refugee convention defines a “refugee” as a person who, “owing to well- founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”). Although this definition contains geographic and time limitations, the MOU adopts the definition without such limitations. See MOU, *supra* note 62, at art. 1.

⁸⁴ See CARIM MIGRATION PROFILE, *supra* note 67.

⁸⁵ See MOU, *supra* note 62.

⁸⁶ See MOU, *supra* note 62, at art. 8 (granting this right only to “refugees”); See Also PATRICIA WEISS FAGEN, GEORGETOWN UNIVERSITY INSTITUTE FOR THE STUDY OF INTERNATIONAL MIGRATION, IRAQI REFUGEES: SEEKING STABILITY IN SYRIA AND JORDAN 9 (2007).

⁸⁷ See FAGEN, *supra* note 91, at 9. The MOU provides legal basis for asylum-seekers to reside in the kingdom; however, this temporary right of residence for asylum-seekers must be renewed every six months.

⁸⁸ See MOU, *supra* note 62, at art 5.

⁸⁹ See HUMAN RIGHTS WATCH, *supra* note 36, at 43.

of Iraqi refugees,⁹⁰ Jordan refuses to accept this designation,⁹¹ insisting that individual refugee status determinations are necessary. The second problem for UNHCR is that it does not have the power to comply with the six-month time period for resettlement of recognized refugees. Although UNHCR can refer refugees for resettlement, it cannot compel countries to accept them.⁹² The six-month timeline is highly unrealistic, even where UNHCR has matched an eligible refugee with a willing country of resettlement: “only in exceptional cases is UNHCR able to resettle a refugee within one year of her arrival.”⁹³

According to UNHCR, both parties to the MOU have acknowledged their inability to carry out all of the document’s terms given the size of the refugee population.⁹⁴ However, the Jordanian government insists that UNHCR work within the parameters set out in the Memorandum.⁹⁵ The result is that the vast majority of Iraqis in Jordan, most of whom qualify as refugees in the eyes of UNHCR, are not granted rights commensurate with refugee status.

B. Non-Refoulement

The principle of non-refoulement was first articulated in the 1951 Refugee Convention. It requires that no state “shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”⁹⁶ Thus, it prevents asylum states from deporting refugees to places where they will be threatened by persecution or physical harm.

⁹⁰ See UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, RESETTLEMENT OF REFUGEES 2 (1997), available at www.unhcr.org/45f80f9d2.pdf. *Prima Facie* status was granted to all Iraqi refugees, with the exception of those fleeing 3 provinces in the north (provinces that are under the control of the Kurdish Regional Government).

⁹¹ See FAGEN, *supra* note 91, at 9; HILAL, *supra* note 77, at 7.

⁹² See KAGAN, *supra* note 61, at 18.

⁹³ *Id.*

⁹⁴ UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, COUNTRY OPERATION PLAN: HASHEMITE KINGDOM OF JORDAN 2008-2009, 2 (NHCR Country Operations Plan, page 2 (2009)).

⁹⁵ *Id.*

⁹⁶ See U.N. Convention Relating to the Status of Refugees, July 28, 1951, art. 33, 189 U.N.T.S. 150.

Though it is not a party to the Refugee Convention, Jordan is bound by the principle of non-refoulement because it is a party to the International Covenant on Civil and Political Rights (ICCPR).⁹⁷ Article 7 of the ICCPR, to which Jordan has acceded without any reservations, states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”⁹⁸ In interpreting this article, the United Nations Human Rights Committee – the international body tasked with implementing and monitoring the treaty – stated that it prohibits states-parties from violating the principle of non-refoulement.⁹⁹ The Committee noted that “parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement.”¹⁰⁰ It is important to note that article 7 of the ICCPR is non-derogable;¹⁰¹ therefore, unlike with certain articles contained in the ICCPR, states-parties cannot derogate from article 7 in times of public emergency.

Additionally, the Kingdom is obliged to respect the principle of non-refoulement by virtue of its accession to the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT). Article 3 of this treaty prohibits states-parties from returning individuals to countries where they may be tortured: “no State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.”¹⁰² This provision

⁹⁷ See International Covenant on Civil and Political Rights, art. 7, (1966), 999 U.N.T.S. 171 [hereinafter ICCPR].

⁹⁸ *Id.*

⁹⁹ Human Rights Committee, General Comment No. 20 (1992), HRI/HEN/1/Rev.1, 28 July 1994.

¹⁰⁰ *Id.*

¹⁰¹ ICCPR, *supra* note 102, at art. 4(2).

¹⁰² UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, art. 3 (1984) 1465 U.N.T.S. 85 United Nations, Treaty Series, vol. 1465, p. 85; See HILAL, *supra* note 77, at 4. Note that Article 3(2) of the Convention Against Torture states that “For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.”

is widely considered to be a prohibition on refoulement.¹⁰³ It is pertinent to the situation in Iraq given recent reports of torture within the country.¹⁰⁴

Jordan is also bound by the principle of non-refoulement because of its status as customary international law.¹⁰⁵ The customary nature of non-refoulement has been noted by many of the most highly qualified publicists on the topic.¹⁰⁶ These publicists note that the principle meets all of the criteria required before a treaty norm can “crystallize” into a principle of customary international law: it is of a fundamentally norm-creating character, enjoys widespread and representative support, and is part of a consistent state practice.¹⁰⁷ Additionally, they point out that the principle of non-refoulement applies in situations of mass influx “to refugees irrespective of their formal recognition and to asylum seekers”¹⁰⁸ Thus, the customary international law principle of non-refoulement is applicable to Iraqi refugees in Jordan regardless of their formal legal designation.

The fact that Jordan is legally obligated to abide by the principle of non-refoulement has large implications for the Iraqi refugee situation. Although the situation in Iraq has improved, security gains are “fragile and reversible.”¹⁰⁹ The UNHCR acknowledged this fact, stating that conditions in Iraq are not yet suitable for repatriation of Iraqi refugees because the security

¹⁰³ See HILAL, *supra* note 77, at 4.

¹⁰⁴ See *Iraq torture worse after Saddam*, BBC ONLINE, <http://news.bbc.co.uk/2/hi/5368360.stm> (last visited Sept 13, 2011); *Iraq: Detainees Describe Torture in Secret Jail*, HUMAN RIGHTS WATCH, <http://www.hrw.org/news/2010/04/27/iraq-detainees-describe-torture-secret-jail> (last visited Sept. 13, 2011).

¹⁰⁵ See CAMBRIDGE UNIVERSITY PRESS, *Summary Conclusions: The Principle of Non-Refoulement*, June 2003, available at: <http://www.unhcr.org/refworld/docid/470a33b00.html> [accessed 13 September 2011].

¹⁰⁶ *Id.*; See generally U.N. HIGH COMMISSIONER FOR REFUGEES, *The Scope and Content of the Principle of Non-Refoulement (Opinion) [Global Consultations on International Protection/Second Track]*, 20 June 2001, available at: <http://www.unhcr.org/refworld/docid/3b3702b15.html> [accessed 13 September 2011].

¹⁰⁷ *Id.*

¹⁰⁸ See generally CAMBRIDGE UNIVERSITY PRESS, *supra* note 110.

¹⁰⁹ See Luis Martinez, *Afghanistan: Gen. David Petraeus Calls Progress Fragile and Reversible*, ABC NEWS, <http://abcnews.go.com/Politics/afghanistan-gen-david-petraeus-calls-progress-fragile-reversible/story?id=13140052> (last visited Sept. 13, 2011).

situation there remains “precarious and volatile.”¹¹⁰ Thus, repatriation of Iraqi refugees is currently not a durable solution. Jordan is therefore legally obliged to host Iraqis within its territory until (1) the time when they can be resettled to a third country, or (2) the time when security in Iraq improves to a point where returnees will not be persecuted or physically threatened.

