The Political Ramifications of Forced Migration:
The Case of Iraqi Migrants in Jordan

by

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ABSTRACT

This thesis investigates the causes and consequences of Iraqi forced migration with which Jordan has had to contend since 1990. Extensive migratory waves flooded the Kingdom and are still expected to increase. The study focuses on the domestic and international aspects of this case, particularly the policies involved with addressing the migration of Iraqis into Jordan. Specifically, the thesis is structured around the question: How has Jordan dealt with and responded to the challenges of Iraqi forced migration? Given the limited body of literature on this topic, this thesis attempts to provide a starting point for more detailed study. As a result, my conclusion proposes recommendations for further research as well as frameworks which aim to address the numerous challenges facing the Iraqi forced migrants and Jordan, their host country.
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PROLOGUE

You will attain to the wider world, the vast, the infinite. But fear cripples you. The past pulls it back, the future calls it forth. One can live his whole life without becoming aware that one is living inside a cell, closed from everywhere, windowless, just closed inside—but it is transparent.¹

People have always been on the move, today people are moving due to persecution, oppression and injustice. What better words to describe one's self than what I have quoted from a book by Osho describing the inner person and how one can feel helpless and imprisoned by the turbulent consequences of life.

At some point or another, each one of us could have been a 'refugee' whether warehoused in some closed camps or in an area or region. People live lives as if imprisoned in cells, in chains with a past they try to cling to be pulled by it, and by a calling from a future to keep going on, traveling to the unknown. Their fear, indeed, cripples anyone, because, how can anyone decide on which destination to head to, when they lack the strength for a journey into the unknown.

War is inherently unpredictable. It is impossible for anyone, even for world leaders, to know what the outcomes will be or who will be major affected. Yet, it is the humanitarian consequences which is an imminent result of any war conflict. The world has been "witnessing confusion and political instability as a result of prolonged wars led by the world Super-Powers, which the Middle East and the Arab region in particular received its biggest share of trouble and wars, where tens of thousands of innocent civilians were victims of unjustly wars targeted."² It was possible to avoid such treacherous results. Western interventions, world policies and other interests inflicted against our region in recent years have caused confusion, harm and injustice.³ Not only innocent people have been targeted by the many conflicts in this region, but there have been also refugees and displaced people that

³ Ibid.
are the aftermath of any intervention or conflict. Policy planners tend to ignore these political
and humanitarian outcomes in return for their military plans. Still, do these interests and
policies serve those people's interests and hopes for security and peace?

Whatever their final destination, forced migrants and refugees had, and still have to
continue their journey in a world they are marginalized by the people, world leaders and the
international community. They are 'no one and the forgotten' held in chains created by the
Super Powers.
CHAPTER I

Introduction

1.1 Political Forced Migrants and Refugees: An Overview

Over the past two decades, the Arab region has witnessed several episodes of forced migration as a consequence of wars and conflicts. Significantly, this phenomenon has created challenges in both the host and sending countries. Iraq is one country that stands as an example of how consecutive wars, beginning with the Iran-Iraq war, then the first Gulf War in 1990 and finally the US-led war in 2003, caused millions of Iraqis to flee their home country.

The crisis of Iraqi forced migrants and the wave of refugees across the countries are reaching a threatening level. More than a million Iraqis have fled into bordering countries, as well as dispersed all over the world. Most countries will provide assistance and protection, under such circumstances, but it burdens the countries who are host to forced migrants and the need to provide the required help is a challenge by itself, even to the humanitarian organizations. The Iraqi people suffered during Saddam Hussein's rule and the wars in which the country was involved all those years. They also suffered from the imposed United Nations sanctions during the 1990s, and now the political unrest and the resistance after the war in 2003. All has taken a tremendous toll on Iraqi civilians.

Jordan is a haven and refuge to around a million Iraqis, some who arrived just months after the US-invasion started in the year 2003. They fled to Jordan to join others who have been escaping repression in Iraq to find safety in Jordan. Most of these people are quite vulnerable. These people require immediate attention and help, in particular basic assistance to meet their daily needs.

There is a clear need to ensure access to protection for refugees and asylum seekers. The right to leave one's country and seek protection is enshrined in international law. Article 12(2) of the International Covenant on Civil and Political Rights (ICCPR) provides that
everyone, including asylum seekers, has the right to leave his or her own country, and Article 14(1) of the Universal Declaration of Human Rights (UDHR) provides that "everyone has the right to seek and to enjoy in other countries asylum from persecution."\(^1\) While states have the right to enforce their borders, strict immigration measures and security restrictions have significantly "curtailed the ability of asylum seekers, especially those originating from less developed countries, to exercise their right to leave and escape persecution."\(^2\) In part as a response to international law, certain states have not created domestic legislation regarding the issue of asylum, thus failing to safeguard the right to seek assistance and protection. In Jordan the term 'refugee' in all its dimensions- social, political and legal- is reserved only for Palestinians. Therefore, there is no legal framework or law to consider Iraqis as refugees.

The responsibility for the Iraqi asylum seekers and the authority to recognize of refugees fall under the sole mandate of the United Nations High Commissioner for Refugees (UNHCR) in Amman. Since there are few assistance programs available in Jordan to help Iraqis, the obligation to help these people lies on the shoulder of the international community and the UN agency in Amman. To maintain their internal security, countries and policymakers need not abandon their commitment to what is considered a global issue, forced migration, and to address the ramifications posed by hosting a large number of people, the majority of who require immediate assistance.

1.2 Purpose of the Study
1.2.1 Aims and Objectives

The most significant aspect of the involuntary or forced migration issue facing world leaders and developing countries today is the question of asylum and how to resolve the issue of hundreds to thousands of stranded people and their right to seek refuge and protection in another country. The challenges posed by the scale of migrant waves and to access entrance into other countries require close attention. Following the waves of forced migration during

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\(^1\) ECRE, Responding to the asylum and access challenges: An agenda for comprehensive engagement in protracted refugee situations, April 2003, p.8-9.
\(^2\) Ibid.
the past decades, the majority of people are waiting decisions to be recognized as refugees. The most interesting fact is that the majority of these vulnerable people are stranded and warehoused in camps from which they can neither return to their homelands nor go somewhere else. Their harsh condition calls for immediate action from the international community, especially donor states, to extend the needed and urgent help, and share the burden of the countries that are hosting these large masses on their territory. Here comes the necessity of this thesis. Jordan is the case study of this work. Despite the waves of migration that the country has witnessed starting with Palestinian refugees in 1948, it has been able to host and welcome a large number of fleeing people. Since the first wave of forced migration during the Iran-Iraq war, Iraqi forced migration has been a 'focal issue' in Jordan. It hosts the largest number of Iraqis and the overwhelming majority are living as asylum seekers or refugees; in this regard Jordan is an interesting case in point.

This paper aims to highlight this pressing issue that has not been given much attention in the Middle East or internationally until very recently. Jordan has become host to the largest number of Iraqi migrants, yet at the same time it is facing the still unresolved question of the Palestinian refugees. Jordan has recognized many Palestinians within its borders as refugees under the mandate of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA), and has given the majority Jordanian citizenship. Still Jordan has not acceded to the 1951 Refugee Convention, and has not devised national and domestic legislation to deal with new influxes of forced migrants- it even lacks a legal definition for a non-Palestinian refugee.

Beyond the drama of Iraqi forced migrants, forced migration in the Middle East is not much acknowledged, apart from the Palestinian refugees and their different waves of migration since 1948, including their 1967 displacement and their constant flow due to Israeli’s offensive acts against the Palestinian people. As yet there is no scope of study
targeting Iraqi migration, especially on the involuntary migration prompted by the Gulf Wars in 1991 and 2003 US-invasion and their aftermath.³

In this regard, Iraqi forced migrants have been left in a void, and it is compelling to explore this particular group. Specifically, this thesis revolves around the issue of forced migration, why Jordan was chosen as a host country, and how this influx has affected Jordan socially, economically and politically. In this context, the research question is both descriptive and analytical: How has Jordan dealt with and responded to the challenges of Iraqi forced migration?

Reflecting on this, I deemed it necessary to raise additional questions stemming from the main research question and reflect on them through the study: What have been the Iraqi forced migrants’ livelihood structures in Jordan? What are the main challenges posed by this phenomenon, especially on the local society? How has the international community shared (or not shared) the responsibility for taking care of these migrants? And has forced migration affected Jordan's policies?

1.2.2 Issues Tackled in the Study

This paper tackles and highlights the main issues involved with the forced migration of Iraqis into Jordan. It also offers an urgent response to the need for a serious investigation and a constructive study of strategies taken by governments in the region regarding the migration issue, along with the current crisis of Iraqi forced migration and the protection needed for refugees.

The main issues analyzed in this research are:

1. Forced migration and the protracted refugee situation in the Arab region with Jordan as a case study.

2. The challenges facing the UNHCR, UN agency in charge of stepping in and offering protection and assistance to the most vulnerable people through its programs, as well as the durable solutions UNHCR provides, such as the use of the resettlement tool.

3. Jordan's semi-protectionist policy toward Iraqi forced migrants, i.e., letting them into the country without granting them the right to integrate, and the social-implications of this policy on the host country.

4. How Jordan has dealt with this influx when it lacks the domestic legislation regarding the issue of asylum, and without having any national legal definition for a non-Palestinian refugee.

The research questions reaffirm the need to focus more attention on the case of Iraqi forced migration, to provide the urgent help and protection for those who are most affected by this phenomenon in consequence to the tumultuous events back in Iraq. Nevertheless, there is tension between finding ways to safeguard a country's internal security and the right to seek asylum by means of providing protection which forms a key element of this study.

1.3 Structure of the Problem

Looking at the way Jordan has dealt with the waves of Iraqi forced migrants paves the way for more study and questions regarding the issue of migration patterns Jordan has been affected by ever since the Palestinian migration in 1948. During the wars involving Iraq, a large number of Iraqis were compelled to leave their homes and livelihoods and seek refuge in neighboring countries. Jordan was and still is a haven for so many, in particular those who are asylum seekers and refugees. Still, many of Iraqi forced migrants have used Jordan as a transit country and moved on to western countries and claimed asylum there.

As I conducted my research, the question developed: Has Jordan adopted a semi-protectionist policy towards Iraqi forced migrants, i.e., not permanently allowing them to integrate in the society, because of the long history of migration into the country? If so,
encouraging them to move forward has affected its policies, in dealing with this phenomenon in accordance with the international law when it lacks the domestic legislation regarding the issue. In consequence to this, Jordan’s responses to such waves of forced migration have come due to the imposed socio-economic implications on the society. This cannot be understood in isolation from the political ramifications on Jordan and its internal society.

By hosting this large number of Iraqis, Jordan's domestic and international relations are being affected. Jordan is trying to maintain a certain stature on a regional and global level, which is challenging. However, Jordan is playing politics with a humanitarian issue in order to sustain its role in the region as a host and stable country, while at the same time bringing about benefits and fulfilling self interests from the economic perspective. This can be seen through the international aid provided by the United States (whose best Arab ally in the Middle Eastern region is Jordan) and increased economic benefits from the investments by the affluent part of the Iraqi community in Jordan.

1.4 Research Significance

By addressing the issue of forced migration and insisting on the need to construct an investigation on the protection needs of asylum seekers and refugees, this thesis tries to touch on essential elements forced migrants face during and after conflicts. In addition, the thesis points to the need to have a joint approach among policy makers, the international community and western states to relieve pressures on host countries and to share the responsibility in dealing with different migratory waves.

Parallel to this, this work reflects on the socio-economic profile and the legal standing of the Iraqi community in Jordan, and the social implications on Jordanian society due to their presence, given the political situation Jordan is facing especially after the Amman bombings on November 9, 2005. Also, this work provides interviews with Jordanian government officials, international organizations and NGOs representatives, and testimonials from inside
the daily struggle of Iraqi individuals and asylum seekers that provide key and unique information on this topic.

This thesis is compiled into seven chapters. The first chapter addresses the issue of the study at hand, provides an introduction to forced migration, and the protection needs of the migrants and asylum seekers in particular. It tackles the issues addressed and investigated in this thesis and states the problem the work is based on: Jordan and Iraqi forced migrants. Chapter two further defines the problem and traces the issue of migration through time, mainly in the Middle Eastern region, taking Jordan as a case to study the effects of different waves of migration starting with the Palestinians and the 'catastrophe' in 1948, and reviewing the recent forced migrations Jordan has witnessed due to the Iraqi crisis from the 1990s to the recent US-led war in 2003. Chapter three provides the necessary research design on which this work is based. Different methodological tools were used to address the questions of this research within a limited time considerations at hand and given the limited literature on this topic.

Chapter four considers the responses regarding the challenges the study of protection faces. It considers the role the UN agency, the United Nations High Commissioner for Refugees (UNHCR), assumes and the mandate it works through to help refugees and asylum seekers. It offers three-durable solutions to assist in providing protection in accordance with international instruments and the 1951 Refugee Convention. This chapter provides an overview of the resettlement tool (one of the three-durable solutions) emphasizing recent approaches to and policies for resettlement and how they work to resolve situations of protracted refugee status. Furthermore, it explores state responses and the principle of responsibility sharing regarding burden-sharing approaches for refugee protection that have involved cooperation among states in regions of origin and the western states.

Chapter five investigates the study in a more descriptive way, addressing the case of Iraqi forced migrants in Jordan, giving a detailed account on the recent statistics of the Iraqi community in the country, on their socio-economic condition and where they legally stand in Jordan. Also, this chapter provides accounts from different sectors: civil, governmental and
the international and humanitarian groups present in Jordan. The chapter summarizes the findings from field visits and highlights the impacts on the Jordanian society and the economy by providing statistics regarding Iraqi investments, particularly in the real estate market. The chapter concludes by comparing Jordanian policies on a regional and global level, outlining the political perspective of the regional developments and their impact on Jordanian policies.

Chapter six focuses on the findings of the research, and analyzes the results from chapter five. Chapter seven is the last chapter of this thesis. This chapter summarizes the work done and highlights the main issues tackled and investigated all through. It places the thesis’ conclusions into a larger framework for action by providing recommendations based on this thesis.
CHAPTER II

Problem Definition

2.1 Migration and Migratory Movements
2.1.1 History: A Global Issue

In an article written by His Royal Highness Prince Hassan bin Talal ‘Immigrants and Emigrants’, he addresses the issue of migration by asking questions,

I am more interested in why so many have left their homes and families in the first place. What happened to their will to stay, when governments fail to deliver economically, socially, and more importantly humanely? The migration of people has become a complex and powerful occurrence, too strong to deal with in the outdated and traditional ways which used to be effective. What is needed...is that nationalities regardless, people can earn a decent living and build for a future in their own house lands.4

Migration is a "multifaceted and complex global issue, which today touches every country in the world. All 190 or so sovereign states of the world are now either points of origin, transit or destination for migrants."5 The world is in constant change and the flows of migration have shifted in "recent years with the changing poles of attraction."6 Although it is difficult to determine and calculate how many persons are "migrants at any particular point in history", evidence of changing lifestyles and the effects of migration touch all periods of world history.7

2.1.2 Definition of Migration

In order to understand migration, it is vital to explore the different terminology associated with it. Definitions of "migration" and, by extension, "migrant" are constructed

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6 Ibid.
7 IOM, "Migration and History", Essentials of Migration Management, Vol.1, Section 1.3, p. 3.
from social, economic and political dimensions which vary greatly. For examples, definitions can be drawn from a geographical standpoint; "movement of a person or groups of persons from one geographical unit to another...with the intention of settling indefinitely or temporarily." From the human standpoint, "it includes any person whether a refugee, displaced, uprooted people, and economic migrant who leaves his or her country with the intention to reside in another", but the term 'migrant' is more general than 'emigrant' because it does not specify the direction of movement.

2.1.3 Different Forms of Migratory Movements

There are different types or categories associated with 'migratory movements' and they can be associated with situations that lead to them. They can be determined by social, economic and political considerations. According to Geraldine Chatelard as quoted by B. Ghost, migration flows and patterns are influenced by:

political and cultural ties, both regular and irregular...But other forces such as globalization of the world economy, expansion of world trade and investment are opening new avenues and opportunity.

Two of the categories that are involved in migration are: voluntary and involuntary migration. Voluntary migration is associated with economic and labor migrants, those who tend to leave their have countries to go and settle in another in order to improve their quality of life. Involuntary migration can be associated with forced migration. A forced migrant is a person, prompted by the dangerous threats to life and livelihood and the insecure situation in the home country, escapes to another country. Another type of migrants can be added to that list: "those who had a degree of choice in taking the decision to leave their country but can not go back for fear of persecution owing to the mere fact that they have emigrated (for an example Iraqi citizens who have officially asked for asylum abroad fall under that category).

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9 Ibid.
10 Ibid.
11 Chatelard, G. p. 5.
Numerous Iraqis in Jordan exhibit other characteristics and do go back to Iraq on a regular basis. This work is concerned largely with two groups of migrants:

On the one hand, those who left Iraq because they feared for their lives or personal integrity due affiliation to a political, religious or social... on the other hand, those suffering from a mixture of economic hardship due to deteriorating purchasing power or daily bothering.\(^\text{13}\)

Most of my group will fall in the category of migrants referred to as ‘irregular or illegal migrants’. These migrants enter a country “without inspection by the concerned authorities, or enter with the issue of an illegally acquired or falsified visa or passport, or overstay their legally acquired residence permit.”\(^\text{14}\)

2.2 Migration and Jordan: A Case Study
2.2.1 Different Waves of Migratory Flows

In recent years the Middle East is reported to have received more than, “ten percent of the world's migrants. Both internally and within the region, this migration is diversified and involves legal workers and their families, irregular migrants, refugees and displaced persons.”\(^\text{15}\) According to the International Organization for Migration (IOM), the Middle East is a host for about “fourteen million international migrants mostly (economic), and six million refugees.”\(^\text{16}\) Saudi Arabia represents has the biggest migrant population, and then comes the United Arab Emirates then Kuwait. Egypt follows with approximately three million migrants. The above are listed under the 'economic migrant' category, temporary in nature and fewer citizenship rights.\(^\text{17}\) Meanwhile, Iraqis represent the largest number of migrants, categorized under forced migration, who are hosted by Jordan.

Violent conflicts are another major cause of migratory flows in the Middle East. The Arab world presents both a "source of and haven for refugees, from within and beyond the

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\(^{13}\) Chatelard, G. p. 6.
\(^{14}\) Ibid, p.7.
\(^{15}\) IOM, "Migration in the Middle East", World Migration, 2005, p. 49.
\(^{16}\) Ibid.
\(^{17}\) Ibid.
region." In 2003, there is estimated about "six million refugees in the region including some four million Palestinian refugees- the largest refugee population in the world."\(^{18}\)

Known as ‘the transit hub of the Middle East’, Jordan is sandwiched between two of the most volatile areas in the world: From the west Israel/Palestine and from the east Iraq. Though limited with natural resources, Jordan has, for years, played centre role in the struggle and turbulent events that have "rocked the region since the middle of the twentieth century."\(^{19}\)

Jordan is a “case in point for how various forms of mobility and migration have touched this small country and shaped its policies, both domestically and regionally.”\(^{20}\) Like most other Middle Eastern states, the Hashemite Kingdom of Jordan is a 'recent creation', being established and borders drawn by European colonial powers in 1921. It soon became a safe haven and host to many refugees over the years. The country has been involved in major humanitarian emergencies and had to cope within massive influxes of refugees and migrant workers fleeing conflict areas. It is estimated that over 60% of the 5.6 million Jordanian population is composed of Palestinians.\(^{21}\)

The study which I undertake in this thesis focuses on forced migrants, in particular ‘Iraqi forced migrants’. There are two particularly interesting aspects to the Jordanian case: The Palestinian and the Iraqi scenarios. Before tackling the Iraqi case and its impact over the past decade, I deemed it necessarily to touch in brief on the Palestinian scenario that had, and still has, a strong impact on Jordanian society which has affected also Jordan’s policies, both foreign and domestic.

### 2.2.1.1 The Palestinian Scenario

Hundreds of thousands of Palestinians have flooded Jordan after the successive Arab-Israeli wars. Jordan became the first host of Palestinian refugees and “bears the distinction of having the highest ratio of refugees to indigenous population of any country in the world, the

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\(^{19}\) Aloul, S. "For fleeing Iraqis, Jordan has become a Limbo", *CNEWA*, Vol. 31, No 5, September 2005.


refugees having arrived in successive waves in 1948, 1967 and 1991 (the latter from the Gulf)." According to the United Nations Relief and Works Agency for Palestinians in Near East (UNRWA), in 2003 statistics there are around 1.719 million Palestinians in Jordan who live in 11 camps around the country. Besides, 800,000 Palestinians displaced after the 1967 war also came to live in the country.

Also, Jordan is the "best regional host having granted Palestinian refugees full-fledged citizenship. Many Palestinians fled the unrest in the East Bank (Trans Jordan) which is now known Jordan, and it is estimated that back in the year 1948 the Jordan population was trebled." As a result of granting them citizenship the migrants were able to integrate into Jordanian society.

