



Country Report

JORDAN

D4.5 Final Country Reports

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Executive Summary

- Jordan is a key country in the international refugee system, hosting the second highest number of refugees per capita in the world according to the United Nations High Commissioner for Refugees (UNHCR). Jordan's population of approximately 10 million includes more than 2 million registered Palestinian refugees, and over 750,000 registered persons of concern to UNHCR. This report explores the interrelated questions of status, vulnerability and working rights for those seeking international protection in Jordan, focusing on those populations that are potentially of concern to UNHCR.
- The vast majority of registered persons of concern to UNHCR are Syrians (at approximately 650,000), with a substantial Iraqi population, and notable populations of Sudanese and Yemeni protection seekers. The term protection seekers is used in this report to encompass all those who seek international protection, who may be unregistered, may hold asylum seeker certificates, or may be recognised as refugees. In total, Jordan hosts registered people of concern to UNHCR of 57 nationalities, although those who are not Iraqi, Sudanese, Syrian or Yemeni make up around 0.3% of the total - approximately 2,200 people (UNHCR, 2020).
- This report is based on desk-based research and online and in-person in-depth interviews with a range of humanitarian, (I)NGO, civil society, diplomatic and governmental actors in Jordan, as well as two group interviews with Syrian protection seekers. 15 online interviews took place in 2021, as well as 2 in 2022. Over 5 weeks in March and May 2022 13 people were interviewed in-person, as well as two group interviews with 5 Syrian men and 13 Syrian women were undertaken, along with a range of meetings with and visits to relevant entities in Jordan.
- Jordan is not a signatory to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol. It has nevertheless signed a 1998 Memorandum of Understanding (MoU) with UNHCR (amended in 2014), which facilitates UNHCR's now large-scale presence in the country (Government of Jordan and UNHCR, 1998). The MoU incorporates significant aspects of the Refugee Convention, however the MoU is largely unenforced, and has in large part been superseded by other governmental decisions. It therefore in important ways bears little relation to practices on the ground, especially in the wake of the large-scale movement of Iraqis and Syrians to Jordan.
- In practice, refugee recognition processes differ for different nationalities of protection seekers, based on a combination of changing UNHCR and government policies. While a de



facto prima facie recognition system is in place for Syrians in Jordan, other nationalities, notably Iraqis, have been subject to an array of changing laws and regulations. In recent years government policies have progressively narrowed the space available for those who are not from Syria to seek international protection in Jordan. Like in many areas of the refugee response in Jordan, the precise regulations governing refugee recognition are often opaque, and their implementation varied.

- The differential treatment of various nationalities of protection seekers – in areas ranging from refugee registration to refugee status determination to labour market participation to access to aid programmes – highlights the clear need for a ‘one refugee approach,’ which prioritises according to needs not nationality. While there has been some, albeit limited, progress toward this goal, and some organisations work successfully with a range of nationalities, much work remains to be done.
- Humanitarian organisations and NGOs have increasingly relied upon assessments of ‘vulnerability’ to understand the needs of populations of concern, and to target their resources to those who are deemed ‘most vulnerable.’ The concept of ‘vulnerability’ is also increasingly used to describe the needs of Jordanian host communities. Multiple organisations, including UNHCR, World Food Programme (WFP) and CARE International, undertake large-scale, quantitative assessments in Jordan.
- For Syrians registered with UNHCR living in non-camp settings, these efforts have for several years been concentrated around the Vulnerability Assessment Framework (VAF), which has recently been expanded to include Syrians living in camps, and protection seekers of other nationalities in Jordan. VAF is centred on a predicted expenditure welfare model, but also includes other factors such as coping strategies, education, food security, health, shelter and WASH (water, sanitation and hygiene). VAF ‘scores’ are used to determine eligibility for many programmes and humanitarian assistance, and as part of the process of finding eligible candidates for resettlement.
- The research outlined in this report demonstrates that there is an important unclarity about the very nature of ‘vulnerability,’ and that there might be fundamentally different understandings – among humanitarian workers and between humanitarian workers and protection seekers – about what humanitarian programmes are seeking to address, and on what basis targeting and prioritisation takes place.
- Furthermore, given the challenges of translating the concept of ‘vulnerability’ into Arabic (as well as other key terms in humanitarianism), this analysis raises important questions about the continued dominance of the English language within humanitarianism. Such a



dominance, this report suggests, is not only exclusionary, but also runs firmly counter to the professed commitment to 'localization,' which could and should include the greater use of 'local' terminology and concepts.

- Many protection seekers' needs are shaped by their (lack of) access to the labour market. In Jordan prior to 2016, it was technically possible, although in practice very rare, for protection seekers to obtain work permits. However the Jordan Compact, a 2016 high-level agreement between the Government of Jordan (GoJ) and its donors, opened the door to work permits for Syrian protection seekers (but not other nationalities) on a large scale (see Government of Jordan, 2016).
- While the Jordan Compact might be seen as in line with one of the key goals of the Global Compact for Refugees (GCR) – to enhance refugee self-reliance – the scheme clearly fails to adhere to the goal of providing access to livelihoods without discriminating among refugees, as outlined in the New York Declaration for Refugees and Migrants (see United Nations, 2018).
- The Compact has, however, led to the issuing of over 320,000 work permits for Syrians (UNHCR, 2022a), a range of reforms to Jordan's labour market, and changes to the Rules of Origin arrangements that apply to Jordanian exports to the EU. Nevertheless, numerous challenges have been encountered in the implementation of the Compact, including the exclusion of large numbers of mostly professional sectors, the relatively low numbers of permits issued to Syrian women, and the exclusion of protection seekers who are not Syrian.
- In the seven years since the Jordan Compact was agreed, it has in large part become a programme for the formalisation of the labour market through the issuance of work permits. The focus on formalisation, and the high targets for work permits set by donors, has led to work permit numbers becoming a central focus of the Jordan Compact, arguably displacing the more important and fundamental goal of providing decent work that enables meaningful self-reliance.
- In the attempts to increase the number of work permits issued, new categories of work permits have been created. While in many cases these permits have been welcomed by Syrians, the working conditions for those holding them are in many respects often similar to the working conditions in the informal economy for those without permits.



- While progressive reforms have attempted to make it easier for Syrians to access work permits – with some success - other nationalities in Jordan holding a UNHCR asylum seeker certificate must, according to a government edict, give up their asylum seeker certificate if they wish to obtain a work permit.
- The COVID-19 pandemic caused extensive damage to the Jordanian economy, including by increasing already high rates of unemployment, but nonetheless state aid appears to have offered a key incentive for Syrians to regularize their businesses since 2020. For many actors, the pandemic has highlighted the continued need for a focus on self-reliance and livelihoods within the context of a humanitarian-development nexus, while also demonstrating the precarity of many protection seekers' situations.



Introduction

This report explores status, vulnerability, and rights for people seeking international protection in the Hashemite Kingdom of Jordan (Jordan). It examines how they become recognised as asylum seekers and refugees (or not), the role that vulnerability plays in asylum governance, and the extent to which people seeking international protection meaningfully have the right to work, which is a right that provides an important litmus test for protection standards. It is focused on Syrian, Iraqi, Sudanese and Yemeni protection seekers (i.e. the nationalities that potentially fall under UNHCR's mandate and are present in Jordan in the largest numbers).¹

It will firstly outline how asylum and refugee status determination procedures are conducted, and the legal frameworks governing asylum in Jordan. It will highlight in particular the differing statuses and legal situations of protection seekers of different nationalities, restrictions on access to the asylum system – especially for Iraqis, Sudanese and Yemenis - and how norms and practices around refugee status determination procedures have developed. Subsequently, it will examine how vulnerability assessments are a key tool deployed by humanitarian actors to deal with a situation in which protection seekers have needs that vastly outstrip the resources available to organisations working with them. With a particular focus on UNHCR's Vulnerability Assessment Framework (VAF), it examines how large-scale quantitative tools are central to programmatic targeting, even though the underlying meaning of vulnerability is deeply contested among and between humanitarian actors. Finally, it will examine working rights, with a focus on the Jordan Compact. The Compact is an agreement that came into force in early 2016, and which offered Syrians with an asylum seeker certificate (widely referred to as 'Syrian refugees', a convention I follow in this report), but only Syrian refugees, access to the formal labour market. The Compact predates, but is very much in line with, the policy priorities outlined in the GCR. This report will examine the achievements, exclusions and challenges of the Compact, both before and since the onset of the COVID 19 pandemic. While the pandemic has had dire consequences for the Jordanian economy and for many protection seekers living in Jordan, it has also had some perhaps unexpected consequences in terms of

¹ The term protection seekers is used in this report to encompass all those who seek international protection. Protection seekers may or may not be registered with UNHCR, hold asylum seeker certificates, or be recognised as refugees.



livelihoods, for example by inadvertently encouraging Syrian refugees to formalise their businesses.