III. AVSI STUDY

A. The Reality on the Ground

The three traditional solutions to refugee crises are currently off the table with regard to Iraqis in Jordan. As mentioned, repatriation is not a viable option at the moment because of the precarious security situation in Iraq. In addition, the Jordanian government has refused to accept local integration as a long-term solution.¹¹¹ Furthermore, resettlement is a viable option for only a small fraction of Iraqi refugees – in the first nine months of 2010, for example, only 4,605 individuals were resettled.¹¹² Given the inability to resort to these options on a large scale, the international community has endeavored mainly to enlarge temporary “protection space”¹¹³ for Iraqi refugees while awaiting durable solutions in the form of resettlement and, eventually, repatriation.¹¹⁴ The effort to enlarge protection space has encompassed mostly short-term humanitarian measures.¹¹⁵

¹¹⁰ See Regional Response Plan, 2011, *supra* note 1, at 1.

¹¹¹ As mentioned above, this refusal to integrate Iraqi refugees in the long term is due to several concerns. These include: economic fears, scarce resources, security concerns, and the experience with Palestinian refugees.

¹¹² See Regional Response Plan, 2010, *supra* note 25, at 39.

¹¹³ Protection space is a term used by aid personnel to describe “access to basic services and safety from harassment and deportation.” See Seeley, *supra* note 19; See also Regional Response Plan, *supra* note 25, at 37, (describing protection space as “the extent to which a conducive environment exists for the respect and enjoyment of internationally recognized rights of refugees”).

¹¹⁴ See Regional Response Plan, *supra* note 25, at 37 (“the overarching priorities with respect to humanitarian assistance to Iraqis in Jordan are three-fold: (1) to preserve the protection space in Jordan by continuing to ensure Iraqis’ access to national facilities such as health and education; (2) to provide safety nets in the form of cash,

Among the biggest donors of humanitarian aid in Jordan are the United States Department of State Bureau of Population and Refugee Management (BPRM), the European Union (EU), and the United Nations.¹¹⁶ These organizations and their implementing partners – mostly international NGOs – have worked tirelessly to improve the situation of Iraqi refugees. Their efforts have had much success: Iraqi refugees have benefitted greatly from food and cash assistance, resettlement programs, vocational training, health programs, legal aid, and educational programs. However, as with any large-scale aid effort, there are areas for improvement. In early 2011, AVSI sought out to identify these areas by speaking with those on the ground – Iraqi refugees and aid providers.

B. The Study

The primary purpose of the AVSI study was to identify gaps in the provision of aid to Iraqi refugees in Jordan; this was done with the hope that identifying areas of improvement could lead to more effective administration of aid. To identify areas of improvement the researcher interviewed 41 Iraqi refugees residing in Jordan and asked them to identify their most urgent needs from 2010 to present. Additionally, the researcher met with representatives of aid organizations to determine the characteristics and limitations of aid being delivered. Comparing existing humanitarian programs with the continuing needs of Iraqi refugees in Jordan allowed for identification of gaps in the services provided to the population.

The study differed from previous reports in several respects. Whereas previous studies utilized large focus groups and asked a myriad of questions, this research involved small groups, who were asked only one question: groups of between four and nine Iraqi refugees were asked to

medical, legal and other assistance to ensure that refugees do not fall through the cracks, while at the same time (3) seeking durable solutions for the most vulnerable”).

¹¹⁵ See generally Chatelard, *supra* note 14.

¹¹⁶ *Id.* at 7.

“identify their most urgent needs from 2010 until today.” This format allowed for more candid responses from the focus group participants. It provided a wealth of qualitative data, which was very useful to AVSI in determining areas of improvement for existing aid programs.

In total, there were 41 Iraqi refugee focus group participants, 21 men and 20 women. Although this number was not a representative sample, the qualitative content of the focus groups gave important insight into the issues faced by the Iraqi refugee population. Furthermore, many of the refugees’ statements were substantiated through subsequent interviews with aid personnel,¹¹⁷ and review of documents pertaining to the Iraqi refugee situation.¹¹⁸ The 41 focus group participants were selected by AVSI - Jordan partner organizations representatives with close contacts to the Iraqi community.¹¹⁹ The youngest participant was 20 years old and the oldest was 67. The majority of participants were married and previously attended a college or university. Focus groups were held in the governorates of Amman, Zarqa, and Irbid.¹²⁰

After conducting focus groups with Iraqi refugees, the researcher began an assessment of humanitarian programs targeting Iraqi refugees in 2010. Aid personnel from nongovernmental organizations (NGOs) that received funding in 2010 from the United States Department of State,

¹¹⁷ See ASSOCIATION OF VOLUNTEERS IN INTERNATIONAL SERVICE, AVSI SUMMARY AND CONCLUSIONS FROM HOPE IS GAIN: ALIGNING HUMANITARIAN PROGRAMS TO THE NEEDS OF DISPLACED IRAQIS IN JORDAN AS THEY DEFINE THEM 7 (2011) (stating “There were many areas of agreement between aid recipients and aid providers regarding gaps in programming. Both groups mentioned the limitations of vocational training programs and acknowledged that large-scale status improvements for Iraqi refugees cannot be expected without enhanced economic initiatives. Additionally, both groups noted the lack of educational programs tailored to those not enrolled in school, and the need for more secondary and tertiary healthcare programs. Aid recipients and aid providers lamented limited program capacity – they indicated a need for more humanitarian assistance and comprehensive programs”) (document on file with author).

¹¹⁸ For example, the three primary conclusions of Ms. Whitman’s focus group study – (1) that economic issues are paramount, (2) that more educational programs are needed, and (3) that there is a need for more secondary, tertiary, and emergency healthcare programs – are substantiated, most notably, by UNHCR’s 2011 Regional Response Plan on pages 1, 55, 59, respectively. See Regional Response Plan, 2011, *supra* note 1, at 1, 55, & 59; ASSOCIATION OF VOLUNTEERS IN INTERNATIONAL SERVICE, *supra* note 114, at 1&2.

¹¹⁹ See KARA WHITMAN, HOPE IS GAIN: ALIGNING HUMANITARIAN PROGRAMS TO THE NEEDS OF DISPLACED IRAQIS IN JORDAN AS THEY DEFINE THEM (2011) (These organizations were asked to “identify men and women age 18 and older who were willing to participate in focus groups. The purpose of the focus group was described as to identify the needs of Iraqi refugees in Jordan from 2010 to the present”).

¹²⁰ *Id.* at 13 (“All focus groups were conducted between 9 am and 3 pm. Focus groups included between 4 and 8 participants and were scheduled for 60 to 90 minutes”).

Bureau of Population, Refugees and Migration (BPRM) and the European Union (EU) were interviewed.¹²¹ Each interviewee provided information on programs implemented for Iraqi refugees.

C. The Results

i. Voices of Iraqi Refugees – Focus Group Results

AVSI's study revealed that the most pressing need facing Iraqi refugees is access to livelihoods. Focus group participants noted that the lack of legal employment affects every facet of their lives. Because they do not have a stable source of income, many Iraqi refugees cannot afford food, adequate healthcare, shelter, etc.¹²² One focus group participant voiced this sentiment, saying “the problem is Iraqis cannot work legally. Otherwise they could cope with the costs.” Because they lack access to legal employment, many Iraqi refugees are destitute – UNHCR reports that at least 40% of the registered Iraqis in Jordan live below the poverty line.¹²³

Many of the non-economic needs expressed by Iraqi refugees in the focus groups were directly connected to the poor economic conditions they face. For example, focus group participants expressed a need for accessible secondary, tertiary, and emergency healthcare.¹²⁴ Although these services are available in Jordan, their cost makes them inaccessible to Iraqi refugees. Without access to livelihoods, Iraqis are unable to afford these services, which are accessible to their Jordanian hosts. Similarly, many focus group participants spoke of a need for

¹²¹ See WHITMAN, *supra* note 4, at 5 (These aid organizations included “American Near East Refugee Aid [ANERA]; CARE International; Center for Victims of Torture [CVT]; International Catholic Migration Commission [ICMC]; International Medical Corps [IMC]; International Relief and Development [IRD]; International Rescue Committee [IRC]; Mercy Corps; Save the Children; Terre des hommes [TDH]”).

¹²² *Id.* at 2 (“Failure to access existing services is often related to lack of financial resources and livelihoods opportunities. Dwindling resources may force Iraqis to adopt negative coping mechanisms, such as cutting health and food expenses, removing children from school, or sharing crowded and unhealthy accommodations”).