2.2.1.2 The Iraqi Scenario

Migration from Iraq only became a noticeable phenomenon during the last 20 years with the start of the Iranian-Iraqi war. In (1980-1988) people were pushed to flee looking for security and prosperity outside Iraq. There were at least, "517,000 dispersed persons all over the Middle East region by early 1990s, prior to...this Iraq had not been a big migrant exporting state." The majority of Iraqis living aboard as refugees or asylum seekers are the ones who have fled during the 1991 Gulf war. Migration intensified,

Owing to the crippling economic embargo and socio-economic hardships, compounded by prevailing domestic-political situations and collective denial of access to public resources for marginalized groups and various religious and ethnic communities.

The outflows also stemmed from the 'brutal treatment' of the Kurds from the North and the Shiia from the South by Saddam Hussein's government, following uprising by these

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22 IOM, "Migration in the Middle East", World Migration, 2005, p. 50.
23 Ibid.
24 Ibid.
27 Ibid.
groups. Ever since, repression has continued and so has the flow of Iraqis out of the country. Later in the 1990s, fighting between rival Kurdish factions and "the drainage of the marshlands in the Shiite area of the Shatt el-Arab" prompted more people to leave. Due to the United Nations Security Council imposed sanctions for almost 12 years, harsh economic conditions pushed people to leave. Many Iraqis who fled chose the neighboring countries as their destinations. Jordan was one of those destinations, and now hosts one of the "largest Iraqi expatriate populations in the world." In the 1991 Gulf War, approximately two to three million refugees emerged from Iraq. This number included around 300,000 Palestinians who left Kuwait because of the hostilities that resulted due to the stand the Palestinians took when sided with Saddam in the invasion, and more than 500,000 foreign workers who lost their jobs in the Gulf States. It is estimated that a range from two to five million Iraqis are currently refugees, the latter equal to 20% of population in 2001.

After the 2003 US-led war, fewer Iraqis came to Jordan as the latter became a 'transit country' for some of them. They came to join the large numbers of long-term refugees who are stranded in the country. Jordan adopted a 'semi-protectionist' policy towards Iraqis, by letting them stay for up to half a year without any local integration. I will come to this issue in depth in chapter five.

According to an official at the Jordanian Ministry of Interior who wanted to be kept anonymous, fewer Iraqis fled during last 2003 Iraqi crisis and the majority of the forced migrants were third-country nationals from Somalia, Sudan, Egypt and Eritrea who used Jordan as transit to return to their home countries. The largest numbers of Iraqis came due to the hostilities in the Gulf in 1990, and remained in Jordan or resettled in another country and have not returned since, in addition to the Palestinians who fled after 1990 war.

29 Chatelard, G. p. 2-3.
31 Ibid.
32 Ibid.
33 Ibid.
2.2.2 Jordan: A History of Conflict

It is hard to study and discern the route and the mobility of forced migrants, as Geraldine Chatelard and other specialists on this topic note repeatedly. In addition, too little attention has been given to recent scenarios and episodes of forced migration, after the 2003 war on Iraq, while "attention has focused on previous episodes of forced migration, such as the Lebanese civil war and the Palestinian Diaspora." There has also been little focus "on the long-term social implications of forced migration", and the majority of the studies and literature has been produced by relief agencies and human rights groups.

In Jordan, as I will go through in chapter three, the subject of forced migration and the issue of Iraqis is not acknowledged at large and narrowly examined. This subject is not addressed fully in research except for a recent study by Human Rights Watch. The topic of assistance to refugees has also not been adequately tackled at the level of providing such assistance.

However, it is impossible to predict the consequences of any war, and when it comes to forced migration Jordan, has shown persistence and dedication to ensure the well being and stability of its own territory. And one should not forget the social and economic strains because of the massive cross-border flows and migration that Jordan has faced the passed years. One will notice that even "political communities can find ways to persist even if they are unable to resolve basic conflicts that concern the essence of their existence." Jordan is a case study to migratory flows which forms a focal issue to our day, maybe because, in spite of the regional crisis and conflicts, it will remain an open gate and haven for those seeking protection and refuge, those whose lives are shattered by the turbulent conflicts in the Arab region.

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34 Chatelard, G. p. 2.
35 Ibid.
37 Mishal, S. West Bank/ East Bank: the Palestinians in Jordan, 1949-1967 p. 120.
CHAPTER III

Research Methodology

3.1 Introduction

Early sections of this work defined and explored the topic quantitatively and qualitatively and helped to construct the theoretical framework which will determine the line of thinking and the scope of study for analysis. This chapter is concerned with the different research methodology undertaken, where the problem element is being explored at different possible scenarios, and at the same time this chapter tackles the different obstacles and problems encountered while conducting this work.

This section is comprised of two sub-sections:

1. The methodology sub-section describes how the research was conducted then turns to a discussion of the major obstacles confronted in order to achieve the research objectives.
2. The analysis sub-section includes analysis of the data and results obtained (which I will discuss more fully in chapter six).

3.2 Case Choice

In order to understand and determine a suitable research approach it is important to emphasize the type of conceptual framework that I use in the research. The problem is not confined to one aspect, but rather attached to the social, physical, political, economic and the legal issues attributed to this research.

This research focuses on the Middle East in particular my case study focuses on Iraqi migrants and Jordan. The study addresses the protracted nature of conflict, persecution and the unstable state in Iraq; also it addresses the situation of vulnerable refugees and asylum seekers. However, in this thesis I try to focus on the refugees’ lives and survival mechanisms in Jordan.
No attention has been given to forced migration in Jordan until recently, in particular ‘Iraqi forced migration’. In Jordan, Iraqi migrants in many ways are “invisible migrants if one is to judge by how neglected they are in the ‘grey literature’ produced.” As previously mentioned, prior to December 2006, there are no primary sources on this topic, neither books, nor papers. Historical background on migration only covers the wars and resulting migration in the region up through the First Gulf War. The effects and the socio-economic impacts, in addition to the political aspect on the civilians and their fleeing to other neighboring countries, such as Jordan, are not acknowledged. The only studies to be found are the ones produced by the different human rights groups in Jordan: international organizations, UNHCR in Amman, and the Jordanian public bodies and civil societies, such as NGOs, local relief work agencies and research centers. Some news articles may be found in the Jordanian press agencies and archives, but they are limited.

Regarding Jordanian officials, and those who work in the government and representatives, it was not an easy task to approach them. They preferred not to refer to the subject or give any comments. Some officials were not available even to discuss the issue, and refrained from providing any kind of information. Increased and tightened security measures were implemented after the Amman Hotel Bombings in November 9, 2005, which were found to have been perpetrated by Iraqis, who crossed into Jordan via the Iraqi-Jordanian borders with fake passports. All security alarms were raised across the borders and inside the country, and the issue of the Iraqi presence is not discussed out in the open, mainly on the part of the Jordanian government. I was even discouraged from pursuing my study or approaching government officials, and was strongly advised to keep a low profile while conducting fieldwork. On the other hand, some international organizations, NGO representatives and human rights group in Jordan emphasized the importance of my study and encouraged me in pursuing it. Specifically some encouraged me as a Jordanian woman who shows an interest in this field of work to create a good image and lay down a road for other

38 Chatelard, G. p. 9.
Jordanians, especially women, to participate and interact with matters related to our everyday lives and strive to make a better contribution to our country.

3.3 Data Collection Strategy

For around seven comprehensive months, I assessed the socio-economic profile and conditions of Iraqi migrants in Jordan and their livelihood strategies, in addition to studying the background of ‘forced migration’ in Jordan and its causes. I undertook multiple strategies in data collection. Due to the sensitivity of the issue of the Iraqi presence in Jordan, I tried to maintain a low profile while conducting the study, especially when I interviewed Iraqis who wanted to remain unidentified. This report is based on desk research (such as the literature review and statistics), field research, interviews, participant-observation, and investigating the increases in investment, and the real estate market in Jordan. In order to obtain and gather the necessary information I conducted about 30 formal and informal interviews.

3.3.1 Literature Review

My historical background information was obtained through online articles, archives from the Jordanian news agencies, weekly magazines, and hardcover books. This approach helped to delve into the history of the problem, the related problems, and what led to the friction which induced forced migration in the region, mainly into Jordan.

3.3.2 Field Survey

The objective of using this method is to construct a combination of mental and physical understanding in order to touch on the symptoms of the problem and to study it in an in depth way from my own perspective. The field research provided a real-world context for the findings of this report. In order not to be biased to a certain source or any information obtained from articles, newspapers and magazines, I conducted field research in parallel with
the gathering information from other sources to ensure the reliability of this information by cross-checking.

3.3.3 Interviews

I used this research tool to the greatest extent. The purpose was to construct and reach a qualitative understanding in order to grasp the topic most fully. Thus, I turned to the interview tool as a validation process especially for issues that require opinion or professional feedback. As mentioned earlier because of the sensitivity of the issue, the majority of my interviewees from different sectors preferred to remain unidentified. I conducted several in-depth interviews with different private and public sectors representatives as well as Jordanian government officials, including former deputies, spokespersons and ministers. I met with members of several foreign and local relief and human rights groups and NGOs operating in Jordan, and some representatives of international organizations. I repeatedly met with staff and representatives at UNHCR in Amman. Lately, even though it took some effort to approach the western embassies in Amman, I met an immigration officer in one of the western embassies but the person requested that I keep the embassy unidentified for certain reasons. I used structured open-ended questions in conducting the interviews, during which some historical analysis was provided on the subject matter.

3.3.4 Observation

In order to assess the socio-economic profile of Iraqis in Jordan, part of my fieldwork concentrated mainly on observation. As a passive observer, I was able to approach the Iraqi forced migrants in Amman and in surrounding areas to touch on their needs and what caused them to flee Iraq. Being a woman allowed me access to people, particularly women. Most of the women were more open and easy to approach, and to express their situation more than Iraqi men who are afraid to come out publicly and would rather keep a low profile, for fear of the Jordanian authorities and of being deported. This is most likely due to the fact that the
majority of the men work illegally so as to provide for their families whether they are still in Iraq, or is in Jordan. I kept regular, friendly contact with some Iraqis in Amman. Some of the people interviewed had arrived in Jordan within the previous several months, or after the war started in March 2003, I also attended religious meetings at churches, an opportunity to meet Iraqi priests whom the local churches host and support a number of Iraqi community, most of them not even Christian. The observation tool helped me to get in contact with some local relief agencies, who maintain home visits to places where Iraqis live. They were able to draw a clearer picture of the daily and harsh life Iraqis live and go through, for some live in cave-like places on the hills of Amman.

3.3.5 Real Estate Market Study

In order to assess the impacts of the US-led war in 2003 on Iraq, and the consequences that touched the neighboring countries, in particular Jordan, it was important to refer to the economy of Jordan and how it was affected by the influx of migrants. In addition, any crisis in one country will impact the whole region from the social aspect reaching to the economic aspect, especially if that country is host to thousands of fleeing people. Real estate is considered the spine of the economy and of the major developmental programs. Any investor who wants to invest his money in a country would rather go into the private sector, rather than the public sector. I was able to explore and run comparisons on Iraqi investments in Jordan. The years studied are the 1990s and after the fall of Saddam’s regime in 2004 up to the most recent statistics available. Analyzing the rise in the number of Iraqi-as non-Jordanian-investors in Jordan and their interest in real estate helps to address the central questions that I tackle through my study.
CHAPTER IV
Responding to Challenges

4.1 Introduction

Millions of people fall victim to terror and unjust wars all around the world. As a result, innocent people become displaced internally or become refugees in other countries. They flee their own homes and livelihoods to spare their lives and the lives of their own families to seek peace and security fearing death and persecution in their own homeland. They look for protection under the ‘umbrella’ of another government, the protection they no longer feel they can get from their own governments.

In this chapter, I will briefly study some of the tools and solutions offered to help those affected people, along with the role the United Nations plays in this humanitarian aspect. Then the responsibility of the international community and member states in sharing the burden will be discussed. Also, this chapter tackles the human rights aspect, and how the norms of International Refugee System are reflected in some member states’ practices as well as gaps in the practices that can result in human rights abuses and violations.

4.2 Tools and Solutions
4.2.1 United Nations High Commissioner for Refugees: An Overview

Following the First World War and as the 20th century advanced, a multilateral approach to forced migration by states was required. The League of Nations became the forum to discuss and find durable solutions for those left displaced after the end of the First World War. In 1938, before the Second World War broke out, the Intergovernmental Committee on Refugees (IGCR) was created in order to assist and provide resettlement opportunities to
those ‘persecuted minorities’.\textsuperscript{39} This was followed by the United Nations Relief and Rehabilitation Administration (UNRRA), an organization created “ad hoc to offer relief and rehabilitation services in areas devastated by war, and to care for the victims of war, especially displaced persons.”\textsuperscript{40} In 1946, the United Nations General Assembly adopted the constitution of the International Refugee Organization (IRO), as a non-permanent specialized agency of the United Nations to tackle the problem of refugees and displaced persons from all angles…Identifying, registering, and classifying the people concerned, providing lasting solutions and delivering care and assistance.\textsuperscript{41}

In 1951, IRO was replaced by UNHCR, a new organization with specific responsibility for refugee protection.\textsuperscript{42}

4.2.1.1 Definition of a ‘Refugee’

According to the 1951 Convention relating to the Status of Refugees, a refugee is a person who “owing to a 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 to or, owing to such fear, is unwilling to avail himself of the protection of that country…”\textsuperscript{43} The ‘well founded fear’ in the Convention, sometimes refers to some kind of persecution which is not defined in the Convention but has been interpreted to mean a “violation of someone’s basic human rights of sufficient gravity that the protection of another state is needed”, which depends on the gravity of harm and human rights violations committed.\textsuperscript{44} This definition has been broadened in some regions. In 1969, the Organization of African Unity (now the African Union), and in 1984, the governments of Latin America, both broadened the definition to include any person fleeing forcibly their residence and their country because of aggression, foreign domination, and as a result their

\textsuperscript{39} IOM, "Developments and Challenges", Essentials of Migration Management, Vol.1, Section 1.3, p. 18.
\textsuperscript{40} Ibid.
\textsuperscript{41} Ibid.
\textsuperscript{42} Ibid.
\textsuperscript{43} UNHCR "Protecting Refugees – Questions & Answers".
\textsuperscript{44} Refugees: Human rights have no borders. http://www.amnestyus.org/justearth/document.do.
life and/or security are threatened by widespread violence and human rights violations. In practice, there are significant differences in how states view the causes of flight and who is eligible for protection, which is influenced by a great degree by their political interests.

4.2.1.2 Humanitarian Aid and Protection

UNHCR is considered a humanitarian organization with no political inclinations. Two goals are connected with it, refugee protection and finding all possible means in order to help refugees start their lives anew. International protection is considered the corner stone of UNHCR’s mandate. This means, to guarantee the respect of human rights and not to repatriate any person involuntary where there is a chance of fear of persecution and threat to his/her life. The UNHCR cannot provide legal protection without also responding to the basic needs of the individuals for shelter, food, water and medical care. Thus, UNHCR made sure to establish, provide, deliver, and set up projects aimed mainly at the most vulnerable groups such as children, women and elderly. Also, UNHCR is supposed to close the gaps between the ‘emergency help’ provided for refugees and those who return back home, and the developmental aids provided by other agencies.

The most vulnerable people and those who fall victim to conflict and crisis back home fall under UNHCR mandate and the status determination procedures in order to be recognized as refugees, according to a representative in the UNHCR Amman office. In some situations, UNHCR may make its own determination of refugee status under its mandate. This is necessary when it comes to “addressing fundamental protection gaps in countries that are not signatories to the 1951 Refugee Convention and its 1967 Protocol or to regional instruments…or where the application of the refugee principles is inaccurate or inadequate.”

Thus, refugee status recognition under UNHCR’s mandate becomes an important step in the

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48 Ibid, p.110.
49 Ibid.
protection function, and a ‘pre-condition’ for implementing durable solutions.\textsuperscript{50} The status determination procedures include the following elements:

- Registration and identification of asylum-seekers;
- Legal advice and representation;
- Personal interview with a qualified official; and
- Opportunity for appeal of the decision taken by an appropriate authority.\textsuperscript{51}

UNHCR’s role is key to finding permanent and durable solutions for recognized refugees. The three durable solutions are: voluntary repatriation, resettlement and local-integration. Voluntary repatriation is the return of refugees, asylum seekers and migrants back to their home countries. This return is taken on a willful and solely decision. The decision is based on two factors: the situations in home country and the host country. Also, UNHCR runs interviews among the sectors who want to repatriate, and about the real situation back home. Moreover, UNCHR should not try to prevent them from going back it should provide treatment procedures after repatriation, such as protection upon repatriation, home country assistance after their return, reintegration and freedom to reside, and monitor their cases there in case of any violation that might take place.\textsuperscript{52} Return is one aspect of migration and it has significant impact on the countries of origin, transit and destination. This effect felt on the ‘absorption’ capacity in terms “of reintegration and social-economic stabilization.”\textsuperscript{53} Voluntary repatriation is the preferred long-term solution for the majority of refugees. However, because of the unstable situation back home and the fear of persecution for some who are unable to stay and live permanently in the country of asylum, in those circumstances, resettlement to a third country is the most preferable solution and only feasible option.

Local integration is another of the three ‘durable solutions’ available to refugees. Here, local integration becomes a durable solution, when a “refugee becomes a naturalized citizen of his or her asylum country, and consequently is no longer in need of international

\textsuperscript{50} IOM, "Refugee Protection", Essentials of Migration Management, Vol.3, Section 3.5, p. 11.
\textsuperscript{51} Ibid, p. 9.
protection.”\textsuperscript{54} The 1951 UN Refugees Convention pays particular attention to the local integration of refugees. According to Article (34) of the Convention, “the contracting states shall as far as possible facilitate the assimilation and naturalization of refugees.”\textsuperscript{55} In view of the fact that the “refugee problem became a world wide phenomenon”, limited use of the principle of local integration has been practiced as a durable solution. Many countries of Asia, the Middle East and Eastern Europe have not been inclined to pursue this solution to refugee problems.\textsuperscript{56} Jordan is one such case, and I shall come later to this issue in chapter five for possible explanations of why it has not favored it as a solution for refugee problems.

\textbf{4.2.1.3 The 1951 Convention on the Status of Refugees and its 1967 Protocol}

The 1951 Refugee Convention is the ‘legal document’ that the UNHCR, states and human rights agencies refer to “in defining who is a refugee, their rights and the legal obligation of states.”\textsuperscript{57} The Convention was originally ratified to deal with the increasing number of people who fled their homeland in search of refuge, due to the aftermath of the First and Second World Wars. In July 1951, “a diplomatic conference in Geneva adopted the Convention Relating to the Status of Refugees and its subsequent 1967 Protocol.”\textsuperscript{58} Even though times have changed and the nature of conflict and migration patterns have also changed, this does not mean threats and persecution of individuals and innocent people has ceased. As more now face the unknown danger of instability, the Convention has proved “resilient in helping to protect more than 50 million people in all types of situations.”\textsuperscript{59}

The Convention entered into force on April 22, 1954, and on Octobers 4, 1967 its subsequent Protocol entered into force. As of February 1, 2006, there are 146 state parties to

\begin{itemize}
  \item \textsuperscript{55} Ibid.
  \item \textsuperscript{56} Ibid.
  \item \textsuperscript{57} UNHCR, "Questions and Answers". \url{http://www.unhcr.org/cgi-bin/texis/vtx/basics/opendoc.pdf}
  \item \textsuperscript{58} UNHCR, " States Parties to the convention and the Protocol". \url{http://www.unhcr.org/cgi-bin/texis/vtx/basics/opendoc.pdf}
  \item \textsuperscript{59} Ibid.
\end{itemize}
one or both of these instruments and the State Parties who acceded to both the Convention and Protocol total of 140.\textsuperscript{60} The most recent country to ratify both of them is Afghanistan on August 30, 2005. In the Middle East there are only six countries that have ratified these instruments: Algeria, Egypt, Somalia, Sudan, Tunisia and Yemen.\textsuperscript{61} Jordan is not a party to these instruments, however, human rights groups are trying to push the country to accede to them, according to the National Center for Human Rights representative in Amman.

The importance of the Convention lies in the ‘legal status of refugees, including their rights and obligations. The definition of ‘who is a refugee’ is spelled out in Article (1) of the Convention, as referred to earlier.\textsuperscript{62} In addition, it is the only international agreement that covers and points out the most important aspects of a refugee’s life. Regarding the 1967 Protocol, by acceding to it, “governments remove the geographical and time limitations that normally restrict application of the Convention to persons who became refugees because of events occurring in Europe before January 1, 1951.”\textsuperscript{63} The Convention tries to alleviate the consequences of refugees, problems by “offering victims a degree of international legal protection and eventually helping them begin their lives a new.”\textsuperscript{64} This all is set out in the Convention: states should apply ‘international human rights standards and agreements’ towards refugees and refugees should abide by in certain norms in order to maintain the public order of the host country.

These rights include:

- The right not to be forcibly returned, or refouled (Article 33);
- The right not to be expelled (Article 32);
- The right to work (Article 17);
- The right to housing (Article 21);
- The right to education (Article 22); and

\textsuperscript{60} UNHCR, "States Parties to the convention and the Protocol". http://www.unhcr.org/cgi-bin/texis/vtx/basics/opendoc.pdf
\textsuperscript{61} Ibid.
\textsuperscript{62} UNHCR, "Signing could make all the difference". http://www.unhcr.org/cgi-bin/texis/vtx/basics/opendoc.pdf
\textsuperscript{63} Ibid.
\textsuperscript{64} Ibid.
• The right to freedom of religion, and free access to courts (Article 4 and 16 respectively).  

