



International
Labour
Organization

Refugees Right to Work in Jordan

A view of the Syrian refugee crisis through labour law and policy



The objective

- To evaluate the right to work of Syrian refugees by assessing international and domestic laws, as well as the policy environment of Jordan.

Three specific goals of this analysis are:

- to better understand Syrian labour participation and rights in Jordan from both a historical and current perspective;
- assess the laws and policies which govern their participation in or exclusion from the Jordanian labour force; and
- to provide a context for the evolution of Jordan's legal and policy-based response to complex refugee crises, particularly where work is concerned

Introduction

- One of the most contentious and difficult to address issues in refugee situations is their right to work, either formally or informally, in the labour markets of host countries.
- The architects of the 1951 Refugee Convention surely had this in mind when they drafted Articles 17, 18 and 19, all relating to gainful employment.
- In the Travaux Préparatoires to the 1951 Refugee Convention, significant discussion was given to the right to work of refugees. The United States representative at the time stressed that “without the right to work all other rights were meaningless.”

- Syrian refugees arriving in countries throughout the region possess little to **no economic resources**. **Without formal residency rights and access to work permits**, many refugees quickly exhaust their resources and are forced to find income through the informal labour market to supplement their family's survival needs.
- A recent study conducted by the International Labour Organization highlights **the economic impact of refugees in Jordan and provides much needed insight into their participation rates, sector involvement, wages** and the general effect on Jordanian workers' conditions.

Work permit

10 percent of Syrian refugee workers in Zaatari and outside the camp reported as having obtained permits for their current main job.

18 percent of Syrian refugees outside camp report having applied for a permit for their current main job, but only **40 percent** of them succeeded.

The workers who applied for work permits all applied for permits specified for construction (**32 percent**), services (**30 percent**), restaurants (**17 percent**), industry (**17 percent**) or agriculture (**4 percent**).

Among workers who did not apply for a permit, the main reasons cited were that permits are too expensive (**64 percent**) or too difficult to get (**15 percent**).

International Refugee Law

The 1951 Refugee Convention and its 1967 Protocol, ratified by 147 countries, establishes refugees as autonomous persons who are entitled to dignity and rights in exile.

Refugees' work rights, including the right to engage in wage-earning employment and self employment, are explicitly provided for in Chapter III of the Refugee Convention

Refugees' work rights under the 1951 Refugee Convention are supported by other regional and international human rights treaties. The International Covenant of Economic, Social, and Cultural Rights (ICESCR) recognizes the "right of everyone to the opportunity to gain his living by work which he freely chooses or accepts."

ILO Convention concerning Migration for Employment, ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers ,International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Refugee law in Jordan

Jordanian law has limited references to asylum seekers and refugees. Despite its status as 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, misinformation about the social and economic burden of refugees and national security.

UNHCR- Jordan MOU

Jordanian law does possess important prohibitions on refoulement in accordance with customary international law, found in its 1952 Constitution.

Additionally, the 1973 Residency and Foreigners' Affairs Law, which controls the entry and residence of foreigners in Jordan, also allows exemptions from provisions for special circumstances, including for those who are seeking asylum.

The only refugee-specific directive in Jordan is a 1998 (MOU) between UNHCR and Jordan, which gives UNHCR the right to determine the refugee status of asylum seekers in Jordan.

Based on the 1951 Refugee Convention and its Protocol, the MOU removes any geographic or time limitation and respects the concept of non-refoulement.

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, the MOU was renewed in 2003 and in 2014 .

UNHCR- Jordan MOU

The UNHCR MOU with Jordan provides important language around work. The MOU mentions the need for lawfully residing refugees to provide a living for one's family and authorizes those with degrees recognized by the Jordanian authorities to practice certain professions as allowed by laws and regulations.

While these 'certain professions' are not spelled out in any law or policy document, there is a Closed Professions List 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

Labour law in Jordan

The 1954 Constitution spells out most clearly that the right to work is reserved exclusively for Jordanian citizens. All other language pertaining to work is directed towards protection of labour through the development of the national economy.

The 1973 Residence and Foreigners' Affairs Law instructs Jordanian nationals and companies not to employ foreigners without a valid residence permit. As mentioned before, Article 29 also allows the Minister to exempt persons connected with humanitarian concerns or those seeking political asylum.

Labour Law

The Labour Law No. 8 of 1996, implemented by the Ministry of Labour, is the main labour code which defines the rights, protections and responsibilities for all workers and employers, except for those in the domestic and agricultural sectors (these workers are covered under separate laws).

The Labour Law does not mention or infer 'refugee' or 'asylum seeker' anywhere in the law. Non-Jordanian workers must be approved by the Minister of Labour and fill needs which Jordanian workers cannot

In the case of Syrian refugees and asylum seekers, they 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.” 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.

Government, UN & NGO Policies and Practices

The ability for Syrian refugees to obtain work permits remains, at best, a convoluted process. Interviews with the MOL Inspection Department help to shed additional light on government practices and specific challenges faced by Syrian refugees.

According to the MOL, Syrian refugees were given priority 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

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, it is workers who end up paying for them. At 170 – 370 Jordanian Dinars (to add USD value) for a work permit, this represents too high of a cost for most refugees, many of whom have entered Jordan with very few personal belongings including no passports which is a requirement for this process.

Syrian refugees and others migrant/foreign workers applying for a work permit must also pass a background security check by the Ministry of Interior.

Syrian investments

The 1973 Residence law does contain 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 more thoroughly 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.

Syrian Investments

The Syrian investments are dispersed across 385 industrial and commercial facilities owned by 135 Syrian investors, and are concentrated in several sectors, most importantly, the industrial and commercial.

These investments have contributed significantly to the provision of job opportunities for Jordanians, as well as and it is also significantly supported the increased of the value of national exports.

Syrian Investments

The Jordanian government had agreed to grant Syrian investors facilities, where mechanisms were put in place to facilitate the entry of Syrian investors and the adoption of the ID Card issued by the Jordan Investment Board (JIB) for Syrian investors who are on Jordanian territories,

and the permission to bring skilled Syrian workers at a rate ranging between 30% to 60% to the remote areas and factories in the industrial cities and the parts outside the provincial centers, and according to the development needs of the governorates within the specific controls.

Conclusion

-Absence of legislative rights to work. Most countries in the region lack national legislation that extends work rights to refugees, or make it explicitly illegal for refugees to seek work.

-Discrimination and xenophobia. Nationals and refugees are not treated equally, by law or in practice.

-Bureaucratic barriers, including unreasonable fees, complex paperwork and permits and delays in employment.

-Inadequate access to vocational training and livelihoods.

Policy Recommendations

- Open a dialogue at national level on the employment of Syrian refugees**
- Develop a Refugee policy and strengthen labour migration policy**
- Addressing more actively the implementation of labour laws**
- Promote Syrian investments in Jordan**
- Establish dialogue at regional level between host countries**



Thank you