¹²³ Regional Response Plan, 2011, *supra* note 1, at 16.

¹²⁴ See KARA WHITMAN, HOPE IS GAIN: ALIGNING HUMANITARIAN PROGRAMS TO THE NEEDS OF DISPLACED IRAQIS IN JORDAN AS THEY DEFINE THEM (2011).

tutoring and remedial education programs targeting non-enrolled students and dropouts.¹²⁵ This problem is caused by lack of access to the legal workforce: according to UNHCR one of the “protection risks due to this destitution” is “school drop-outs.”¹²⁶

The study revealed that – as many scholars have reported - economic destitution has had deleterious and long-term psychological effects on Iraqi refugees. One woman’s story is illustrative:

“All of the children have anemia because of poor diet. We live in a basement apartment with no sun and cockroaches. The house is humid. We have to go out for sunlight. My husband has back problems and cannot work. He was hit with an iron in Iraq and still suffers. Our psychological condition is getting worse. The UN salary of 220 JD is not enough, We cannot afford to do anything outside the house. The basement apartment makes it worse... My kids go to school but need a lot of assistance, notebooks, bags, pencils, stationary. I cannot get them so friends at school lend them these things sometimes. Rent and utilities is 120 JD [sic]. The salary lasts 1 week. We eat only 2 meals per day; rice, bread and oil. Our psychological condition gets worse each day. I can understand as an adult, but not the kids. The house is a prison.”

Thus, AVSI’s study confirmed that a lack of lawful employment causes problems that are pervasive throughout the lives of Iraqi refugees. Many of these problems have the potential to be long-term; poor nutritional practices and high dropout rates will likely have untold future effects on healthcare and economies. Furthermore, the fact that this population is not allowed to work represents a severe waste of human capital.¹²⁷ Iraqi refugees, who are highly skilled, are unable to contribute to the workforce. Many of the focus group participants were acutely aware of this fact: “we are exhausting our money and now just consuming, not producing.”¹²⁸

ii. Agreement with Aid Providers and Obstacles to Aid Implementation

¹²⁵ *Id.*

¹²⁶ Regional Response Plan, 2010, *supra* note 25, at 1.

¹²⁷ *See* Chatelard, *supra* note 14, at 5 (“the exodus of the Iraqi middle-class has resulted in a massive loss of human and financial capital for Iraq but also for host countries”).

¹²⁸ *See* WHITMAN, *supra* note 116, at 31.

AVSI's study found that aid providers are largely aware of the needs of Iraqi refugees – they are attuned to the concerns of the refugee population, and are aware of areas where needs are not being met. Many aid providers acknowledged that the inability to secure lawful employment is at the root of many problems faced by Iraqi refugees. They noted that a solution to the work permit issue would help Iraqis to meet their own basic needs: nutrition, access to healthcare, adequate education, etc.

Aid providers are well aware of the limitations of their programs¹²⁹ and note that these limitations arise from certain obstacles inherent in the operating environment. These obstacles prevent them from implementing what they feel are ideal programs that will lead to sustainable status improvements. The most significant obstacle deals with donor guidelines: aid personnel assert that donor guidelines limit the types of programs that can be implemented. Because aid organizations are reliant on donors to administer aid to Iraqi refugees, they are hamstrung by requirements attached to donated money. Donors are currently pursuing an emergency assistance (humanitarian) agenda. As such, programs are often funded based upon particular focus areas, for one year at a time, with no guarantees of extensions. Furthermore, the efficacy of these programs is often measured in terms of the number of individuals reached, rather than in terms of sustainable status improvements. These factors prevent aid personnel from administering what they feel are the best programs.

Another obstacle preventing aid personnel from implementing what they feel are ideal programs is target group expectations. Aid personnel contend that Iraqis often avoid programs that do not provide transportation allowances or only provide them as a reimbursement. This is because many refugees cannot afford the costs associated with travel or because they intend to utilize transportation allowances as income. As a result, they assess programs according

¹²⁹ See generally WHITMAN, *supra* note 4.

economic benefit rather than knowledge gained or skill acquired. Therefore, the most effective programs are not always the most popular. This problem is likely to become worse in the future, as access to cash assistance and healthcare is decreasing. With 40% of Iraqi refugees living below the poverty line, many are likely to utilize these services not for their effectiveness, but for their economic benefits.

IV. JORDANIAN LAW SURROUNDING THE RIGHT TO WORK FOR IRAQI REFUGEES

A. The Law and Its Sources

There is much confusion surrounding the right to work for Iraqi refugees. This is due to the fact that law on the subject comes from several different sources: it is found in legislation, administrative regulations, and ministerial decrees. Additionally, some of the law regarding the right to work is not widely reported¹³⁰ due to political sensitivities surrounding foreign employment. This was the case with the most important law governing legal employment for Iraqi refugees, which came in the form of a non-published Prime Ministerial decree to the Ministry of the Interior, the Ministry of Labor, and the Ministry of Planning and International Cooperation. The 2011 decree and other regulations regarding legal employment for Iraqi refugees are discussed in this section, which systematically documents the law on the subject.

The right to work is guaranteed to every Jordanian citizen through the country's Constitution, which states "work is the right of every citizen."¹³¹ Law Number 24 of 1973 on Residence and Foreigners' Affairs governs the employment of non-Jordanian workers.

¹³⁰ See ROBERTO PITEA, CONSORTIUM FOR APPLIED RESEARCH ON INTERNATIONAL MIGRATION, TRANSIT MIGRATION: CHALLENGES IN EGYPT, IRAQ, JORDAN AND LEBANON 18 (2010) [hereinafter TRANSIT MIGRATION] ("Only some operational components of Jordan's migration management policy, which governs various aspects of immigration to Jordan in accordance to the law and regulations above, are publicly available").

¹³¹ See THE CONSTITUTION OF THE HASHEMITE KINGDOM OF JORDAN, Jan. 1, 1952, Art. 23 (Jordan).

According to Law No. 24, Jordanian nationals and companies are expressly forbidden from employing foreigners who do not have residence permits.¹³² However, there is an exception for foreigners with technical expertise provided that they do not stay for more than three months.¹³³ Employers who violate this law are subject to hefty fines for each worker who is illegally employed.¹³⁴

With the passage of the Labor Code Number 8 of 1996, the Jordanian government increased restrictions on foreign labor.¹³⁵ Article 12(1) of the code requires all non-Jordanian workers to obtain work permits before engaging in legal employment within the Kingdom.¹³⁶ Work permits are granted by the Ministry of Labour and are valid only for a one-year period.¹³⁷ They are issued only when the work undertaken by the foreign laborer “requires expertise and skills unavailable or insufficient within the Jordanian workforce,”¹³⁸ and the Ministry of Labour gives preference to Arabs in their issuance.¹³⁹ Before obtaining a work permit, non-Jordanians must first obtain a residency permit from the Ministry of the Interior¹⁴⁰ – a process which can be arduous in its own right,¹⁴¹ as it is subject to the discretion of the Minister of the Interior and

¹³² See Residence and Foreigners’ Affairs Law, *supra* note 5, at 16(a) (stipulating “no Jordanian national or Jordanian company or body shall employ a foreigner unless he has a permit to reside in the Kingdom. This requirement shall not apply to experts called for a practical or technical purpose, provided that their period of engagement does not exceed three months”).

¹³³ *Id.*

¹³⁴ *Id.* at art. 35.

¹³⁵ See Labor Law, *supra* note 6, at art. 12.

¹³⁶ *Id.* at art. 12(1) (“Non-Jordanian workers shall only be employed upon authorization by the Minister, or his duly mandated representative, provided that the work they undertake requires expertise and skills unavailable or insufficient within the Jordanian workforce. In such cases, priority shall be given to Arab experts, technical specialists and workers”).

¹³⁷ *Id.* at art. 12(2). This article states that “the non-Jordanian worker shall obtain an employment permit from the Minister... before his recruitment or employment. Such work permits shall be valid for a maximum of one year and may be renewable on an annual basis.”

¹³⁸ *Id.* at art. 12(1).