UNHCR serves as the ‘guardian’ of this Convention and its Protocol. Thus, states are expected to cooperate with UNHCR in ensuring the rights of refugees as defined in the Convention are well met and respected. The accession by states to the Convention means that they are willing to share responsibility for refugee protection in accordance with international legal and humanitarian standards. In return, governments acknowledge that refugees are a “phenomenon” not just affecting millions of ‘disenfranchised’ people but also the policies and practices of virtually every government in the world.  

4.2.2 Duty to Protect

It is the responsibility of states to protect their citizens. When governments are unwilling or unable to provide protection and security, people face the risk of persecution, generalized violence or conflict, or serious violations and abuse to the human rights basics. As a result people flee their homes, often their families to seek another safer country, where they may be recognized as refugees and be guaranteed basic rights. UNHCR is considered as the ‘watching brief’, intervening if necessary to ensure that “bona fida refugees are granted asylum and are not returned forcibly where their lives may be in danger.”

UNHCR steps in to provide international protection to refugees and seek permanent solutions to their problems through its three-durable solutions mentioned earlier. States built the ‘legal framework’ that supports the international refugee; they have affirmed this through their commitment to protecting refugees by acceding to the 1951 Refugee Convention, 1967

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65 UNHCR, "Signing could make all the difference". [http://www.unhcr.org/cgi-bin/texis/vtx/basics/opendoc.pdf](http://www.unhcr.org/cgi-bin/texis/vtx/basics/opendoc.pdf)
66 Ibid.
67 Ibid.
Protocol. These instruments form the cornerstone of refugee protection. When people realize that their own governments are unable to offer them their own basic rights and physical protection, then it is the duty, under international law, of the international community to step in and offer protection. But one of the challenges facing protection these days is the ‘protection gaps’, where “states do not acknowledge a responsibility under any refugee instrument to recognize persons whom UNHCR seeks to protect.” Gaps mostly occur in countries that are not signatories to the 1951 Refugee Convention and its 1967 Protocol, and which lack regional and local legislation regarding refugees. This shows the inadequacy of the current “international system to address in a consistent manner the fact of a growing number of people who fall outside the 1951 Refugee Convention, yet can not be safely returned home because of the widespread human rights abuses, often associated with armed conflicts.”

4.2.2.1 When Security and Protection Collide

One of the major issues faced today by the international community is the recent security developments that have rocked almost every region in the world. Conflicts still roar people will keep be victimized and dependent on other state’s protection. The question remains especially for those who find themselves in these situations. How will new state policies toward security, especially, after the events of September 11, 2001 affect the policies of protection? National security has always been an issue of concern to states, and this has led to a tension between the admission of new arrivals to their territories and the interests of the states and their existing populations.

The issue of security is “interpreted broadly to include economic, environmental and physical security...movements of persons may threaten the economic well-being of a country

and its political stability." In many cases, refugees and migrants are treated with suspicion and as ‘potential enemies’ instead of innocent people in need of protection. This poses a real and serious danger to human rights and to the civil liberties of some states.

4.2.3 Resettlement as a Tool of Protection

4.2.3.1 Background

For the majority of refugees voluntary repatriation is usually considered the most desirable of the three durable solutions for their situation. Certain circumstances can exert pressures on the individuals who would want to return back home, at the same time these people are unable to live permanently in their country of asylum. Hence, comes the resettlement option to a third country which for some is the only feasible option. Resettlement is considered as “one of three durable solutions for refugees and is therefore a core mandate function of UNHCR.” Refugees are resettled to a third country where they will be granted asylum and in many cases the opportunity to become naturalized citizens. Resettlement has become an international response to a number of refugee crises. It “evolved and expanded considerably in the context of the Cold War, during which, the western governments led by the US, used resettlement not only as tool of protection for those in need, but also as a means of highlighting features of the Communist regimes.” Since the early days of the international refugee regime, for resettlement countries, political, economic and humanitarian aspects were the terms on which refugees were admitted. However, resettlement priorities were mostly shifted by expressions of international solidarity, responsibility sharing, and adherence to emerging international norms. Whereby, countries because of the “happenstance of geography, find themselves usually reluctant hosts to masses of refugees from neighboring countries”, are approached by

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76 Ibid, p. 32.
78 Ibid.
rich wealthy countries who come to their aid.\textsuperscript{79} Therefore, resettlement countries have acted for humanitarian reasons, and as a part of their foreign policy, in order to support countries that are burdened by such influxes, and might be destabilized.\textsuperscript{80} This resettlement tool on a large scale tends to focus on particular groups, mainly, vulnerable people who are attracted to what the foreign policy of western states possibly will offer.\textsuperscript{81}

4.2.3.2 Criteria for Resettlement Procedures

In Chapter 4 of the UNHCR Resettlement Handbook, "resettlement may be considered for refugees who do not have an opportunity to establish themselves in their country of refuge …and when a refugee will not be able to return home in the foreseeable future and is not able to settle locally."\textsuperscript{82} As a consequence, referrals by UNHCR are governed by a specific set of criteria and procedures which include "legal and physical protection needs, survivors of violence and torture, medical needs, women at risk, family reunification, children and adolescents, elderly refugees, and refugees without local integration prospects."\textsuperscript{83}

The five-stages in the resettlement process are the:

1. Identification of refugees in need of resettlement based on their vulnerability in country of asylum;
2. Preparation of the resettlement dossier, and its submission to the resettlement country of adjudication;
3. Adjudication of resettlement dossiers by resettlement countries;
4. Pre-departure formalities; and
5. Arrival and process of integration.\textsuperscript{84}

Governments are not always ready to adapt their quotas to rapidly changing needs, and establish them in response to domestic policies targeting specific nationalities. Most countries accept people who are skilled, educated with strong family and cultural links, intact families and those who are able to integrate rapidly. This means many among certain groups are going

\textsuperscript{79} ECRE, "Addressing Protection Needs", p. 31.
\textsuperscript{80} Ibid, p. 33.
\textsuperscript{81} Ibid, p. 35.
\textsuperscript{82} UNHCR Resettlement Hand book, Chapter 4 (updated), July 2002.
\textsuperscript{84} UNHCR, "Questions and Answers", http://www.unhcr.org/cgi-bin/texis/vtx/basics/opendoc.pdf
to face rejected appeals, and will face repatriation to their countries from which they fled. Of the 191 member states of the United Nations, less than 20 usually cooperate with global resettlement activities by making available ‘annual quotas’ for resettlement of refugees. The 20 countries include, “Australia, Canada, Denmark, Finland, New Zealand, the Netherlands, Sweden, Norway, Brazil, Argentina, Ireland, and the United States of America.” Other countries may consider submissions from UNHCR on a case by case basis, normally because of “family reunion or strong cultural links.”

The US, Canada, and Australia constitute the ‘big three’ resettlement countries responsible for annual resettlement quotas of over 91,000 refugees a year. They include: face-to-face interviews and vulnerability of the refugee is not the primary basics for evaluation. For the US resettlement program, a well-founded fear of persecution must be demonstrated according to the 1951 Refugee Convention. Canada and Australia accept refugees only if they can demonstrate the “ability to integrate in the resettlement country within twelve months of arrival.” Certain constraints on resettlement have been expressed as “shortcomings” by UNHCR as well as by NGOs, resettlement countries and refugees themselves. Refugees have complained that their status determination interviews are often conducted long after their arrival in the country of asylum and that decisions on their claims are based on unknown criteria, and that the appeals process is opaque and unpredictable...that there is insufficient support from UNHCR to guide them...while they await a decision.

NGOs expressed their frustration at the “lack of transparency and resettlement-referring cases to UNHCR status determination and resettlement-referral process” by which NGOs face difficulties referring cases to UNHCR for resettlement considerations. Meanwhile, resettlement countries especially the US, Canada and Australia are “frustrated that UNHCR is unable to provide sufficient cases to meet resettlement quotas, and that the

86 Ibid.
87 Ibid.
89 Ibid, p. 37.
90 Ibid, p. 38.
quality of the referrals received falls below the minimum standards of the resettlement countries.\textsuperscript{91}

The UNHCR is considered by many to be a ‘bottle-neck’ in the status-determination and resettlement process, and this has raised the question of its role as a ‘gatekeeper’ of the refugee status-determination and resettlement process and has led for calls for more open processes for both in the identification and resettlement of refugees.\textsuperscript{92}

\textbf{4.2.3.3 Post September 11: Events and Resettlement Challenges}

Global resettlement in the past few years has witnessed significant challenges. The terrorist attacks on September 11, 2001 on both New York and Washington have constrained resettlement procedures. Many western countries’ programs have been changed by placing additional measures on security scrutiny. The US Resettlement Program (USRP) was the most to be affected, since it resettles more refugees per year than all other “quota resettlement programs combined”. The global impact was significant as refugees accepted for resettlement prior to September 11, 2001 remained vulnerable in their countries of asylum as the USRP attempted to clear its backlog.\textsuperscript{93} Since the September 11 terrorist attacks, “the number of refugees resettled in the United States has dropped precipitously.”\textsuperscript{94} While various measures were proposed to re-start the USRP and to ensure that the 2002 quota of 70,000 resettled refugees was met, “only 27,000 refugees actually made it to America during fiscal year 2002, and barely 1,000 more came in fiscal year 2003.”\textsuperscript{95} After the terrorist attacks, the refugee program shut down for three months as “security measures were totally overhauled...a review process that used to take a few weeks now takes months, particularly for refugees coming from countries with a significant Muslim population.”\textsuperscript{96} The USRP after the attacks halted the

\textsuperscript{91} ECRE, "Addressing Protection Needs", p. 37.
\textsuperscript{92} Ibid, p. 38.
\textsuperscript{93} Ibid, p. 36.
\textsuperscript{95} Ibid.
\textsuperscript{96} Ibid.
admission of Iraqi refugees, but according to an immigration officer in Amman, the US resumed its resettlement program in April 2005 by picking up from where it had left off. This would help unclog deadlocks in decisions, the priority being given for the cases whose files were decided upon just before the attacks. A total of 198 Iraqis were resettled in the US in the year 2005, and around 202 in the year 2006. State Department officials say that it is unlikely for the US to resettle larger numbers of Iraqi refugees anytime soon and “a quicker way is to help to increase financing to countries that are accepting Iraqis-Jordan, Syria and Lebanon.”

However, the basic question remains: “How can increased security concerns on the part of resettlement countries be coupled with increased resettlement activities?” Resettlement is considered a ‘safety-value’, where it is believed to relieve the pressure of countries of first asylum confronted by large masses of refugees. At the same time it compliments the protection tool, and to exercises the right to seek asylum.

4.3 State Responses and International Community Responsibility
4.3.1 Government Responses and Burden Sharing

Hosting large numbers of people fleeing their homelands and seeking safety in another country can be destabilizing to some countries as this hosting can turn negatively on them. Here comes the role of wealthy countries and the burden-sharing prospect to ease up pressures on host countries. Responsibility sharing has always been crucial in the ‘framework of refugee protection’. The Preamble to the 1951 Refugee Convention acknowledges, “that the granting of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the UN has recognized the international scope and nature can not therefore be achieved without international cooperation.” A declaration was adopted marking the 50th anniversary of the 1951 Geneva Convention to stress that refugee protection is enhanced “through committed international cooperation in a spirit of solidarity

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99 Ibid.
100 Ibid.
and effective responsibility and burden-sharing among all states.” As a result, states committed themselves to “providing better refugee protection through comprehensive strategies...in order to build capacity, in particular in developing countries and countries with economies in transition, especially those which are hosting large scale influxes or protracted refugee situations...so as to ensure that refugees have access to safer and better conditions of stay and timely solutions to their problems.”

In 1998, UNHCR prepared a paper stressing the idea of responsibility sharing. It pointed out that large influxes could “impede or jeopardize the development efforts of developing countries.” This paper suggests that considerations should be given to the lack of capacity which host countries may suffer from Also, the paper attributed some of the impacts that could result by hosting large number of people, such as economic, environmental, social and political impacts (different ethnic, religious or linguistic background leading to social tensions), and the impact on the national, regional and international peace and security.

4.3.2 International Reaction Driven by Political and Economic Interests

Many host countries do not have the capacity and the social infrastructure to host and ensure the safety of large number of asylum seekers. “Because of the lack of domestic refugee laws, as well as a paucity of independent NGOs, there are virtually no checks on governments or on the few international agencies that deal directly with refugees which results in harsh living conditions for most refugees and asylum seekers.” Many developed countries have ‘paid lip service’ to the idea of responsibility sharing, mostly within the context of ‘resettlement programs.’ Governmental officials have expressed concern that their territories will be over run if people from unstable countries had a chance to be resettled in a

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102 Ibid.
103 Ibid.
104 Ibid.
105 Ibid, p. 80.
106 Ibid, p. 53.
developed country.\textsuperscript{107} It is suggested that governments outside the regions of origin would have to offer considerable "resources and assistance to take international responsibility-sharing seriously."\textsuperscript{108} Solutions and options were presented by the UNHCR to states in order to ease up the burden and facilitate the 'resettlement procedures'. This was requested due to humanitarian considerations "in spirit of justice and understanding."\textsuperscript{109} The priority is to give humanitarian visas to people who are fleeing persecution and for whom small possibilities for resettlement are available.\textsuperscript{110} It is believed that people, after pre-screening, who are considered to be in need of protection, "should be provided with the possibility to be granted access to an EU Member State by means of a visa or entry permit to pursue an asylum claim."\textsuperscript{111} A system of granting humanitarian visas is most likely "to be targeted at people who would be at risk both in their own country, and in a third country. It is however, likely to be difficult to define the exact criteria for determining whether 'effective protection' and 'safety' is available in a third country.\textsuperscript{112}

To date, there has been little progress in the establishment of a comprehensive framework for a global responsibility sharing system. States too often deny that these sorts of people, i.e. forced migrants, exist, thus denying people needed protection. Additionally, too many states do not address the issues in more systematic and effective ways that include international cooperation and responsibility sharing.\textsuperscript{113} Some states that have in recent years hosted large number of people now turn them away because of the international community's failure to share the responsibility for protecting refugees. The economic and political interests that led states, previously, to accept refugees in the years that followed the Second World War have receded, meanwhile the number of people who are in need of international protection is on the increase.\textsuperscript{114} Many governments have resorted to anti-immigrant rhetoric to justify their

\begin{flushleft}
\textsuperscript{107} ECRE, "Addressing Protection Needs", p. 80.
\textsuperscript{108} Ibid.
\textsuperscript{109} Ibid, p. 81.
\textsuperscript{110} Ibid.
\textsuperscript{111} Ibid.
\textsuperscript{112} Ibid.
\textsuperscript{114} Refugees: Human rights have no borders. http://www.amnesty.org/justearth/document.do
\end{flushleft}
high rejection rates by stating that the majorities “are not genuine refugees but economic migrants.” Political figures have forgotten to educate the public about “international obligations towards refugees and have not challenged the perception that migrants are major cause of economic as social problems.”

4.4 Human Rights and the International Refugee System

National sovereignty means that a state has power to control its borders; to admit non-citizens to its territory, determines who stays, and to remove a non-citizen when security is being threatened by those inside its borders. This power to control migration in a state’s territory may be offset by the fact that these migrants – non-citizens of a state – are all ‘human beings’, who enjoy and possess “fundamental and inalienable human rights and freedom that are protected under international human rights instruments and customary international laws.” What matters is no longer the security of the state, but also the “protection of individuals against threats to their dignity and fundamental human rights.” Therefore, under general human rights law, prima facie human rights are “guaranteed to all persons present in a state: they are therefore guaranteed to migrants irrespective of their legal status or length of stay.” Irregular and/or illegal migrants are most in need of protection especially under international human rights law, because of their illegal status; they are subject to abuse, exploitation and denial of their basic human rights.

Governments in countries of asylum often obscure the relationship between protection and human rights violations. Nowadays, they seem less willing to admit more people inside their territories, even though the number is on an increase for those who require protection. Governments also seem less willing to live up to their obligations on the grounds of responding to difficult economic situations, or anti-immigrant attitudes, and the growing

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116 Ibid.
119 Ibid, p. 4.
xenophobia within their societies. Many governments are paying “lip service to the ‘rights’ of refugees, while in practice devoting their energies to keeping refugees away from their borders, so that they do not have to honor their obligations.”

4.4.1 States’ Accession to the International Refugee Treaties

Some states have not ratified international refugee treaties, having contended, that if they did so “they would be forced to accept large numbers of refugees….The same argument has been used by states that refuse to rescind geographical limitations.” UNHCR as an international body with a statutory responsibility for refugees and which is funded by states, is often unable to exert pressure on those who violate their obligations towards refugees. Many critics of UNHCR say that “It has wavered from its focus on protecting refugees by working on a new agenda based on ‘humanitarian action’ yet it operates in a political environment.” Therefore, states are unwilling to extend their obligations until other wealthier states share the burdens of the host state. Many states “by acceding to the international refugee system are currently undertaking radical changes through legislative and interstate arrangements”, which have prevented or restricted access to asylum which impedes the whole foundation protection rests on. More commonly, yet by no means less serious, are some of these practices applied by states that have effects on the asylum procedures such as the “use of administrative detention, misuse of readmission agreements, application of so-called ‘safe third-country’ principles, visa restrictions and inspection of foreign travelers in foreign airports, absence of domestic refugee law, and the act of expulsion by some states.” I will try here to discuss three important state practices and how they are referred to and interpreted in some international law instruments.

121 Ibid.
122 Ibid.
123 Ibid.
124 Ibid.
125 Ibid.
All persons have the right to seek asylum in another countries. However, states have the legal
duty to grant asylum or to allow the entry to its own territory. Once a state recognizes a
refugee the principle of ‘non-refoulement’ comes into play.\textsuperscript{127} This is a fundamental norm of
international law, and considered a as a customary international law, by binding all states
regardless of their accession to international law instruments. The limitation on expulsion
derives from “the non-refoulement obligation in Article (33) of the 1951 Refugee
Convention; that provision bans return or expulsion to a state where the refugee’s life or
freedom would be threatened.”\textsuperscript{128}

Voluntary-repatriation is the second practice applied by states; the right to return
must be based on human rights standards and assessment of individual situations. This
practice is based solely on the refugees themselves and if they wish to return home. Host
states should support the decision and not act as a ‘lever’ by pushing or forcing them to return
regardless what conditions back home are. This is stressed by the UNHCR through the
Executive Committee (ExCOM) conclusion 40, “in promoting, facilitating and coordinating
voluntary repatriation.”\textsuperscript{129}

Detention is the third practice, though ExCOM states that detention of asylum
seekers “should normally be avoided” except where national security and public order
demands it.\textsuperscript{130} In Article (9) of (ICCPR): “No one shall be subjected to arbitrary arrest or
detention....Any one arrested or detained on a criminal charge shall be brought promptly
before a judge or other officer authorized by law to exercise judicial power.”\textsuperscript{131}
The Universal Declaration of Human Rights sets out everyone’s basic human rights. Article
14(1) states that, “everyone has the right to seek and to enjoy in other countries asylum from
persecution.” However, seeking asylum does not necessarily grant them asylum; this would
impose a duty on states to grant asylum and thus this is why some states have shown

\textsuperscript{127} IOM, “Authority and Responsibility of States”, Essentials of Migration Management, Vol. 1,
Section 1.6, p. 10.
\textsuperscript{128} Ibid, p. 22.
\textsuperscript{129} ICCPR. http://www.umn.edu/humanrts/instree/h3ccpr.htm
\textsuperscript{130} Ibid.
\textsuperscript{131} Ibid.
reluctance in adopting and ratifying international law instruments.\textsuperscript{132} Despite what some would argue, whether these instruments are current in structure with dealing in today’s refugee problems, they still remain the principle body of the international law for the protection of refugees. Furthermore, a lot of these instrument provisions and the definitions have been incorporated into many regional and domestic legislation.\textsuperscript{133}

\textbf{4.4.2. Human Rights and the 1951 Refugee Convention}

Human rights forms a significant part of the 1951 Refugee Convention. It is noteworthy that “the direct line of descent from the UN Charter and Universal Dedication is stated in its preamble.”\textsuperscript{134} International refugee law instruments also “codify a number of specific rights which states are obliged to provide to refugees.”\textsuperscript{135} For example, Article (3) of the 1951 Refugee Convention provides that states should apply the provisions without any kind of discrimination, Article (4) governs the freedom to practice religion, and Article (17), (18) and (19) govern the granting of access to employment. Article (21) provides that refugees have access to housing and treatment favorable not less than granted to aliens. Articles (26), (31) grant freedom of movement.\textsuperscript{136} A brief review of the above mentioned provisions reveals that the Convention is an extraordinary “Bill of Rights” for refugees.\textsuperscript{137} Still, many of the rights can be found incorporated in other international human rights treaties, such as the International Convention on Civil and Political Rights (ICCPR), 1966; the International Convention on Economic, Social and Cultural Rights (ICESCR), 1966; the Convention Against Torture (CAT), 1984; and the Convention on the Rights of Child (CRC), 1989. Although the 1951 Refugee Convention provides an “impressive array of rights,

\begin{thebibliography}{99}
\bibitem{132} Refugees: Human rights have no borders. http://www.amnestyus.org/justearth/document.do
\bibitem{133} Gorlick, B. 2001.
\bibitem{134} Ibid.
\bibitem{135} Ibid.
\bibitem{136} Ibid.
\bibitem{137} Ibid.
\end{thebibliography}
international human rights instruments may provide even broader legal protection than the refugee instruments.\textsuperscript{138}

In comparison with the system of international human rights protection, the international refugee regime can be argued to have more potential to ensure compliance with international refugee protection, regardless whether states are party to 1951 Refugee Convention or not.\textsuperscript{139} Even though there have been some ‘limitations’ spotted in the international refugee regime; such as having

no formal mechanisms to receive individual and inter-state complaints, and UNHCR, has till date not given full effect to Article (35) in the 1951 Refugee Convention, whereby contracting states undertake to provide UNHCR with information and statistical data on \textit{inter-alia} the implementation of the Convention.\textsuperscript{140}

The above mentioned international instruments have generally benefited from the formulation of human rights law and principles as they use more inclusive and broader language. In the area of international human rights standards, Jordan has acceded to major international human rights treaties, from its side to protect and enhance human rights.\textsuperscript{141} The National Center for Human Rights in Amman (NCHR) maintains an open channel with the government of Jordan to ensure the approval and implementation of these treaties at the national level, and is calling for the accession to both the 1951 Refugee Convention and its 1967 protocol. The language stressed in the legal instruments place the international obligations of states on safeguarding and implementing international human rights mechanisms to ensure the protection of those who need to seek asylum in a particular country as well as find durable solutions for the problems of refugees as mandated in the UNHCR statute.