Methodology

This report is based on desk-based research and fieldwork undertaken in spring/summer 2021 and 2022. In 2021 15 in-depth interviews were conducted with key informants working for a range of civil society organisations, (I)NGOs, humanitarian organisations, and UN agencies in Jordan. The interviews took place between March and July 2021, and were all conducted online (on either Zoom or Teams), due to the regulations and practical restrictions resulting from the COVID-19 pandemic.² These interviews resulted in the ASILE *Interim Country Report: Jordan* (see Turner, 2022).

To further this research in March and May 2022 five weeks of fieldwork was conducted in Jordan, which included in-depth interviews with 13 people working in the refugee response, two group interviews with 18 protection seekers, as well as over 20 relevant meetings and visits to entities such as refugee community centres. This in-person fieldwork focused on conducting interviews with those who it had not been possible to meet online, and importantly included interviews with two government ministries (Ministry of Labour and Ministry of Interior), officials from donor embassies, as well as further interviewees from international NGOs. It was also an opportunity to further develop lines of inquiry that emerged from the initial online fieldwork in 2021. The in-person fieldwork was followed up by an online interview with two people in October 2022. The non-Syrian interviewees included 15 Jordanians interviewees and 15 non-Jordanians. 14 of the interviewees were men and 16 were women. Of these interviewees, four requested the interview be used for background information, and thus they are included in the list of interviews provided in the annex, but not cited in the report.

Two group interviews were conducted with Syrian refugees in Jordan – one group of men (5) and one group of women (13). These group interviews were organised in collaboration with the Danish Refugee Council (DRC), an ASILE Project partner, and involved those

² See Annex 1 at the end of the Report for further details on interviewees and the terminology used to describe them.



already participating in relevant DRC programmes. Group interviews provided the opportunity for an exchange of a range of views and experiences on the topics under discussion, while also providing an environment that is arguably less pressurised than one-on-one interviews, particularly in a context where there is extensive ‘research fatigue’ among some populations. In addition, in September 2022, the interim findings of the research were presented at an ASILE Task Force meeting, organised by DRC and Centre for European Policy Studies. At this Task Force meeting, conducted under ‘Chatham House rules’ and bilingually in English and Arabic, the research results were presented to a group including attendees from government departments, embassies, United Nations agencies, and international and Jordanian NGOs.

The interviews were based on a common questionnaire that had been developed by the Work Package 4 (WP4) coordination team. This questionnaire was revised based on feedback from multiple colleagues and from the ASILE Civil Society Group, who were consulted about – for example – the topics, questions, and language used. This questionnaire was fully used in this report, and in the report for Bangladesh, the two in-depth case studies for the Work Package, and was fine-tuned and adapted in the instrument-focused case studies of Brazil, Canada, South Africa and Turkey. This approach was undertaken to ensure that all the country reports cover the key themes and research questions addressed in WP4. The topics and questions in this questionnaire were also used as the basis for the group interviews with protection seekers, although they were of course adapted to reflect the country context and the findings of the research up to that point.

The interviews for this report were mostly conducted in English, with the group interviews with Syrian refugees being conducted in Arabic, as well as one of the individual interviews (JO26). Several of the other interviews included short exchanges in Arabic, particularly when questions of terminology and translation were being discussed. Interviewees were provided with an information sheet explaining the ASILE Project, and an informed consent form, which explained the nature, benefits, and risks of their participation in the project, and which they were asked to sign and, when research was conducted online, return electronically. Reflecting the realities of undertaking qualitative research with a range of actors on these topics, which can be deemed politically sensitive, this approach was not always possible and/or appropriate. A small number of interviewees, as well as the Syrian group interview participants, requested to audio record their consent, rather than to sign the consent form, which was respected. In those instances, the key items of the



information sheet and consent form were re-iterated verbally. The only exceptions to these procedures came in the three instances in which those being interviewed did not want the audio recorded. Where interviewees requested that there was no audio recording, consent was discussed and agreed verbally, and the terms of use of the interview were re-confirmed afterwards via email, along with information about how participation from the project could be withdrawn.

The ASILE Data Management Plan was followed to ensure the anonymity of all interviewees, and to ensure that the data was stored securely and safely and in line with all relevant regulations. Wherever consent for audio recording was given, which was in the vast majority of cases, the interviews were audio recorded, and the resultant audio files and word processor files containing interview notes and transcripts were stored on password protected work computers of the interviewer. In the 3 instances where interviewees preferred not to have the audio recorded, detailed and extensive notes were taken both during and directly after the meetings. Two of these interviews were used only for background information – at the request of the interviewees – and in the other instance I have only offered direct quotations sparingly, because of the lack of recording. For the interviews that were recorded, only the researcher who conducted the interviews has access to these files. Non-anonymised information is stored on password protected files, and in separate files to interview notes and transcripts. The files are all stored on an institutional ‘cloud,’ which is backed up daily to a facility based in the United Kingdom. This process is overseen by Newcastle University IT Department.

Status

Like many states in the Middle East, Jordan is not a signatory to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol (see Janmyr and Stevens, 2020). The Middle East, furthermore, lacks a regional refugee regime, and domestic law on the status and treatment of asylum seekers and refugees is “virtually non-existent” (Stevens, 2013: 2). In the context of non-accession to the 1951 Convention, no regional refugee regime, no specific domestic legislation focused on asylum seekers and refugees, and a Memorandum of Understanding (MoU) that offers little guide to practice on the ground, the government’s refugee policy is “remarkably underarticulated” (Francis, 2015). The legal status of those seeking international protection in Jordan is therefore very worthy of in-



depth investigation, yet too little attention has been paid to this issue, both in Jordan and more broadly (Costello et al., 2020; Qumri and Turner, 2023).

UNHCR's presence and work in the country is – at least formally – regulated by the 1998 MoU between the Government of Jordan (GoJ) and UNHCR, which was amended in 2014 (see Government of Jordan and UNHCR, 1998). The MoU incorporates the Convention definition of a refugee, and states that “asylum seekers and refugees should be treated in accordance with internationally accepted standards and that refugees should receive legal status” (Stevens, 2013: 8). The MoU is a confidential document, and thus not formally publicly available.³ A version was however released by the NGO Adaleh, containing what is reported to be the full Arabic text, together with an unofficial English translation (see Qumri and Turner, 2023).

Assuming the authenticity of this document, which aligns with other public discussions of the contents of the MoU (e.g. see Akram et al, 2015; Frangieh, 2016), the document essentially frames Jordan as a transit country, in that it mentions only two of the three ‘durable solutions’: voluntary return and resettlement to a third country (GoJ and UNHCR, 1998). UNHCR is designated to undertake refugee status determination, and the MoU allows the agency one month (amended in 2014 to 90 days) to examine asylum claims, and six months (amended in 2014 to one year) for resettlement to take place (Malkawi, 2014; Stevens, 2013), although officials in the Refugee Affairs Coordination Office (RACO) of the Ministry of Interior (MoI) clarified that this should be understood as a renewable one year period, which aligns with current UNHCR practice.⁴ While internationally there is a “significant trend” of UNHCR handing over responsibility for refugee status determination to host governments – and the agency has set up an Asylum Capacity Support Group under the GCR to help states do so (see Nalule and Ozkul, 2020: 27) - RACO officials were clear that they did not anticipate this happening in Jordan.⁵ The focus on voluntary return and resettlement in the MoU, rather than integration, indicates that despite historically offering most Palestinian refugees in Jordan citizenship, Jordan has in recent decades consistently rejected the possibility of permanent integration for non-Palestinian refugees

³ Interview JO27.

⁴ Interview JO27.

⁵ Interview JO27.



(Içduygu and Nimer, 2020), a commitment which continues to shape asylum policy and practice in the country.⁶

The MoU, however, which has been argued to be “unenforceable and [have] little legal weight” (Clutterbuck et al., 2021: 52), in practice offers a poor representation of the refugee recognition regime in Jordan. It was initially agreed at a time when Jordan was hosting only around 5,000 registered asylum seekers and refugees (in contrast to around 750,000 in 2021), and appeared neither to envisage, nor be written for, contexts of mass displacement (Kagan, 2012), although amendments in 2014 attempted to reflect this new context. While the existence of a formal timeframe on asylum seekers’ and refugees’ presence in Jordan (i.e. a renewable one-year period) serves the function of establishing the principle that their stay is temporary (Stevens, 2013), Jordan has now hosted hundreds of thousands of Syrian refugees for almost a decade, and tens of thousands of Iraqis for even longer. RACO officials stated in an interview however, that the MoU “does the job,” and does not need replacing or renegotiating. According to them, what is important is to have a legal framework, an outline of respective and collective responsibilities, and the MoU provides this.⁷

Like many aspects of asylum governance in the country, the status of protection seekers is heavily shaped – indeed, dependent on – the nationality of the person seeking protection. I will therefore first address the largest cohort under discussion in this report – Syrians – before detailing the situation for Iraqi, Sudanese and Yemeni protection seekers. UNHCR “characterize[s] the flight of civilians from Syria as a refugee movement, with the vast majority of Syrian asylum-seekers continuing to be in need of international protection, fulfilling the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention” (UNHCR, 2017: 5). As Janmyr (2018) has argued, while the legal meaning of a “refugee movement” is unclear, in the context of Syrians in the states neighbouring Syria it appears to function as a de facto *prima facie* refugee recognition regime, although it is important to note that no such regime has formally been declared. Syrians who approach UNHCR in Jordan are registered as ‘persons of concern’ to the agency, and upon completion of that process are given a (renewable) asylum seeker certificate that – at least prior to the pandemic – was valid for one year (Qumri and Turner, 2023). Jordan, however,

⁶ Interview JO12.