¹³⁹ *Id.*

¹⁴⁰ See TRANSIT MIGRATION, *supra* note 131, at 19.

¹⁴¹ See discussion of residency permits, *supra* page 8. To be eligible for a residence permit, one must: (a) have an employment contract with a Jordanian employer, along with certification from the Ministry of Labor that his activities are not in competition with those of Jordanians, or (b) have certification of secure and lawful source of income, or (c) have the intention and approval to invest in the Jordanian economy, or (d) unique skills for which

requires a one-year work contract,¹⁴² a processing payment,¹⁴³ and often a bank security deposit.¹⁴⁴ Furthermore the potential employer must pay a fee before a work permit is issued.¹⁴⁵ Even in the rare instances where Iraqi employees and their Jordanian employers are willing and able to go through with this process, the application is still subject to the discretion of the Minister of Labour.¹⁴⁶ Employers who disregard these regulations face hefty fines.¹⁴⁷ Furthermore employees who violate the Labor Code are subject to deportation at the expense of their employer.¹⁴⁸

Employment of foreign workers is further regulated by the Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers.¹⁴⁹ This regulation requires employers seeking to employ non-Jordanians to submit various items before employing foreigners. Employers must submit an application describing the name of the business, its officers, locations, and directors; additionally the application must provide the name of the foreign employee, his nationality, and his profession.¹⁵⁰ This application must be supplemented by a myriad of documents, which include:

“(1) Two copies of the work contract; (2) Presentation of a valid vocational license of the establishment with a copy attached, or submitting a public works license and a land registration deed with an attached copy in case the employed worker is a cleaner in a building or villa, or submitting a recommendation from the concerned directorate of

there is no equivalent in the Kingdom. Residence permits are also granted for diplomats, disabled or minor dependents, and students.

¹⁴² Residence and Foreigners' Affairs law, *supra* note 5, at art. 26(a).

¹⁴³ *Id.* at art. 23.

¹⁴⁴ *Id.* at art. 27.

¹⁴⁵ See Labor Regulation Number 36 of the Year 1977 – The Regulation of Employment Permits Fees for Non-Jordanian Workers. This fee schedule reflects a preference for Arab workers, requiring them to pay lower rates than their non-Arab counterparts.

¹⁴⁶ See Labor Law, *supra* note 6, at art. 12.

¹⁴⁷ See Labour Law, *supra* note 6, at art. 12(5).

¹⁴⁸ *Id.* at art. 6.

¹⁴⁹ See Instructions for the Conditions and Procedures of Bringing and Employing Non-Jordanian Workers – Issued by virtue of the Provisions of Article (4) of the Employment Permits Fees Regulation for Non-Jordanian Workers No. 36 of the Year 1997, 4325 OFFICIAL GAZETTE 52 (Jordan), www.mol.gov.jo/Portals/1/employmente.pdf [hereinafter Conditions and Procedures].

¹⁵⁰ *Id.* at art. 4.

agriculture if he/she is an agricultural worker; (3) A copy of the worker's passport provided that it shall be valid; (4) A list issued by the General Social Security Corporation, indicating that all the employer's workers are subscribed in the social security and that all the subscriptions are paid by the date of submitting the application; (5) A copy of the projects and tenders undertaken by the employer, if any, indicating the entity referring these tenders to the employer; (6) A valid medical checkup certificate from one of the health centers that is approved by the Ministry of Health; (7) A photo of the worker; (8) The establishment form number 1 or a copy of the notification of its delivery to the directorate.”¹⁵¹

Should the application be approved, the employer must pay all work permit fees in advance.¹⁵²

Additionally, the employer is required to submit a bank guarantee of 300 JD (\$420 USD) for each Iraqi employee. The regulation further stipulates that “employing or renewing the employment permits of the non-Jordanian workers is carried out according to the needs of the work market sectors, taking into consideration the list of closed professions... in order to serve the policy of the gradual replacement of the non-Jordanian labour with the Jordanian.”¹⁵³

Iraqis are explicitly granted the right to work in an unpublished Prime Ministerial decree issued in early 2011.¹⁵⁴ This decree is directed at the Ministry of the Interior, the Ministry of Labour, and the Ministry of Planning and International Cooperation; it came in response to pressure from the international community. The decree grants the right to work to Iraqi refugees in certain circumstances,¹⁵⁵ but places many restrictions on the right to work: it is limited to certain sectors of the economy, and available only to those with residency who have obtained

¹⁵¹ *Id.*

¹⁵² *Id.* at art. 6.

¹⁵³ *Id.* at art. 10. The closed professions list includes “medical professions; engineering professions; administrative and accounting professions; clerical work including typing and secretarial work; switchboards, telephones and connections works; warehouses works; sales works, including all groups; haircutting works (coiffeur); decoration works; teaching professions, including all specialties except for the rare ones when there is no Jordanian available; fuel selling in main cities; electricity professions; mechanical and car repair professions; drivers; guards and servants; buildings servants.”

¹⁵⁴ *See* PM Decree, *supra* note 8.

¹⁵⁵ *Id.*

prior approval from the Ministry of Labour.¹⁵⁶ According to the law, those who have obtained approval from the Minister of Labour may work in the following capacities:

“(1) Medical and engineering professions, including doctors, laboratory technicians, radiographers, surveyors, people who do architectural drawings; (2) Educational professions, including university, college and private schools professors and teachers; (3) Service professions, such as hotel managers and restaurant supervisors; (4) Agricultural sector professions, such as florists, those who tame horses, and agricultural laborers; (5) Industrial sector professions, such as experts, technicians and factory workers; (6) Administrative professions, such as assistant production manager, financial managers, and financial consultants; (7) Sales professions, such as sales and procurement representatives; (8) All “non-restricted” professions allowed for foreign laborers.”¹⁵⁷

Significantly, the decree exempts Iraqi refugee workers from having to pay overstay fines, thus removing a substantial barrier to lawful employment.¹⁵⁸ Furthermore, it allows Iraqi refugees to work for Iraqi-owned businesses and other investment ventures benefitting from the Investment Promotion Law.¹⁵⁹

Lawful self-employment for non-Jordanian workers is governed entirely by the country’s Investment Promotion Law and its accompanying regulations.¹⁶⁰ Pursuant to these regulations, potential small business owners – or self-employed individuals – must have a minimum capital contribution of 50,000 JOD (\$70,000 USD).¹⁶¹ Additionally, they are limited in the types of business they can conduct¹⁶² and in their total ownership stake in certain types of business ventures.¹⁶³ In other words, the government requires that some sectors of the Jordanian economy have a minimum percentage of domestic ownership; this is the case with auto mechanic services,

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ Many Iraqi refugees have amassed a large amount of overstay fines, having remained in the country for several years without residency permits.

¹⁵⁹ The Investment Promotion law is described *infra*.

¹⁶⁰ Interview with Ministry of Labour Officials, in Amman, Jordan (Jul. 21, 2011).

¹⁶¹ See Regulation No. 54 for the Year 2000 Regulating Non-Jordanian Investments Regulation Issued Pursuant to Article 24 of the Investment Promotion Law No. 16 for the Year 1995, Art. 7; Promotion of Investment Law, art. 7 (Jordan), http://www.jordaninvestment.com/Portals/0/pdf_downloads/investment_promotion_law_no16_1995.pdf.

¹⁶² See Promotion of Investment Law, arts. 3, 4, &5 (Jordan),

http://www.jordaninvestment.com/Portals/0/pdf_downloads/investment_promotion_law_no16_1995.pdf.

¹⁶³ See *Id.* at arts. 4, 5.

for which the government limits foreign ownership to 50% of the capital invested in the company.¹⁶⁴ The process of investing in the Jordanian economy, or pursuing lawful self-employment, is streamlined by the Jordan Investment Board, which serves as a self-proclaimed “one stop shop” for foreign investment.¹⁶⁵

B. Issuance of Work Permits in Practice – No Right to Work for Iraqi Refugees

Despite written laws that theoretically provide work permits to Iraqi refugees, very few Iraqi refugees enjoy access to legal employment in practice.¹⁶⁶ Many aid personnel attribute this to the high barriers in place for the granting of work permits.¹⁶⁷ In fact, so few Iraqis are granted work permits on a yearly basis that many aid organizations have concluded there is *no* right to work for Iraqi refugees in Jordan. The *de facto* situation supports this assessment. More than 70% of Iraqi refugees are automatically disqualified from obtaining work permits because they do not have legal residency, which is a prerequisite for lawful employment.¹⁶⁸ When one considers the additional requirements for employers – bank guarantees, a one-year work contract, work permit fees, social security screening, etc. – it is unsurprising that so few Iraqis have legal employment. Additionally, the fact that domestic unemployment is so high, around 13.1%,¹⁶⁹

¹⁶⁴ See *Id.* at art. 3(b)(4).