The continued prevalence of conflicts and human rights violations across the world, bring attention to the challenges in complying with international humanitarian laws and agreements. There are constant calls for the international community and western states’ to take some

\begin{flushleft}
\textsuperscript{138} Gorlick, B. 2001.
\textsuperscript{139} Ibid.
\textsuperscript{140} Ibid.
\textsuperscript{141} See Appendix 1.
\end{flushleft}
responsibility and burden-share to support countries that harbor hundreds to thousands of fleeing people looking for safe havens. Most of these host countries do not have any domestic or national legislation regarding the issue of asylum and have not adopted international refugee instruments. Still, the task of actually pushing states to accede to these treaties has been harder for those who do not comply with them either. The case of Iraqi forced migrants in Jordan illustrates the implications of forced migrations in reality. Chapter five looks at this issue more extensively: the causes and consequences of Iraqi forced migration, which Jordan had to face for the past years, and how it has affected Jordan and changed its domestic and foreign policies.
CHAPTER V

Iraqi Nationals in Jordan: A Case Study

5.1 Introduction

Warfare remains and will remain a mechanism of political management and intervention. Often, this leads to negative effects on states receiving hundreds to thousands of fleeing people seeking refuge outside their broken countries. Jordan is sandwiched between the chaos and conflicts that too often dominate the region. The political unrest in the region has often resulted in Jordan becoming a ‘host’ to refugees and more general migrant flows. This chapter looks at the case of Iraq forced migrants in the Hashemite Kingdom of Jordan. Since the Amman hotel bombings in November 9, 2005, Jordanian officials try not to discuss the issue of Iraqi migrants in the Kingdom and the Jordanian press is of limited use. Thus I tried to interview staff of relief agencies, Iraqis living in Jordan, as well as conduct interviews with some Jordanian officials who would speak to me but wished to remain anonymous.

5.1.1 Demographics

Jordan’s location from the geographical point of view has attracted millions of fleeing migrants over the years. Whatever their final destinations, Iraqis had, and still have, to move by road first to a neighboring country. But accessibility of the neighboring countries is conditioned by “the opening of borders, the treatment received at the hands of the authorities, other factors such as the presence of relatives, co-ethnics or co-religionists, or the location of the country on a route toward further emigration.” Chatelard stresses the point of the “policy responses of less developed host countries in the influx of refugees”, in addition to “the cost and benefit of accepting international assistance, relations with the sending country,

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142 Chatelard, G. “Jordan as a transit country”, p. 3.
political calculations about the local community’s absorption capacity, and national security considerations.”

According to a representative in the Jordanian Ministry of Interior, Iraqis in Jordan are perceived as expatriates or those who are legally residing in the country. Iraqis in Jordan are not recognized as ‘refugees’ as only Palestinians under the UNRWA’s mandate are legally considered refugees in Jordan. Non-Palestinians have no legal status for being referred to as refugees since Jordan has not acceded to the 1951 Refugee Convention, and does not have any legislation regarding refugees in Jordan. Jordan has a population of 5,473 million. With the inclusion of foreign workers, the country is estimated to have a population of over 6 million inhabitants. According to the Department of Statistics in Jordan, non-Jordanians are estimated at 366,691 inhabitants, of which Iraqis who are holders of legal residency permits form only 40,084. This number far exceeds the 1994 statistics in which Iraqis were around 24,501, with the majority inhabiting the rural areas and the outskirts of Amman. Therefore, it is clear that the number of Iraqis in Jordan not only fluctuates but that there is no precise estimate of how many are now living in Jordan though various sources put the number from 500,000 to one million. Many of the Iraqis are ‘transit migrants’, according to a representative of the IOM office of Amman. They come to Jordan not for the purpose of long-term residency; rather they use the country to pass into western countries, since Jordan has applied a ‘semi-protectionist policy’ towards Iraqis, i.e., they are offered temporary protection under UNHCR provisions in Amman until permanent solutions are offered. During my interviews with some of the Jordanian officials and the staff of relief work agencies regarding the number of Iraqis in Jordan, references to the actual number of Iraqis currently in Jordan seemed purposefully vague. At other times, they pointed to the fact that for domestic and international security reasons as well as political stability, they could not giving precise numbers. A survey was held by the USCRI to estimate the number of refugees and asylum

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144 Department of Statistics, Jordan, 2006.
145 Ibid.
146 Ibid.
seekers present in Jordan, and it is roughly estimated to be 168,300. Breaking down the number further, 154,000 are estimated to be from Palestine while 13,000 are estimated to be Iraqi.\footnote{US Committee for Refugees and Immigrants, World Refugee Surveys, May 2006.}

### 5.1.2 Residence Status of Iraqis in Jordan

Jordan represents for the majority of Iraqis the only official point of entry and exit that links them with the rest of the world. The only entry for Iraqis to Jordan is via the Iraqi-Jordanian border. Although there is no visa requirement for Iraqis traveling to Jordan, according to the Ministry of Interior, those entering are granted a two-week stay in the country, which can be extended to three months at the local police station. Hani Dahleh, a lawyer from the Arab Organization for Human Rights, when interviewed explained that Iraqis enter either legally with passports, or can cross the borders illegally. In both cases it is common for them to stay in Jordan for quite sometime, often without residence permits.\footnote{Dahleh, Hani. Personal interview. February 2006.} A number of sources confirmed that the total stay that is allowed to Iraqi nationals is six months and fourteen days. The three-month residence permit with the extended extra three-months is stamped on their passports. Should this period be overstayed, a fine of 1.5 Jordanian Dinars (JD) or an equivalent of US$2.14 per day is payable upon leaving the country. Many leave illegally so as to avoid paying the fine. Only registered migrants and other migrants who decide to leave the country are exempted from paying the fines, after signing a contract upon leaving committing themselves not to return to Jordan in the subsequent five years, according to a Ministry of Interior representative. Some Iraqi nationals enter Jordan via illegal ways, with fraudulent documents and passports they obtain before leaving Iraq by paying large sum of money ranging from US$50-500 though costs for these documents depend on the quality.

The Jordanian authorities turn a blind eye to Iraqi illegal migrants as no mass deportations have been recorded, according to an official at the Jordanian Foreign Ministry. Jordanians are lenient when it comes to Iraqi presence. Many of the Iraqis in the Kingdom
are, “seeking political asylum, or are waiting for any possibility to immigrate to the West….Others are rich businessmen running multi-million dollar enterprises…or are highly educated professionals who have accepted menial Jobs….Another category includes street vendors.” In line with UNHCR’s view, many Iraqi nationals at some point end up staying illegally. Because of the “shared history, the notion of Arab brotherhood and understanding for Iraq’s awkward predicament, their presence in Jordan is tolerated.” Although such tolerance is dwindling, for more Iraqis are leaving Jordan these days according to Randa Habib (AFP and chair of the foreign press club in Jordan). I will come later in this chapter to pubic awareness and perception toward the Iraqi presence among the Jordanian community. Even though the illegal presence of Iraqis in Jordan is tolerated, but the expiration of the identification documents or the residency permits tend to cause problems for Iraqis, who are vulnerable to harassment, arrest and deportation, as stated by Hani, Dahleb is a lawyer from the Arab Organization for Human Rights.

According to a source in a Jordanian public department, many Iraqi nationals tend to take up lawful residence in Jordan. A one-year residence permit is obtainable on two conditions: firstly, applicants have to be able to show they have money in the bank or business interests in Jordan. In addition, if the sum in the bank amounts to 150,000 JD or US$214,000 they are officially granted residency permits. Iraqis are most likely to obtain residence permits in order to live legally in the country, also so as their children can be able to receive an education. According to Article (22) of the Residence and Foreigners Affairs law, “the period of the residence permit shall be one year. It is renewable in the case the conditions prescribed in the law are met.” Unless the person has resided in the Kingdom legally for more than ten years, he or she may be granted a five years residence permit.

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151 Ibid.
153 Name withheld per request. Personal interview. March 2006.
155 Ibid.
5.1.3 Socio-economic Profile

Many of the Iraqis present in the country have been in the country for over ten years, arriving in Jordan following the 1990 Gulf War. An additional number of the Iraqis left Iraq along with their families due to the 2003 US-led war, seeking security in Jordan. Iraqis differ from the Palestinians who for 54 years have been integrating into Jordanian society and some becoming Jordanian nationals. Rather, Iraqis are perceived as bearers of socio-natural characteristics that set them apart from Jordanian citizens. Some Iraqis who reside illegally try to keep a low profile, and are even afraid to access the limited services available in the country for fear of the Jordanian authorities, as stated by some Iraqis. Jordan is “a multi-religious society with a state religion (Sunni Islam) and a dominant ethnic identity (Arab) which dominates ethnic and religious official minorities (Caucasians and Christians).” On the other hand, Jordan now is host to a large group of Iraqi migrants belonging to “a non-recognized Muslim sect”, the Shiites, and to Assyro-Chaldeans who do not have legal status as Christian communities in Jordan and are not recognized as ethnically Arab.

As chapter three recounts, it was not possible for me to run a survey among the different categories of the Iraqi nationals present in the Kingdom. I would thus like to refer to a survey done by Geraldine Chatelard in 2002 during her visit to Jordan. While naturally the percentages differ due to the repercussions of the 2003 war, the 2002 survey is still worth noting. Among the respondents, 56.3% were men and 43.77% were women. This differs from other observations where instead, “it rather seems that women are over represented among asylum seekers because they are more vulnerable than men, and approach UNHCR more frequently to provide for status and protection.” Those interviewed by Chatelard at UNHCR “were married in 82.23% of the cases and in Jordan with their spouses, other

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156 Chatelard, G. “Jordan as a transit country”, p. 3.
157 The Assyrians and the Chaldeans are two distinct religious groups. The former one has its independent Church, while the latter one is in union with Rome therefore Catholics. Their language is Syriac and do not view themselves as Arabs.
158 Chatelard, G. “Jordan as a transit country”, p. 3.
relatives or as single heads of households with dependents. 12.3% had their husbands already in a western country as a refugee and were waiting for family reunification.”

Yet, the typical profile of Iraqis in Jordan but who are not seeking asylum at UNHCR is rather “a male between 25 and 45 who, if married has left his family behind in Iraq until he finds the proper opportunity to bring them to Jordan….If he gains recognition of his refugee status at UNHCR, he manages to migrate to another country and send money for the family to move first to Amman.” A large majority of the respondents to Chatelard’s survey were Shiites (66.8%), followed by Christians (13.1%), and then Sunnis (11.7%). In contrast, after the fall of Saddam’s regime and the Baath party, those who were more often leaving were from the Sunni sect and former Baath party who feared for their lives. In regards to the Kurds, who represent 15% of all Iraqi nationals, only few came to Jordan. This is due “to geographical and socio-political factors that has led them to go to another Kurdish area….Besides, suffering at the hands of an Arab regime in Iraq they were reluctant to come to Arab Jordan.”

According to the survey, only 2.3% of Iraqis had work permits, and 71.6% said they worked illegally as street vendors, cleaners and at other petty jobs. Those who had the highest income, according to Chatelard, “were those benefiting from the financial support of relatives abroad, and those who had most recently arrived in Jordan and were still using their savings.” Most Iraqi migrants still survive at the margins of Jordanian society, engaging in menial jobs, and facing an extremely precarious economic situation. They feel that they have been placed at a lower status than the one they belonged to in Iraq. According to Chatelard, Iraqis’ situation is also “aggravated by their housing conditions. While 87.4% of the respondents resided in Amman the capital, the others lived in unsanitary and overcrowded

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159 Chatelard, G. “Jordan as a transit country”, p. 3.
161 Ibid, p. 3.
162 Ibid, p. 22.
163 Ibid.
164 Ibid, p. 23.
housing...in cities where they can live in a familiar environment and pass rather unnoticed.\textsuperscript{165}

5.2 Personal Experiences of Migrants
5.2.1 Migrants: Telling Their Own Stories

At some point or another, each one of us could have been a refugee or a forced migrant ‘warehoused’ in severe conditions in camps or elsewhere. As people recalled their own experiences and life stories with a bleak outlook on the future, one can not but try to live these stories. The majority of Iraqis in Jordan refer to themselves as ‘no one’, they are stateless people with no hope except that they want to be able, merely, to make it to the next day, safe, alive and unnoticed by the Jordanian authorities for fear of being caught and sent back to the place they fled. Over the decades, Iraqis have flooded the streets of Amman and other Jordanian cities seeking security and job opportunities. Each Iraqi has his or her own story of the journey they took to flee the flames of war and the protection they came looking for in Jordan, which over the decades has opened its borders to welcome people from all nationalities despite its fragile economy, limited services and infrastructure.

In the Achrafieh area, east of the capital of Amman, Iraqi families have comprised the majority of inhabitants since 2003. The majority are Christians because the area is mostly inhibited by Jordanian Christian families. There are a couple of churches which over the years have helped and offered shelter and job opportunities to needy families. When I approached the Iraqi migrants in this area as a social scientist, many thought that I could give voice to the remote hope that they cling to that someone might help and pass on what they go through daily. For example, Eva is a 25 year old young woman who fled with her mother and sisters before the 2003 war erupted. They came to Jordan with the belief that Jordan could secure for them the life and protection they did not know even during Saddam’s regime. She told me their only support comes from relief-work agencies and the church which has offered them shelter and found them menial jobs. The government does not allow them the right to work

\textsuperscript{165} Chatelard, G. “Jordan as a transit country”, p. 3.
legally even though they have obtained asylum seeker cards from the UNHCR in Amman; rather, they asylum seeker cards only provide them with basic protection. Mainly, her family relies on the money her brother sends from Sweden. Still, she kept repeating that they will remain in Jordan because for the first time they feel the real taste of freedom and security.\footnote{Eva (Iraqi asylum seeker). Personal interview, December 2006.} In many ways, Eva’s story resembles the other Iraqis I met; the reason they remain in Jordan is because of security.

Iraqis are found everywhere in Jordan whether they are affluent and live in luxury flats and villas, or the less fortunate who crowd in Amman’s old downtown hotels or share a one-bedroom with other compatriots. Iraqis are not allowed to go to the press to have their voices heard and let the media bring out to the public and the world their real situation. Yet, they grab the chance to tell their stories as a belief that the outside world will learn what the real “war on terror” has caused and the scattered lives that it has provoked.

Under one of the hills of Amman and near the ruins of the great Roman amphitheater, lies Al-Hashemite Square, now more commonly referred to by most Iraqis as, “little Iraq” or “little Baghdad”. Like Baghdad, the neighborhood is a place of Sunnis and Shiites, Assyrians and Chaldeans. Iraqis from every sect gather as they arrive in Amman. They come carrying all their belongings or anything they can sell to secure a few days of food and shelter. They display a mat, and a passersby can not help but to stop, look and listen to what is going in Iraq- it is like a ‘small post office’. Iraqis gather drinking tea and eating kebabs in restaurants called “The Baghdad” or “The Babylon”, according to an Iraqi businessman who resides in the country and tries to help his fellow country men by offering financial help and shelter. Known as the ‘basta’- an Arabic term that describes a “simple existence, where by their goods are spread out on cardboard or small mats placed on the ground,” Iraqi women wearing the black ‘abbaya’ dressed from head to toe sell everything from cigarettes, lighters, plastic bags, sponges- “anything that comes cheap, and can be resold at a modest profit”.

Among the many Iraqis with whom I spoke, Kareema is an Iraqi woman stuck in Jordan. She said, “the work is not good enough, I pay 30 JD every month for rent, electricity
and water”. This amount is a burden on her monthly take. She also shares an apartment with seven other Iraqi women - all of whom are street vendors.\textsuperscript{167} Ziad is a young man from Baghdad. He left Iraq after the war, “as he could no longer get to work safely...American attacks made such a simple task a gamble for your life”. Ziad said he has had several odd jobs since arriving, and stated that he would rather “be unemployed in Jordan than dead in Iraq.”\textsuperscript{168} Sallah is another Iraqi who came searching for work in order to send money home to his family in the Shiia region of Hilla. He lives in a small apartment which he shares with 15 Iraqis. He works in a mall in Amman from 7 a.m. until the mall’s midnight closing, seven days a week. His monthly pay is about US$160.\textsuperscript{169}

One Iraqi man, father to three children, told me he had to leave Iraq a couple months after the war started because he had lost his job. He had to come to Jordan looking for any kind of menial work in order to send money back home to his family which he had to leave behind. Other Iraqis expressed their distress about what they had to go through in Iraq, and how they had to give up their entire livelihoods, and come to an unknown place to find a more secure life for themselves and their families. Abdel Majid Hamid Jaber lives in a cave-like place carved into the hillside, “a few hundred yards from Al- Qusur, one of King Abdullah’s royal palace complexes in Amman. He showers once a week, and eats one meal a day.”\textsuperscript{170} He is obliged to live this way because he lacks, money, work or any other choices, he explains. A defector from the Iraqi army, he left Iraq when the chance was open to him; he departed in the middle of the night leaving behind his wife and two sons. Even though he worries about them daily, he can not afford to call them.\textsuperscript{171}

These stories are typical of those told to me by people I met. The stampede of Iraqis fleeing Iraq has only increased - they keep pouring into Amman, running from the attacks and the devastating economy that has been wrought by the war and the attacks of the resistance. In an interview with Father Raymond Moussali of the Chaldean Catholic Patriarchal Vicariate,

\textsuperscript{168} Ibid.
\textsuperscript{169} Sallah (Iraqi asylum seeker). Personal interview. March 2006.
\textsuperscript{171} Ibid.
he said that most Iraqis leave because they are afraid for their children. Many put up a lot and wish things would change so they can go back. Father Raymond pointed out the fact that none of the Iraqis at his small church in Amman wish to remain in Jordan, but they are reluctant to go back to an unstable Iraq.\textsuperscript{172}

### 5.2.2 Reasons for Choosing Jordan

When Iraqis were asked about the reasons for choosing Jordan out of other neighboring countries, they responded that the two main reasons were because of Jordan’s stability and peaceful climate and that it has never closed its borders to refugees fleeing their war-torn countries. Others referred to the fact that they have relatives in Jordan who invited them or that there seemed less risk involved in crossing into Jordan than other neighboring countries such as Syria, Turkey or Iran. Also, since the majority does not have legal documents or valid passports with them or because of the attacks they have lost all their belongings, Jordan might seem like the only destination that they can reach. Other people referred to the possibility to approach UNHCR and seek family reunification with a family member who is abroad in a western country. These people came to Jordan with the idea of transit in mind. They expect to obtain an immigration visa on humanitarian grounds from a foreign embassy located in Amman. Yet, the majority of those whom I have interviewed expressed their willingness to stay in Jordan for the long term, at least until the political situation in Iraq improves. Chatelard confirmed that the fact people choose Jordan, is that “they would rather stay close to Iraq where they could still communicate with relatives, or easily reunite with them if the relatives had to leave.”\textsuperscript{173} Despite the fact that many of the Iraqis fled with all their belongings and only eek out a life in a new country, the majority are the wealthy and have decided to live in Jordan, and invest their money and set up businesses. Yet, at the same time these people also hope to be able to go to Iraq then come back again to Jordan.

