



ARDD-LEGAL AID
Arab Renaissance for
Democracy & Development

Putting Needs over Nationality

Meeting the Needs of Somali and Sudanese
Refugees During the Syrian Crisis



Introduction

This brief paper serves to voice the perspectives and concerns of ARDD-LA's Somali and Sudanese beneficiaries. The paper's methodology is not robust; given its objectives, it need not be. Instead of fully portraying the circumstances faced by Somali and Sudanese refugees in Jordan, including their many, nuanced humanitarian concerns, the paper strives to put forth some of their thoughts and experiences – and, in doing so, to inspire action. Most humanitarian actors are well-aware of the fact that Somali and Sudanese refugees are among the most vulnerable. Nevertheless, far too little is being done.

In addition to calling for meaningful action, the paper serves to cast light on the humility with which Somali and Sudanese refugees normally request even the most basic forms of humanitarian assistance. Many within the Somali and Sudanese communities resided in Jordan long before the onset of the Syrian Crisis. Unfortunately, their tenure in the country, and their simultaneous invisibility to many providers, weighs heavily on their expectations. As a result, all too often, they request aid only hesitantly, fearing that, by asking for too much, they will squander their chances at receiving assistance at all. This is important to highlight given the recent protests of some Somalis and Sudanese and the perspectives those protests have engendered amount at least some within the aid community.

Finally, in sum, the paper aims to illustrate that even modest provisions might make all the difference here. Given the limited numbers of Somalis and Sudanese in Jordan, relatively few dollars could have tremendous impact in terms of meeting their core, physical needs and in terms of reducing their feelings of inferiority and hopelessness. Thus, by devoting even limited focus to Somalis and Sudanese, organizations could make substantial progress toward honoring the core humanitarian imperatives of serving those most in need and of causing no harm, even inadvertent psychological harm.

ARDD-LA does not put forth this paper to suggest that the organization is sufficiently focusing on an otherwise neglected issue. On the contrary, ARDD-LA recognizes that it too, like many other humanitarian actors, could and should do much more.



Overview:

This section provides some basic information on the nature of ARDD-LA's work with Somali and Sudanese refugees, as well as on the demographics of both groups and the challenges they face.

The perspectives within this paper reflect only part of the information ARDD-LA has gained through its work with Somali and Sudanese refugees. Every year, ARDD-LA conducts several sessions with them as part of its regular programming. Generally, the aim of these sessions is raising their level of awareness, so that they can avoid legal challenges, and helping them overcome legal barriers where confronting those barriers is inevitable.

Given the size of the Somali and Sudanese communities in Jordan, ARDD-LA also uses these sessions to monitor their situation as marginalized groups, particularly in light of the current Syrian Refugee Crises.

Over the past six years, ARDD-LA has developed a strong relationship of trust with Somali and Sudanese groups. This trust has assisted ARDD-LA in monitoring and analyzing the legal problems they face on a continuing basis. For Somali and Sudanese in particular, one trend is clear: their day-to-day needs are exceptionally dire and reoccurring; those needs increase the likelihood that Somali and Sudanese will engage in illegal acts out of desperation; unfortunately, the inevitable result for Somali and Sudanese is a relatively high degree of vulnerability to serious legal consequences.

For people who are somewhat unfamiliar with the Jordanian context, and thus likely to think of the country's refugee population as exclusively Syrian, the number of Somalis and Sudanese in the Kingdom could be shocking. According to the UNHCR, excluding Syrians and Iraqis, there are 5,000 refugees and asylum-seekers in Jordan, the majority of whom are Somali or Sudanese.¹ More specifically, according to one news article, *Jordan's Invisible Refugees Suffer in Silence*, 2,643 Sudanese, 794 Somalis, and 45 Eritreans were registered with the UNHCR as of mid-2014.² Representatives of the Sudanese community report that the number of Sudanese is even higher, at around 5,000 individuals.

¹ UNHCR, 2015 Country Operations Profile – Jordan (accessed on Feb. 10, 2015), available at <http://www.unhcr.org/pages/49e486566.html>

² Areej Abuqudairi, Al-Jazeera (Jun. 20, 2014), available at <http://www.aljazeera.com/news/middleeast/2014/06/jordans-invisible-refugees-suffer-silence-2014619131422115902.html>



Nearly all Somalis live near Amman’s Second Circle area, which is known in Amman for its relatively cheap prices. Somalis are known for their close-knit and conservative community. They live nearby one another to support one another, particularly given the obstacles most Somalis face due to their inability to communicate in Arabic. In fact, the majority of Somalis speaks neither Arabic nor English, and Somalis often speak different Somali dialects. Language barriers alone add greatly to their daily struggles, namely by making them more vulnerable to exploitation and discrimination.

Often they depend on “translators,” typically educated members of their community who do far more than translate. Because these individuals are few, they work full time to support their community. For instance, they assist when someone is sick and needs to go to hospital, or when someone is detained at a police station. They help children study after school, and they translate at UNHCR interviews – which is one of the few tasks, if not the only one, for which they receive any remuneration. These “translators” generally help their communities for free, even at the expense of the costs associated with travel and phone credit.

The language barrier is less significant for Sudanese refugees. Most of them speak English well, and some speak Arabic. Nevertheless, a significant number of Sudanese struggle with both languages and, therefore, “translators” who handle the same myriad of day-to-day tasks are also present within their communities.