⁷ Interview JO27.



effectively closed its borders to the vast majority of Syrians seeking asylum in 2015. Palestinians from Syria who seek protection in Jordan fall under UNRWA's mandate, and if they are registered with UNRWA in Syria, UNRWA in Jordan records (rather than re-registers) them in Jordan, out of fear that re-registration might imperil their chances of eventually returning to Syria (Akram et al., 2015: 61).

For protection seekers from countries other than Syria, the situation is more complex. As has been documented by Dallal Stevens, over the course of the 2000s, Iraqis were subject to individualised refugee status determination, a temporary protection regime (the scope of which was disputed by the government) and then a *prima facie* regime (Stevens, 2013). This latter regime was established in January 2007 for Iraqis from south and central Iraq, in a period of time in which Iraqis were subject to increasing visa and border restrictions (Stevens, 2013). But it was lifted in September 2012, at the time of a rapid increase in the number of Syrians entering Jordan to seek international protection. To direct capacity to the Syria crisis, the registration of Iraqis with UNHCR in Jordan was even suspended for five months in 2012, and when it resumed, Iraqis arriving in Jordan were again subject to an individualised refugee status determination process (UNHCR, 2012). Individual refugee status determination processes were also in place for other nationalities seeking protection in Jordan, such as Sudanese and Yemenis.

In the context of the Iraqi crisis, UNHCR's attempts to find protection mechanisms other than those outlined in the MoU were in part an attempt to reduce the reliance on the resource-intensive individual refugee status determination processes, which also carried a risk of rejection (Stevens, 2013). In a sense therefore, these policies and practices foreshadowed the wider shift in UNHCR policy (the 'new approach' of 2016) to "conduct RSD only for cases designated as urgent or emergency, a designation which is made on the basis of vulnerability" (Mennonite Central Committee, 2017: 9; see UNHCR 2016). Many Iraqi, Sudanese and Yemenis in Jordan who were seeking protection would henceforth be registered as asylum seekers but would not gain official refugee status, unless they were, for example, going through the process of resettlement to a third state, because such states often require formal refugee status determination procedures to take place prior to resettlement (Mennonite Central Committee, 2017).⁸ While the data for recent years that is publicly available via UNHCR's Refugees Data Finder is in many cases limited (see UNHCR,

⁸ Interview JO18.



2022b), these changes in policy help to explain why a relatively low proportion of people applying for refugee status from the countries in question received recognition as refugees between 2016 and early 2019 (see Qumri and Turner, 2023).

January 2019 brought a very important legal change for those seeking protection in Jordan, upon the announcement of Resolution 2713A (Human Rights Watch, 2019). In a move that UNHCR described as a “major shift in government policy,” the GoJ “requested UNHCR to suspend registration” of those who had arrived in Jordan on visas for medical care, work, tourism, or study (UNHCR, 2021a). Given that for many people there are very few legal avenues to reach Jordan from – for example – Sudan without having one of the aforementioned visas, this legislation is very concerning from the viewpoint of refugee protection. While humanitarian agency staff sometimes describe this policy as a ‘pause’ in registration, it is a ‘pause’ that has – at the time of writing – been in place for 4 years, therefore arguably signalling a longer-term shift in policy.

The relative lack of access to the refugee recognition regime for protection seekers from these states must be understood as part of a broader context. Firstly, as was discussed at the ASILE Task Force in Jordan, it arguably represents the wider marginalization of these communities within asylum policy and humanitarian practice in Jordan (see Johnston et al., 2019), who have been “forgotten” by the international community.⁹ Many donors restrict their financial support to Syrian and Jordanian communities (or at least heavily prioritise those groups), although the US Bureau of Population, Refugees and Migration (BPRM) was independently mentioned by multiple interviewees as a rare and welcome exception to this policy.¹⁰

There is increasing (although arguably still limited) discussion of adopting a ‘one refugee approach’ (i.e. for the same treatment regardless of nationality), in particular following the creation of the One Refugee Approach Working Group,¹¹ and a range of humanitarian advocacy also occurs on behalf of these communities ‘behind closed doors.’ Reflecting the salience of this issue, the different circumstances for different nationalities of protection seekers was an important topic of conversation at the ASILE Task Force (DRC and CEPS,

⁹ Interview JO8; interview JO12.

¹⁰ Interview JO8; interview JO10.

¹¹ Interview JO12.



2022). In positive steps, some government regulations have changed in ways that have benefitted protection seekers from – for example - Iraq, Sudan and Yemen, and helped their access to services to be closer to that experienced by Syrians. For example, in July 2020, the government announced that anyone with an asylum seeker certificate in Jordan would be able to access healthcare at the same cost that is paid by non-insured Jordanian citizens, which is 35-60% lower than the rate for those falling under the ‘foreigner’ category (see Qumri and Turner, 2023).¹² Nevertheless, despite these welcome moves, progress towards actualising the ‘one refugee approach’ overall has been very slow.¹³

Multiple interviewees linked the slow pace of the progress to questions of funding,¹⁴ noting that the Syria response in Jordan had been – relative to comparable situations elsewhere – well-funded, especially in the earlier years of the crisis (although governmental representatives stressed that the funding still fell well short of what was required).¹⁵ A large injection of funding was similarly central to the agreement of the Jordan Compact, discussed below, which allowed Syrian refugees access to the formal labour market. As one interviewee argued: “if there’s money, anything is possible... financing is the absolute lynchpin, and understandably so.”¹⁶ But the funding has been overwhelmingly focused on Syrians.

Furthermore, the Jordan Response Plan for the Syria Crisis (JRP) - the framework through which the refugee, resilience and development response to the Syria crisis in Jordan is coordinated – is, as the name implies, specifically about the effects of the Syria crisis. Work undertaken with Syrians (which must include also a proportion of Jordanians) goes through this framework and its associated platforms. In the words of one interviewee, it is “the umbrella for organisations to get approval for their projects, and it is the most familiar pathway for approval to implement humanitarian programmes on the ground.”¹⁷ The other pathways through which one can more readily include other nationalities, this interviewee argued from experience, are both less well-known and more difficult to obtain approval

¹² Interview JO16.

¹³ Interview JO13; Interview JO12.

¹⁴ Interview JO8; interview JO16; interview JO26

¹⁵ Interview JO25; interview JO26; interview JO27.

¹⁶ Interview JO8.

¹⁷ Interview JO16.



through.¹⁸ Other organisations were able to do some work with people of any nationality through providing, for example, awareness-raising sessions to those working in a particular sector, such as agriculture, in which a wide range of nationalities are working.¹⁹ Nevertheless, while many organisations are working with a range of nationalities, this is often in spite of, rather than because of, the various financial and regulatory structures within which they work.

The differential treatment of nationalities of protection seekers in government policy reflects that there is an ongoing “broader conversation” – in the diplomatic phrasing of one interviewee - among the government, donors, and humanitarian sector, about the “origins of some people and what it means to be an asylum seeker or refugee in Jordan.”²⁰ According to the narrative that GoJ officials offered in an interview, those coming from countries such as Yemen and Sudan come for the original reason of their visa – e.g. to work, study, access medical care – and use registration with UNHCR as a means to stay in Jordan and/or to seek resettlement to a third country. Their registration with UNHCR, in this narrative, reflected not a need for international protection, nor that they were fleeing a situation to which they could not voluntarily return, but rather a desire to stay in Jordan or to access resettlement. Jordan must also, they argued, for reasons of national security, be able to control its borders and who enters and stays in the country.²¹ This approach, in which one can either be an asylum seeker/refugee or a labour migrant, medical tourist or student, fails to reflect the complex reality of migration and displacement (Crawley and Skleparis, 2018), as well as the needs of the communities in question living within Jordan (e.g. see Johnston et al, 2019). Not holding an asylum seeker certificate – in addition to the legal precarity it places many in - can make one ineligible for access to programmes, services, or referral pathways.²²

In this context, it is therefore the ability to register with UNHCR, and to receive an asylum seeker certificate, rather than refugee status itself, that is central to protection seekers’ status in Jordan, as well as their (albeit varied for different nationalities) security of

¹⁸ Interview JO16.

¹⁹ Interview JO2.

²⁰ Interview JO8.

²¹ Interview JO27.