¹⁶⁵ See JORDAN INVESTMENT BOARD, <http://www.jordaninvestment.com/default.aspx> (last visited Sept. 13, 2011).

¹⁶⁶ See Refugee Response Plan, 2011, *supra* note 1, at 49. See also EUI – RSCAS – CARIM – SELECTED TABLES – NON-JORDANIAN WORKERS HOLDING WORK PERMITS BY COUNTRY OF NATIONALITY AND ECONOMIC SECTOR, 1999 – 2009, <http://www.carim.org/index.php?callContent=59&callTable=1737> (last visited Sept. 13, 2011). In 2009, only 1,419 Iraqis had work permits.

¹⁶⁷ However, it is more likely a function of informal or secret government policy. The fact that only 1,419 Iraqi refugees had work permits in 2009 – compared to 240,012 Egyptians, 26,974 Indonesians, 20,636 Sri Lankans, all of whom were subject to the same process – strongly suggests such a policy. As noted above, the Minister of Labour and the Minister of the Interior exercise considerable discretion in granting work permits and residence permits, respectively. Among the aid personnel that the author spoke with, the consensus was that denials were a function of this ministerial discretion.

¹⁶⁸ See Regional Response Plan, 2011, *supra* note 1, at 49 (noting that only 30% of registered refugees have residence permits).

¹⁶⁹ See JORDAN DEPARTMENT OF STATISTICS, *supra* note 74. Recall that some estimates put this number much higher – around 30%.

means that there is a surplus of Jordanian workers to fill many vacant positions (workers who are not barred by legal and fiscal requirements like Iraqi refugees).

In practice, another major obstacle for Iraqis seeking to obtain work permits and residence permits involves Jordanian acceptance of Iraqi passports.¹⁷⁰ Following the fall of the Baathist regime, the Iraqi transitional government began issuing “S” passports. These passports were easily forged and, as a result, were not accepted by many countries, including Jordan.¹⁷¹ In response, the Iraqi government began issuing new “A” passports as of 2009, which are now accepted by Jordanian authorities.¹⁷² However, despite a streamlined process for obtaining the new passports at the Iraqi embassy in Amman, a majority of Iraqis do not have passports that are acceptable to Jordanian authorities.¹⁷³ This is problematic because “A” passports are required to obtain both residency permits and work permits.¹⁷⁴

As a result of the inability to procure work permits, many Iraqi refugees in Jordan have given up their job search. Of those Iraqis who stopped seeking employment in 2007, 46.7% of those polled listed “cannot get job without permit” as their main reason for stopping.¹⁷⁵ While Iraqi refugees are unable to secure legal employment, many have resorted to informal employment. UNHCR estimates that anywhere between 40 to 60% of Iraqi adults are working

¹⁷⁰ See LEGAL AID – JORDAN, INFORMATION ABOUT THE IRAQI PASSPORTS 1(2011).

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.* This is due to several factors. First, women must have the consent of their husband or guardian before they can obtain an updated passport. Second, the passport applications must be sent to Iraq for printing – a process that often causes long delays. Additionally, passport applications and supporting documents are sometimes lost. Third, there is “difficulty in issuance of passport type “A” if the previous passport holds the letters “M,” “N,” “H,” which was supposed to be amended to be type G first. Delay in amending such passports... into letter “G” creates an obstacle in issuance a new passport bears the letter “A.” [sic]. Also some of the Iraqis still think that there is no need to change the passports [sic] type “S” into “A”.

¹⁷⁴ *Id.*

¹⁷⁵ This statistic is even more striking when one considers that the survey included those who stopped looking for all employment, whether legal or illegal.

informally.¹⁷⁶ These individuals risk exploitation in the workplace, often in the form of unfair wages and unsafe working conditions. Many observers rightly attribute the dismal economic situation among Iraqi refugees to the lack of employment rights in Jordan. As a result of the inability to work legally, at least 40% of the registered Iraqis in Jordan live below the poverty line.¹⁷⁷

V. RECOMMENDATIONS FOR AID ORGANIZATIONS AND THE JORDANIAN GOVERNMENT

A. The Reality of the Situation

Because repatriation is currently impossible and the number of Iraqi refugees being resettled is decreasing steadily,¹⁷⁸ the majority of Iraqi refugees are likely to remain in Jordan for the short and middle term. Although it has been generous in providing for Iraqi refugees, the Kingdom has not fully accepted this reality. The country has refused to grant refugee status and accompanying rights to Iraqi refugees, leaving a substantial population with uncertain legal status¹⁷⁹ and few prospects for success in their host country. Although the reasons for Jordan's refusal to grant full rights to Iraqi refugees are compelling,¹⁸⁰ the country is only hurting itself through its actions. Its policies regarding work permits for the Iraqi population have effectively marginalized tens of thousands of people, who are now living in destitution. This has had

¹⁷⁶ See Regional Response Plan, 2011, *supra* note 1, at 49. Although those who work in formally can technically face deportation (See HUMAN RIGHTS WATCH, THE SILENT TREATMENT: FLEEING IRAQ, SURVIVING IN JORDAN 73 (2006), UNHCR reports that deportation of Iraqi refugees "is exceptional." See Regional Response Plan, 2011, *supra* note 1, at 48.

¹⁷⁷ *Id.* at 44.

¹⁷⁸ See U.N. HIGH COMMISSIONER FOR REFUGEES, STATISTICAL REPORT ON UNHCR REGISTERED IRAQIS AND NON-IRAQIS 9 (2011) (resettlement of Iraqi refugees in 2008, 2009, and 2010: 6,639, 5,462, 3,444, respectively).

¹⁷⁹ See Regional Response Plan, 2011, *supra* note 1, at 44 ("Because the various improvements in protection practices are not entrenched in a legal framework, Iraqis in Jordan do not feel secure. In participatory planning sessions, they express fear that practices could easily deteriorate depending on political relations between Jordan and Iraq, as well as flagging donor support").

¹⁸⁰ See discussion on reasons for curtailment of rights, *supra*.

profound effects on the country: (1) Jordan will likely see increased crime rates as destitute individuals turn to illicit activities to support themselves,¹⁸¹ (2) it will likely see public health issues arising from malnutrition and poor living conditions,¹⁸²(3) it has wasted massive amounts of human capital,¹⁸³ and (4) forgone revenue in the form of income tax, work permit fees, and residence permit fees.¹⁸⁴

Another reality, which must be faced by the Jordanian government and the international aid community, is that international aid money for Iraqi refugees in Jordan is decreasing rapidly.¹⁸⁵ This is a function of the economic downturn, as well as decreased international media attention toward the plight of Iraqi refugees. The decrease in aid money will have a drastic effect on the way that aid is administered – programs will be cut, and NGOs will likely push for more local integration of Iraqi refugees.¹⁸⁶ The decrease in aid will also have an effect on the Jordanian economy, which has benefitted greatly from international aid over the years.¹⁸⁷ No longer can the Kingdom rely on billions of dollars of international aid money to prop up its infrastructure and augment its social service programs.

B. Coordination Between Different Aid Organizations

Due to decreased funding for aid projects helping Iraqi refugees in Jordan, the international aid community must be more judicious with its resources. UNHCR, to its credit,

¹⁸¹ See WOMEN'S COMMISSION FOR REFUGEE WOMEN AND CHILDREN, IRAQI REFUGEES IN JORDAN: DESPERATE AND ALONE 1 (2007). As of 2007, there were already reports of women turning to prostitution to support themselves.

