

Social protection and employment for Syrian refugees in Jordan

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Abstract

This paper will analyze the legal framework of social protection and employment for refugees in general with focus on Syrian refugees in Jordan and levels of implementation, as well as proposing policy directions on the national and regional levels. This paper will focus on the country's historical and legal contexts, and then provides an overview of the provision of social protection to Syrian refugees in Jordan and the challenges they are facing to gain access to the formal labour market and social protection mechanisms. It will conclude by providing policy recommendation.

Although refugees are not legally permitted to work in Jordan, in practice, many are involved in unskilled, low-paid jobs that Jordanian citizens do not want to do. Their illegal status forces many Syrian Refugees into taking irregular jobs, which correspondingly means having items such as insurance are unlikely, therefore workers cannot claim compensation if they are injured at work.

Strengthening the employability and social protection for Syrian Refugees living in Jordan would be the main recommendation through developing an advocacy policy for legislative and policy changes to Syrian refugees access to employment, social protection, and decent work through dialogue, at both policy and grassroots levels .

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Introduction

The ILO Declaration on Social Justice for a Fair Globalization (2008), for instance, reaffirms the “four equally important strategic objectives” through which the Decent Work Agenda is expressed, namely (i) the promotion of productive employment; (ii) the development of social protection; (iii) the promotion of social dialogue and tripartism; and (iv) the realization of the fundamental principles and rights at work. These four strategic objectives are “inseparable, interrelated and mutually supportive” and their promotion is part of an “ILO global and integrated strategy for decent work”. Furthermore, such a normative approach is usually rooted in well-known international instruments such as the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966). The historical development of social security systems, and the obvious correlation between the results of the modernization strategies on employment and social protection, illustrates the strong link between employment status and access to social protection within the classical pathways. More recently there has been considerable formal employment generation in Latin America, raising the levels of formal social protection and partly alleviating poverty in the countries benefiting from those developments².

Throughout this paper, the analysis conducted with a view to finding, supporting, establishing and strengthening links at policy formulation and operation levels between the fields of social protection and employment of Syrian refugees in Jordan.

While many Syrian refugees live in camps, the vast majority living in host communities scattered through villages, towns and cities seeking shelter anywhere it is available. Almost all fled with next to nothing, are in dire circumstances and increasingly depend on humanitarian aid to survive.

Since March 2011, hundreds of thousands of Syrian men, women, girls and boys have sought refuge in the Kingdom of Jordan. As of May 2015, over 628,000 Syrian refugees are registered with UNHCR in Jordan. The vast majority – over 520,000 – are living in urban and rural areas, outside of the refugee camps, primarily in Jordan’s cities and towns.

The largest numbers of Syrian refugees are located in the northern governorates of the country. Amman, Irbid and Mafraq governorates alone are hosting more than 76 percent of the total Syrian refugees in Jordan. Syrian refugees constitute 52 percent of the total population of

² Coordinating social protection and employment policies: experiences from Burkina Faso, Cambodia and Honduras / A EU/ILO Project on Improving Social Protection and Promoting Employment; International Labour Office. - Geneva: ILO, 2013

Mafraq, with nearly half living in communities outside the refugee camps. Syrian refugees constitute 12 percent of the total population of Irbid, and 7 percent of the total population of Amman governorate³.

Through a combination of the generosity of the Jordanian government and people, a substantial international and national humanitarian aid programme, and the efforts of the refugees themselves, most refugees have had access to resources and services and humanitarian standards have been met.

With the Syria crisis in its fifth year, humanitarian aid and the absorption capacity of Jordanian communities have become stretched. Reflecting the difference between their income and expenditure and with limited access to sustainable livelihood options, many refugees have now entered a cycle of asset depletion, with savings gradually exhausted and levels of debt increasing. The most vulnerable refugees are particularly affected. Many are increasingly adopting negative coping strategies, including a reduction in food consumption, withdrawing children from school and taking on informal, exploitative or dangerous employment.

There are already reports of significant impacts from the influx of Syrian refugees on the Jordanian labour market, and there are strong concerns about the effects on available job opportunities, wage levels, working conditions, access to work, etc., for Jordanians as well as for the refugees and immigrant workers. This is of particular concern in the northern governorates, where the share of Syrian refugees, and the pressure on the labour market, is largest.

However, Jordan is not a signatory of the 1951 UN Refugee Convention; the Government of Jordan in the first three years of the crisis has largely maintained an open door policy whereby Syrian refugees can freely enter the country and thus it has been significantly affected by this population influx as it is currently hosting unprecedented numbers of Syrian refugees. Whilst, these refugees are not automatically granted the legal right to work, they have been putting additional strain on the already fragile labour market, which has further exacerbated existing tensions with the local communities.

The purpose of this paper are: First, highlight the legal contexts of Syrian refugees, and then provides an overview of the provision of social protection to Syrian refugees in Jordan and the challenges they are facing to gain access to the formal labour market and social protection mechanisms. It will conclude by providing policy recommendation that outlines of the role of ILO in supporting Syrian refugees in Jordan.

³ Estimates based on UNHCR statistics of Syrian refugees in Jordan (<http://data.unhcr.org/syrianrefugees/country.php?id=107>) and DoS Population Statistics for 2011 (http://www.dos.gov.jo/dos_home_e/main/).

The information used to compile this report was drawn from a range of written secondary sources; including laws, reports and presentations. It also draws on the personal professional experience of the authors, acquired through working with refugees as the response coordinator of Syrian refugee crisis in Jordan.