²² Interview JO16.



residency, ability to work, access to healthcare, and a range of other services (see Qumri and Turner, 2023). Formal refugee status comes into the equation when asylum seekers are being considered for resettlement, with third countries typically requiring a full and individualized RSD process to take place before resettlement can happen. For example, the Canadian government requires almost all resettlement applicants (depending on the pathway used) to have refugee status from UNHCR or the country of asylum. ASILE Project research in Canada found that this may disadvantage some nationalities of protection seekers, or those based in certain countries, who do not have access to (or less readily have access to) formal refugee status (Cortinovic and Fallone, 2023). At the same time, many complementary pathways, for example some of the humanitarian corridors offered by European states, do not have this same requirement.²³

The process of refugee status determination for the purposes of resettlement is again different for Syrian refugees specifically. UNHCR's designation of Syrians as – in one interviewee's words – a “refugee-like” population enables a “more streamlined approach,”²⁴ known as the merged procedure (see Costello et al, 2022; Fisher, 2020; Janmyr, 2018). This process is also referred to as merged RSD-RST (Refugee Status Determination-Resettlement). In it, the resettlement team attempts to select those with the highest chances of being resettled, while sending those whose cases might generate exclusion concerns (so-called “depro profiles”) to the RSD team, who assess whether their case can move forward. For those without “depro profiles,” formal individualised refugee status (often a precondition of resettlement for resettlement states, as noted above) can be conferred by the resettlement team, rather than being referred to, or investigated by, the RSD team.

If there are “depro profiles” that the RSD team judges should prevent the case from moving forward, the individual or family in question is informed, and offered counselling, although there is no mechanism for appeal.²⁵ But their refugee status application is not formally rejected; rather, their case does not proceed, and thus they do not lose their asylum seeker certificate or status of being registered with UNHCR. In some of the little scholarship available on the merged procedure, concerns have been raised about the

²³ Interview JO18.

²⁴ Interview JO14.

²⁵ Interview JO14.



accountability (or lack thereof) within this process, given the lack of formal rejections and the lack of ability to appeal (e.g. Fisher, 2020). Interviewees who were heavily involved in resettlement noted the lack of staff capacity to conduct appeals – and their absence in cases of resettlement in general²⁶ - and argued that the situation was different to other instances of refugee status determination, in which a need for an appeal might be more important.²⁷ That is because, they argued, in other contexts RSD is about “getting recognised as a refugee and getting protections of refugeehood, non-refoulement, getting whatever protections the state you’re in gives you as a refugee... [whereas] the merged RSD-RST is essentially about getting resettled, and if you ‘fail’ that... you still get to stay in Jordan and enjoy the protections you always enjoyed.”²⁸

Therefore, the proportion of protection seekers in Jordan who obtain full ‘refugee status’ in a legal sense is remarkably low. While full refugee status can remain crucial for those seeking to access resettlement in a third country, for the vast majority of protection seekers in Jordan it is registration with UNHCR, and obtaining an asylum seeker certificate, that is central to their ability to access protection and a secure legal status in Jordan. Yet at the same time this system – in particular since 2019 – is one that is inaccessible for many who wish to avail themselves of it. As has been explored in other areas of the ASILE Project (see Costello et al, 2022), these overarching changes in refugee recognition practices, and in particular the connections with registration and resettlement, remains areas of research that are underexplored and merit further future attention.

Vulnerability

Vulnerability has become a “key word” in humanitarian work with protection seekers in Jordan.²⁹ In a context of protracted crises, limited funds, and overwhelming humanitarian need, finding the ‘most vulnerable’ has become the central discursive way of understanding how to undertake humanitarian targeting. While the search for the ‘most vulnerable’ has been noted in a range of contexts (e.g. see Janmyr and Mourad, 2018;

²⁶ Interview JO14.

²⁷ Interview JO18.

²⁸ Interview JO18.

²⁹ Interview JO3.



Sözer, 2019; Turner, 2021b), the Jordanian context has been a key site for developing new frameworks and methods for identifying and targeting the ‘most vulnerable’ refugees.

Central to these efforts is the Vulnerability Assessment Framework (VAF), which was developed with the support of the World Bank and introduced in 2014 specifically for Syrians living in non-camp settings. More recently, it has been expanded to include both Syrians living in camps and other nationalities of protection seekers in Jordan (see Mindset and UNHCR Jordan, 2022; Samuel Hall and UNHCR Jordan, 2022). It was introduced in response to both the inadequacies of the ‘group approach’ to vulnerability (that designates those falling into a specific demographic as vulnerable) and because many organisations were using different tools to collect and analyse data about refugee vulnerability (Khogali et al., 2014; UNHCR, 2015).

VAF is centred on a predicted expenditure welfare model, but takes into account a range of factors including coping strategies, education, food security, health, shelter, and WASH (e.g. see UNHCR, 2019). The centrality of the predicted expenditure welfare model to VAF is one of the factors that has fuelled debates about the overlaps and/or differences between ‘poverty’ on the one hand, and ‘vulnerability,’ on the other.³⁰ While some interviewees were keen to emphasise the differences between the two, others noted that predicted expenditure welfare models are (also) measures of poverty,³¹ and that poverty is much easier to measure than vulnerability,³² all of which perhaps explains why the terms sometimes appear to be used somewhat synonymously (see UNHCR 2015), including by some interviewees.³³

VAF is based on both population studies and home visits. Population studies are large scale surveys conducted on a regular basis (e.g. after two years) to understand the dynamics of vulnerability within Jordan via a representative sample, taking into account factors such as family and household size and region within Jordan. These population studies can track how vulnerability is changing over time. Secondly, VAF home visits, of which UNHCR typically conducts over 5,000 a month,³⁴ are used to collect data on a specific case, which

³⁰ Interview JO2; interview JO11;

³¹ Interview JO15.

³² Interview JO2; interview JO15

³³ Interview JO14.

³⁴ Interview JO13.



is then assessed relative to the models developed from the household survey. This analysis produces 'VAF scores,' or 'VAF indicators,' which are categorised into one of four levels: 1) low vulnerability, 2) moderate vulnerability, 3) high vulnerability and 4) severe vulnerability. VAF therefore both monitors vulnerability in the overall population, while enabling targeting for services and referral pathways.³⁵

Multiple interviewees emphasised that the scale of needs among protection seekers vastly outstrips the funds and support that is available for them. This was true before the COVID-19 pandemic and has increased significantly after March 2020.³⁶ VAF – and the VAF scores given to 'cases' – are therefore used in the targeting of assistance. For example, in UNHCR's cash assistance programme, which supports over 30,000 Syrian refugee families and 3,000 families of other nationalities, receiving one of the highest VAF scores is a necessary – but not sufficient – criteria for being eligible for cash assistance. The depth of data that VAF provides, one interviewee said, furthermore helps to ensure that those who need the assistance the most are not being 'missed.'³⁷

Such processes may of course be experienced quite differently by those on the 'receiving' end of these home visits and interventions. Indeed, in group interviews with Syrian protection seekers in Jordan, several recounted negative experiences of the home visits. For example, one participant explained that during the visit he had been told his family would qualify for support, only for this later not to happen, without a reason or explanation being given.³⁸ Several others agreed that the reasons why they did not qualify for aid according to vulnerability assessments were unclear.³⁹ Furthermore, multiple participants commented on the extremely detailed level of questioning – particularly regarding diet and the frequency with which they eat certain foods – and that it was, in their view, not reasonable to ask for such detail, or plausible that they could remember such details accurately.⁴⁰ Further informal conversations with humanitarian practitioners throughout

³⁵ Interview JO11.

³⁶ Interview JO8; Interview JO11; Interview JO13; Interview JO15.

³⁷ Interview JO13.

³⁸ Interview JO31.

³⁹ Interview JO32.

⁴⁰ Interview JO31; interview JO32.



fieldwork indicated that they regularly encountered these negative perceptions and experiences of vulnerability assessments.⁴¹

Perhaps surprisingly, given its aforementioned focus on socio-economic vulnerability, VAF also plays a role in the identification of candidates for resettlement from Jordan.⁴² While those who are resettled from Jordan must meet at least one of the seven criteria outlined by UNHCR for resettlement (legal and/or physical protection needs, survivors of violence and/or torture, medical needs, women and girls at risk, family reunification, children and adolescents at risk, lack of foreseeable alternative durable solutions - (see UNHCR, 2011)), VAF has become the starting point through which those cases are identified. According to one interviewee, the team looks at those with the highest VAF score, which they described as “the highest poverty rating,” in order to create “a very initial pool” of people with high socio-economic needs. They explained that “while that’s not a criteria for resettlement itself, typically when you bring those cases into interview and talk to them about their situation you find that there is a legal and physical protection need, woman at risk, child at risk as a result.”⁴³

UNHCR, however, is far from the only actor to undertake large scale vulnerability assessments in Jordan. One of the other large-scale assessments conducted in Jordan is from the Jordan branch of CARE International, which runs an annual needs assessment of the most vulnerable populations in Jordan, and which focuses on protection seekers from a range of nationalities, as well as Jordanian host communities (see CARE Jordan, 2022). The World Food Programme (WFP), which runs a large-scale food assistance programme in Jordan, publishes the Comprehensive Food Security and Vulnerability Assessment (e.g. see World Food Programme, 2019). These assessments are designed to improve understandings of the landscape in Jordan and how it is changing and are used to inform the work of the agency that produces the assessment, as well as potentially other entities working in Jordan. The assessments also allow the organisations that produce them to

⁴¹ Fieldnotes, 22 May 2022; 23 May 2022.