¹⁸² See Adam Coutts, *The Hidden Injuries of Iraqi Refugees*, AL JAZEERA ENGLISH, <http://english.aljazeera.net/indepth/opinion/2011/06/201161145151506146.html> (Jun. 3, 2011). Many of these public health issues have already arisen among the Iraqi refugee population in Jordan.

¹⁸³ See Chatelard, *supra* note 14, at 8.

¹⁸⁴ *Id.*

¹⁸⁵ Regional Response Plan, 2011, *supra* note 1.

¹⁸⁶ That is, they will put more pressure on the Jordanian government to incorporate Jordanians into existing local programs. See Regional Response Plan, 2011, *supra* note 1, at 1 (“It is now more vital than ever for the humanitarian community to work with host countries and donor government and ensure that the asylum space is preserved, and basic needs responded to”).

¹⁸⁷ See Seeley, *supra* note 19. Over the past decade, the country has received over \$1 billion USD from the United States *alone*. When one considers that Jordan's GDP at the start of the Iraq war was only \$10.198 billion, one can see the magnitude of this international aid.

has taken great steps to act as a clearinghouse for aid provision in Jordan. Its Regional Response Plan (RRP) seeks to coordinate the activities of aid organizations in an effort to maximize efficiency.¹⁸⁸ In addition, UNHCR has instituted a computerized database called the Refugee Assistance Information System (RAIS), which seeks to identify vulnerable Iraqi refugees, and prevent the duplication of services.¹⁸⁹ However, these resources are effective only to the extent that aid organizations in Jordan use them.¹⁹⁰ For the sake of maximum efficiency, and the overall benefit of Iraqi refugees, aid organizations should use these resources to coordinate their efforts. Additionally, they should follow the suggestions of the Regional Response Plan.

i. The Refugee Response Plan

The most realistic solution at the present time is to resettle the most vulnerable Iraqi refugees – those who have no source of livelihood – while enlarging the protection space for the rest until they can be repatriated.¹⁹¹ This is the solution contemplated by UNHCR’s Regional Response Plan.¹⁹² To implement this solution, UNHCR must take care that those who are not employable in Jordan and who do not have large amounts of residual wealth from Iraq will be resettled; other aid organizations must focus on expanding the protection space for the majority that will not be resettled.¹⁹³ It is important, therefore, to first identify who among the refugee population is employable.

ii. Ideal Candidates for Resettlement – Middle Class with Bachelor’s Degree

¹⁸⁸ See generally Regional Response Plan, 2011, *supra* note 1.

¹⁸⁹ *Id.* at 44.

¹⁹⁰ Although UNHCR has not publically released detailed reports of RAIS utilization, a 2010 report noted that “more than 30 implementing and operational partners subscribed to RAIS in Jordan.” See U.N. HIGH COMMISSIONER FOR REFUGEES, 2010 UNHCR GLOBAL REPORT 177, 179 (2010).

¹⁹¹ See Chatelard, *supra* note 14, at 12 (“For those refugees who will not or cannot benefit from third-country resettlement, and who cannot go back to Iraq, the only durable solution is to be able to move from the unstable category of ‘guests’ or ‘Arab brothers’ into a legal regime for aliens in the host country that will allow them access to stability and rights, particularly the right to work”).

¹⁹² See generally Regional Response Plan, 2011, *supra* note 1.

¹⁹³ Recall that resettlement is an option only for a fraction of refugees.

A look at the relevant data regarding employment in Jordan and wealth among Iraqi refugees reveals that the most ideal candidates for resettlement are educated middle class individuals. The middle class “is left in the most difficult [financial] situation as it is most dependent on transfers from Iraq.”¹⁹⁴ This subset of the population is less dependent on income from employment (either self-employment or otherwise) than any other.¹⁹⁵ Unlike the lower class, which has higher employment rates, and the upper class – which has higher self-employment rates and income from investment – middle class individuals often have no steady source of income other than remittances from Iraq.¹⁹⁶ This is unlikely to change for those in the middle class who are educated: of all the work permits granted in Jordan, only one-half of one percent are granted to those with bachelor’s degrees or higher.¹⁹⁷

Not surprisingly, this vulnerable subset of the population has a strong desire to resettle. The Fafo study found that 30.8% of the middle class has plans to emigrate to a third country, compared to 21.0% of the overall population.¹⁹⁸ Furthermore, educated middle class individuals are attractive candidates for citizenship in countries of resettlement; as such, they will likely be accepted should they apply for resettlement through UNHCR. These qualities increase their attractiveness as priorities for resettlement.

iii. Increase Protection Space Until Others Can Be Repatriated

¹⁹⁴ See FARAH THALJI, *supra* note 24, at 9.

¹⁹⁵ See Fafo Report, *supra* note 18, at 13 (“The type of income sources that households depend on varies between the different sub groups of Iraqi households. The poorest households are more dependent on income from employment, whereas the more wealthy households have a higher dependency on income from self employment and on transfers from Iraq. The middle wealth groups are the ones that have the least income from employment and are hence the most dependent on transfers from outside the household”).

¹⁹⁶ *Id.*

¹⁹⁷ See EUI – RSCAS – CARIM – SELECTED TABLES – NON-JORDANIAN WORKERS HOLDING WORK PERMITS BY ECONOMIC SECTOR AND LEVEL OF EDUCATION, 1999 – 2009, <http://www.carim.org/index.php?callContent=59&callTable=1739> (last visited Sept. 13, 2011). Across the board – including formal and informal employment – unemployment rates are highest for those Iraqi refugees with bachelors degrees. See Fafo Report, *supra* note 18.

¹⁹⁸ See Fafo Report, *supra* note 18, at table 2.12.

Those who are able to provide for themselves – whether through income from employment, self-employment, or investment – should not be priority candidates for resettlement.¹⁹⁹ Rather, aid organizations should help these people by enlarging the protection space within Jordan. As discussed in the subsequent sections, this should be done through diplomatic efforts, as well as through development programs. Out of respect for the desires and sovereignty of the Jordanian government, this should be a temporary measure until repatriation to Iraq can be effected on a large scale.

In its drive to expand protection space, the international aid community should focus on the right to work for Iraqi refugees. This is the most important area for aid efforts because it affects every other facet of life for Iraqi refugees.²⁰⁰ Thus, money spent on work for Iraqi refugees is money well spent because it indirectly helps them provide their own basic services: healthcare, nutrition, housing, etc. Furthermore, employment in Jordan will provide Iraqi refugees with valuable skills and experience that they can take back to Iraq when they eventually repatriate.²⁰¹ In the realm of employment, the most effective endeavors for international aid organizations are those which create jobs (*see* Section D, *infra*).

C. Diplomatic Efforts: the 3-Pronged Approach

Given the current realities surrounding aid implementation in Jordan “it is now more vital than ever for the humanitarian community to work with host countries and donor governments and ensure that the asylum space is preserved, and basic needs responded to.”²⁰² The international aid community must engage the Jordanian government in an effort to extend the

¹⁹⁹ Though UNHCR should grant priority resettlement to other individuals as the situation warrants. For example, in cases where it would reunite a family or help someone with illness or disability.

²⁰⁰ *See* WHITMAN, *supra* note 116, at 34.

²⁰¹ This is important, as the Fafo study indicates that 59.4% of Iraqi refugees did not work prior to coming to Jordan. *See* Fafo Report, *supra* note 18, at table 2.42. *See also* Chatelard, *supra* note 14.

²⁰² Regional Response Plan, 2011, *supra* note 1, at 1.

right to work to Iraqi refugees. Diplomatic efforts should take a three pronged approach: (1) help the Jordanian government realize that its economy and society will benefit from Iraqi labor, (2) offer solutions to mitigate some of the government's fears about extending the right to work to Iraqi refugees, and (3) condition aid money on real improvements in protection space.

i. Jordan Can Benefit from Allowing Iraqi Refugees to Work

The protection space afforded to Iraqi refugees “is as much a result of economic and geopolitical calculations by host governments as the effect of humanitarian assistance.”²⁰³ For this reason, it is important to convince the Jordanian government that allowing Iraqi refugees to work aligns with the Kingdom's interests. This is not a hard task because Jordan will likely benefit from allowing Iraqis to work: it can collect tax revenue from those who are currently working informally, meet the demands of its labor market, and avoid deleterious effects resulting from marginalization of a minority population.