\textsuperscript{172} Father Raymond Moussali. Personal interview. March 2006.
\textsuperscript{173} Chatelard, G. “Jordan as a transit country”, p. 25.
5.2.3 The Gap between Expectations and Realities: Migrants’ Perspectives

Many Iraqis pointed out the ‘gap’ between what they expected to experience and the realities they faced when they moved to Jordan. Apparently Iraqis had some kind of a distorted image of Jordan’s situation - particularly its economy, the availability of resources, and the legal rights that Jordan is capable of giving to Iraqi migrants and those seeking asylum in Jordan. Chatelard plainly states in her report that Iraqis still had the thought of Jordan back in the early 1990s, and what it looked like to them back then as a ‘wealthy country’ with a thriving job market.\(^{174}\) Iraqis came to Jordan to find out that they lack the legal rights and their socio-economic conditions are on the margin and not better than those Jordanian who live below the poverty line. I recall what one father told me: He lost his job and home in Iraq and had to sell everything and flee with his wife and children, only to find out that he came to a vague future in Jordan. He can not work, his children can not go to schools, and he has not the least idea what to do if and when his savings run out.\(^{175}\)

This is the case of other Iraqi migrants who are struggling in Jordan to find any petty job in order to survive harsh days. They live under the threat of being detained by the Jordanian authorities, and sent back to Iraq which is no longer safe for them to go back to. They say whether they were in dangerous Iraq or in safe Jordan, they are suffering in both cases. Therefore, Iraqi migrants “came to Jordan with expectations that are not met.”\(^{176}\)

5.3 Approaches Taken in the Jordanian Refugee Camps

5.3.1 Introduction

People have always been on the move, migrating from place to place, one time zone to another. We have all seen too many images of scared, frightened bedraggled lines of men, women and children carrying few of their belongings as they make their way, whether on bare

\(^{174}\) Chatelard ,G. “Jordan as a transit country”, p. 2-4.
\(^{175}\) Name withheld per request. Personal interview, April 2006.
\(^{176}\) Chatelard ,G. “Jordan as a transit country”, p. 4.
feet or being bused over muddy paths, through a wasted desert, or into a refugee camp with its familiar lines of tents. It is true that these camps set up by host countries save the lives of hundreds to thousands of frightened and traumatized people, yet as years go by the lives become wasted, confined in camps with no right of movement, as so many human lives become static with threats to their security and the shortage of resources available to them.

5.3.2 Conditions in Camps

The Jordanian government has prepared for and taken participatory approaches to the large-scale influxes resulting from the armed conflict in Iraq in the year 2003. Along with the UNHCR office of Amman, international organizations such as the International Organization for Migration (IOM), and non-governmental organizations such as Oxfam, Jordanian Red Crescent Societies, CARE organization, the Jordanian Hashemite Charity Organization and other NGOs have attempted to address the case of the Iraqi forced migrants. 177

Two camps were set up across from the border crossing of Al-Karama between Iraq and Jordan. Camp-A was designated for Iraqi refugees, and Camp-B was designated to third country nationals, most often, Palestinians, Iranian Kurds, Sudanese, Somalis and Eritreans. These people were targeted and harassed after the fall of Saddam Hussein’s regime, which prompted them to flee Iraq towards Jordan. 178 The main functions of Camp-A were maintained by the UNHCR, while Camp-B was coordinated by the International Organization for Migration. 179 The camps were located near Ruweished city, which is the last Jordanian town before the border with Iraq. The majority of the third country nationals said they had to leave for the general lack of security. In some cases, they were threatened, and were told to leave by the Iraqi civilians. 180

Soon after the war started in 2003, just few hundred meters beyond the official Jordanian border with Iraq, the “no-man’s-land camp” was set up with hundreds of UNHCR

178 Ibid.
179 Ibid.
180 Ibid.
tents lining the barren landscape. The vast majority of this “makeshift refugee camp is composed of Iranian Kurds who have been living as refugees inside Iraq for the past twenty years. Initially having left Iran due to persecution from the government, some of them were “members of the Kurdish peshmerga militia who fought against fundamentalist Islamic rule” then fled to Iraq and were placed in the Al-Tash refugee camp. They were denied access into Jordanian territory by the Jordanian government. One Jordanian official told me that Jordan felt it has reached its capacity to absorb more refugees, and because of security reasons it denied the group access into Jordan. Palestinians and Iraqi refugees were also in the mix, however. Due to its unofficial status, and its location in a buffer zone, it has been difficult’ for relief agencies to provide humanitarian aid to these refugees. In 2005 a number of Iranian Kurds went on a hunger strike on the grounds that UNHCR was not tending to their demands to be resettled in third countries. On May 2005, the entire population of (743) people was relocated to the Al-Ruweished camp, some 60 kilometers inside Jordan. In consequence, the no-man’s-land camp was closed.

5.3.3 Statistics of Camp Populations

Living conditions at the camps is dismal and life is more discouraging for those stuck under the tents. Tension is building up as people wait for solutions to their static state in the camps. “This place looks like God roasted it”, said Paphael Mutiku, an Oxfam Public Health Engineer. He added, “It must be one of the cruellest places on the planet when we got out at Ruweished, the last Jordanian village before the Jordanian- Iraqi border, the vicious wind cut through our clothing, we shivered even as the sun burnt our faces.” According to the

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183 Ibid.
184 Ibid.
185 Oxfam is a Canadian non-governmental international developmental organization and one of the non-governmental organizations assisting refugees and providing humanitarian aid in Jordan’s Al-Ruweished camp.
Jordanian National Center for Human Rights (NCHR), these refugee camps are in a way a representation of “warehouses” or group detention. They are closed camps and are situated in areas far from inhabitants with harsh geographic and weather conditions.\textsuperscript{187} NCHR refers to the fact that the only possible way to escape these conditions is by leaving the Kingdom. In addition, the Centre recommends that UNHCR should work out “emergency plans” targeting individual cases, alongside the large influxes, since the temporary protection offered by UNHCR does not prevent violations from taking place, such as detention.\textsuperscript{188} Recently improvements were made at the Al-Ruweished camp, enabling residents to leave for short shopping trips in the nearby city, providing children some vocational training and schooling by CARE organization, and allowing the Jordanian Hashemite Charity Organization (JHCO) to deliver food, water, stoves and other necessities on a weekly basis, according to one of the JHCO representatives. Still, the camp’s residents remain living in tents under harsh weather conditions: “frequent windstorms whip fine sand into every tent...as summer approaches, the heat will become debilitating, children are at risk of illness.”\textsuperscript{189}

A senior protection officer for UNHCR, Jacqueline Parlevleit, told IRIN News in Amman: “Since the general situation has not changed, there is frustration, resentment of the status quo and tension within the refugees especially the Palestinian refugees with no valid travel documents.”\textsuperscript{190} Stress and pressure is building up amongst the refugees. In September 2004, four Somalis from the camp set themselves on fire, and lit a small fire at the UNHCR office “to protest the deadlock of their asylum requests.”\textsuperscript{191} Discontent with their condition, life in this dismal area under the tents continues to be expressed through the faces of the people stuck in the camp. According to a UNHCR representative in Amman, refugees “are mentally cracking up.” He added that he was “astonished and depressed with the lack of

\textsuperscript{188} Human Rights Watch, "Entry to and Conditions in Jordan", 2003.
\textsuperscript{191} Reuters, "Iraq war: Refugees in Ruweished camp on hunger stick", The Jordan Times, May 10, 2005.
world solidarity, and particularly, Arab support.” In an interview with the former Jordanian government spokeswoman, Asma Khader, she pointed out that the responsibility for these people also should be shared by the international community especially other neighboring countries who refuse to allow access into their territories to the migrants. She also highlighted the fact that the United States should have thought of the thousands of people who would be affected by the war on Iraq. Yet despite these conditions, camp residents expressed their willingness to remain in the camp, rather than go back to an unsafe Iraq where their chances of facing death are greater than living in a deserted area under harsh weather conditions. One refugee at the camp said, “we have very little to lose, and nowhere to direct our concerns so we feel pent up and forgotten most of the time.”

As the three year anniversary of the US-led war on Iraq passed by, many refugees from the war-ravaged country still reside in remote, isolated tented areas. Tensions rise up among the residents; “each group accuses others of receiving preferential treatment, swifter processing and experiencing lesser hardships.” Karni Sakher, UN protection officer at the camp added: “It is a situation that frustrates all parties. We want to resettle everyone - that is our mission - but we can only work according to receiving countries’ selection criteria and quotas...it is no one’s interest to keep this camp going any longer....And I know they need to blame somebody.” According to a source at the Jordanian Ministry of Interior in summer 2006, the camp’s closure scheduled for the end of 2006 had been postponed most likely until after more countries accept to resettle the remaining refugees in the camp.

Statistics alone perhaps best highlight the depth of the crisis as it enters its fourth year. Statistics of the camp population in Al-Ruweished for the June/July 2006 show an

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197 Name withheld per request. Personal interview. May 2006.
estimate of 370 people with 184 Iranians, 154 Palestinians, 20 Iraqis, and 12 Persians. By the end of November 2006, 176 Iranians were scheduled to be resettled in Canada and Sweden. The source that provided me with the latest statistics preferred to remain anonymous.

5.4 Problems Raised by the Refugees, Asylum Seekers and Migrants

In addition to threats to physical safety, and civil and political rights violations, (the latter will be addressed later), Iraqis in Jordan face economic and social deprivations due to the limited subsidies and services offered to them. Many Iraqis are both angry and fearful because of what they have to go through on a daily basis. The overwhelming majority of the families that reside in Jordan carry refugee status or asylum seekers cards from the UNHCR which provides them with temporary protection until a permanent decision has been made whether to resettle to another country or repatriate back to Iraq. Due to the prevailing situation in Iraq, lots of Iraqis expressed their unwillingness to return. As noted earlier in this thesis, since some Iraqis do not have annual residence permits or valid passports, or their legal documents are expired, receiving health and medical care, education and getting access into Jordanian schools is difficult. Psychological problems – whether from war experiences in Iraq or from their experiences as forced migrants – are common.

5.4.1 Employment

Chatelard reports that, “only 7.2% of the male respondents said they did not work at all; 2.3% of the other ones had a work permit, and 71.6% said they worked irregularly as street vendors, cleaners, painters and other petty jobs.”198 She added; “the other rough 20% who were working as regular employees were cleaners, gardeners, or office boys. 74.5% of the women were totally unemployed, and those working were domestic cleaners or were

198 Chatelard, G. "Jordan as a transit country", p. 22.
working as seamstresses at home." According to Chatelard's respondents, "the average monthly income they declared to earn was 40 JD for a single person and 70 JD for a household." I would like to point out that 30% of the Jordanian people live under the poverty line, and more than a third are unemployed, and the average wage for those who live around and under the poverty line is estimated to be 100 JD a month for a household, as stated by a source in the Jordanian Ministry of Interior.

Many Iraqis in Jordan complain that their stay is illegal due to the lack of adequate paperwork by the Jordanian government so as to be able to stay or even work legally. Some of those whom I have interviewed expressed their fear and worry about what will happen to them when their savings run out, especially for those who have no relatives abroad or any other kind of family contribution. Iraqis said they have to obtain work authorization in Jordan, and in order to obtain it they need to comply with local labor laws. It is very difficult for asylum seekers, even for those who are recognized refugees at the UN agency in Amman, because they are "not automatically given work authorization. They still must comply with local labor laws and are rarely granted such authorization."

According to the Memorandum of Understanding (MOU) signed between the government of Jordan and UNHCR in 1998, "a legal resident refugee may 'work for his own account whenever the laws and regulations permit.'" The 1996 Labor Law requires non-Jordanians to obtain work permits from the Ministry of Labor showing that the job requires experience or skills unavailable among Jordanians, with preference to Arabs. A number of Iraqis are unable to pay the fee in order to obtain work permits, which cost approximately US$257 for a one-year renewable permit. Even if Iraqis obtain the permit to work, some are

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199 Chatelard, G. "Jordan as a transit country", p. 22.
200 Ibid.
201 Name withheld per request. Personal interview. May 2006.
202 Name withheld per request. Personal interview. March 2006.
205 Ibid.
unable to pay in order to renew it after the one-year expires. For those who are lucky enough to find work in Jordan, discrimination is a reality for them. Employers usually tend to underpay their Iraqi laborers, particularly those whom they acknowledge as illegal aliens. They run the risk of work abuse as they must work extra hours, and are paid less than other foreign workers performing the same job. Others do not get paid by their employers, and many Iraqis suffer from lack of any legal recourse. One source informed me that these rules are a means of the Jordanian government trying to encourage Jordanian work force participation.

5.4.2 Education

Access to education is another problem Iraqis do come across in Jordan. Jordan allows enrollment in public schools only to children of legal residents. Therefore those who can afford the tuition enroll their children in Jordanian private schools, which due their higher costs, poor Iraqis can not afford. However, according to a NGO representative, public schools do not admit children even with the correct legal status, and enrollment often requires certificates from their previous schools which is (difficult for refugees). Some noted that Christians find it difficult to enroll their children in the public schools. In 1998, a royal decree had allowed the enrollment of children of undocumented migrants, but required “certificates from previous schools”, which most asylum seekers lacked. Many relief agencies expressed their concern regarding this matter. There is fear of an unschooled and illiterate generation which could cause social upset and that could increase the criminal rate among the younger generation. One source from the human rights group informed me that they are pushing for the government to accept the Iraqi immigrants’ children to be enrolled in public schools whether they have the correct legal documents or not. Many Iraqi children attend makeshift classes a couple days per week, and are taught by volunteer teachers or even

208 Name withheld per request. Personal interview. April 2006.
by Iraqis themselves. However, these classes cannot provide these children with an official certificate at the end of the school year.

5.4.3 Health Care

The accessibility of medical services and health care is a key concern of Iraqi migrants. Many Iraqis questioned their ability to buy medicine or reach out for a doctor when they are unable to pay for rent or even buy a meal for the day. The lack of affordable primary healthcare services in Jordan and health problems among the Iraqis are soaring which have become a concern for the Jordanian government. One representative from a humanitarian agency in Jordan noted out that there are public hospitals and health centers that offer treatment to patients unable to pay. Some relief agencies also offer treatment for free, still some Iraqis fear to approach them.²¹⁰

5.4.4 Psychological Effects of Forced Migration of Iraqis in Jordan

A very significant problem that should not be overlooked is the psychological challenges facing Iraqi migrants in Jordan. Those who left their lives and started a journey filled with hazards are people who suffer most not just from the social and economic factors but from emotional ones. One representative at CARE refers to them as being “mentally cracked down, traumatized and frightened.” One should not forget that the vast majority among this group are children, who are frightened and in shock.²¹¹ To become a refugee, can lead to a state of psychological shock, where the natural wellbeing of a person and a community as a whole is ruined. The shock of fleeing one’s country, the harsh life forced upon them, especially in the first stages of any state emergency, can lead to social and emotional problems, in addition to the burst of certain issues in a local community.²¹² The pain of fleeing makes people feel disturbed, frightened, lonely and insecure knowing that they must face an unknown future inside a strange and sometimes hostile environment. In addition, the separation and split from one’s own family, and the absence of social support is the worse

²¹⁰ Name withheld per request. Personal interview. March 2006.
²¹¹ Name withheld per request. Personal interview. March 2006.
thing anyone can go through, which may build up into tension, pressure and emotional problems to individuals and their society.\textsuperscript{213} Financial help, and by allowing the forced migrants the chance to participate and be part of the new environment and community, are key factors to integration and improved emotional conditions.\textsuperscript{214} In every state emergency there are certain groups who are prone to danger and suffer from psychological and social problems which require tending to. These people depend on external help for their daily lives as well as special services offered by the host community.\textsuperscript{215}

5.5 Role of International Humanitarian Agencies and NGOs

The war in Iraq maybe over, but the needs of the Iraqi people who fell victimized by the ravaging war are not over. This is the case for many of those who fled Iraq and sought refuge in Jordan. Many of the 500,000 to one million Iraqis estimated to be in Jordan are vulnerable people who live on the margins of the Jordanian society.

Both socially and economically with few options for employment, and limited access, if any, to medical services and education for their families they live in what can only be described as squalor, and are unable to meet their most basic needs for shelter, health, sanitation, and education for their children.\textsuperscript{216}

Jordan did not initially allow international humanitarian access, but as UNHCR had operated in Jordan since 1991, it has screened asylum seekers and provided recognized refugees with “monthly assistance, education and medical care, until they are resettled...The organization has experienced recent budget cuts making it unable to provide part of its social services anymore.”\textsuperscript{217} Thus as more Iraqis demanded assistance, more humanitarian agencies stepped in (and in co-ordination with UNHCR) to provide relief and development services. As I looked into why there has been no international aid targeted at Iraqis in Jordan, no precise or clear answer was given by any Jordanian official or NGO. In her report, Chatelard

\textsuperscript{214} Ibid.
\textsuperscript{215} Ibid.
\textsuperscript{216} ICMC’s work with the Iraqi people – Jordan", April 22, 2006. http://www.icmc.net/e/programmes_operations/present_programmes/jordan.htm
\textsuperscript{217} Chatelard, G. "Jordan as a transit country", p. 13.
mentioned that, "Jordan has clearly signaled to the European Commission (EC) that aid and development funds should be earmarked either for Palestinian refugees or for deprived rural, often Bedouin, areas in the South...They probably fear that this would improve the migrants’ social conditions and constitute a pull factor for other ones to come in."\textsuperscript{218} The only exception to this rule are Catholic relief organizations, such as Caritas and the Pontifical Mission (the embassy of the Vatican) in Amman, which allocate budgets to provide relief and aid to many Iraqi families whether Christian or Muslim, along with Christian churches and charities who provide aid in kind regardless to religion.\textsuperscript{219}

Many Christian churches in Jordan also open their doors for the vulnerable Iraqi community, especially to the Christian communities who for the past three years have flooded the streets of Jordan, and who according to statistics comprise 30% of the Iraqi population. Recent attacks of Islamic fundamentalists on church and physical harassment have compelled many Iraqi Christian families to leave. Some Christian refugees and migrants share the real terror they had to go through after the fall of Saddam’s regime: the attacks targeting Christians and being viewed as "suspected collaborators with US and western forces."\textsuperscript{220} In an interview with Reverend Raymond Moussalli, the priest of the Chaldean Catholic Patriarchal Vicariate, he expressed his concern for the 10,000 Christian Iraqis in Jordan, of which 7000 are at his church alone. He said half of them live below the poverty line, and after being targeted in Iraq they fled with their families to Jordan, where they are waiting to be resettled to a third country - preferably to a western state. The majority are dependant on humanitarian assistance from churches, relatives abroad or donations from Jordanian families. According to Father Raymond, the church offers help only to the Chaldean sect by providing housing, vocational training and classes for a couple of days per week in faith and liturgy, computer skills, English, Arabic and science. He maintained that high living costs in Jordan are the reason why many families do not seek medical care in hospitals or enroll their children in

\textsuperscript{218} Chatelard, G. "Jordan as a transit country", p. 13.
\textsuperscript{219} Ibid.
schools. This all exacerbates the shock amongst those who suffer from psychological problems and create “walking bombs” as described by another priest.

“It is exhausting”, Wafa Goussous sighs as she tries to draw the picture of the Iraqi situation in Jordan. A coordinator for Action by Churches Together (ACT) the relief arm of the World Council of Churches, Goussous watches warily the growing burden on local churches, and the extra demand for aid to the increasing number of Iraqis, especially Christians. “Many such families are desperate. They have no visa, no money, no jobs, no medical care, and no protection against being deported back to Iraq”, she added.221 Goussous added that there is no agency specifically helping Christians.222 As more local churches and congregations feel the strain from more Christian Iraqis turning to local churches for emotional and financial support, the congregations in turn look to Jordanian families, asking for their support whether through money donations or by providing clothes, blankets and food for the needy people.

George Hazou, a layman at the Syrian Orthodox Church in Amman says, “It is exhausting, and sometimes frustrating.”223 He said he turns to wealthy Jordanian businessmen for “monthly contributions of US$1,000 to $2,000, to help Iraqi families get by”. He is also networking with NGOs to provide what churches are unable to provide.224 While attending a service at the Evangelical Nazareth Church in the Achrafieh District, I noticed that Iraqi families made up the bulk of the worshipers. After the service ended, the priest told me that, “What you see are people who – regardless of their religions affiliation – just want to be able to live in peace”. I would like to draw the attention to the fact that there are Iraqi Muslim families who also turn to local churches for support and help, whether financially or emotional.225

221 Smith, A. "Iraqi Christians in Jordan can’t stay, can’t leave", Presbyterian News Service, April 12, 2005.
222 Ibid.
223 Ibid.
224 Ibid.
International humanitarian organizations in Jordan work in coordinate with UNHCR in Amman by helping refugees and forced migrants. One of the organizations, the International Catholic for Migration Commission (ICMC) started as a mission from the Catholic Church in Rome and expanded over the world to help and assist those who were forced by conflicts to migrate. ICMC runs an Extremely Vulnerable Individual Program (EVI) in conjunction with its local partner Caritas/Jordan. The program targets the Iraqi community in Jordan. They provide a wide variety of services to an increasing number of people, in particular in three-main areas: medical care, humanitarian and educational assistance. According to an ICMC country representative, “every day Iraqis come for help...they have virtually nothing in the way of possessions or means of financial support...for many this is last chance to get help as there are few other supporting services available.”

The increasing demand for its services has expanded ICMC work in Jordan to help and support about 3000 people. An ICMC representative stated that due to the deteriorating situation in Iraqi, about 50% of cases have arrived within the past six months. Education, trauma, medical assistance, business and skills training, tolerance building and protection are part of what the program aims at for refugees, returnees and the internally displaced.