⁴² Interview JO14.

⁴³ Interview JO14.



present data to their donors (in a challenging context of ‘donor fatigue’), and thus also function as an advocacy tool.⁴⁴

Given the extensive overlaps between some of these assessments, including among those conducted by different UN agencies, in recent years there have been extensive discussions about attempts to combine their work and produce a ‘joint comprehensive vulnerability assessment,’ which would bring together UNHCR, WFP and UNICEF. This would – in one interviewee’s explanation – use the VAF questionnaire, but with additional and/or amended questions to reflect the needs of all the agencies involved.⁴⁵ After the agencies agreed a concept note in 2019, in early 2020 there were discussions with the GoJ about the possibility of it joining this collaboration, but negotiations ran into challenges over the issue of data sharing and who would have access to the complete set of data, including regarding Jordanians.⁴⁶ Importantly, this is in a context in which the measurement of poverty has been opaque and politically contested, and in which there is often a long wait for the release of governmental poverty data and assessments, or it is not released at all (see Lenner, 2023).⁴⁷

The concept of vulnerability has also become an increasingly popular and important way to express the needs of Jordanian populations (Lenner and Turner, 2021). The GoJ requires that organisations working under the JRP also include ‘vulnerable Jordanians’ as a proportion of the people with whom they work. The ways that the vulnerability of Jordanian populations is assessed, however, is often different. For example, in the aforementioned WFP Comprehensive Food Security and Vulnerability Assessment, ‘vulnerable Jordanians’ were defined as those who are provided aid through the National Aid Fund, an autonomous institution operating within the Ministry of Social Development, and that runs the ministry’s main poverty reduction programme (World Food Programme, 2019: xv–xvi). The vulnerability criteria in this assessment were therefore – in a sense – delegated to an existing entity and programme of the GoJ, which is largely focused on poverty. In other contexts where organisations are working with both Syrians and Jordanians, or with protection seekers of other nationalities, the vulnerability assessments

⁴⁴ Interview JO3; interview JO20; interview JO22.

⁴⁵ Interview JO13.

⁴⁶ Interview JO4.

⁴⁷ Interview JO4; interview JO13.



for Jordanians are sometimes done through simplified versions of the vulnerability assessments undertaken for Syrians.⁴⁸

Yet, despite the centrality of vulnerability and vulnerability assessments to asylum governance in Jordan, central questions about the meaning of the term vulnerability remain unanswered, and the term is heavily contested among and between humanitarian actors. VAF defines vulnerability as “[t]he risk of exposure of Syrian refugee households to harm, primarily in relation to protection threats, inability to meet Basic Needs, limited access basic services [sic], and food insecurity, and the ability of the population to cope with the consequences of this harm” (UNHCR, 2015: 65). While VAF does therefore provide a definition of vulnerability, the original VAF baseline survey itself notes the tendency of humanitarian actors to conflate ‘vulnerability’ with ‘poverty’ (UNHCR, 2015) – as happened in some interviews, as noted above - and furthermore multiple interviewees acknowledged that the word was both hard to define, and used in a range of ways by different actors.⁴⁹

Furthermore, as was discussed at the ASILE task force (DRC and CEPS, 2022), while “vulnerability” is a very widely-used term in the humanitarian response in English, there is no straightforward vernacular translation of the term in Arabic.⁵⁰ Indeed, one interviewee stated that they even had difficulty explaining their work in Arabic (their native language) because of the absence of a straightforward translation of the term.⁵¹ This research revealed that organisations use a varied list of terms when attempting to translate, or communicate, the idea of vulnerability to those with whom they are working. The terms that were offered for ‘vulnerable’ or ‘vulnerability’ are listed here, followed by the word in Arabic script, and then the most straightforward and/or literal translation of the term in English:

- al-du‘f (الضعف) – also commonly translated to ‘weakness’;⁵²
- al-mustad‘af (المستضعف) – the closest translation of ‘vulnerable,’ but rarely used, potentially associated with weakness by linguistic derivation;⁵³

⁴⁸ Interview JO2.

⁴⁹ Interview JO2; Interview JO13; Interview JO15

⁵⁰ Interview JO3; Interview JO4; Interview JO9

⁵¹ Interview JO4.

⁵² Interview JO4

⁵³ Interview JO9; fieldnotes 14th September 2022.



- al-hashasha (الهشاشة) or hashashat al-awda (هشاشة الاوضاع) – used for vulnerability, might literally be translated as fragility or fragility of the situation⁵⁴
- al-muhamishin (المهمشين) – literally translates to marginalized⁵⁵
- aktar ihtiajan (اكثر احتياجاً) – literally translates to most in need or most needy⁵⁶
- aqal hadhan (اقل حظاً) – literally translates to least lucky/fortunate.⁵⁷

In group interviews with protection seekers (conducted in Arabic), none of the participants were familiar with the term ‘vulnerability’ in English, although they were familiar with the use of many of the aforementioned terms in humanitarian work,⁵⁸ and argued these terms were attempting to capture a wide and varied range of circumstances and factors.⁵⁹ Indeed, further demonstrating the unclarity surrounding the translation of the concept of vulnerability and how it is operationalised in humanitarian work, in one group interview, participants reported that they had been told by UNHCR staff that assessments would place them into one of three categories - ashadd ihtiajan (اشد احتياجاً) - ‘most needy’; da’ifa (ضعيفة) - ‘weak’; and ghayr mu’ahil (غير مؤهل) - ‘not eligible’. While clearly similar and connected to the terminology above, such a schematization had not been suggested to me in any interviews with humanitarians. According to Syrian interviewees, the differences between the two former categories, and the reasons for people being placed in or moving between different categories, were unclear to them.⁶⁰

The wide range of vocabulary that was suggested by humanitarian and NGO interviewees as (possible) terms for vulnerability that are or could be used with protection seekers points to a number of challenges. The terms listed above have a variety of different meanings – including meanings quite far from the term ‘vulnerability’ in English - and some arguably direct attention towards (groups of) people, and others towards the circumstances in which people find themselves. Furthermore, one interviewee explained that the association of the terms al-du’f and al-mustad’af with ‘weakness’ has caused problems when working with (potential) beneficiaries, who were offended when they

⁵⁴ Interview JO4; interview JO21.

⁵⁵ Interview JO9.

⁵⁶ Interview JO16.

⁵⁷ Interview JO9.

⁵⁸ Interview JO31; interview JO32.

⁵⁹ Interview JO32.

⁶⁰ Interview JO31.



understood that they were ‘accused’ of being ‘weak.’⁶¹ Yet, interestingly, despite the very open debates and discussions in English about the relationship between, and at times conflation of, vulnerability and poverty, not once was the Arabic word for ‘poor’ (الفقير) or ‘poverty’ (الفقر) suggested as an appropriate term that is or should be used to communicate the idea of vulnerability to protection seekers.

While these questions of translation, which are typically unmentioned in policy reports, might be viewed by some as less relevant to the daily practice of humanitarianism, this report argues that they raise important questions, including those of relevance to policy and practice. Firstly, this analysis suggests that there is an important unclarity about the very nature of ‘vulnerability,’ and that there may be fundamentally different understandings – among humanitarian workers and between humanitarian workers and protection seekers – about what humanitarian programmes are seeking to address, and on what basis targeting and prioritisation are taking place. While admittedly a challenging concept to define, measure and assess, the centrality of socio-economic vulnerabilities to prevailing humanitarian measurements of vulnerability, and the ways in which vulnerability is resultantly discussed, indicate that the long-standing tension over the relationship between vulnerability and poverty has not been resolved.

Secondly, the analysis demonstrates the continued dominance of the English language and its concepts in humanitarian settings where English is not the predominant language of the host population or the refugee population, and raises important questions about the effects of this linguistic dominance. Should the terminology of the host and displaced populations themselves not guide work with people in that context, rather than Anglo-centric terminology and concepts that travel with international organisations? ‘Vulnerability,’ furthermore, is only one of the terms that is both very popular in the humanitarian lexicon and that presents this kind of challenge – others include ‘resilience,’ ‘localization,’ as well as terminology surrounding gender and humanitarian structures (for example ‘clusters’ and ‘sub-working groups’).⁶² The more that engagement with humanitarian structures in Jordan depends on proficiency in English (not only in terms of terminology but also in terms of how many meetings are conducted solely or primarily in English), the more exclusionary the structures become, particularly for local and national

⁶¹ Interview JO4.

⁶² Interview JO9.



organisations and community-based organisations.⁶³ In an era of a professed commitment to 'localization,' this analysis of vulnerability points not only to the problems relating to that specific term and how it is assessed, but to how humanitarian structures more broadly might be exclusionary in need of reform.