Certain sectors of Jordan's economy are in need of foreign labor. The majority of available jobs in Jordan are low-skilled and low-wage jobs.²⁰⁴ According to economic observers, “unemployed Jordanians refuse to accept the majority of the mundane jobs made available to them out of embarrassment and shame.”²⁰⁵ Consequently, these jobs must be filled by foreign workers. Therefore, the Jordanian economy has a demand for *foreign workers* in low-skilled, low-wage jobs: childcare, restaurant/food production, sewing, tourism/hospitality (dishwashing, housekeeping, laundry).²⁰⁶ This fact is confirmed when one examines the provision of work permits in the Kingdom. The vast majority of work permits were granted to foreign workers in four sectors of the economy: agriculture, construction, social and personal services, and

²⁰³ See Chatelard, *supra* note 14, at 2.

²⁰⁴ See WOMEN'S REFUGEE COMMISSION, *LIVING IN LIMBO: IRAQI YOUNG WOMEN AND MEN IN JORDAN* 6 (2009).

²⁰⁵ See EUROPEAN TRAINING FOUNDATION & NATIONAL CENTER FOR HUMAN RESOURCES DEVELOPMENT, *ETF STUDY: LABOR MARKET FUNCTIONING – THE CASE OF JORDAN*, 38 (2008).

²⁰⁶ See WOMEN'S REFUGEE COMMISSION, *supra* note 206, at 8.

manufacturing.²⁰⁷ Iraqi refugees, particularly those who do not possess unique and marketable skills, could easily fill these job openings, thereby meeting the demands of the Jordanian labor market.

If the Jordanian government grants the right to work to Iraqi refugees *in practice*, it can thwart the deleterious effects arising from marginalization of this population. Many Iraqis who might have otherwise contributed to the Jordanian economy have not been permitted to carry out productive economic activities. They have become only consumers, not producers. Additionally, Jordan has forgone untold sums of tax revenue through its policies on work permits for Iraqi refugees. As it stands right now, anywhere between 40 to 60% of Iraqi refugees in Jordan are working informally.²⁰⁸ Because this employment is informal, and thus unreported, the government does not derive income tax revenue from it. Were the government to change its practices, it could capitalize on this source of revenue, as well as on fees for work and residence permits. It is important to note that such a shift toward allowing lawful work for Iraqi refugees would not be a big transition for the government, which *already tolerates employment and self-employment in practice*.²⁰⁹ The government is aware of vocational training programs, which strive to provide Iraqis in Jordan with self-employment (that is almost always unregistered). It

²⁰⁷ See EUI – RSCAS – CARIM – SELECTED TABLES – NON-JORDANIAN WORKERS HOLDING WORK PERMITS BY COUNTRY OF NATIONALITY AND ECONOMIC SECTOR, 1999 – 2009, <http://www.carim.org/index.php?callContent=59&callTable=1737> (last visited Sept. 13, 2011). In 2009, only 1,419 Iraqis had work permits.

²⁰⁸ See Regional Response Plan, 2011, *supra* note 1, at 46.

²⁰⁹ See UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES POLICY DEVELOPMENT AND EVALUATION SERVICE, SURVIVING IN THE CITY: A REVIEW OF UNHCR'S OPERATIONS FOR IRAQI REFUGEES IN URBAN AREAS OF JORDAN, LEBANON, AND SYRIA 55 (2009) ("While it is not unknown for Iraqis to be apprehended and detained for working illegally in Jordan, Lebanon and Syria, the authorities and local populations generally turn a blind eye to this phenomenon").

tolerates these programs, and turns a blind eye toward all informal work by Iraqi refugees.²¹⁰ In effect then, it currently allows Iraqis to work without collecting tax revenue on their earnings.²¹¹

Jordan could also avoid additional long-term effects in the realms of national security and public health. UNHCR estimates that *at least* 40% of registered Iraqi refugees live below the poverty line.²¹² Poverty among the population leads to “negative coping mechanisms, such as cutting health and food expenses, removing children from school, or sharing crowded and unhealthy accommodations.”²¹³ These coping mechanisms are a cause for concern, as they may lead to chronic ailments among the Iraqi population.²¹⁴ Thus, economic marginalization may present public health problems in the future. Additionally, increased dropout rates and widespread poverty may have significant crime and safety implications in the future. Some Iraqi refugees, who have been economically marginalized within the Kingdom, may eventually turn to crimes such as prostitution and theft as a means for survival. Still others may fall prey to extreme ideologies and terrorism.

ii. Mitigating the Government’s Fears

One reason the Jordanian government is reluctant to allow Iraqi refugees to work *in practice* is high domestic unemployment. The government has two worries with regard to domestic unemployment: first, that available jobs are best filled by Jordanian workers, and second, that it would risk a severe backlash from unemployed Jordanians if it allowed Iraqis to work. The international aid community can allay the first of these concerns by pointing out the

²¹⁰ *Id.*

²¹¹ And in so doing, relegates Iraqis to low-paying jobs that often subject them to exploitation and abuse without any legal recourse. *See* LIVING IN LIMBO, *supra* note 206, at 6.

²¹² *Id.* at 44.

²¹³ Chatelard, *supra* note 14, at 2.

²¹⁴ *See* Refugee Response Plan, 2011, *supra* note 1, at 45 (“Many refugees compromise both the quantity and quality of their nutrition as a financial coping mechanism, creating more health-related issues”).

unmet demand for foreign labor, especially for lower-skilled jobs. Additionally, it can mitigate these fears by proposing a strategy for job creation (see discussion in part D, *infra*).

To mitigate fears about a backlash among the population, the international aid community should convince the government to adopt a semantic change. For example, the government could introduce “internship permits” (or similar term) for Iraqi refugees, which confer the same rights as work permits but have a different title.²¹⁵ Allowing Iraqi refugees to have “internships” rather than “work” would likely stave off any backlash from the Jordanian population. Like work permits, internship permits could be renewable on a one-year basis and available only to those with residency permits. This would incentivize Iraqis to register with the Jordanian government, and would be a good source of revenue for the Jordanian government. The international community could subsidize such a system for Iraqi refugees by paying their registration fees, and the registration money could be paid into a fund for job creation within the Kingdom. Such an arrangement would likely allay the Jordanian government’s fear of a backlash among the population.

Another fear making the Jordanian government reluctant to provide work permits to Iraqi refugees *in practice* is that Iraqis will end up like the Palestinian population in Jordan, becoming a permanent presence within the country. The international aid community must mitigate this fear by pointing out the primary difference between Palestinian refugees and Iraqi refugees: Iraqis have an internationally recognized state to which they can return. Once the security situation in Iraq improves to a point where refugees can be safely returned, Jordan can enforce its immigration laws. At that time, it will not be barred by international law from returning Iraqi refugees to their home country.

iii. Condition Aid Money on Real Improvements in Protection Space

²¹⁵ In the Middle East, titles are very important. As such, this distinction, though minor, could have a strong effect.

Jordan has benefitted greatly from the influx of international aid money over the past decade: “with aid earmarked for Iraqi refugees, donor countries have already largely contributed to improving infrastructures in Jordan and Syria, particularly in the health and education sectors.”²¹⁶ However, international donors have not attached any conditions to their donations; in so doing, they have missed an opportunity to increase the protection space for Iraqi refugees. Additional donations should be conditioned on real improvements in the protection space. To this end, donors should demand that more work permits are granted to Iraqi refugees.²¹⁷ Having drastically improved Jordanian infrastructure, these donors have a right to condition further aid on such improvements. Were it to do this, the international community could likely secure substantial gains for the status of Iraqi refugees in Jordan.

Donor entities, especially the US and EU, should condition further aid money on reduced barriers to self-employment. The Jordanian government can make self-employment more accessible by reducing capital contribution requirements, which are currently around \$70,000 USD. Furthermore, donor countries should encourage the Jordanian government to allow financing schemes like microcredit,²¹⁸ which will make self-employment a much more accessible option for Iraqi refugees. Reducing these barriers would be a small concession from the Jordanian government that could go a long way toward improving the status of Iraqi refugees. The US and EU should use diplomatic efforts in their provision of aid money to ensure that such changes are undertaken.