While it is expensive for families to finance and receive hospitalization when it is necessary, ICMC tries to provide medical care through its Caritas/Amman office, the only NGO in Jordan working specially with Iraqi refugees and migrants in urgent need of help. Caritas runs medical centers in Jordan with staff to provide treatment; for poor people the treatment is free. ICMC also provides schooling for families who are not in a position to pay for their children’s education. The schooling takes place at educational centers that are staffed by volunteer teachers. ICMC also provides support by ensuring that school fees are paid. In the humanitarian area, it supplies blankets, heaters, food and cleaning materials.

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http://www.icmc.net/e/programmes_operations/present_programmes/jordan.htm
227 Ibid.
organization assesses who is in most need of assistance through home visits made by special caseworkers to assess families’ situations and their needs.\textsuperscript{229}

In an interview I conducted with the project coordinator of CARE in Amman, she pointed out that as the numbers of vulnerable Iraqis in Jordan increases, the capacities of the international humanitarian agencies found in Jordan are stretched. CARE has projects in the areas of training and awareness, and it is estimated that these projects reach 80\% of the Iraqi migrants whether they are recognized refugees or asylum seekers. Sometimes, they are approached by Iraqis who have not received the UNHCR cards.

As of summer 2006, CARE was assisting about 1000 refugees and 800 asylum seekers. According to the project coordinator, many of the cases they have seen are people who suffered from domestic violence or even from trauma. Their psychological state requires attention, and CARE helps these vulnerable people by referring them to special doctors and professionals. CARE believes in promoting ‘self-reliance’, that is that the migrants need to depend on themselves not on the hosting community solely. Therefore, people are provided training courses to develop their talents, and to learn handicraft work that might later earn them money. The organization provides financial support through a monthly salary which comes from UNHCR. Salaries vary from 50 to 150 JD depending on the situation of the migrants and their living standards in Jordan. In addition, CARE supplies clothing, blankets and other basic needs as the situation demands.

Many of the people who work in helping the Iraqi people, in a country which lacks NGOs and local supporting services targeted at Iraqis, stress the urgent need for more aid. The number of Iraqis in need of help is increasing and they live in desperation as their situation is in limbo in Jordan. In addition, as noted earlier, many -especially young children- suffer from trauma and psychological problems. At the same time, the UNHCR budget is running out, which means less will be provided to these people. So, the issue of ‘self-reliance’

\textsuperscript{229}ICMC’s work with the Iraqi people – Jordan”, April 22, 2006.  
http://www.icmc.net/e/programmes_operations/present_programmes/jordan.htm
is emphasized to help people learn to depend on themselves and their capabilities, as well as
develop their human potential. The development of their human potential can in return
contribute positively to the hosting community. By preventing people from working or being
enrolled into schools, young people, especially men, may become involved in illicit and anti-
social activities drawing the host country into social problems.

5.6 UNHCR’s Activities and the Situation of Refugees and Asylum
Seekers.

5.6.1 UNHCR’s Role in Jordan

In view of the extremely difficult situation that faces Iraqi forced migrants in Jordan
there are only a few strategic options available to them in order to improve their status and
economic situation. One of these options is to approach UNHCR, where their cases are
reviewed, assessed and decisions made to provide them with ‘temporary protection’ as
asylum seekers. Arguably, many of the Iraqis hope to be recognized as refugees by the
UNHCR, so as become “legal” refugees in Jordan. Unlike the Palestinian refugees, however,
there are no “UNHCR-administrated refugee camps in Jordan. Rather the urban refugee
population is served by the UNHCR offices in Amman.”

5.6.2 The Memorandum of Understanding between Jordan and UNHCR

According to a UNHCR representative in Amman Branch Office, since Jordan is not
a signatory to the 1951 Refugee Convention and has no domestic legislation that deals with
refugees or asylum, a Memorandum of Understanding (MOU) was signed in 1998 between
UNHCR and the Jordanian government concerning the treatment of refugees and asylum
seekers in the Kingdom. UNHCR has operated in Jordan since 1991 to aid and protect non-
Palestinian refugees who were affected by the 1990 Gulf war. According to a UNHCR
official, the MOU is the first important step Jordan has taken regarding refugees and migrants

\footnote{230 "Living in Fear: Protection and Assistance Needs of Iraqi Civilians in Iraq and Jordan", Women’s
Commission for Refugee Women and Children, February 2003.}
by providing "de facto recognition of a number of international principles as regards refugees. Nevertheless, the organization has had to compromise on some of these principles...a primary one being that Jordan lacks the capacity of hosting large numbers of refugees." The Memorandum of Understanding, signed in April 1998, "institutionalizes procedures already in place regarding those who are seeking asylum and refugee status in Jordan," said Kamal Abdul Rahman, officer in charge of the UNHCR branch in Amman. International lawyers explained that the MOU "can be interpreted as an act of 'good faith' in upholding the principles promulgated in the 1951 Convention and its 1967 Protocol, which Jordan has never endorsed." Through Article (1), Jordan adopted the definition of a refugee contained in the 1951 Refugee Convention. The document also states that Jordan agrees to admit asylum seekers, including undocumented entrants, and respect UNHCR's refugee status determination. In Article (13), the UNHCR through a liaison office at the Ministry of Interior, undertakes to provide and inform the liaison office of all asylum applications. The Memorandum also forbids the refoulement of any person back to his country where his life could be threatened and endangered, as stated in Article (2), with the exception for those whose asylum applications are rejected by UNHCR.

5.6.3 Provisions and Statistics

Regarding UNHCR procedures of asylum applications and refugee status determination, a UNHCR representative in Amman said that UNHCR conducts an investigation on all claims received asking for assistance and for refugee status determination. Iraqis may approach UNHCR in Amman on Saturdays, Sundays and Tuesdays, and assessments are made on a case-by-case basis by the UNHCR staff. UNHCR staffs initiate determination of status through setting up interviews at which they check

231 Chatelard, G. "Jordan as transit country", p. 12.
233 Ibid.
234 The unofficial translation of the Memorandum of Understanding between the government of Jordan and UNHCR, UNHCR Amman Branch Office.
235 Name withheld per request. Personal interview. December 2005.
passports or other legal documents and inquire about the reasons for seeking UNHCR protection. As a result, UNHCR produces identity cards containing biographical data, name and photographs, which are issued by UNHCR and printed by the Jordanian government after the approval of the Ministry of Interior.

There are two types of UNHCR cards known as the ‘yellow card’ granted to registered asylum seekers, and the ‘blue card’ granted to the recognized refugees; they both offer temporary protection. In addition, those who approach UNHCR are classified into two categories; those who came before the 2003 war, and those who came right after the war. According to UNHCR staff, “only in the rarest of occasions have those who fled after March 2003 received official designation….All such rare cases are characterized as the ‘most vulnerable’ – primarily the elderly or ill.” The majority of these Iraqis are from the former Baath party or are Christian. A UNHCR representative said that 15,000 Iraqis have received temporary protection for asylum seekers pending official refugee status while only 800 Iraqis have received official refugee status in Jordan. Using UNHCR figures regarding asylum applications and refugee status determination - where Jordan is the country of asylum and Iraq the country of origin - pending cases at the start of 2005 numbered 10,793, of which 5,568 applied during 2005 alone. The claims pending as of the end of 2005 numbered 16,210.

The UNHCR reported that most of the Iraqis who approach the organization have been living in Jordan for quite some time. Some do not approach the organization immediately after arriving from Iraq but only once their six-month residence permit has expired. Others, who lacked any previous knowledge of UNHCR’s programs, do not seek out the organization until have been informed by other Iraqis. Those who have their cases rejected, due to reasons of insufficient information or do not articulate specific protection concerns, may appeal and their files may be reopened if new information is provided or any

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237 Figures from UNHCR Amman Branch Office, UNHCR, December 2005.
238 Ibid.
change in the applicant’s situation has occurred. Those whose cases the UNHCR staff suspect are ‘bogus’ are closed definitely without the possibility of appeal as stated by one NGO source.

UNHCR cards entitle Iraqis who have run into problems with the Jordanian police to ask for the presence of a UNHCR representative to interview them in detention centers after the approval of the liaison office in the Ministry of Interior. It is important to note that one official source, who wanted to remain anonymous, said that there have been no cases of Iraqis being deported back by Jordan; and if and when this has happened, the Jordanian authorities were not aware of the Iraqis’ registration status at the UNHCR. If this is true, that is, that deportation is not being used by the Jordanian government, Iraqis with rejected UNHCR applications, who are expected to leave the country, still live in Jordan and are not being deported. In contrast, Hani Dahleh, a lawyer from the Arab Organization for Human Rights, said that the issue of Iraqi deportation is controversial since there are reported cases of Iraqis being deported back to Iraq by the Jordanian authorities. He is approached by many cases who seek his legal help in order to extend their stay until they can leave to other countries.

When I asked him if all the cases who risked expulsion were illegal residents, he confirmed that some are registered with the UNHCR, and are supposedly being protected; still they are put in detention centers and without any further notice deported back to Iraq. Lawyers who work at Mezan, a group of lawyers for human rights, confirmed that deportations do occur. Thus, as a legal recourse, Mezan lawyers pay visits to detainees at detention centers to study their cases and report them to UNHCR in order to prevent deportation from being taken place.

Statistics have shown that recognition rates for Iraqi asylum seekers in Jordan have only reached about 20% to 30%. Comparisons with previous years have indicated that after the 2003 war recognition rates stepped up slightly.

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Rates in Lebanon for the same year were reported to be close to 50%, though there have been significantly fewer Iraqis in the country.\textsuperscript{240}

\subsection*{5.6.4 Integration in Jordanian Society}

Since Jordan is not party to the 1951 Refugee Convention, the Memorandum of Understanding ensures that UNHCR can perform the protection role assigned to it while in return Jordan is obliged to abide by the laws and regulations outlined in the MOU. There is pressure on the UNHCR office in Amman to find solutions for the recognized refugee population, and to get refugees out of Jordan within the six-month time period specified in Article (5) in the MOU. In part, this pressure stems from the fact that ‘local integration’ is not an option, as Jordan has made sure that it will not serve as a country of asylum to Iraqi nationals. One official source said the problem lies in the limited capacity Jordan has to host any additional refugee on its territory. They fear that Iraqis, if allowed to stay and integrate, might become permanent as did the Palestinians who now compose around 1.2 million of the total Jordanian population. Therefore, "UNHCR did not open the subject of integration in local society with the authorities, while it is the second of three solutions the organization supports for the treatment of refugees, after voluntary repatriation", the latter, due to the prevailing situation back in Iraq, is not a preferable option.\textsuperscript{241} According to UNHCR spokesman Ron Redmond, “UNHCR encourages the government to postpone the introduction of measures which are intended to promote or induce voluntary return....Security conditions and absorption capacities for sustainable return should be in place before people are returned.”\textsuperscript{242}

\begin{footnotes}
\item[241] Chatelard, G. "Jordan as a transit country", p. 12.
\end{footnotes}
5.6.5 Resettlement and Voluntary Repatriation

Resettlement to a third country is the only viable solution offered to all recognized refugees regardless of nationality. Yet, the obligation of UNHCR to resettle refugees raises the possibility that UNHCR might not be able to fulfill its mandate in the time period outlined in the MOU. As chapter four recounted, there are certain states that accept only a set number of referred cases by UNHCR. They establish quotas, based on domestic interests, and they target special nationalities with their own criteria regarding the profit of the individuals. This may pose a problem for UNHCR, because these criteria may not correspond to the cases UNHCR attempts to resettle.\textsuperscript{243} Since the events of September 11, 2001, some countries have imposed additional restrictions on resettlement, thereby slowing down the process as stricter scrutiny of applications has been applied on security grounds, especially in the United States which represents one of the largest resettlement countries. Prior to September 11, 2001, the Immigration and Naturalization Service (INS) in the US would make ‘quarterly circuit rides’ to Amman, at each circuit ride UNHCR would present approximately forty cases, the vast number would be accepted. After the September 11 events, “the INS made just one circuit ride to Amman.”\textsuperscript{244} The lack of INS circuit rides has resulted in extensive delays. For refugees leaving Jordan in 2002, the time from recognition to travel for third country resettlement was 16 months, almost three times the time period outlined in the Memorandum.\textsuperscript{245} According to an official, now the time to be resettled can be two or three years. In fact, UNHCR in Amman is doubling its efforts to submit cases for resettlement.

The lack of resettlement opportunities and the delays in processing have posed both physical and economic constraints on the migrants; they have also created pressures on UNHCR to find solutions. Iraqis resort to other options other them UNHCR in order to be granted visas into western countries. Some Iraqis told me that they approach church officials who may act as middlemen between them and western countries others just knock on the door.

\textsuperscript{243} Chatelard, G., “Jordan as a transit country”, p. 27.
\textsuperscript{244} “Living in Fear: Protection and Assistance Needs of Iraqi Civilian’s in Iraq and Jordan”, Women’s Commission for Refugee Women and Children, February 2003.
\textsuperscript{245} Ibid.
doors of western embassies in Amman, for the majority do grant visas on humanitarian grounds. Due security and confidentiality, however, it was difficult to approach western embassies in Amman regarding the resettlement procedures they offer. One immigration officer in a western embassy in Amman, who wanted to remain anonymous, said that Iraqis are accepted based on certain criteria: humanitarian grounds, family reunification or if they possess certain professional skills. Interviews are conducted at the embassies in Amman and after the verification that the information provided is accurate, cases are referred to the immigration department in that country. Appeals on rejected cases depend on the immigration officer. The vast numbers who were offered resettlement in the past year went to the USA, Australia, Sweden, Norway, New Zealand and Finland.246

During 2005 the number of refugees resettled by UNHCR in Amman was around 224 - a decrease from previous years. Meanwhile, about 320 persons were voluntary repatriated by UNHCR.247 According to the International Organization for Migration representative, one of the organization’s many services is that it facilitates the journey of refugees to their resettled countries or back to their home countries. Referring to 2005 Statistics, IOM helped in resettling 1,683 people (partly because of family reunification) and assisted in the return of 700-1000 persons back to Iraq.248

As the statistics show, the 15,000 Iraqi forced migrants registered with the UNHCR is a small number in comparison to the high number of those present in Jordan. Some argue that this low figure is due to the high number of Iraqis who do not approach UNHCR in Amman. For those whom I met in Amman, they expressed their desire to keep a low profile in Jordan, and not risk getting caught by the Jordanian authorities and the subsequent deportation into Iraq. Many Iraqis were in Jordan “in transit” on their way to western countries, where they can gain asylum. Even if their applications are rejected they do not risk being deported, unlike in Jordan.

247 Ibid.
Many of the Iraqis who chose to apply for refugee status with UNHCR “had a very vague understanding of the application process and the standards used to evaluate a refugee claim.”249 They also expressed fear about revealing their true stories because they were concerned about consequences if they were forced to return to Iraq.250 The same Iraqis expressed their discontent with UNHCR processing claims and the long time periods they have to wait between registering and being interviewed. Iraqi families showed similar frustration about the delays in interviews. Moreover, the location of the UNHCR office is not easily accessible for Iraqis, especially those with small children, who have to come by taxi from different areas of Amman, and wait in lines outside the UNHCR building until they are admitted inside.251 Therefore, “feelings of anger and frustration are inevitable, where for some, and based on prior experience, they lose hope and belief in the competence of UNHCR to help them.”252

5.7 Human Rights Issues and the Refugee Law in Jordan
5.7.1 Legal Status of Refugees in Jordan

In Jordan “‘refugee’ is an extremely loaded term, and a legal, social and political category that is almost exclusively the preserve of Palestinians.253 As noted repeatedly, neither in Jordanian law, nor in any official documents are Iraqis referred to as refugees. Jordan is not party to any international instrument concerning non-Palestinian refugees, and has devised no domestic framework for granting asylum. Rather, non-Palestinian refugees fall under the role of UNHCR in Amman, which is charged with the task of refugee status determination, and the subsequent resettlement to a third country, usually western countries.254

250 Ibid.
251 Ibid.
252 Ibid.
254 Ibid.
In fact, the majority of Arab countries have not given the issue of asylum the attention it deserves and as specified in international documents. As a result, many lack domestic and legal standards concerning refugees. Meanwhile, for those who have included special laws for refugees, they have not fit with the international legal standards. For these Arab countries, their definition of a refugee and asylum are not as wide as those found in the international instruments. Needless to say, Jordan as well as other Arab countries have granted asylum in many exceptional cases, but without having any precise tool regarding how to deal with this issue. For example, Jordan granted asylum to Hussein Kamel and his brother, Saddam Hussein’s sons-in-law in 1995 with their families; they were later assassinated back in Iraq. Also, Jordan granted asylum to many Bosnians and Chechens in the 1990s who had fled from the conflicts and atrocities in their home countries. Many were offered Jordanian citizenship by the late King Hussein bin Talal.\footnote{Halasa, A. “The non-Palestinian Refugee in Jordan: Realities and Expectations”, University of AL-Israa’, Jordan, December 27, 2005, p. 2.}

5.7.2 Jordan’s Accession to the Refugee Convention

As already stated, Jordan is not a signatory party to the 1951 Refugee Convention and its 1967 Protocol, even though some of the articles outlined in the 1951 Convention have become customary law. Yet, by signing Memorandum of Understanding with the UNHCR, Jordan promised that it will abide by the laws and regulations outlined in MOU, and respect the rights of refugees and asylum seekers consistent with the definition specified in the 1951 Refugee convention.\footnote{Paper presented on the refugees in Jordan by the National Center for Human Rights. NCHR, Jordan, 2005.} The Memorandum defines and outlines the legal status of refugees. According to Dr. Tarawneh in the Jordanian Foreign Ministry, by referring to the Vienna Convention in 1969, the Memorandum is an international agreement between a state and an international organization that applies the rules and regulations found in international law but without the creation of any domestic legislation. Dr. Tarawneh pointed out that some do not consider the Memorandum an international instrument; therefore it does not oblige the state to
abide by its laws. Similarly, with regard to the Memorandum, a UNHCR representative noted that “a law is one thing and the application of it is another”. Before the 2003 war, many countries had the problem of defining the legal status of a refugee. After the war the main obstacle became how to deal with refugees and the asylum issue as many countries lacked domestic legislation regarding refugees. According to the UNHCR representative, the lack of domestic legislation in Jordan made it impossible for UNHCR to do its work and provide protection for so many asylum seekers as specified in the MOU with the Jordanian government.

For many Jordanian officials, the reasons behind Jordan not acceding to the 1951 Refugee Convention are geographical and political. Some stated the Palestinian presence in Jordan as the main reason why Jordan finds itself reluctant to be a country of asylum for other refugees. According to Dr. Ayman Halasa, however, the issue of Palestinian refugees can not be the cause behind Jordan not acceding to the 1951 Refugee Convention, or even for adopting domestic legislation regarding refugees and asylum. Firstly, because Palestinian refugees enjoy a special legal status separate from other refugees under the mandate of the United Nations Relief and Work Agency in the Near East (UNRWA), a special agency that is responsible for the protection of and assistance to the Palestinian refugees. Secondly, under Article (1\D) of the 1951 Refugee Convention, this treaty excludes every person or individual who falls under the mandate of another UN agency other than the UNHCR, in this case the Palestinian refugee.

As mentioned earlier, there is no domestic legislation or laws which deal with refugees in a precise way in Jordan, unlike other Arab countries. Despite this fact a refugee enjoys certain legal status in the Kingdom. A refugee, as an alien or foreigner, can benefit from some of the legislation found in Jordan. Some of the laws that touch upon the issue of asylum and refugees are the Law of Residence and Foreign Affairs Number 24 for the year

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257 Seminar held on the problems facing Refugees in Jordan by NCHR, Jordan, December 27, 2005.
258 Ibid.
260 Ibid.
1973 and its amendments. It mentions, in an indirect way, asylum and refugees, when it exempts those who were forced to flee their home countries and seek asylum in another from obtaining passports or legal documents in order to enter the Kingdom. Although, the previous paragraph mentioned the presence of refugees in Jordan, it did not point out the party responsible for determining asylum and the conditions associated with it. According to Article (6) of the law, political asylum seekers are allowed to enter the Kingdom even illegally. Labor law Number 8 for the year 1996 and its amendments highlights the issue of deporting foreign workers, which may also include refugees since refugees are considered foreigners in Jordan, if the foreign worker is found to be working illegally.

5.7.3 Problems Facing Refugees and Asylum Seekers in Jordan

As mentioned throughout the thesis, there are many problems that face forced migrants in Jordan. Refugee women, in particular, face harassment and abuse especially those who work in houses or who work as prostitutes in Jordan. But to note the real and important challenges facing both men and women is not to accept that these conditions are inevitably linked to forced migration. In addition, however, the most pressing challenges facing refugees and in particular asylum seekers, since they are not recognized refugees, are deportation and detention.

According to Article 2 of the MOU, no person shall be refouled or returned back to his country if his life and freedom are threatened, except those whose applications claims UNCHR has rejected. This type of protection is considered a ‘corner-stone’ in refugee law and in some states is even considered it a customary law. Still, in the Memorandum, it does not specify what is meant by ‘refoulement’, and when the government should practice it.