1. Legal Provisions for the Social Protection and employment of Syrian refugees in Jordan

The 1954 Constitution spells out most clearly that the right to work in Jordan is reserved exclusively for Jordanian citizens.⁴ Labour Law No. 8 of 1996 defines the rights, protections and responsibilities for all workers and employers, except for those in the domestic and agricultural sectors (who are covered under separate laws). The Labour Law does not contain any references to ‘refugees’ or ‘asylum seekers’. Non-Jordanian workers must be approved by the Minister of Labour, which generally requires that they will fill needs which Jordanian workers cannot. There is an additional provision that notes the priority of Arab workers who have particular expertise or technical skills. The new social security legislation does not make any distinctions based on nationality,⁵ although there is no evidence to indicate that Syrian refugees are receiving benefits under it. The 1973 Residence and Foreigners’ Affairs Law instructs Jordanian nationals and companies not to employ foreigners without a valid residence permit. However, as mentioned above, this law allows for exemptions in connection with humanitarian needs or political asylum. In terms of refugees, residency status has, in practice, generally been granted only to Palestinians except under special circumstances. One example, referred to in the previous section, was the status granted to Iraqi refugees between 1998 and 2003. To date, this exception has not been implemented for Syrian refugees. The 1973 Residence law also contains a provision that allows foreign entrepreneurs to obtain a residence permit if they are in Jordan to invest in commercial or industrial ventures. This provision is spelled out in the 1995 Investment Law No. 16 and its 2000 amendments, which details the operation of these foreign investors in Jordan’s commercial and industrial sectors. Recent decisions by the Jordanian government to allow for Syrian manufacturers to operate businesses in industrial zones has given rise to the possibility of Syrian workers being granted work permits for employment in these ventures. The UNHCR MOU with Jordan provides important language around work. The

⁴ 9 Article 23

⁵ Temporary Law No. 7 (2010) on Social Security, art 4(A) “The provisions of this law are applicable to all laborers who are not under sixteen years of age, without any discrimination as to nationality...”

MOU mentions the need for lawfully residing refugees to provide a living for one's family⁶ and authorizes those with degrees recognized by the Jordanian authorities to practice certain professions as allowed by laws and regulations.⁷ While these 'certain professions' are not spelled out in any law or policy document, there is a Closed Professions List⁸ published by the MOL with at least 16 job types specified. Those professions closed to all non-Jordanians include medical and engineering, teaching, most service sector jobs (sales, services, beauty salon), clerical and telephone jobs, driving, guard and servant positions, and industrial-related jobs (warehouse, car repairs, electrical). While the above discussion indicates that Syrian refugees and asylum seekers do not have any clear right to work in Jordan, historically Syrians have crossed the border freely under a bilateral workforce cooperation agreement between Jordan and Syria, signed in 2001. Article 2 states that the "conditions and terms of employing labours shall be specified by an individual employment contract between the worker and the employer"⁹. It clarifies that the work contract should contain the conditions and terms of work, and the applicable laws should be noted in the contract language. Importantly, it also states that workers may transfer their earnings to their country.

Jordanian law has limited references to asylum seekers and refugees¹⁰. Despite having the highest ratio of refugees to citizens in the world, Jordan has not signed the Refugee Convention of 1951 or its subsequent 1967 Protocol. Several concerns are usually cited over Jordan's non-signatory status, including the politically and socially complex – and yet unresolved – Palestinian refugee issue, popular sentiment against refugee integration, lack of resources and capacity to provide for refugees, and misinformation about the perceived social and economic burden of refugees and related questions of national security.¹¹

However, Jordanian law does contain important prohibitions on *refoulement* in accordance with customary international law, including in its Constitution, which stipulates that "Political refugees shall not be extradited on account of their political beliefs or for their defence of liberty."¹² Additionally, the 1973 Residency and Foreigners' Affairs Law, which set out the requirements for the entry and residence of foreign nationals in Jordan, also allows exemptions "on account of special consideration connected with international or humanitarian courtesy or

⁶ Article 8

⁷ Article 9

⁸ Ministry of Labour

⁹ Jordan's Agreements website. "Agreement Of Workforce Cooperation Between The Government Of The Hashemite Kingdom Of Jordan And The Government Of The Syrian Arab Republic." 8 October 2001. Available at www.jedco.gov.jo. [30 July 2014.]

¹⁰ Access to work for Syrian refugees in Jordan: a discussion paper on labour and refugee laws and policies / ILO Regional Office for Arab States - Beirut: ILO, 2015

¹¹ Euro-Mediterranean Human Rights Network. 2008. "Asylum and Migration Country Fact Sheet, Jordan". [25 May 2014.]

¹² Article 21.

of the right to political asylum”.¹³ Other provisions in the 1973 law provide that *laissez-passeurs* shall be issued to stateless persons and “refugees recognized as such”.¹⁴ Jordan also ratified the UN Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment in 1991, which prohibits *refoulement* in article 3(1).

The only refugee-specific directive in Jordan is a 1998 Memorandum of Understanding (MOU) between UNHCR and Jordan, which gives UNHCR the right to determine the refugee status of asylum seekers in Jordan. Based on the 1951 Refugee Convention and its Protocol, the MOU removes any geographic or time limitation¹⁵ and respects the concept of *non-refoulement*.¹⁶ It also notes religious rights and the freedom to access courts and legal assistance. Originally designed to cope with Iraqis settling in and transiting through Jordan due to repression and violence at home,¹⁷ the MOU was renewed in 2003 after the Anglo-American invasion of Iraq.

In practice, Jordan avoids the official recognition of refugees under its domestic laws and prefers to refer to Syrian refugees as ‘visitors’, ‘irregular guests’, ‘Arab brothers’ or simply ‘guests’,¹⁸ which has no legal meaning under domestic laws, and was the same for Iraqi refugees under the MOU.¹⁹ This was further confirmed in an interview with the MOL, Labour Inspection department.²⁰ Unlike Iraqis who entered after the 1998 MOU,²¹ Syrians entering the country as asylum seekers or who are registered as refugees with UNHCR are not given residency, which in turn seriously limits their ability to seek lawful employment. UNHCR registered refugees living in camps receive humanitarian assistance and shelter, as well as free legal aid and assistance with access to courts. For the majority of refugees residing *outside* camps, however, they can generally only access government-subsidized primary medical care and schooling. The government also subsidizes a number of basic goods available to all people inside Jordan, including refugees, such as bread, cooking fuel, water, and electricity.²²

¹³ Article 29.