²¹⁶ Chatelard, *supra* note 14, at 5.

²¹⁷ This is especially true of the US and the EU, who are two of the biggest donors in Jordan (and who have a close working relationship with the country). Were these two donors to place conditions on their provision of aid, the Jordanian government would likely make concessions (it is increasingly dependent on these two donors for infrastructure improvement, etc.).

²¹⁸ Microcredit financing is not currently available to Iraqi refugees. See WOMEN’S REFUGEE COMMISSION, *supra* note 206, at 6.

In addition to conditioning donations on increases in the protection space, international donors should push for more transparency from the Jordanian government. As it stands, laws regarding lawful work for Iraqi refugees are far from clear. This obscurity is perpetuated by the promulgation of unpublished laws and regulations such as the Prime Minister's Decree. When laws are unclear to all actors involved, they do not have their intended effect – in this case, Iraqi refugees cannot enjoy protections granted to them by the Prime Minister's decree because they do not know about it. International donors should attempt to alleviate this problem of transparency by conditioning further donations on governmental disclosure of information regarding work permits. In addition, international donors should push for a point of contact within the relevant ministries; that is, a person who is can facilitate refugee access to the labor market.

D. Job Creation – Shift from Humanitarian Aid to Development

Thus far, the vast majority of aid money coming into Jordan has been for emergency humanitarian programs. As AVSI's study on Iraqi needs revealed, this focus on humanitarian agendas – rather than long-term development ones – often limits the efficacy of programs designed to help Iraqi refugees.²¹⁹ According to aid providers, the short-term nature of the programs, along with donor guidelines and requirements, prevents them from implementing ideal programs.²²⁰ This is especially true in the realm of vocational training, where donors often measure the efficacy of programs in terms of people reached instead of in terms of sustainable livelihoods.²²¹ As noted scholar on refugees in Jordan, Geraldine Chatelard, has explained: “it is

²¹⁹ See discussion *infra* regarding AVSI's study.

²²⁰ See WHITMAN, *supra* note 4, at 28.

²²¹ Vocational training programs suffer from another fundamental flaw, in that they must cater to diverse demographics, with differing skills and physical abilities. As many of the programs require physical strength, they cannot include people with disabilities. Furthermore – because they must cover a broad range of people – the courses must teach the same skill to people of varying educational backgrounds, knowledge, and abilities. *See Id.* at 19.

time to acknowledge that the Iraqi refugee situation is not a humanitarian crisis, although there may remain some humanitarian needs, and to shift approaches and funding mechanisms towards meeting the mid- to long-term needs of the refugees and their host populations.”²²²

When applied to the issue of working rights for Iraqi refugees, this means that international actors must change the debate: the international community needs to focus efforts beyond work permits to job creation. Although the Jordanian economy needs foreign labor for lower skilled, low-wage jobs, there is no such demand for those with education and skills. For these people, who make up a significant portion of the Iraqi refugee population,²²³ work permits are of little utility. There is no use for work permits when there are no jobs. Therefore, as part of its shift to a development agenda, the international aid community should focus on job creation, which is the only way to ensure sustainable livelihoods.

Job creation should be inclusive of the Jordanian population; that is, jobs created by aid organizations should go to Iraqi refugees and Jordanians alike. The approach must be comprehensive, with legal services offered to help Iraqis attain lawful residence and permission to work within the country. Furthermore, the programs must be cognizant of the skill level of the employees, thus ensuring that their skills are utilized to the fullest extent possible. Most importantly, however, these programs must provide a reliable source of income as well as valuable work experience to the Iraqi refugee population. Because such programs would create jobs for Jordanian nationals, as well as generate increased tax revenue for the Kingdom, they would likely be welcomed by the government.

One potential method of job creation, which can be undertaken by aid agencies in Jordan, is an internship/apprenticeship program. Under such a program, aid organizations would offer

²²² See Chatelard, *supra* note 14, at 13.

²²³ See Fafo Report, *supra* note 18.

“internships” to Iraqi refugees. The aid organization would take the steps to secure residency for the refugee by helping him fill out paperwork and paying the necessary fees for a residency permit. In the meantime, the refugee would learn a new skill – preferably a skill in high demand on the Jordanian labor market such as tailoring or cooking.²²⁴ Once he acquired a residence permit, the aid organization would help him to attain a work permit so he could get lawful full-time employment within the Kingdom.

A similar method was embraced by AVSI - Jordan, which embarked to create jobs by starting a bakery in Zarqa in early 2011. Although the bakery was not fully functional at the time of publication of this report, the plans for its operation are illustrative. This bakery will be staffed by vulnerable Jordanians and Iraqi refugees; initially, Iraqis will work in an “internship” capacity, receiving stipends until they can gain legal status and work full time. Their internship period will provide them with the skills required to work in a bakery, as well as practical workplace knowledge that comes only from real work experience. This endeavor will be more beneficial than traditional vocational training programs because it provides Iraqi refugees with a means to use their new skills: it is sustainable because it actually gives jobs to Iraqi refugees, while simultaneously helping them improve their legal status.

A similar scheme is employed by a BPRM-funded program in Lebanon called the Entrepreneurship for Refugees Program. Through this program, BPRM’s implementing partner (International Relief and Development - IRD) assumes residence visa costs for Iraqi refugee participants.²²⁵ Lebanese employers hire these refugees as apprentices, who are compensated at

²²⁴ See WOMEN’S REFUGEE COMMISSION, *supra* note 204, at 8. Information about needs of Jordanian labor market also taken from interview with Ministry of Labour officials, in Amman, Jordan (Jul. 21, 2011).

²²⁵ See *What We Do: Programs at International Relief and Development*, INTERNATIONAL RELIEF AND DEVELOPMENT, http://www.ird.org/what/programs/lebanon_efr.html (Sept. 15, 2011).

“apprentice rates” and subsidized for a three-month period by IRD.²²⁶ According to IRD “this creates a win-win situation whereby the Iraqi gains business skills, earns an income, and has legal status for one year, while the Lebanese business owner has a dedicated apprentice at a low cost.”²²⁷ Although the results of this program are not yet clear, it – like the AVSI program mentioned above – represents a shift to a more sustainable approach that will likely produce great benefits for the Iraqi refugee population in the future.

VI. CONCLUSION

Because they have no access to legal work in practice, at least 40% of Iraqi refugees in Jordan are living below the poverty line.²²⁸ Many of those who fled to Jordan came with bachelor’s degrees and savings accounts – after an extended stay without work, they are now destitute. Their poor economic condition – which is attributed to their lack of lawful employment opportunities – affects every aspect of their lives. They cannot afford basic services such as adequate nutrition, healthcare, housing, etc. Because repatriation is not an option and resettlement is available only to a minority of the population, most Iraqi refugees will remain in Jordan at least until the security situation in Iraq improves.

Jordan must accept the reality of the situation and allow greater access to legal employment for Iraqi refugees. In doing so, it can harness vast amounts of human capital, which until now it has forgone. Additionally, the Kingdom can capitalize on potential revenue from income, work permit fees, and residency fees for Iraqi refugees. Granting the legal right to work to Iraqis need not lead to a permanent stay; the provision of livelihood opportunities can be

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ See Regional Response Plan, 2011, *supra* note 1.

temporary until Iraqis can return to their homeland. It will also help the Kingdom to avoid the negative effects that attendant with widespread poverty among this vulnerable population.

In helping the Kingdom to accommodate its Iraqi “guests,” the international community must transition from a short-term humanitarian agenda to a long-term development one. Aid organizations must work with the Jordanian government to boost its economy by creating jobs that benefit Jordanians and Iraqis alike. In the face of large decreases in funding, job creation is the only sustainable solution to the economic problems faced by Iraqi refugees in Jordan. In addition, further international aid must be conditioned on real status improvements for Iraqi refugees within the Kingdom. These status improvements should not be merely changes in the written law, but changes in the way the law is implemented and practiced: that is, changes in practice not in theory.