Working Rights

The right to work is not consistently given to asylum seekers and refugees in Jordan, and the issue has been very politically contested. All asylum seekers and refugees in Jordan who wish to work legally in the formal labour market (in the sectors not reserved for Jordanians (see Ministry of Labour, 2016)) must acquire a work permit, and until 2016 these were only rarely given to any nationality of asylum seekers and refugees. The permits were not only often prohibitively expensive, but also tied an individual to a specific employer for a period of a year, which often reflected neither protection seekers' preferences, nor the reality of working relationships 'on the ground' (Lenner and Turner 2019). Prior to 2016, therefore, these permits were typically obtained by those who were economically better-off, and/or who could gain a status of an 'investor' in Jordan (Turner, 2015).

For Syrian refugees, however, this changed significantly in 2016 with the introduction of the Jordan Compact (Government of Jordan, 2016), a new instrument that sought – among other goals such as improving the levels of school enrolment among Syrians - to facilitate access to the formal labour market for Syrians in Jordan. In the Compact, which was essentially an agreement between the GoJ and its donors and partners, the government committed to allowing as many as 200,000 Syrians to obtain work permits in the coming years, with donors committing to offer significant financial aid to support the initiative (see Lenner and Turner, 2019). The Compact initially ran into numerous challenges as governmental and humanitarian actors attempted to convert the policy blueprint into reality (ibid.). In part these challenges emerged because the views of Syrian refugees themselves were not sufficiently taken into account in the Compact's design (Lenner and Turner, 2018). It is also important to note, as was discussed at the ASILE Task Force, that many workers in Jordan prefer to operate in informal markets and systems, avoiding

⁶³ Interview JO9.



sometimes costly e.g. registration fees or social security contributions, and that many Syrians worry about losing (or not regaining) access to aid if they were working formally for a period of time (DRC and CEPS, 2022).

Nevertheless, the possibility of improved access to the labour market (as well as other measures in the Compact) was understandably widely welcomed by a range of actors, and can be seen as positive from the perspective of refugee rights and protection for Syrians specifically. Indeed, according to UNHCR it “puts Jordan at the forefront of global efforts to give both refugees and host communities access to decent work, as promoted by the [GCR]” (UNHCR, 2022c). At the same time, the Compact can simultaneously be understood as a form of ‘contained mobility,’ which has been a key focus of research in the wider ASILE Project. This is because while the Compact offers improvements in terms of refugee rights and protection for Syrians, it was explicitly linked to the wider agenda of discouraging protection seekers in the Middle East from moving on to Europe (see Lenner and Turner, 2019).

In the intervening years, the Jordan Compact has led to a wide range of reforms: amendments to work permit regulations, initially largely focused on the agriculture and construction sectors; new kinds of work permits; partnerships with the textile sector; extensive skills trainings and initiatives; multiple renegotiations of the EU-Jordanian Rules of Origin, under which Jordanian businesses can export to the EU; as well as financing for both the private sector and infrastructure initiatives, particularly for example in waste and water management (Turner, 2021a).⁶⁴ In line with the broader focus of the Work Package under which this research took place, I focus here on the aspects of the Compact most centrally connected to the right to work, and in particular the distribution of work permits.

One of the most important and consequential recent reforms came in mid-2021 with the introduction of the ‘flexible work permit,’ which, in group interviews with protection seekers, was viewed as an important and welcome development.⁶⁵ This permit expanded upon a similar initiative that had been running in the agriculture and construction sectors since 2016 (agriculture) and 2017 (construction). These permits, sometimes referred to as ‘free permits’, enabled Syrians to gain a permit to work in agriculture or construction

⁶⁴ Interview JO23.

⁶⁵ Interview JO31.



without being tied to a specific employer. In 2021, following a funding agreement with the World Bank, the flexible permits (available in more sectors than just agriculture and construction, see below) allowed Syrians to work within a sector over the course of a year, but without being tied to a specific employer. Therefore in important respects one could argue they in practice have a work permit for self-employment within the relevant sector.

These flexible permits are for a series of occupation groups: service and sales, craft and related trades, skilled agricultural, forestry and fishery, elementary occupations, and plant and machine operators and assemblers, in addition to continuing to be available in agriculture and construction (see UNHCR, 2021b).⁶⁶ They are available for Syrians with fees of only 10 Jordanian dinars, as opposed to the several hundred dinars of fees that other nationalities must still pay to get non-flexible permits.⁶⁷ Costs vary slightly in the agriculture sector (UNHCR, n.d.), and the first two months of social security payments are paid upfront upon registering with the social security corporation (Stave et al, 2021). A collaboration between the General Federation of Jordanian Trade Unions (GFJTU), UNHCR and ILO led to a system where Syrians wishing to acquire these permits can get them via GFJTU (or an agricultural cooperative). GFJTU supports their registration in the social security system, and uses the opportunity to attempt to raise awareness of workers' rights.⁶⁸ Some interviewees also discussed the hope that the government may eventually allow permits enabling a permit holder to do the same job for any employer within any sector with the same permit, while acknowledging it would be challenging to achieve this. An official from the Ministry of Labour argued this was unrealistic and that people in any case would not regularly change from one sector or occupation group to another.⁶⁹

A further type of work permit that now exists in Jordan is called the 'temporary work permit,' also widely referred to as the 'cash for work' (CfW) permit. These permits are given to Syrians who take part in CfW schemes, which are short term projects (e.g. 3 months) typically run by an (I)NGO and/or a local Jordanian municipality. These projects are usually focused on areas such as public works, small construction projects, and environmental improvement. But the issuing of work permits for the purpose of CfW has not been

⁶⁶ Interview JO17.

⁶⁷ Interview JO17.

⁶⁸ Interview JO17.

⁶⁹ Interview JO8; interview JO17; interview JO26.



uncontroversial.⁷⁰ Many NGOs do not consider the work provided by CfW to be jobs or even to fall under the rubric of ‘livelihoods.’ Instead, some argued, they are a short-term protection intervention that offer a cash injection for those deemed very vulnerable.⁷¹ Others also noted that CfW schemes are simultaneously intended to promote social cohesion, through Jordanians and Syrians working together, as well as to build participants’ skills.⁷²

CfW permits do enable more permits to be issued, however, which is positive in terms of the key metrics through which the Jordan Compact is often evaluated, by donors among others.⁷³ For example, part of the funds and loans disbursed to Jordan – albeit a relatively small proportion⁷⁴ - are based on indicators such as the number of work permits issued. The World Bank set a target of 70,000 permits for 2021 (higher than their target for 2019, pre-COVID) and around 62,000 permits were issued.⁷⁵ In 2022, the target was even higher, at 90,000.⁷⁶ But, to reiterate, while CfW permits increase the overall number of work permits issued, and thus help to reach (toward) those targets, CfW programmes do not offer jobs – at least in the typical sense of that word – and are often not even considered livelihoods interventions. Therefore, it appears that the attempts to increase the number of work permits issued have resulted in a reduced focus on working conditions.⁷⁷

At the same time, several interviewees and interlocutors argued that it was important to have work permits as an indicator, and to have detailed work permit data in order to better understand the shape of the labour market and the success (or otherwise) of interventions.⁷⁸ Having work permits as an indicator, despite them being an imperfect proxy for decent work or for the number of people currently with jobs, enables donors, humanitarian actors, and the government “an ability to monitor trends around labour market inclusion,” and are “a way to have this conversation” about the inclusion of Syrian

⁷⁰ Interview JO2; interview JO17.

⁷¹ Interview JO2.

⁷² Interview JO26.

⁷³ Interview JO26.

⁷⁴ Interview JO23; interview JO26.

⁷⁵ Interview JO6; interview JO26.

⁷⁶ Interview JO26.

⁷⁷ Interview JO17.

⁷⁸ Interview JO6; interview JO25.



refugees in the labour market.⁷⁹ Another interviewee, however, argued that formalisation (as measured by the indicator of the number of work permits issued) had ended up becoming central, rather than the *benefits* of formalisation.⁸⁰

Nevertheless, in the period from the beginning of January 2016 to mid-September 2022, more than 320,000 work permits were issued to Syrians (UNHCR, 2022a), which is a notable achievement. Syrian unemployment, furthermore, appears to have dropped significantly since the Compact, at least prior to COVID-19 (Tiltnes et al., 2019). Nevertheless, these apparently impressive numbers do not tell the whole story: the headline figure of over 320,000 work permits can be misleading, because this figure includes all of the permits issued, even if several were issued to one person (e.g. if they were changing sectors, or renewing a permit) and some fall under the CfW permits discussed above.

Furthermore, while there is extensive data about the overall number of permits, their gender breakdown, and the sectors in which they were issued, it is much more challenging to find data that clearly shows how many permits are valid at any one point. For example in mid-2019 it was quoted as being only 45,000 (Gordon, 2019), which an interviewee in May 2022 stated was the most recent figure to which they could refer me.⁸¹ The same interviewee noted that donors and other actors are reliant on government ministries for such data.⁸² While it should be possible to work out a figure for the number of work permits that are 'active,'⁸³ this would in essence only be recording the months for which a work permit is valid. Especially in the era of flexible and temporary work permits (although for 'traditional' permits too) a work permit being currently valid or active cannot be understood as necessarily equating with having a job. The 45,000 figure from mid-2019 cannot tell us how many Syrians holding those work permits were employed at that time, let alone how many were in stable jobs, or able to access decent work.