¹⁴ Article 4(c). Article 6 of the same law also has a reference to asylum-seekers, stipulating that persons entering the country to seek political asylum shall report to the Directorate of Public Security/Division for Residence and Foreign Affairs.

¹⁵ Article 1.

¹⁶ Article 2.1.

¹⁷ Joseph Sassoon, in his book, “The Iraqi Refugees: The New Crisis in the Middle East,” noted that the bulk of Iraqi refugees went to Iran until about 1995. After that time, they also started heading to Jordan for settlement or transiting purposes. There were an estimated 100,000 Iraqis in Jordan before 1996.

¹⁸ IRIN, “Briefing: The mounting Syrian refugee crisis” 20 August 2012. Available at www.irinnews.org. [10 June 2014.]

¹⁹ Stevens, D.

²⁰ Interview conducted 10 June 2014.

²¹ It is estimated that approximately 30% of Iraqis have residency permits, making access to work permits much easier. See UNOCHA’s report, “Regional Response Plan for Iraqi Refugees.” 2011. Available at www.unocha.org. [19 Aug 2014.]

²² Assessment Capacities Project (ACAPS). “Syria Needs Analysis Project: Legal status of individuals fleeing Syria, June 2013.” Available at www.acaps.org. [10 May 2014.]

Despite its lack of domestic refugee legislation or accession to the Refugee Convention – indeed, Jordan does not have a domestic migration policy, either – there are positive indicators. Jordan has been a member of the UNHCR Executive Committee since 2006, which, among other things, advises on international protection and reviews the agency’s programs.²³

“One of its more influential functions is the production of regular conclusions on global refugee law and policy that seek to further good practices by states... as an ExCom member, [Jordan] can be regarded as implicitly acknowledging the importance of UNHCR and of refugee law and policy more generally.”²⁴

The Government of Jordan requires all refugees to have a valid Ministry of Interior (MOI) card from the area where they are living. Holding a valid MOI card is mandatory for access to Government public services, in particular Health and Education services. Additionally, refugees require UNHCR’s Asylum Seeker certificate to access many services and assistance provided by humanitarian agencies. Without valid documents, refugees may be at risk of arrest and refoulement.

2. Overview of the provision of social protection and employment to Syrian refugees in Jordan

The humanitarian agencies are committed to ensuring that assistance provided to Syrian refugees is efficient and effective, targeting the most vulnerable areas and households. To facilitate this targeting, the humanitarian community in Jordan has developed the Vulnerability Assessment Framework (VAF). This report outlines the results of the Baseline Survey, applying the vulnerability models developed to the surveyed Syrian refugee population outside the camps²⁵.

The VAF Welfare Model results show that 86% of Syrian refugee individuals are living below the Jordanian poverty line of 68 JOD per capita per month, and are therefore rated as being highly or severely vulnerable. This corresponds with 68% of family units or ‘cases’. Further 10% of Syrian refugee individuals, or 6% of cases, are living below the abject poverty line of less than 28 JOD. This demonstrates that in general highly and severely vulnerable families have larger family sizes.

²³ UNHCR. Executive Committee page. Available at www.unhcr.org. [5 May 2014].

²⁴ Stevens, D. “The Case of Iraqi ‘Refugees’ in Jordan.”

²⁵ Vulnerability Assessment Framework (VAF) [file:///C:/Users/kattaa/Downloads/vaf%20\(2\).pdf](file:///C:/Users/kattaa/Downloads/vaf%20(2).pdf)

This finding is in line with the 2014 WFP/REACH Comprehensive Food Security Monitoring Exercise, which found that without WFP food assistance, 85% of Syrian refugees would not have economic access to sufficient food.

Very high incidences of negative or unsustainable coping strategies were found across the Syrian refugee population. 80% of Syrian refugee individuals are using crisis or emergency coping strategies and have exhausted their savings, are decreasing their food intake or resorting to high risk, informal or socially degrading jobs.

Basic Needs

Basic Needs are the financial and non-financial minimum standards a family needs to be able to maintain their welfare and dignity. The vast majority of Syrian refugee families have limited access to sustainable livelihood options and are in need of financial, non-financial and non-food assistance. In particular, refugees living in unfurnished apartments face considerable hardship during the winter months; lacking adequate bedding, heating and floor coverings etc.

92% of the individuals are identified as high or severely vulnerable for Basic Needs and over 60% of Syrian non-camp families have a high or severely vulnerable level of debt per capita, influencing their ability to ensure their Basic Needs even if receiving an income/assistance²⁶.

Education

Access to education for registered Syrian refugee school aged children is currently free in Jordanian state schools; however, Syrian families face a number of barriers to ensuring all their children are able to enroll and remain in education. These include social, economic and educational barriers: i.e. distance to school, availability of places in a school, financial/economic barriers, missed education, etc.

Almost all of refugee individuals were identified as living within families with high or severe education vulnerability and 97% of the school aged children are at high risk for non-attendance at school. Almost 90% of the cases are highly vulnerable in terms of having adequate financial resources to maintain school attendance for their children.

A number of protection related concerns also affect families' abilities to maintain children in school; including but not limited, to early marriage, violence or perceived threat of violence, psychological distress, children's disabilities, mobility of the family and distance to school.²⁷

Food Security

WFP provides targeted food voucher assistance to approximately 80% of the Syrian refugee population living outside camps. All refugees living in camps receive WFP food voucher assistance along with a daily provision of fresh bread. Nonetheless, the VAF analysis, in line with the 2014 WFP/REACH CFSME results, demonstrates that Syrian families still face considerable

²⁶ VAF, op.cit

²⁷ Op.cit

difficulties in maintaining their food security. A reduction in WFP food assistance would have a dramatic impact, putting many refugee families at risk of falling into high or severe food insecurity, as nearly 79% of Syrian individuals are highly or severely vulnerable to food insecurity²⁸.