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262 Ibid.
263 Seminar held on the problems facing Refugees in Jordan by NCHR, Jordan, December 27, 2005.
264 Ibid.
As a result, and according to human rights lawyers in Amman, there have been cases of deportation taking place, but no clear number of how many deportations have taken place has been recorded. Detaining refugees and asylum seekers constitutes one of the major problems involving the Jordanian police. In fact, in the course of my research, no one in the government acknowledged that detention procedures are being practiced, at least those I approached during my study. Still, NGO representatives and human rights lawyers confirmed that Iraqi nationals are being detained for unspecified reasons. Since there are no accurate estimates of how many are being put in detention centers, UNHCR estimated that around 200 were detained in 2003. Detention, according to human rights laws is a violation of human rights and because in Jordanian legislation there is no precise definition of a 'refugee' confusion may complicate dealing with this matter.

It is hard to say whether domestic legislation would have dealt with the issue of non-Palestinian refugees the way it should have. In Jordan, UNHCR is the only organization responsible for everything that is concerned with asylum, in addition to providing permanent solutions excluding local integration in Jordan. Accession to the 1951 Refugee Convention does not obligate a country to develop domestic legislation and laws regarding the issues of asylum and treating refugees on its territory. According to Dr. Ayman Halasa, there are some Arab countries that did not accede to the 1951 Convention, yet they developed tools and frameworks to deal with asylum procedures. Lebanon is one example, as stated in Article 27 of the law for the year 1962, asylum is granted by a committee formed and headed by the Lebanese Minister of Interior.

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267 Ibid.
million people of Amman are "readily distinguishable by accent, dress and Iraqi license plates." Mohammad Faroun, a Jordanian real estate developer, said that some rich Iraqis show up in Amman and buy three or four apartments at a time and pay in cash. Concerning the prices, Faroun adds, "villa prices have nearly doubled and now range from US$353,000-2.8 million, while apartment prices have tripled to US$212,000." Official statistics have also shown a phenomenal rise as "53% of foreign buyers are Iraqis, who spent US$84 million on 1147 homes between January and August 2005-a 137% jump from the same period a year ago." Iraqi investments have doubled to US$92.5 million in one year, according to the Ministry of Trade and Industry. One official noted that the government in some ways welcomes this influx of investment. First because Iraqi cash into the Kingdom has helped to offset the country's international debt burden estimated to be around US$7 billion. Second forced migrants and refugees tend to contribute to the country's economy because of the international assistance packages that accompany them. The Jordanian budget for fiscal year 2006 shows that foreign aid was US$330 million, following economic grants received by the United States totaling US$350 million in 2005, and on top of the US$650 million the Kingdom received in military aid.

The hot investment climate Jordan enjoys, and the overall regional economic boon it offers to local and foreign investors and businessmen, has turned Jordan into an "oasis of stability just across the border" from the Iraqi conflict. King Abdullah II has been actively promoting the need for private investments as an integral part of laying the foundations for sustainable economic and social reform. Jordan's accession to the World Trade Organization, its political and economic stability, modern laws, strong and independent legal system,

279 "Jordan booms as Iraqis flee hardships", News Arab Word, October 12, 2005.
280 Ibid.
281 Ibid.
282 Ibid.
democratic process, and the private sector have made it attractive for investors, especially Iraqi investors, to live and invest in Jordan.\textsuperscript{285}

There are both positive and negative consequences to the Iraqi presence in Jordan, as seen in the flow of cash into the Jordanian market, and the subsequent rise in prices. As Prince Hasan noted “our capital has become unrecognizable over the past two years and spreading urbanization appears to be out of control.”\textsuperscript{286} This new trend in Amman prompted me to evaluate the escalation in the Jordanian real estate sector, especially in regard to Iraqi investment.

<table>
<thead>
<tr>
<th>Year</th>
<th>Projects</th>
<th>Volume of Investments in JD</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>16</td>
<td>2 million 600,000</td>
</tr>
<tr>
<td>2001</td>
<td>26</td>
<td>9 million 299,000</td>
</tr>
<tr>
<td>2002</td>
<td>16</td>
<td>3 million 989,500</td>
</tr>
<tr>
<td>2003</td>
<td>7</td>
<td>1 million 700,000</td>
</tr>
<tr>
<td>2004</td>
<td>14</td>
<td>4 million 341,462</td>
</tr>
<tr>
<td>2005</td>
<td>82</td>
<td>45 million 180,620</td>
</tr>
</tbody>
</table>

Table 1/ Source: Jordan Investment Board

Table 1 shows the statistics for the years between 2000 and 2005. In 2001, there is a sharp rise as the number of projects recorded reached 26, amounting to around 9,299 million JD. A decline in the number of investments was noticeable in the following years. According to a source at the Jordan Investment Board, in the years immediately following 2001, UN sanctions on Iraq not significantly affect investments. After the fall of Saddam’s regime in 2004, 82 projects were reported (amounting to around 45 million JD).\textsuperscript{287} The source added that Iraqi investments have been concentrated in private businesses rather than in public shareholding, as Iraqis have not been interested in investing in the Amman Stock Exchange.

\textsuperscript{285} Azam, H. “Jordan economy recovers its strong growth rate”, \textit{Al-Rai}, June 27, 2004.
\textsuperscript{287} Figures from the Jordan Investment Board, Jordan, March 2006.
Rather, it seems they are forced migrants with cash, who came to Jordan for safety with no intentions to reside permanently. Iraqis are merely investors not extremists or politicians. Foreign investments in Jordan in 2005 is estimated to have been around 750 million JD, of which Iraqi investment composed 288 million JD.\textsuperscript{288} Article 7 of the Investment Law states that, “non-Jordanian investment shall not be less than 30,000 JD or the equivalent thereof i.e. around US$43,000, excluding any participation in public shareholding companies.”\textsuperscript{289} According to the law, foreigners may own wholly or partially or participate in any project. Yet, they can not own more than half interest in enterprises and they must have a Jordanian partner.\textsuperscript{290}

The Department of Land and Survey in Amman has started compiling statistics recording the number of land sales involving non-Jordanians. The statistics indicate that Iraqi investors are the number one non-Jordanian investors out of the 56 nationalities investing in the country. The sharp rise in sales reported following the 2003 war and the fall of Saddam’s regime were estimated to reach 99,978 million JD in 2005, as shown in Table 2.

\begin{table}[h]
\centering
\begin{tabular}{|l|c|c|c|c|c|c|}
\hline
Nationality & 2004 & & 2005 & & \\
 & Number & Area in m$^2$ & Value in JD & Number & Area in m$^2$ & Value in JD \\
\hline
Iraqi & 730 & 28072 & 41194062 & 1811 & 516666 & 99977617 \\
\hline
\end{tabular}
\caption{Sales of Non-Jordanians for Years 2004-2005}
\end{table}

\textsuperscript{283} Figures from the Jordan Investment Board, Jordan, March 2006.
\textsuperscript{289} The Investment Promotion Law, law No (16) of 1995, and its amendments, Published on April 2, 2000, Official Gazette, Issue 4423, Jordan.
\textsuperscript{290} The Investment Promotion Law, law No (16) of 1995, and its amendments, Published on April 2, 2000, Official Gazette, Issue 4423, Jordan.
Graph 1/ Source: Department of Land and Survey

Given the dramatic growth the Jordanian market has witnessed over the past years, and the continued positive impact of Iraqi investments, the Jordanian government has “granted temporary Jordanian citizenship to a number of chairmen, executives, managers, and business people who were granted the facility to be able to manage their businesses easily.”

This brings to mind the previously mentioned remark by Prince Hassan about the impact of the Iraqi presence in Jordan and its correlation with the - “three bombs” - “the demographic bomb coupled with the poverty bomb and the environmental bomb...have brought us to ask how many people can Jordan absorb with acceptable human dignity without one of these bombs exploding.”

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## 5.9 Jordan’s Foreign and Domestic Policies

### 5.9.1 Jordan’s standing in the world and its call for participatory approaches involving the international community

The Hashemite regime has done its best to maintain a degree of balance between engraving an Arab Islamic identity, marked with moderation and tolerance between its people, and a reasonable socio-economic level where the people can enjoy themselves in spite of the country’s often meager resources. The security situation in Iraq (as well as elsewhere in the region) will continue to cast its shadows over the Kingdom. Sandwiched between volatile borders - the eastern by the Iraqi conflict and the western by the Israeli-Palestinian struggle - and now the turbulent events that have stormed over Lebanon, Jordan faces the unknown as a fire has been ignited in the region without the least idea whether it will ever be extinguished.
To Jordanians, the disturbing situation has triggered outbursts of fury even though, “there is no indication that the Jordanian polity is about to become unstuck”, pointing to the regime’s management of the most recent regional crises as evidence. Nevertheless, “Jordanian foreign policy has been largely driven by pragmatism.” Jordan tries to maintain internal stability while keeping its strong external ties with the West and the international community. This was accentuated by the former Jordanian spokesperson Asma Khader, who reiterated that it is in Jordan’s best interest to do and seek solutions from a variety of locations for its internal and public needs.

But recently Jordan has “adjusted its rhetoric and has been playing a more positive role, including its efforts to promote greater cooperation among Iraq’s neighbors and build bridges between them and Washington.” Jordan also relies heavily on international, especially American aid. Jordan’s alignment with the US and maintaining its posture on the world map are key features to its foreign policy, for King Abdullah II, “Jordan’s strategic relationship with the US remains a centerpiece of Jordan’s national security strategy.”

In an interview with the Svenska Dagbladet newspaper, King Abdullah II highlighted key aspects of Jordan’s foreign policy and the pervasive role of the international community in it: “It is a well articulated plan, which Jordan has worked very hard to put together. Therefore, the international community must step in and help push the peace process forward. What is needed now is a strong interventionist role...more commitment and stronger leadership on all sides.” The King reiterated that it is in the best interest of the region and the world community to work together on the ongoing challenges in the region.

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294 Ibid.
296 Ibid.
298 Ibid.
5.9.2 Security Measures Post November 9, 2005 Bombings in Amman

As Jordan marks the first anniversary of the saddened event that rocked the Kingdom a year ago, security and counter-terrorism issues will remain a top priority for Jordan. The November 9, 2005 suicide attacks targeted three hotels in Amman – with a toll of 60 dead and over 100 wounded. The horrifying attacks delivered two massages to the Jordanian people, “no security apparatus, however efficient, can prevent each and every attack by any person prepared to die as they kill others, and any security response must be complemented by a genuine opening of the political system and more equally shared economic opportunity if Jordan is to minimize the risk of further attacks and instability.”

The identity of the perpetrators and the background of the cause behind these attacks put Jordan in the center of the region’s predicament. Furthermore, there is some debate whether these attacks were the result of “a leadership that allied itself with the West at a time of intense anti-Americanism.”

King Abdullah II said, “Jordan, its people, security, stability and achievements were the targets of the attacks”. He added that the Kingdom’s motto is, “law, openness and security. Jordan...seeks a balance between freedom and security that reassures both Jordanians and their guests.” He stressed that Jordan will remain an open and safe haven and for all Arabs, that they “are our brothers who live among their Jordanian family and share their livelihoods. Besides, Iraq is the security valve for Arabs and the region...because what happens in Iraq definitely affects the future of this region....Our duty is to contribute and support the country.”

Over the past months, security measures have been ramped up by the government with tighter procedures at all of the Kingdom’s borders. The Jordanian

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300 Ibid.
government has taken these steps in order to ensure the safety of the country and its people, and at the same time out of fear the country will become a stage for further terrorist plots.

Do the recently applied security measures profile Iraqis of different stripes; as it places them under the “watchful-eye” of the Jordanian security forces? Jordanian security officials say that these heightened measures stem from the Amman hotel attacks, since the perpetrators crossed the Jordanian-Iraqi border.\textsuperscript{303} Jordan’s government spokesman, Naser Judeh, confirmed that “the country had imposed new border restrictions on January 2, 2006 that prohibit vehicles with Iraqi license plates from entering the country, as a result, Iraqi commercial drivers are effectively prevented from taking passengers to and from Jordan….Only Iraqi private vehicles with white license plates are allowed entry into Jordan, which can be obtained after the owner puts funds into a trust equal to the value of the car.”\textsuperscript{304} Judeh added, “because of the circumstances we have to be cautious and take all the essential measures.”\textsuperscript{305} Nevertheless, the government stated on more than one occasion that it will not prevent Iraqis from crossing the borders due to the unrest back in Iraq.

The beefed up security measures are immediately noticeable at the Jordanian borders. Once an individual enters the border area, the security forces start an overall examination on the car, from personal luggage to personal checkups being done in special rooms, one room designated for men travelers another one for women travelers. Sequentially, the police examine travel documents, run queries concerning certain personal information and the reasons for entering Jordan.

But the most surprising and noticeable changes are the latest security devices placed at border controls: mobile x-ray machines as well as photo and fingerprint records being created for each individual. The question that arises is whether these “routine measures” make people feel as if they are being profiled and possibly suspected of wrong doing because of their nationality. Lots of Iraqis expressed their frustration and concern at the new security

\textsuperscript{304} Ibid.
\textsuperscript{305} Ibid.
measures, echoing those of Arabs in the United States after the September 11, 2001 attacks. Some say they come and sit at the borders for hours waiting a decision whether to enter or return back to Iraq. Others expressed their concern saying, “there is no comfort in Iraq, and now there is no comfort in Jordan. Where should we go?” Iraqis who are denied entrance at the borders say that the Jordanian authorities do not offer explanations for this. The King was quoted by The Jordan Times, regarding the procedural delays and the enforced precautionary measures, that since “4,000 to 5,000 people cross Jordanian borders everyday, Jordan security must use all available means to prevent infiltration of terrorists into Jordan.”

5.9.3 Public Opinion and the “Jordan First” Slogan

The Jordanian people realize that backing their country’s leadership and government is one way to safeguard a life of normalcy and moderation. Yet, the 2003 US-invasion of Iraq has caused anger among the Jordanian people, and discontent and public sentiment have been expressed through different channels and at different targets. As some note, the regime’s “Achilles heels” is the feeble bond of trust between most citizens and the state. In spite of this, King Abdullah II has asserted on many occasions that what keeps the country going on its track of moderation and democratization is the strong tie between it and its people. Anything which could threaten stability could “spark unrest among a population that nurtures a close affinity with its Arab brethren in surrounding nations.”

The Jordanian government’s task is to establish a firm bond with the public and garner its support for increased internal and regional development. King Abdullah II, following the path of his father the late King Hussein bin Talal, is more determined to put Jordan’s interests over all other considerations. In July 2005, the “Amman Message” was

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308 Ibid.
309 Ibid.
310 Ibid.

launched by the King to “promote peace, moderation, and reform...forming a launch pad towards reinstituting and fostering values of tolerance, centrism and moderation.”\(^{311}\) The King also asserted that, “these initiatives will contribute to laying the foundation of a new era that puts an end to terrorist practices and extremist thought, whose will has touched every one in the region and the world.”\(^{312}\) This is part of the role the Jordanian government is assuming through its policy of bringing together Jordanians and in building a solid relationship between Jordanians and their government, particularly with the stressed security situation in the country. These initiatives foster understanding and tolerance, and the call off of any cultural and religious differences especially amongst the youth in a society that believes faith is all about being compassionate and respectful in order to avoid clashes in the world.

The unsettled situation back in Iraq and the post 2003 war events are what prompt Iraqis to flee their home. Their cause will remain one of the responsibilities that we, as Arabs, must share. Jordan hosts a large number of the Iraqi community offering them not just a refuge, but helping them to start their lives anew. Despite the burden Iraqis may cause and the impacts resulting from their presence in the country, they are becoming part of Jordanian society. More aid and assistance is needed from international organizations and relief agencies in order to tend to the Iraqis’ increased demands. Meanwhile, Jordan, consistent with its policies, hopes for stability in Iraq to guarantee the safety of its people. In return this would affect the future of the Iraqi community in Jordan. Accordingly, the next chapter provides findings and results arrived at through my analysis and investigation during the research.


\(^{312}\) Ibid.
CHAPTER VI

Findings and Discussion

6.1 Introduction

This study delves into the nature of forced migration, which is often accompanied by violence and atrocities that plague not just the migrant community, but also others. Exploring the nature of forced migration and its aftermath, and how the political-economic situation in the region at large affects neighboring countries' internal affairs is not an easy task. The research needs to be approached with neutrality and not be biased so as to cover all the angles of the issue with evenness.

As noted elsewhere in the thesis, due to the tightened security situation in Jordan, and the sensitivity of the issue, finding facts and other information about the Iraqis in Jordan was challenging. As noted earlier, I was even encouraged to keep a low profile while conducting this work – especially by some government officials – who advised me not to pursue the ‘political’ aspect of this study because of the sensitivity (actual and potential) of this topic. This in return has shaped the outcomes and results obtained. In addition, since literature on Iraqi forced migrants in Jordan is scarce, a significant part of the goal of this thesis was to gather data to create a baseline for future research and analysis. Before launching into a discussion of the research findings, I want to restate the question around which the research is structured: How has Jordan dealt with and responded to the challenges of Iraqi forced migration?

Reflecting on this issue, I have raised additional questions stemming from the main research question: What have been the Iraqi forced migrants’ livelihood structures in Jordan? What are the main challenges posed by this phenomenon, especially on the local society? How has the international community shared (or not shared) the responsibility for taking care of these migrants? And has forced migration affected Jordan’s policies?
6.2 Research Findings

Estimates of the size of the Iraqi population in Jordan vary. The official figures given by the Jordanian government range from 300,000 to 500,000; meanwhile, international organizations and NGOs place the number closer to one million Iraqis legally and illegally residing in the Kingdom. The Iraqi community in Jordan is a fluid population and many keep a low profile and are hidden in the outskirts of Amman city, where they live in poor conditions. Of the Iraqis living in Jordan, a small number approach the UNHCR Amman office in order to register with the organization and receive temporary protection. Those I interviewed expressed their frustration with the slowness with which UNHCR processes their claims. Others said they are not protected in Jordan even if they hold the UNHCR ‘temporary protection’ cards; they have no rights and are unable to secure a good job to survive and support their families. The tightened measures taken by the Jordanian government combined with the sensitivity of the Iraqi presence in Jordan made it difficult for me to approach many Jordanian government officials for this research. Those who would comment on the topic often did not want to discuss the political aspects of the Iraqi presence nor provide me with clear figures of how many are present in the Kingdom. Hence, for gathering information, I focused my attention on obtaining data from human rights groups and international organizations, though they too, due to the potential for repercussions from providing any information without prior consent from higher officials, limited what they provided to more informal data and requested that I not quote directly nor provide the source of some of the data given.

In my study, part of the work focuses on some of the basic international instruments dealing with the issue of refugees and asylum seekers as well as the legal definition of a refugee. In parallel, I analyzed what countries in the region overall have done through their domestic legislation and compare it with international laws. According to international law, it is the responsibility of the host country to open its borders and give access to people in need of protection and fleeing persecution and violence back home. Some countries who face large
migratory waves have limited capacities and their own socio-economic structure does not allow for hosting more people. If the host country’s capacity and resources are insufficient to offer assistance, it is the responsibility of the international community – in particular the wealthier western states – to help these countries directly, in addition to providing assistance to international organizations tasked with helping vulnerable migrants and refugees. In Jordan there are an insufficient number of international organizations and relief agencies to address the needs of Iraqi migrants. Only a few international agencies are present in the country, working with local agencies that have been approved by the government to work in coordination with the UNHCR Amman office. Many of the NGOs have programs targeting vulnerable Iraqi individuals and families that aim to help the forced migrants to rely on themselves and to start their lives anew. As indicated in chapter five, the Jordanian government does not authorize Iraqis to work in the country except for those who acquire work permit from the Ministry of Labor. Due to the economic situation and the increased unemployment rate among the Jordanians, the government is trying to encourage Jordanian participation in work force. This does not seem to be in conflict with not allowing relief agencies to develop programs targeting Iraqis. I was not provided with reasons for this, even from the international organizations and NGOs themselves. This incident, as well as others left a stumbling block in the way of this study creating certain shortcomings but also clearly demonstrating how undersupported the Iraqi migrant community in Jordan really is. Therefore, in order to reach the goals I outlined in my design vision for this work, so as to come to my final stages of analyzing my research, I used different methodological tools. I made contact with people in the NGO sector and also set up informal meetings with governmental representatives as well as talked with many Iraqi migrants themselves to discuss the issue and obtain the data needed for me to complete my study.
6.2.1 Discussion, Survey and Interviews Results

As noted throughout the thesis, Jordan is a host to as many as one million Iraqi migrants and asylum seekers constituting a high percentage of the 5.6 million Jordanian population. Due to many geographical, social, economic, political, and other factors, in addition to the country’s meager resources, the Iraqi population has limited access to available resources and services, especially those who keep a low profile and hide away from the public eye. Therefore, it does make it a difficult task to explore the diverse socio-economic patterns of Iraqi forced migrants, particularly those living in disadvantaged areas. As a result, the study spends significant time describing the conditions and living standards of Iraqi forced migrants as well as the development and training programs of some NGOs (in co-ordination with UNCHR in Amman) that target the Iraqi community.