Therefore, in many ways, the Compact has failed to achieve its vision (even as it met some formal targets). Importantly, a key part of the impetus for the formalisation of Syrian labour in Jordan was the idea that formal labour would lead to Syrians taking part in (at

⁷⁹ Interview JO25.

⁸⁰ Interview JO17.

⁸¹ Interview JO24.

⁸² Interview JO24.

⁸³ Interview JO26.



least more) *decent* work. Some analysts have argued that work permits holders are more likely to have, for example, higher wages and written job contracts than those who do not hold work permits (Stave et al, 2021). Furthermore, some argue that employers are more likely to employ those with work permits, and those with work permits then have the opportunity to access the social security system, for example were they to have an accident at work.⁸⁴ Relatedly, in more recent years, there has been a noticeable and welcome increased focus on Syrians' access to social protection. According to the International Labour Organisation, many Syrians holding work permits also reported that they felt the chances of being imprisoned or deported (for working without a permit) had reduced, even if the permit had not improved their rights or conditions at work specifically (International Labour Organization, 2017). Such security is of course very valuable, given the large numbers of Syrians who have been deported by Jordanian authorities over the past decade (e.g. see Human Rights Watch, 2017).

At the same time, in line with the overall structure of the Jordanian economy, lots of the work that is plausibly available to Syrians is precarious, badly paid, and short-term (Lenner and Turner, 2019),⁸⁵ and as Gordon has argued, “the formalization of the status of the workers has not necessarily translated in to the formalization of the *work*” (Gordon, 2019: 20; emphasis original). Work permits, therefore, despite the aforementioned benefits, are in many cases tied to work that could not be considered decent work, are in sectors where very little decent work is available, or provide for work that in practice mirrors the informal sector.⁸⁶ Indeed, the 2019 population study of the Vulnerability Assessment Framework found that while “the presence of work permits increases expenditure per capita and income per capita...average income from employment falls below...the level of expenditure necessary in order to meet basic needs” (UNHCR, 2019: 79–80). This latter statistic was applicable, it states “[f]or all sectors of the economy” (UNHCR, 2019: 80). This might raise questions over the extent to which holding a work permit enables protection seekers in Jordan to access sustainable livelihoods, given the nature of the work available to them within the broader Jordanian labour market, and the extent to which the Jordan Compact, in practice, aligns with the vision of the GCR.

⁸⁴ Interview JO17.

⁸⁵ Interview JO7.

⁸⁶ Interview JO2.



Another key question of equity is gendered access to work permits. Since the outset of the Compact, the proportion of work permits allocated to Syrian women has remained low. In the approximately six and a half year period from January 2016 to mid-September 2022, slightly under 8% of work permits issued to Syrians were given to Syrian women (UNHCR, 2022a). The reasons for this low uptake, as explained by interviewees and numerous research papers, include non-Jordanians being excluded from multiple sectors in which women would prefer to work, the location of plausible workplaces and a lack of public transport to them, domestic and care work and a lack of childcare provision, the pre-existing very low rate of labour market participation by Jordanian women, as well as cultural considerations about mixing with men in workplaces (Barbelet et al., 2018; Lenner and Turner, 2019).⁸⁷

Nevertheless, there was a very noticeable jump to 19.61% for the first eight and a half months of 2022, and the data showed that this represented an increase in raw numbers, not only percentages relative to men. In the 2022 figures, high proportions of work permits were issued to women in manufacturing (33.4% of the total in that category), professional, scientific and technical activities (39.1%), human health and social work (78.4%) and other service activities (75.3%) (see UNHCR, 2022a). While these interesting figures were released following the completion of fieldwork for this report, they may reflect the result of long-standing attempts by many organisations to improve the work permit figures for women, the use of temporary (CfW) permits, and a growth in registered home-based businesses (in part as a result of the pandemic, as discussed below). Whether these figures continue (for the rest of 2022 and beyond) will be important to observe, and understanding which of the many interventions that have attempted to increase the number of work permits for women have successfully contributed to this change will be an important topic for future research.

One of the most glaring shortcomings in the Compact is its exclusive focus on Syrian refugees, rather than all asylum seekers and refugees in Jordan. This approach, which resulted not only from the number of Syrians in the country, but also the focus on and funding available for that response, runs counter to the principles outlined in the GCR, which, quoting the New York Declaration on Refugees and Migrants, states that access to “livelihood opportunities and labour markets” should be provided “without discrimination

⁸⁷ Interview JO1; Interview JO6; Interview JO8.



among refugees” (United Nations, 2018: 50). All other nationalities remain under the general provisions for non-Jordanian workers, which are in practice very restrictive, in large part due to the high costs of the permits, and the fact that the stipulations of the permit regime (e.g. about length of employment, not moving between employers) do not reflect the reality of prevailing work practices in many sectors. While an ARDD 2019 report claimed that the work permits available (at that time) in agriculture and construction were available to all non-Jordanians (ARDD, 2019), the absence of fee waivers for other nationalities (which are available for Syrians) means that they were practically inaccessible to many (Qumri and Turner, 2023). Nevertheless, figures from the Ministry of Labour stated that in 2019 8371 Yemenis, 817 Iraqis and 686 Sudanese were given work permits (Ministry of Labour, 2020). It is unclear, however, how many of those given work permits were at the time (or were previously) registered with UNHCR.

Johnston et al. (2019: 23) found no legislation or policies officially prohibiting ‘dual status’ (holding both an ASC and a work permit), but many of their interlocutors reported this was not possible, although there were also reports of some holding both statuses simultaneously. Recent investigations, including this research, have established this policy against dual status has since been ‘firmed up,’ and as of December 2019, this is no longer the case. A Human Rights Watch investigation detailed that (in that instance Yemeni) asylum seekers were being told that, if they wish to obtain a work permit, they must give up their Asylum Seeker Certificate, and thus their status as an asylum seeker in Jordan (Human Rights Watch, 2021). Multiple interviewees confirmed that this was the case, including officials from the Ministry of Interior.⁸⁸

This policy aligns with and reinforces the government edict 2713A discussed above, in that it attempts to ensure that – with the notable exception of Syrians – one is *either* an asylum seeker or a worker, student, tourist, health tourist etc. At the same time, according to a World Food Programme study, the biggest reason cited by Iraqi, Yemeni, Sudanese and Somali protection seekers for not working is fear of apprehension by the authorities for working without a permit (World Food Programme, 2019: 51–52), meaning that the possibilities for self-reliance – within formal and informal labour markets - are massively

⁸⁸ Interview JO8; interview JO12; interview JO17; interview JO27.



constrained by this legislative and political landscape, and fear of losing international protection.

The COVID-19 pandemic fundamentally shaped the socio-economic context and outlook in the country. The (often extensive and strict) lockdowns meant that many in Jordan – of all nationalities – lost their work (especially the daily labour on which many rely), and residents of Syrians camps were particularly affected by the restrictions on movement and inability to renew work permits (see Dhingra, 2020).⁸⁹ In this context, many households very quickly depleted their saving, if they had any, and adopted negative coping mechanisms. This revealed, according to one interviewee, that the pre-COVID context had been more precarious for many families than organisations working with them had perhaps appreciated.⁹⁰

According to a World Bank/UNHCR study, poverty increased by 38 percentage points among Jordanians and 18 percentage points in Syrians over the course of 2020 (Jordan Times, 2020). Economically, the economy shrank by 1.6% (its first year recording negative growth in 30 years), public debt reached 88% of GDP at the end of 2020, and unemployment rose to record levels: 25% in the fourth quarter of 2020, with youth unemployment standing at 55% (see also International Labour Organization and Fafo, 2020; International Monetary Fund, 2021). Several interviewees emphasised the salience of the unemployment rate in Jordan,⁹¹ and specifically cited the higher unemployment rate among Jordanians as a potential obstacle to making further progress on access to work for protection seekers.⁹² Furthermore, the difficult economic climate might make businesses less inclined to invest or attempt to expand, and thus to take advantage of other aspects of the Jordan Compact, such as the revised agreement with the EU governing the rules of origin for Jordanian exports.⁹³

At the same time, another noticeable result of the pandemic has been the acceleration of, or at the very least increased interest in, the regularization of Syrian businesses.⁹⁴ These bureaucratic, expensive, and time-consuming processes that are necessary to register a

⁸⁹ Interview JO24.

⁹⁰ Interview JO2.

⁹¹ Interview JO26.

⁹² Interview JO8; interview JO16; interview JO23

⁹³ Interview JO24.