Health

As of November 2014 access to Primary Health Care for Syrian refugees is charged at the same rate as for uninsured Jordanians and is subsidized by the Government of Jordan. Nonetheless, families with ongoing health issues or complicated health needs face considerable financial and other burdens in securing appropriate healthcare. It should also be noted that many Syrian refugees came to Jordan with pre-existing health problems both conflict and non-conflict related. 41% of Syrian individuals are part of families with severe health vulnerability, 15% are part of highly health vulnerable families.

15% of cases were identified as severely vulnerable in terms of being able to access health services when needed. And 10% of cases report that they spend more than 25% of their expenditure on health related items²⁹.

Shelter

The vast majority of Syrian refugees living outside of the camps are living in formal housing. However, as demand for apartments has increased many Syrian families are accepting substandard housing arrangements, often in unfurnished apartments with insecure or informal tenancy agreements. For the majority of Syrian families who have insecure livelihoods or income, maintaining rental commitments is a considerable burden and rental arrears have both financial and protection implications. Additionally, although not identified within this baseline survey some Syrian families are living in informal housing or tented settlements; these families are automatically considered severely Shelter vulnerable.³⁰

WASH

The majority of Syrian refugee families have access to the formal Jordanian national water and sewage networks; including regular mains water supply. However, in different areas of the country and at different times of year the Jordanian mains water supply varies in quality and reliability. Similarly, sector assessments have identified that while mains water maybe available, the most severely vulnerable families may not have access to sufficient or safe water storage.

60% of Syrian individuals are severely vulnerable to WASH related risks. More than 50% of cases have secure access to bathing facilities; but 15% of cases are identified as severely

²⁸ Op.cit

²⁹ VAF op.cit

³⁰ Op.cit

vulnerable due to sharing facilities with three or more other cases. However, almost all refugee families report feeling secure when accessing these services.³¹

Employment

According to a study published in 2015 by ILO and FAFO³² on the situation and changes in the Jordanian labour market in relation to the large influx of Syrian refugees to the country, at present, about 51 per cent of the Syrian men living outside camps participate in the Jordanian labour market, while the unemployment rate is as high as 57 per cent. Only 7 per cent of Syrian women participate in the Jordanian labour market, which is similar to their participation rate in Syria before the crisis. The unemployment rate of Syrian women before they became refugees in Jordan was about 28 per cent, while the present unemployment rate for Syrian women living outside camps is 88 per cent. In combination with the low participation rate of Syrian women, this means in practice that relatively few Syrian women are engaged in paid work in Jordan at present.

At present, more than 40 per cent of employed Syrians outside camps in Amman, Irbid and Mafraq work in the construction industry, while 23 per cent work in the wholesale and retail trade and repair industry, 12 per cent in manufacturing, and 8 per cent in the accommodation and food service industry. When it comes to occupations, 53 per cent of the Syrian refugees employed outside camps work as craft and related trades workers, 24 per cent as service and sales workers, and 12 per cent in elementary occupations.

Another key finding is related to the issue that related to the right to work in Jordan. As such there are only about 10 per cent of employed Syrians who have obtained formal work permits, and practically all Syrian refugees working outside camps do not have work permits and are as such employed in the informal economy 99% and outside the bounds of Jordanian labour law. The implications of this fact is however more interesting when looking at the present trend in the expanding informal employment sector, which is characterised by low and declining wages, longer working days, and poor working conditions and regulations, including lack of proper work contracts.

Among Syrian refugee workers, 96 per cent of workers outside camp, and 88 per cent in Zaatari camp, have no social insurance specified in their contract or agreement. In both communities, the share of workers reporting having none of these items in practice is similar to the share reporting not having them regulated in their contract or agreement. All forms of social

³¹ VAF, op.cit

³² Impact of the influx of Syrian refugees on the Jordanian labour market : findings from the governorates of Amman, Irbid and Mafraq/ Svein Erik Stave and Solveig Hillesund ; International Labour Office ; Fafu Institute for Applied International Studies. - Geneva: ILO, 2015

insurance are regulated and practiced to a much larger extent among workers with a written contract than among those without a written contract, as is to be expected. Hence, it is likely that much of the difference between refugee and host communities when it comes to the provision of social insurance can be attributed to the fact that fewer Syrian refugees have written contracts, which again reflects that their employment is informal and has not been registered.

Economic activities carried out by children are substantially more prevalent among Syrian children living outside camps than among Jordanian children. Only 1.6 per cent of Jordanian boys in the age group 9-15 are economically active, while more than 8 per cent of Syrian boys in the same age group are economically active. In the age group 15-18, about 37 per cent of Syrian boys are economically active, compared to about 17 per cent of Jordanian boys. Child employment among Jordanian boys in the age of 9-15 is less than 1 per cent, while the corresponding figure for Syrian boys is 3 per cent. Almost 14 per cent of Syrian boys in the age of 15-18 are employed, compared to 8 per cent of Jordanian boys in the same age.

Employment in Zaatari camp

According to UNHCR estimates and it is expected that approximately 15% of these refugees will remain concentrated in refugee camps. Over 90,000 Syrian refugees reside in Za'atari Refugee Camp, located in Jordan's Mafraq Governorate.

According to an ILO survey conducted in 2015 on "The impact of Syrian refugees on the labour market in Jordan"³³, more than eight in ten workers living in the camp do their work inside the camp, and practically no Za'atari residents report leaving the camp in order to work or look for work in the past months. And while qualitative interviews confirm that employers have been recruiting refugees from camp in the past, thereby bailing them out of the camp, survey results suggest the scope of this practice is declining, as no Syrian refugee workers interviewed outside the camp reported being recruited from the camp for their current job.