Conducting this research work and in sequence with my study design, I had to rely on previous work produced by independent researchers and foreign governmental delegations on this subject matter. My results are consistent with the findings of previous works although there are differences, especially between research done in the years between 2001 and 2002, i.e., before the 2003 US-led war on Iraqi, and my study, which concentrates on the period after the year 2003, in particular after the Baath Party was toppled and concurrent with the rise of excessive violence and resistance movements in Iraq. Forced migrants and asylum seekers are the focal group in my study.

Moreover, because of the different accounts each individual shared about the conditions that prompted them to leave their livelihoods back in Iraq and seek refuge in Jordan, the scope of study includes personal stories and related information in order to provide adequate context for understanding this topic. In comparing the findings of previous work which focused on the group who fled after the 1990 Gulf war and following the imposed UN sanctions on Iraq, with the findings of this work, which focused on the group after the 2003 war, I found that the conditions faced by the Iraqi migrants and reasons for fleeing into Jordan were largely the same. However, it is worth noticing that the Iraqis who
fled after the 2003 war were fewer in number than during the previous Gulf war. Despite the very large number of Iraqis in Jordan, the majority who crossed the borders starting in 2003 were third-country nationals, mainly Somalis, Sudanese, Ethiopians, Egyptians, and Palestinians. It is worth mentioning that the Iraqis who arrived in Jordan in or after 2003, according to the sources whom I have interviewed and UNHCR representatives, are by and large from the Baath party and the Iraqi security services as well as Christian groups who fled after the fall of Saddam’s regime.

Jordan is not party to the 1951 Refugee Convention and its 1967 Protocol, and the Memorandum of Understanding signed with the UNHCR assigns the later the role of providing humanitarian assistance and protection to non-Palestinian refugees, since Palestinians are under the mandate of UNRWA. Jordan’s limited capacity to accept and host more people on its territory is a main reason why the country has not acceded to the refugee conventions, since over 60% of its population is of Palestinian descent and Palestinians are defined as refugees in Jordanian law. Others would argue, however, that the Palestinian issue is irrelevant and does not obstruct Jordan from signing onto comprehensive refugee treaties. Through this work I have come to believe that Jordan has adopted semi-protectionist policies towards the Iraqi migrants which have in turn affected its policies on a regional and global level, including complying with international agreements. Therefore, by not acceding Jordan has not felt compelled to adhere to it the provisions of international law on this topic, particularly by not granting the option for local integration, one of the three durable solutions offered to refugees in international law. Based on my research, it seems to me that Jordan’s plan is to find permanent solutions through the UNHCR, eliminating local integration as an option. As outlined in the Memorandum, UNHCR has a six-month time period to reach final decisions on refugee applications in this case whether to resettle in another country or return back to Iraq. For the moment, voluntary repatriation is not an attractive option, given the poor security situation in Iraq. The actions of the Jordanian government and its agreement with the UNHCR largely answers why there is not enough aid in general nor an adequate number of

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international relief agencies approved by the government to offer help for Iraqis in the Kingdom; if their socio-economic conditions are not good, they are more likely not to attempt to remain in Jordan permanently.

The main focus of the UNHCR’s work is human rights. Since the September 11, 2001 events, tightened safety measures have created restrictions on resettlement procedures. The United States, traditionally the leading country for refugee resettlement, has imposed a strict application process for those who want to be granted asylum on its territory. As a result, UNHCR’s capacity to meet the six-month deadline has been stressed resulting in extensive delays. For refugees leaving Jordan, the time from application submission to travel to third country resettlement is almost triple the time period outlined in MOU. This delay, according to UNHCR and governmental representatives has hurt UNHCR’s stature with the government, which will impact any future agreements between the parties. Also, this delay has created protection problems for refugees in Jordan who, according to human rights groups in the country, have faced an increasing threat of detention and occasional deportation, when the six-month residency permit expires and they become illegal residents. As shown in UNHCR figures in chapter five, section 5.6, efforts to resettle the Iraqi migrants have been doubled, as the UNHCR office in Amman is trying to increase settlement in countries other than the US. The majority of the cases are now being accepted by the Scandinavian countries, Canada, Australia and New Zealand. There are some numbers of Iraqis who have been reported to have voluntary repatriated to Iraq, but the number is not significant, since some European countries obstruct those from returning due to the unstable security situation back in Iraq.

In order to meet the objectives of my study, I worked on gathering statistics. Some statistics were easily obtainable while others were more difficult to obtain as they were perceived as potentially politically sensitive. Section 5.8 of chapter five highlights the significant impact attributed to the Iraqi community on the Jordanian socio-economic structure, particularly on the country’s water and energy sectors, since Jordan imports around
98% of its energy needs and is on the list of the ten water poorest countries in the world.\textsuperscript{314} Obviously, there is a need to decrease this impact because the extra spending on daily needs burdens the country. According to some studies, the additional burden of hosting so many migrants has also caused a spike in oil prices. The Jordanian government raised oil prices three times in the first nine months of 2006, a move that places a heavy load on the shoulders of the Jordanian people. Again, it is worth noting that statistics estimate that 30% of Jordanians live under the poverty line and 25% are estimated to be unemployed.\textsuperscript{315}

On the other hand, the figures show that economic growth was 7% in 2005, three-fourths of which is estimated to stem from Iraqi investment. Iraqi investors have concentrated on the private sector, particularly real estate, and statistics show that Iraqi investment rose sharply after the fall of Saddam’s regime in 2003. It has been estimated that Iraqi investment in the real estate sector is approximately US$ 1 billion. The Jordanian government directly earned hundreds of thousands of US Dollars through various taxes on this economic sector. This is a positive impact since the Jordanian government is happy that economic growth is increasing and that this growth offsets in part its foreign debt, which is approximately US$ 7 billion, according to official sources. Further, the presence of the Iraqi community in Jordan, with its demand for humanitarian assistance, increases the demand for international aid. From my study findings, the government is happy because this means that more aid, whether humanitarian or financial, will be provided by the international community especially the United States.

At the societal level, popular perspectives toward the Iraqi presence in Jordan vary. Some say they are mere aliens to the community and show frustration because they have to share their daily livelihoods with people who are just ‘an extra load’ on this small, already overpopulated country. Jordanians are angry because of the rise in prices they had to face for the past three years, in addition to the competition for work in the face of so much trained but cheap Iraqi labor, at a time when the Kingdom is suffering from unemployment and increased

\textsuperscript{315} Aloul, S. "For fleeing Iraqis, Jordan has become a limbo", CNEWA, Vol. 31, No 5, September 2005.
poverty. On the other hand, other parts of the population have not felt the presence of the Iraqis; some say that they have never even run into an Iraqi in Jordan. This may present a small percentage of the 5.6 million population who are well off and for whom the rise in prices, especially oil prices, does not affect their daily lives and spending habits.\textsuperscript{316}

The most interesting factor that I discovered through my research, is the role given to the different human rights groups and other civil society sectors concerning refugees and asylum seekers in Jordan. This finding further underscores that the presence of Iraqi forced migrants is not well acknowledged in the Kingdom. The work of analyzing this topic – much like the work dealing with the forced migrants themselves – is left to local concerned bodies, NGOs and human right agencies that are too often under funded and given too little authority.

Jordanians themselves do not seem to fully understand that the slogan “Jordan First” and the “Amman Message” promoted by the Jordanian government. The government has tried to use these slogans to highlight freedom, democracy, and interfaith cooperation and moderation in Jordanian society. Still, these initiatives have garnered some support in order to bring Jordanians, especially the youth, together and closer to their leadership. Freedom, democracy and transparency are supposed to help individuals protect their own rights and interests as well as the rights of those who seek the refuge in the country. In parallel to this, human rights agencies, NGOs, international organizations and independent local researchers have participated in different workshops and seminars to stress the importance of the asylum issue and to push the Jordanian government to acknowledge the presence of Iraqi forced migrants in the country via adopting refugee laws, thus granting them their rights in the Kingdom.

The findings of this study demonstrate that more scientific research must be done, including such approaches such as observation and interviews. Also, my findings point to the need to not only conduct more extensive studies but also for them not to be biased, so as not to conceal the political aspects of the issue of Iraqi forced migrants in Jordan. The researcher’s role is crucial. The researcher needs to address his/her own biases, be they

\textsuperscript{316} Name withheld per request. Personal interview. April 2006.
related to gender, views on individual rights or race. There is also a need for greater public awareness of and respect for the Iraqi forced migrants themselves.
CHAPTER VII

Conclusions and Recommendations

7.1 Summary

The work presented in this thesis has addressed the issue of forced migration in the late 20th century to the present day, particularly the phenomenon of Iraqi forced migration in Jordan. Over the passed decades Jordan has witnessed a significant influx of Iraqis, particularly from the early 1990s through the recent 2003 US invasion of Iraq. This study focuses on the second wave of migration by exploring the impact of the Iraqi presence and the ramifications that have ensued in the Jordanian community. The reality of the situation has posed real difficulties and challenges for both the hosting community and the Iraqis. Significant attention from world leaders and the international community are needed simply to ensure that the situation is minimally addressed so as to contain what could lead to a serious threat to this region.

The issue of forced migration is complex, and how host countries are affected by this phenomenon and respond to it by adjusting their policies is not an easy task for any government to approach alone. Despite its shortcomings, Jordan has remained a haven for Iraqi forced migrants due to a set of factors that I tried to tackle through my study. In sum, Jordan enjoys a stable climate, strong leadership, and generally is warm and hospitable to its visitors. In addition, Jordan’s location next to Iraq has meant that many Iraqis have had to go into Jordan in order to move on to someplace else or choose to remain in the Kingdom.

One of the greatest challenges involving forced migration is providing protection. Protection is required by international law; and to comply with refugee conventions and treaties is the responsibility of any government. Jordanian officials have stated that they believe that the majority of this responsibility falls on the United States since it initiated the
military intervention in Iraq that led to the massive migrations and displacement of people from their homes.\textsuperscript{317} Parallel to this, western states have acknowledged the specificity of the Jordanian case in matters of refugee burden-sharing....They also acknowledge that, in view of the yet unresolved Palestinian issue, regional containment of asylum seekers could be more destabilizing for Jordan than it is an ‘economic, political, and social threat’ for western states.\textsuperscript{318}

In turn, “Jordan views large scale immigration as a security issue...and Jordan seems to be in agreement with western partners in believing that this influx is better dealt with by the UN and the international community away from Jordan and the Arab Middle East in general.”\textsuperscript{319} Chatelard points out that as more immigrants stay in any region, others want to come, but without “anchoring themselves long-term in the social fabric” of the country.\textsuperscript{320} The Jordanian government’s desire to control the impact of Iraqi migrants on economic, social and political relations in Jordan has led to a number of tensions. Jordanians attitudes towards Iraqis have increasingly shifted since 2003 from sympathy to dissatisfaction as a result of local, social and economic changes, particularly with regard to house prices and a rising cost of living. Forced migration from Iraq has presented new tensions for a Jordanian government also concerned with its stature within regional and international politics.

7.2 Conclusions

Once again we witness how current regional problems, if left unresolved, will remain vulnerable to escalation. The Middle East is engulfed with conflicts that have a great potential for continuing far into the future - to the great detriment of the region’s people. It is time to go beyond what we have endured in this region and set priorities. Determining priorities and sticking up for our Arab brethren’s beliefs, our aim should be to establish peace among the people in the Middle East along with instituting democracy, freedom and human rights, and

\textsuperscript{317} Her Excellency Asma Khader. Personal interview. January 2006.
\textsuperscript{318} Chatelard, G. "Jordan as a transit country", p. 48.
\textsuperscript{319} Ibid, p. 49.
\textsuperscript{320} Ibid, p. 50.
working to create a "friendly relationship with the rest of the world." This may help to shift the current Superpower policies that are harming the region.

Protracted refugee situations are the result of political failures, neglect and the unequal distribution of power. Refugees are too often the result of interventions and atrocities. The neglect by states toward their people in a conflict or intervention makes them overlook the real problem that accompanies any conflict: families’ lives being torn apart. By emphasizing the need to assess the problem, and determining its causes, perhaps real solutions can be found. In concordance with its mandate, UNHCR, as an international organization, makes sure that these cases are not forgotten and are responded to with respect and commitment. But such solutions will not be found and people’s needs addressed by humanitarian acts alone. It is the role of the international community, western states and supra-national bodies such as the European Union, to step in and voice some support along with real political will to work together to tackle the root causes of the problem and respond immediately and humanely to end the suffering of the migrants and refugees (in particular those who are in limbo). As noted at the beginning of this thesis, the study of Iraqi forced migrants is a tough task and due to the recent beefed up security measures in Jordan, the case of Iraqis in the Kingdom is challenging. Looking for answers, especially in matters related to the politics of the issue, and to approach Jordanian officials regarding the matter is challenging by itself. Many Jordanians and governmental officials, even those who work with international organizations in Amman, tried to refrain from answering or even discussing the issue with me. Whenever I tried to approach the Iraqi case from the political angle, I was advised not to pursue the study and encouraged to keep a low profile if I continued to do so. So many questions ran into my head, and yet I was not able to obtain answers for the questions I posed to these individuals. This created a barrier between defining the reasons behind hosting this large number and the socio-economic challenges facing the internal society. And in deciphering the political ramifications resultant from the issue of Iraqis forced migration in Jordan.

Reflecting on this, I have raised questions that reflect on the political aspects of my research and relate to regional developments: What are the geopolitical reasons behind Jordan’s acceptance of this large number of Iraqi forced migrants? Is the government in denial concerning the large number of Iraqis present in the country who are in need of urgent assistance? What are the political challenges posed by the human impact on Jordan? And is there a fear of the sectarian clash between the Sunnis and the Shiites in Iraq could spill over the borders into the Kingdom and does this play a role in the Kingdom’s policies regarding the Iraqi migrants?

7.2.1 Political and Regional Outlook

Recent conflicts “hovering around the Arab World and region, are engulfing Jordan, where it is finding itself almost alone in facing the repercussions of the change in the strategic alliances in the neighboring countries.” Jordan is trying to preserve its regional role despite recent challenges. The region’s future is uncertain - no one is able to predict which path it will take. The political and economic angles of this problem could be leading to catastrophic results, while “Jordan’s US ally is engrossed in strategic priorities, most of which are conflicting with the interests of the Kingdom. These challenges are further aggravated by economic pressures and deteriorating living conditions, as they are likely to grow in intensity.” While Jordan has proved to be a strong ally of the US, how can anyone forecast the direction this region will take when there will always be a clash of interests between what the US and West want, and what the Arab leaders want in order to maintain stability in the region. Mohammad Saifi states in his article “that the world powers should re-examine the policies which have been adopted against our region in the last few decades...due to the fact that such policies did not serve the interests of the people in this particular region and the world at large.”

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323 Ibid.
324 Mohammad Saifi is a Jordanian Attorney at law, and Director of Refugee Studies and Research Center.
Super Powers should work towards resolving the intractable problems in the world and the Middle East in particular...in order to lift the oppression and harm which were inflicted on the people of the region, as a result of wars, and occupation which resulted in death of thousands of civilians and displaced people.\(^{225}\)

Dr. Abdullateef Arabiyyat states that as long as conflicts persist in this region and negative repercussions of US interests and those of its allies are felt, security and peace will be lacking, including refugees’ rights.\(^{226}\) I would like to conclude this section of the chapter by referring to Sadik Jalal al-Azm in his critique of Edward Said’s book “Orientalism”. Al-Azm argues that the ‘dependency’ that Said says defines the relationship that the Middle East has with the West and in particular the US will never generate strong, equal and balanced ties. According to al-Azm, by accepting this dependency role, superiority and supremacy will remain in the hands of the US, and the “salvation of the Arab world will remain an unattainable goal until the relationship of dependence is definitely and unambiguously smashed.”\(^{227}\)

Over the years Jordan has reiterated its support for the Arab cause. This has been stressed and reiterated continuously by His Majesty King Abdullah II: the purpose of Jordan’s diplomatic maneuvers is to protect its domestic society, strengthen national unity and create a stronger and more capable Jordan, while maintaining its responsibility to and awareness of regional developments.\(^{228}\)

### 7.3 Framework for Action

The work presented in this thesis represents a considerable effort to understand some of the effects of forced migration in a host country, specifically Iraqi forced migrants in

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\(^{226}\) Dr Abdullatif Arabiyyat is president of the Consultative Council of the Islamic Action Front in Jordan.


Jordan. However, it raises many questions that should be further addressed, investigated and studied. This work has also highlighted some shortcomings in addressing the issue of forced migration that should not be neglected, and proposes a set of actions to be implemented in order to be able to better deal with the problem.

Thus, having presented the case of Iraqi forced migrants in Jordan, I will list some of my recommendations for future studies as well as for addressing the immediate and long-term needs of the migrants themselves.

1. UNHCR, as the official organ of the international community tasked with protecting and assisting refugees and persons in refugee-like situations, should seek more extensive and committed support from donor countries and the international community as a whole.

2. International organizations and NGOs along with the UN agencies need to establish mechanisms to monitor any violations which cause people to flee their homes and seek protection from other countries. Also UNHCR should ensure that governments are implementing international instruments and refugee related laws, thus working in compliance with them.

3. International organizations and NGOs with the help of donor countries should develop a good understanding of human rights and people in vulnerable situations as well as the need to set up plans for emergencies and assessment of the situation in order to improve the security environment and be able to deliver aid and assistance.

4. The international community, with the help of UNHCR, UN agencies, humanitarian aid agencies, international organizations and NGOs, host governments, and international and donor countries, should better analyze the perennial problems of refugees particularly their problems and needs. All the above actors must work to share the responsibilities with countries that are directly affected by such waves of migratory movements.

On the local Jordanian level some recommendations need to be highlighted:

1. More work and investigation should focus on the area of refugees. The definition of ‘refugee’ needs to be set in compliance with international refugee laws.

2. With the help of local NGOs and human rights groups, Jordan should be pushed to accede to the 1951 Refugee Convention and its 1967 Protocol. In addition, other international laws need to be implemented.

3. UNHCR and the government of Jordan need to cooperate and better work toward addressing the challenges of Iraqis in Jordan and to providing help as outlined in the Memorandum of Understanding.

4. UNHCR needs to work more in building the trust between host country nationals and refugees who seek the agency’s protection, and should try to offer faster solutions to
their requirements, better resolve delays, and facilitate resettlement procedures for those who are recognized as refugees by the agency in Amman.

5. The United States and other donor countries must respond immediately to UN and specific country appeals, by offering more aid and assistance. UNHCR has been running on an extremely tight budget in recent years.

6. The Jordanian government needs to allow more relief agencies and international NGOs help and establish assistance programs targeted at Iraqis in the country.

7. Temporary legal status should be given to all Iraqis living in Jordan who risk detention and deportation back to Iraq.

8. More attention should be given to the role of the press and media regarding the issue of Iraqi forced migrants. Additional seminars, workshops and courses need to be held to discuss the issue and raise awareness among the public.

Of course, still more must be done. Many of these recommendations are relevant to the issue of refugees and migration in general. I hope that this thesis can pave some of the groundwork for future studies as well as bolster my claim of the significance of this area of study.
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APPENDIX 1

Report on the state of Human Rights in Jordan
During the Period
1 June 2003 – 31 December 2004

Recommendations

Having reviewed the state of human rights in the Hashemite Kingdom of Jordan during the specified 19-month period, and for purpose of protecting and enhancing human rights in Jordan, the NCHR would like to call upon all the official authorities to adopt the following proposals and recommendations:

In the area of full implementation of international human rights standards at the national level, the Centre recommends the following:

A. Expedite submitting those international covenants endorsed by Jordan in the areas of human rights to the House of Deputies for approval and implementation at the national level. The following are the most important instruments:

4. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) of 1979, to which the Kingdom acceded that same year.
5. The 1989 Anti-Torture Convention and Other Cruel, Inhuman or Degrading Treatment or Punishment.

B. The urgency of the Kingdom’s accession to the following human rights instruments

2. The 1948 ILO Convention No. 87 Concerning Freedom of Association and Protection of the Right to Organize.
6. Protocol Additional to the International Covenant on Civil and Political Rights, concerning recognition of the authority of the Human Rights Committee to accept individuals’ complaints about the human rights included in the Covenant.

Source: National Center for Human Rights, Amman, May 31, 2005
APPENDIX 2


Source: Department of Land and Survey
APPENDIX 3


![Graph showing sales involving Iraqis for the years 1994-2003. The graph illustrates the number of investors over the years with a peak in 2003.]

Source: Department of Land and Survey
# APPENDIX 4

## SALES OF NON-JORDANIAN INVESTORS DURING (2000-2005)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Value in JD</th>
<th>Percentage of Trade</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>567</td>
<td>12,279,267</td>
<td>1.00%</td>
</tr>
<tr>
<td>2001</td>
<td>577</td>
<td>16,911,767</td>
<td>1.50%</td>
</tr>
<tr>
<td>2002</td>
<td>686</td>
<td>23,596,882</td>
<td>2.00%</td>
</tr>
<tr>
<td>2003</td>
<td>762</td>
<td>33,993,030</td>
<td>3.00%</td>
</tr>
<tr>
<td>2004</td>
<td>1522</td>
<td>72,662,403</td>
<td>3.50%</td>
</tr>
<tr>
<td>2005</td>
<td>2743</td>
<td>147,342,937</td>
<td>3.80%</td>
</tr>
</tbody>
</table>

Source: Department of Land and Survey