⁹⁴ Interview JO2; interview JO23.



small or home-based business have been off-putting for many, who understandably could not see regularization offering them sufficient benefits to justify going through the process.⁹⁵ Perhaps most importantly, registering a business would often cost more than one stood to gain.⁹⁶ During government lockdowns, however, government aid was provided to businesses that were formally registered and therefore, perhaps for the first time, many saw a tangible benefit of registering their business. According to one interviewee, and ASILE Task Force participants, the demand for registration and formalisation increased significantly as a result of how aid was distributed during the pandemic (DRC and CEPS, 2022).⁹⁷

It is in this difficult financial and economic context that discussions on the future of the Jordan Compact continue to take place. While, according to one interviewee, the Ministry of Planning and International Cooperation (MoPIC) brought a white paper to the Brussels 2021 conference, which indicated an openness to pursuing a new compact, this did not appear to hold the support of all government ministries.⁹⁸ Simultaneously, due to a combination of factors – including the pandemic, the situation in Ukraine and an unpredictable future financial landscape - donor discussions in 2022 centred not on a new Compact, but on identifying sectors where there might be room for further successful interventions, within the current development-focused framework outlined by the Compact.⁹⁹ The higher than expected donations from some key parties at the Brussels 2022 conference were seen as a positive sign of donor and international engagement, even amidst the challenging wider context.

Adding complexity and uncertainty to this landscape was the surprise announcement (which came after fieldwork for this report had been conducted) that the GoJ planned to abolish the Ministry of Labour and to transfer all of its functions to a range of different ministries and government entities in the coming years. This unexpected decision has thrust ongoing programmes into uncertainty and will, according to a prominent group of Jordanian civil society organisations, “cause chaos in labour market programmes, policies and data collection” (see Weldali, 2022). It is furthermore arguably an ominous sign for the future of

⁹⁵ Interview JO1; Interview JO6; Interview JO8.

⁹⁶ Interview JO2.

⁹⁷ Interview JO2; interview JO23.

⁹⁸ Interview JO25.

⁹⁹ Interview JO23; interview JO25.



labour inspections, and thus the upholding of laws and regulations and - crucially - working conditions, within the Jordanian labour market.

Conclusion

Jordan's refugee policies are "remarkably underarticulated" (Francis, 2015). In that context, this report has attempted to shed light on the complex and at times opaque situation for people seeking international protection in Jordan. It has demonstrated that obtaining asylum seeker or refugee status in Jordan, as well as the broader protection landscape, depends heavily on the nationality of the person seeking international protection. While Syrians who were able to reach Jordan have been subject to a *de facto prima facie* recognition regime, and are widely referred to as Syrian refugees, access to the asylum system has effectively been cut off since early 2019 for other nationalities such as Iraqis, Sudanese and Yemenis. For those who can register with UNHCR, the vast majority remain asylum seekers, unless they are being considered for resettlement, in which case a Refugee Status Determination procedure is conducted.

While UNHCR's work and presence in the country is formally based on the MoU between the agency and the government, this research has demonstrated that – in practice – large elements of the MoU have been overridden by changes in government policy. Similarly, changes in UNHCR policies, in particular the 'new approach' to RSD, have heavily shaped its work in the country. Of particular note – and especially concerning from a refugee rights and protection perspective - is that while government policies now allow Syrians to remain registered as asylum seekers and to obtain a work permit, a protection seeker of any other nationality can only hold one of those two statuses. The analysis presented here clearly demonstrates the need for the wider and deeper application of a 'one refugee approach,' which focuses on needs rather than nationality. While, as noted in this report, some progress has been made towards this goal, much remains to be done, and it is of crucial importance – especially for Iraqi, Sudanese and Yemeni protection seekers in Jordan – that more progress is made.



The needs of protection seekers in Jordan vastly outstrip the resources and funding that are available to support them, especially in more recent years.¹⁰⁰ In this context of scarce resources and overwhelming need, a range of humanitarian agencies regularly (and increasingly) deploy and draw upon different assessments of ‘vulnerability’ to understand the needs of the populations they work with, to distribute funds and resources, to lobby donors, and in some instances to help with the process of identifying candidates for resettlement. These assessments are often large-scale and quantitative in nature, and while they take into account a range of factors, they often have a focus on socio-economic vulnerability. Therefore, the confusion and conflation between vulnerability on the one hand, and poverty on the other, to some extent continues.

Despite the increasingly centrality of both the concept of vulnerability and vulnerability assessments to asylum governance in Jordan, understandings of vulnerability remain varied and contested, and no clear vernacular equivalent to the term exists in Arabic. Different organisations and individuals working with protection seekers use a wide range of different Arabic terms to express or translate the idea of vulnerability, some of which were very different both to each other and to the concept of vulnerability in English. This calls into question onto whether there is a shared understanding (both among humanitarian organisations and between humanitarian organisations and protection seekers) of the basis on which targeting and prioritisation is taking place. Furthermore, it is an example of, and representative of, the dominance of the English language in an Arabic-speaking context. This is both exclusionary and runs counter to the goals of localization, to which humanitarian organisations have formally committed themselves.

In this context of extreme need, the ability of Syrian refugees to apply for work permits under the Jordan Compact is undoubtedly a positive aspect of Jordan’s asylum governance. The decision to open its formal labour market to Syrians stands in sharp contrast the decisions of many other governments hosting large numbers of protection seekers (in the region and elsewhere), and for that the government should be commended. Nevertheless, while in some ways the Compact has led to improvements in Syrians’ legal status and material conditions and has led to the issuing of over 320,000 work permits, this report has demonstrated the extensive challenges that the Compact has encountered. Even with government support and international funding, “reforms will take

¹⁰⁰ Interview JO26; interview JO27.



time.”¹⁰¹ The challenges encountered include the focus on increasing work permit numbers (which can differ from the number of people in work), the lack of access to *decent* work, the relative lack of permits issued to Syrian women (especially in earlier years), and the bureaucratic and costly procedures for registering businesses. The exclusion of other nationalities of protection seekers from the Compact remains one of its greatest flaws. The consequences of the COVID-19 pandemic, and especially the high unemployment rate among Jordanians, have created an even more challenging context in which to pursue further reforms.

On an underlying level, the Jordan Compact has in large part become a programme for the formalisation of the labour market (or at least the formalization of Syrians workers) through the issuance of work permits, which became a central donor target. This focus on formalisation through work permits led to new kinds of work permits being issued, which in some instances put a formal veneer on very informal working practices. Despite the increased focus on access to social protection, the formalisation of work permits has arguably displaced the more important and underlying goal of access to decent work, which was originally envisaged to be much more central to the Compact and its programmes. Therefore, despite the clear positive elements of the Compact, and despite its use as an international example of good practice, the Compact’s results are decidedly mixed. Reforms of this nature take extensive time and adequate funding, and crucially, any attempts to adapt or use similar compacts in other contexts must be sure to learn the lessons of the Jordanian experience.

¹⁰¹ Interview JO23.



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Annex 1: Interviewees

The following terms are used to provide relevant information about interviewees, without compromising anonymity. Where appropriate, clarificatory information is contained in brackets to explain how the terms are being used in the context of this report:

- *Civil society organisation* (non-governmental entity, not formally an NGO, working in relevant fields);
- *Development agency* (the development agency of a foreign government working in Jordan);
- *Embassy* (a foreign embassy or parallel diplomatic mission based in Jordan);
- *Grassroots organisation* (non-governmental entity, not formally an NGO, led at least in large part by community members);
- *International/Jordanian NGO* (an NGO that is either international with a Jordanian branch/office or a Jordanian organisation);
- *Trade union*; and
- *UN agency*.

No.	Interviewee	Organisation	Place	Date
1	JO1	Civil society organisation employee	Online	22 March 21
2	JO2	International NGO employee	Online	16 April 21
3	JO3	UN agency employee	Online	22 April 21
4	JO4	UN agency employee	Online	4 May 21
5	JO5	UN agency employee	Online	27 May 21
6	JO6	UN agency employee	Online	31 May 21
7	JO7	UN agency employee	Online	7 June 21
8	JO8	UN agency employee	Online	7 June 21
9	JO9	Jordanian NGO employee	Online	10 June 21



10	JO10	International NGO employee	Online	10 June 21
11	JO11	International NGO employee	Online	11 June 21
12	JO12	Grassroots organisation representative	Online	15 June 21
13	JO13	UN agency employee	Online	16 June 21
14	JO14	UN agency employee	Online	17 June 21
15	JO15	International NGO employee	Online	22 July 21
16	JO16	International NGO employee	Amman	16 March 22
17	JO17	Jordanian Trade Union Representative	Amman	21 March 22
18	JO18	International NGO employee	Amman	22 March 22
19	JO19	Development agency employee	Amman	23 March 22
20	JO21	International NGO employee	Amman	24 March 22
21	JO21	International NGO employee	Amman	24 March 22
22	JO22	International NGO employee	Amman	24 March 22
23	JO23	European embassy employee	Amman	16 May 22
24	JO24	European embassy employee	Amman	22 May 22
25	JO25	European embassy employee	Amman	22 May 22
26	JO26	Ministry of Labour official	Amman	23 May 22
27	JO27	Ministry of Interior officials	Amman	30 May 22
28	JO28	UN agency employee	Amman	30 May 22
29	JO29	UN agency employee	Online	10 Oct 22



30	JO30	UN agency employee	Online	10 Oct 22
31	JO31	Group interview with Syrians (men)	Amman	23 May 22
32	JO32	Group interview with Syrians (women)	Amman	24 May 22