The unemployment rate in Za'atari is approximately 80 per cent. Currently, the labour market within the camp is restricted to a limited number of opportunities. Survey results indicate that those who do find a job, work with market stall enterprises appearing as the primary employment options in camp. A larger share of refugee workers in Zaatari camp, compared to refugees outside camp, report working in the transportation and food service industry and an equally high share in wholesale and retail trade and repair. Almost all workers (99 %) are in informal employment in Zaatari. There are also volunteer positions under cash for work schemes that are being organised by UN agencies and NGOs and constitute as a source of income for the refugees (19%). However, these positions are set at a standardized rate of 1 JD

³³ Op.cit

per hour for unskilled labour and 1.5 JD for skilled labour. Under these schemes, Syrian refugees are only allowed to work up to 6 hours a day, which limits their wage earning capacity. Besides, these opportunities are set for a very short span of time as some of these jobs are meant to rotate every two weeks. The rotation for these positions has been an issue of great concern due to the abuse and corruption of street leaders who allocate jobs on an unequal basis based on relationships and personal favours. Thus, there is a need to establish a more transparent system for jobs allocation. Finally, many of these opportunities are related to petty jobs such as garbage removal and cleaning, which are below the skill set of the refugees and can impact negatively on their self-esteem and contribute to de-skilling.

Syrian refugees have shown an impressive resilience for economic survival. With entrepreneurial zeal, innovation and incredible business acumen they have set up approximately 2,000 small enterprises in the Zaatari camp in partnership with Jordanians. These enterprises are primarily concentrated in the main camp street called “Champs Elysees” where all sorts of services are provided (i.e. money exchange, swimming pools, beauty salons, bakeries, restaurants, fortune telling, fuel sell points, etc.) and a great variety of goods are being sold; including food (i.e. meat, fruit, vegetables, etc.), non-food items, (clothes, footwear, domestic electrical appliances, including refrigerators, washing machines, heaters, generators, televisions, etc.). Whilst, a thriving informal economy is developing in the camp, the rules and regulations are unclear e.g the necessity for obtaining a work permit for Syrian refugees working in the camp, which is affecting the profitability and sustainability of businesses that are operating with little profit margins. Thus, as the informal economy grows, there is a need to set up clear rules and regulations that can be mutually beneficial to all parties involved. Whilst camp management is already in the process of setting up a decentralised governance structure based on 12 districts where Jordanian authorities, humanitarian personnel, community police and refugees would handle local problems and enable a better service delivery, an economic governance framework is a prerequisite for sustainable economic activity.

Whilst there seems to be many businesses inside the Zaatari camp, in reality only around 1.5% of the Syrian refugees own a business. Large share of the population do not have any additional sources of income apart from the support provided by humanitarian agencies working in the camp and thus there is a need to increase self-reliance activities to benefit a wider part of the population.

3. The government policy for the Provision of Social Protection and employment for Syrian Refugees

The Syria crisis has exacerbated the structural challenges in the livelihoods and food security, including its persisting high unemployment level, and structural deficiencies related to private sector growth and development.

Unemployment rate averaged 12.58 percent from 2007 until 2015, reaching an all-time high of 14.30 percent in the first quarter of 2007 and a record low of 10.80 percent in the second quarter of 2007. The unemployment rate has slightly declined in 2014 from 12.30 percent in the fourth quarter of 2014 to again increase to 12.90 percent in the first quarter of 2015.

More restrictively, Jordan has prevented registered Syrian refugees from integrating into the formal job market and TVET training programmes. Jordan's National Employment Strategy (2010-2020) may have driven this protectionist policy. This strategy aimed, inter alia, to increase Jordanians' participation in the labour market and reduce the unemployment rate, currently at 12-13%. It took strides to replace foreign workers with Jordanian nationals.

The Jordanian Ministry of Labour also publishes a list of professions and industries in which only Jordanian citizens are allowed to work. These include medical, engineering, administrative, accounting and clerical professions; telephone and warehouse employment; sales; education; hairdressing; decorating; fuel sales; electrical and mechanical occupations; guards and drivers.

In the past large groups of refugees entering Jordan had not been considered as such an economic threat. Palestinian refugees had been granted citizenship in order to better contribute to the country's development; and although most Iraqi refugees were not welcomed into the labour market, the fact that they had, on average, a higher educational profile than Jordanians made them appear as an economic asset.

The government of Jordan seems to have not clear vision about what to do with Syrian refugees, they are very talented, hard-workers, very entrepreneurial people and should benefit of but in the same time they are huge, competing its own people in some sectors and injecting child labour in the market.

However, Jordan's current policy regarding employment and vocational education for Syrian refugees has shied away from addressing the reality that children and young adults are likely to remain in prolonged exile in Jordan.

The ability for Syrian refugees to obtain work permits remains, at best, a convoluted process. Interviews with the MOL Inspection Department³⁴ help to shed additional light on government

³⁴ In person interview conducted at the MOL office, 2014.

practices and specific challenges faced by Syrian refugees. According to the MOL, Syrian refugees were given priority over other foreign nationals to apply for work permits at the start of the crisis, provided the positions they were applying for did not compete with Jordanians. However, given the generally low skill sets of Syrian workers, they end up competing with lower-skilled Jordanian workers for the same jobs. Consequently, Syrians either do not apply for work permits or are denied, leading many to engage in paid work without any work permit. Moreover, although employers are required to pay for a worker's permit under Jordanian law,³⁵ it is workers who end up paying for them. At 170 – 370 Jordanian Dinars (\$240-\$522) for a work permit, this represents too high a cost for most refugees, many of whom have entered Jordan with very few personal belongings and often without passports, which is a requirement for this process. Syrian refugees and other foreign workers applying for a work permit must also pass a background security check by the MOI. Given the complex security dynamics of the Syrian crisis and the number of refugees currently in Jordan, in addition to loss of identity documents, this requirement also proves very challenging for Syrians. Additional information from the ILO/FAFO Study, published in April 2015, indicated that financial requirements the bureaucratic and for obtaining a work permit were prohibitive for refugees.

According to the Ministry of Labour statistics, the number of migrants workers with work permit by end of 2014 is 324,410: 65.3% Egyptians, 3.3% other Arab nationalities, and 26.2% others (mainly Asians) . The percentage of Syrian refugees who are working with work permit is only 2%, which means that almost all Syrian refugees are working informally³⁶.

On the other hand, the volume of Syrian investments accumulated in the free zones in Jordan since the outbreak of the Syrian crisis reached approximately US\$ 200 million³⁷. These Syrian investments are dispersed across 385 industrial and commercial facilities owned by 500 Syrian investors and are concentrated in several sectors, most importantly the industrial and commercial sectors. These investments have contributed significantly to the provision of job opportunities for Jordanians. It has also significantly contributed to an increased value of national exports. It is noteworthy that the Jordanian government agreed to facilitate the entry of Syrian investors and issue them ID cards by the Jordan Investment Board (JIB). Permission was granted for skilled Syrian workers to make up between 30 to 60 per cent of the investors' workforce in the remote areas and industrial cities outside the provincial centres, depending on the development needs of the provinces within the specific controls.

³⁵ Article 12 of the Jordanian Labour Law.

³⁶ Ministry of Labour

³⁷ <http://syriadirect.org/news/syrian-refugees-in-jordan-spark-tensions-but-also-growth/>

Conclusion

As a dispersed population that often lacks secure legal status and access to social services, refugees face particular challenges. Urban economies are cash-based, and work is the key livelihoods strategy for refugees in urban settings. By becoming self-reliant and productive refugees with the legal right to work can benefit their local communities and host countries in addition to improving their own situations. Livelihoods and refugees' right to work are therefore priorities, and advocacy is an essential tool to help to reduce barriers to this right.

In many instances, the approaches are not necessarily labelled as advocacy. It is not clear that they are viewed as such in the field. Rather, they are part of livelihood strategies or initiatives with implementing partners aimed at addressing refugee well-being in general. In this sense, there is scope for rethinking how certain activities not usually defined as advocacy might be built into comprehensive advocacy strategy around protecting refugees' right to work.

1. Advocacy messages

ILO conventions does not dealing specifically with the right to work of refugees. However, the whole body of ILO instruments and recommendations, including in particular the conventions ratified by Jordan, may provide guidance on important questions arising in the context of efforts to facilitate the access of Syrians to decent work opportunities, with due regard to the broader political, economic and security environment. How can ILO and its partners advocate for the Syrian refugees right to work in Jordan with poor or even dire socio-economic situations? What are the advocacy steps to build an enabling environment for refugees' right to work in such circumstances?

Advocacy for refugees' right to work is particularly challenging in such circumstances, given sensitivities around issues such as the scarcity of employment among Jordanian host communities.

Advocacy should focus both on very specific issues to address in the short term and on long-term goals (such as changing legislation to increase refugees' access to employment), as well as the root causes of persistent challenges to the right to work. This nuance is not necessarily clear therefore any policy should mention the need for advocacy to remove legal barriers to self-reliance, and to establish an enabling environment for refugees to have sustainable livelihoods; it should not mention advocacy for the legal right to work per se.

Addressing Informal economy and right to work

Where refugees are found working in the informal sector, their rights at work must be respected, and the state has the duty to “ensure protection against exploitation by private employers’. These kind of contradictions might be solved if the government of Jordan allowed Syrian refugees to work in some sectors where it is less attractive to Jordanian workers.

Where refugees are denied the right to earn a living like in Jordan, a key issue to discuss with the government is that, without the right to work, refugees will enter the informal market, and may engage in negative coping mechanisms to survive, thus increasing insecurity for all.

In such cases, ILO might need to focus their advocacy on mitigating abuses of refugees in the workplace. The message becomes how to make the situation in the immediate term safer for refugees working informally?

How to increase opportunities for refugees to contribute to the local economy and capitalise on their skills? It may be a balancing act of advocating for decent and safe work within the informal sector in the short or medium term while maintaining a long-term focus on the formal right to work.

Provide support to the ministry of labour to strengthen labour market management and compliance with labour laws such as improving wage policy, monitoring working conditions, eliminating the resurgence of child labour and strengthening migration management.

Child labour linked to Syrian Refugees right to work

With limited financial means and work opportunities, refugee families struggle to make ends meet. In response to the family’s lack of income and rising debt it is well documented that young people increasingly engage in work, in particular young men. Studies in Jordan found that 50% of refugee children and youth are estimated to be working in the informal sector largely in agriculture, as well as begging and street peddling³⁸.

Refugee children and youth are working in low-skilled, menial jobs that are poorly paid and have the potential to be exploitative. Little protection is afforded to adolescents who are working, save for informal community protection systems. More work needs to be done to enhance youth training and employment, to improve protection systems and expand accredited on-the-job training.

While the Jordanian authorities have generously opened Jordanian schools for Syrian children, the low school enrolment rates among Syrian children have both short and long-term implications on the labour market. Firstly, it contributes to a relatively high child labour activity

³⁸ UNESCO (2014) Emergency Education response to Syrian refugees in Jordan, UNESCO [available online <http://www.unesco.org/new/en/amman/education/technical-vocational-education-training/emergency-education-response-to-syrian-refugees-in-jordan/>]

at present, and secondly it has implications for the long-term opportunities for the children not attending school with respect to future employment, possibly also in the Jordanian labour market. Strengthen the national framework of child labour to Syrian child labourers can help to implement a comprehensive and integrated policy on the labour market.

ILO can elaborate more in research and expertise about the link between the right of Syrian refugees to work and child labour. As we noticed more the government of Jordan, banned adults Syrian refugees to work more child's labourers are spreading everywhere!

There is evidence that refugees with access to livelihoods assets are more likely to use positive coping mechanisms, and are more likely to return home first when it is safe to do so.

The livelihoods assessment in Yemen points out that refugees with fewer livelihood opportunities turn to negative coping strategies (prostitution, begging, theft), and, not surprisingly, refugees with "better access to livelihoods assets" use positive coping strategies (earning wages, selling food, running small businesses, offering services)³⁹.

Upgrading of informal apprenticeships

Apprenticeship is an efficient way to train young people as they address both the usual problem of the curricula relevance (in apprenticeships, the curricula is designed with the employer), and the information failure that can affect recruitment processes (the employer has the opportunity to test the apprentice's performance). Informal apprenticeships are the most common training format in informal economies, but they include a number of shortcomings these may include (a) lack of specific curricula and TVET centre based complementary learning, (b) poor occupational safety and health, (c) quasi-exploitative status of the apprentice and (d) lack of certification of the training to validate the learning⁴⁰.

These aspects can be addressed through initiatives targeting the upgrading of informal apprenticeships⁴¹, running parallel to improvements for the productivity of informal workshops and businesses. These schemes are a cost-effective means to build social capital, gain new skills and improve employment opportunities.

Formal apprenticeships, whilst certified, have a propensity to be more resource-demanding and require established and well-functioning social dialogue mechanisms. With support from ILO, The government of Jordan needs to allow such training for refugees and agree on a certification process from a designated educational authority. This kind of vocational training can be linked

³⁹ Elizabeth Umlas, Cash in hand, Urban refugees, the right to work and UNHCR's advocacy activities, PDES/2011

⁴⁰ ILO (2012) Upgrading informal apprenticeships: A resource guide for Africa, ILO, [available online http://ilo.org/skills/projects/WCMS_158771/lang--en/index.htm]

⁴¹ ILO (2012) Upgrading informal apprenticeships: A resource guide for Africa, ILO, [available online http://ilo.org/skills/projects/WCMS_158771/lang--en/index.htm]

to the skills development of the young refugees in order to be used when they will be back to their home country.

ILO conventions and recommendations consistently uphold the principle that apprentices are workers. International good practices show that formal apprenticeships should be at least one year, with a sequencing of on the job and centre-based training sessions adapted to the specific context. Stipends may be required to ensure poorer apprentices can cover transportation, food and other living cost if needed.

Economic Governance Framework for Zaatari camp

Overall the Syrian refugees are quite skilled, proactive, entrepreneurial and with a high sense of business acumen and thus what they require is to be empowered through the establishment of an enabling environment that will support their access to the labour market on a more equal basis and to engage in business related activities with clear rules and regulations. So far, organisations that have tried to support self-reliance activities inside the camp have had a limited success, as without a legal regulatory framework with clear rules and regulations under which all the concerned parties can interact and develop mutually beneficial outcomes, not much can be achieved.

This framework is a prerequisite for the success of other self-reliance interventions, without it the risks of failure are high. Once this part is taken care of, the market will generate the required labor and self-reliance opportunities, whilst producing positive redistributive effects. Besides, there is a need to establish a more transparent system for jobs allocation; create cooperatives and associations to support the lack of finance and working instruments; develop the business skills of youth and women; and provide BDS to tackle the problem of supply-chain, profitability and marketing. If the Syrian refugees are empowered through self-reliance opportunities, they would not need to seek employment opportunities outside of the camp and thus the pressure over the Jordanian host communities will be reduced. Given the symbiotic relationship between the Syrian refugees and the Mafraq host communities the intervention would need to take into consideration mutually beneficial outcomes for both sets of actors. ILO as the specialized agency on labour and business related issues is very well placed to fill this gap.

2. Advocacy policy targeting

ILO cannot afford a humanitarian assistance to Syrian refugees in a direct way but it can offer a considerable assistance in providing the technical expertise in the dilemma which Syrian

refugees suffer of. This dilemma turns about, how can assist Syrian refugees in sustainable way? And what is the implication on Syrian refugee's right to work?

ILO have to stand on its mandate and standards in supporting Syrian refugees which seems to be not an easy mission especially vis-a vis the government of Jordan. It should kept in mind that countries of first asylum could allow refugees to work so that they can provide for their families and reduce their vulnerability to exploitation and abuse.

While host government officials are obviously a central target of any formal or comprehensive advocacy strategy, ILO should aim to reach many others, including those the organizations may not have directly considered in addressing refugee protection.

Government:

In the short-term focus in dialogue with the government would not be directly on the right to work but rather on self-employment and allowing refugees to start micro-enterprises as a way to improve refugees' prospects for reaching self-reliance. The rationale for starting at this level is that advocacy around the right to work is particularly sensitive because of the perception that this right is directly linked to integration, to which the government is resistant.

It is also reasonable to assume that access to humanitarian aid and other types of support prevent many Syrian refugees from entering the labour market today. If no measures are taken, a large number of these refugees will potentially enter into the labour market once the humanitarian aid is scaled down and ultimately stopped. At the same time, it is likely that the conflict in Syria will continue for a long time, and that many Syrians will remain in Jordan for years to come. As such it is important to clarify realistic scenarios for the development of the Jordanian labour market, taking into consideration Syrian refugee involvement can be formalised into the Jordanian labour market in ways that could be beneficial for the Jordanian economy.

Apparently, at the country level, only 2.3 percent of Jordanian households are engaged in the agriculture sector as their primary source of income, while 26 percent are engaged in service and sales. However, the agriculture sector relies on non-Jordanians for labour (62 percent of agricultural labour is non-Jordanian, mainly Egyptian, and to a lesser extent Syrians and Iraqis)⁴². This sector can be considered as entry point to formalize to some extent the work of Syrian refugees.

⁴² Agricultural Livelihoods and Food Security Impact .Assessment and Response Plan for the Syria Crisis in the Neighbouring Countries of Egypt, Iraq, Jordan, Lebanon and Turkey, FAO, March 2013.

Trade Unions: The idea of involving labour unions in advocacy around refugees' right to work is mentioned briefly in certain livelihood assessment strategies⁴³. The idea deserves more attention. It is worth noting Trade unions in Jordan are increasing focus on the rights of migrant workers, who share with refugees certain relevant characteristics in relation to work. In this sense, Trade unions' emphasis on rights based approaches, and their efforts to organise migrant workers and strengthen protection of these workers' rights in host countries, could make them an important partner in the advocacy around refugees' right to work.

As ILO points out, unions are committed to protecting all workers, ILO which provides guidance to trade unions on their role in protecting migrant workers' rights. Given that some unions especially in garment sector are already working to protect and advocate for the rights of the "traditionally isolated, hidden and super-exploited" among migrant workers. This protection which include those who are undocumented and women domestic workers arguably this work should extend to include not only migrant workers but refugee workers, as well.

Private sector: With a focus on corporate social responsibility (CSR), ILO should explore the possibility of signing agreements with such companies. This is applicable only in countries where refugees have the legal right to work, as corporations otherwise will not be able to take the risk (legal and reputational) of hiring refugees. Those with a CSR focus in particular are more likely to be attuned to issues around decent work and rights in the workplace and therefore easier to engage on refugee protection concerns.

Consequently, encourage the private sector to employ Syrian refugees in specific sectors where migrants workers are permitted to work in accordance with Jordanian regulations and facilitate work permits to Syrians in selected sectors where they mainly complement Jordanian workers, and where they contribute with particular skills, could benefit the Jordanian labour market with respect to fairer competition and more regulated working conditions. It will also complement enterprises efforts for growth thereby expanding employment opportunities for all. The result can be a contribution to overall national productivity and the economy.

It is worth noting that Jordan benefits from the Syrian direct investment inflows in the country which not only have accelerated the industrial activity of the economy but have also created jobs and employment opportunities for both Syrians and Jordanians. Indeed not all Syrians are vulnerable refugees and many industries seem to have relocated to Jordan. According to Jordanian regulations Syrian enterprises are encouraged to register and operate. They can bring

⁴³ In India, for example, Mishra calls for an "information campaign with employers union/Ministry of Labour/relevant institutions on available skills set within refugee/AS community" (Mishra, 2009, p. 25). In Malaysia, Strandberg reports that, in addressing abuse by employers, UNHCR "has further developed its partnerships with Tenaganita, Suruhanjaya Hak Asasi Manusia Malaysia (SUHAKAM), Union Network International (UNI), the Malaysian Liaison Council and Migrant Worker's Desk"

skilled Syrian workers additionally it is preferred Syrian refugees already in the country are hired rather than Syrian nationals migrating solely for work purposes.

Local employers could be targeted for sensitization about refugees' right to (non-exploitative) work and their potential to make a positive contribution to the local economy, both as consumers and, in the case of refugees who run small businesses, as generators of income and jobs for others. This is particularly important in cases where local business owners perceive a threat from refugee involvement in small businesses or microenterprise. It is worth investigating if there are businessmen among the host communities as they might be more receptive to the issue of refugees' right to work.

Donors: The donor community must recognize the shifting from humanitarian assistance to resilience and provide funding to address this reality in order to create immediate emergency jobs in affected governorates, which can benefit both Syrian refugees and host communities.

The Immediate short-term employment opportunities aim to generate income for Syrian refugees inside and outside camps and enhance the infrastructure in host communities. These can be created through the ILO's employment intensive investment modality using contracting through existing and new local contractors.

The targeted beneficiaries are job seekers, with a specific emphasis on youth, whereby both unskilled and semi-skilled job seekers will be engaged. The infrastructure projects should be linked to Jordan response plan and its priorities, which include building and rehabilitating and maintenance of existing educational facilities (formal and vocational), thereby creating short-term jobs whilst improving access to education for general inhabitants. A subsequent maintenance and management project for each rehabilitated plot can be included, thereby creating medium-term employment whilst sustaining the condition of the improved buildings. It could also include rehabilitation and maintenance of existing markets inside the camp, with the aim to improve market conditions, sanitation, general upkeep and access.

Finally, it can include road rehabilitation and maintenance, thereby improving access for refugees and host communities households to economic and social services. These works include repair and maintenance of the roads itself, as well as repair and inclusion of water-management infrastructure (drains etc), which safeguards the roads' value and usability. This can also lead to improved management of non-potable water, creating water-sources for household garden irrigation, ablution facilities and general WASH purposes. A maintenance scheme can be included to ensure the upkeep and functioning of rehabilitated or new infrastructure.

Another initiative could be through proposing to donor community some projects to facilitate refugee access to formal employment through subsidizing work permits for limited period.

Local communities:

Working directly with local host communities is essential to reduce the social tension which may arise from the presence of the refugees and more specifically from their engagement in the labour market.

Since mid-2013, ILO started a project called “Enhancing Access to Employment Opportunities and Livelihoods in Host Communities”⁴⁴, which provides technical support for the design of local economic development initiatives and employment creation interventions. The programme activities include value chain development, business environment improvement, entrepreneurship development and increasing capacity for employment and business advisory services. Two reports available on the ILO website give insight into two important agricultural products produced in Jordan – olives and tomatoes – and address constraints within these two sectors while also proposing ways at creating improved livelihoods for local communities.

ILO can build on the trust and credibility gained through the implementation of the project’s activities in Irbid and Mafraq to propose more inclusive employment policies targeting both host communities and Syrian refugees. Other interventions based on the Value Chain based approach include implementing specific labour-intensive works in Mafraq and Irbid by effectively creating a demonstration project. The main objective of this project is to demonstrate the short-term benefits of employment opportunities by injecting cash through paying people wages for work done, and creating a demand from host communities for such infrastructure projects. These activities fall under the Jordan response plan JRP to the Syrian crisis, which partly focuses on livelihoods, and creating job opportunities for Jordanian host communities.

Human rights organisations, both local and international: While ILO may already partner with many of these on the ground, it should consider approaching them to help build a strong and comprehensive advocacy strategy vis-à-vis other actors. One message to convey is that such a strategy could ease these other organisations’ work, multiply the effects of this work and possibly bring more resources for them to serve the population more fully. This could mean

⁴⁴ Enhanced Access to Employment Opportunities and Livelihoods in Jordanian Host Communities - ILO Response to the Syrian Refugee Crisis in Jordan. http://www.ilo.org/beirut/projects/WCMS_226940/lang--en/index.htm

defining advocacy broadly, and considering whether partners' legal assistance, livelihoods or other initiatives might enhance the larger strategy around ensuring the right to work.

Media and communications: ILO may support some media to design and carry out a campaign focusing on legal assistance, livelihoods initiatives to enhance the strategy enhancing the refugees right to work as , in coordination with the Ministry of Labour and UNHCR.

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