Sudanese refugees live mostly in East Amman, though some live in Zarqa, Irbid and Mafraq. For the same reasons, within each city, they prefer to stay close to one another to provide one another with daily support. Some left Amman to find cheaper places to reside or to find job opportunities in private farms or as guards.

Somali and Sudanese refugees are consistently identified as the most vulnerable refugees in Jordan. Despite this, they continue to live in the shadows of other crises, benefiting relatively little from direct assistance as resources are consistently allocated elsewhere. This is the case not only now, with the Syrian Crisis, but also before, with the Iraqi Crisis and other large-scale, regional issues.

There are relatively few reports about the status of Somalis and Sudanese in Jordan. ARDD-LA assisted in the creation of two of the three that exist.



The three existing reports are:

*Sudanese refugees struggle against racism everyday;*³

*How Do You Rank Refugees?;*⁴

*Jordan's invisible refugees suffer in silence;*⁵

The following reflects what both Somalis and Sudanese refugees have to say about several key areas of concern.

1. Health Services

Children receive vaccinations free of charge, without the need to complete complicated processes at the public health facilities in their neighborhoods. Getting a vaccination requires opening a file, which costs 2 JOD. Mothers and fathers seem to appreciate the importance of following up on the vaccination of their children. They often mention knowing about vaccination campaigns from text messages sent by UNHCR, as well as from the public health centers they visit.

However, gaining access to other health services can be challenging. For instance, there are long wait periods to see a general doctor (they might have to wait a month or more to get an appointment), and even longer wait periods to see a specialist. On occasion, patients report receiving the same medicine irrespective of their disease, their age, or their gender. Often it is merely a painkiller. Child delivery is free of charge, and nearly all women know how to get the required referral documents and how to follow up with the appropriate hospitals. In some cases, pregnant women and new mothers complain about the quality of service; and, refugees report that some hospital staff have asked for money even though the costs should be covered under agreement with UNHCR.

In the words of one individual: “It took us three weeks to get an appointment for my three-year-old daughter who had a very bad case of the flu, including an extremely high fever! We went after three weeks and, only then, bought the medicine from the pharmacy. The medicine was expensive, 8.75 JOD, but of course we had to get it ... My baby girl was burning between my arms. She couldn't sleep or eat from sickness. And they made us to wait 3 weeks!?” Even cases of the flu can evolve into life-threatening situations. Emergency cases must be addressed more quickly, for children in particular.

³ <http://reliefweb.int/report/jordan/sudanese-refugees-struggle-against-racism-everyday>

⁴ <http://www.theatlantic.com/international/archive/2013/11/how-do-you-rank-refugees/281771/>

⁵ <http://www.aljazeera.com/news/middleeast/2014/06/jordans-invisible-refugees-suffer-silence-2014619131422115902.html>



Also, for many accidents and surgeries, there is often not enough financial assistance to cover the associated costs. For instance, for a procedure costing over 1,000 JOD, the coverage could be only 500 JOD. Even then, obtaining assistance requires enduring long waits for approval, roughly 1.5 months in some cases.

Furthermore, accidents are often excluded from coverage altogether, especially if the refugee is seen as the cause. ARDD-LA knows of at least four to five cases that were rejected for this reason alone.

Getting an appointment requires paying the 2 JOD fee to open a file. While this cost seems small, some refugees are unable to afford it – let alone the other costs, including transportation and medicine. This being the case, Somali and Sudanese refugees often report being unable to afford necessary operations.

Caritas helps to meet the health needs of Somali and Sudanese refugees. It is located in Al-Hashmi Shamali in Amman. For many refugees, this means paying transportation fees (through Caritas is still more accessible than many other providers). Jordanian health centers often refuse to treat Somalis and Sudanese and instead ask them to go to Caritas (vaccinations for children are one exception to this trend). JHAS provides general health services, whereas Caritas provides access to specialists. Urgent cases require a referral document from Caritas to the Bashir or the Italian hospitals. Caritas is open 9am to 4pm Sunday to Thursday and Saturday.

Suggestions to improve health services include:

- Providing direct coverage and treatment for urgent cases, without denial of service based upon non-payment of the 2 JOD fee to open a file. Wait times must be reduced, especially for children, even when they suffer from fever, cold and other common illnesses.
- Also reducing wait times for general appointments; ensuring doctors should prescribe medication that is suitable for the disease and for treatment – not merely a pain killer.
- Providing faster and higher coverage for surgeries and accidents, particularly for children and for individuals who do not receive financial assistance from UNHCR.
- Helping Caritas and other facilities cover the 2 JOD cost of opening a file for urgent, or otherwise special, cases.



2. Education Services

Education services are best, in general, for refugees with children in the early stages of their studies. Refugees know that there is very limited financial help available with respect to higher education for non-Jordanians in general, which is demoralizing for young students. The DAFI Program is, perhaps, the only exception, and it provides funds to Syrian refugees only.⁶

The cost of enrolling a non-Jordanian child in school in Jordan is 40 JOD, excluding textbooks, uniforms, and other expenses. Thankfully, Somali and Sudanese refugees receive full coverage of the 40 JOD fee via UNHCR and IRD cash assistance. IRD also strives to provide children with school uniforms, bags and stationary.

Some afterschool lessons are available, however only on Saturdays for one hour for a limited number of students. After school courses of this type typically last two or three months for the year. The CBOs that facilitate these courses often receive complaints from children regarding the lack of funds for transportation, which can be considerable.

Parents often cannot help their children with their homework and studying because they do not speak Arabic and because the curriculum is difficult. Some Somali and Sudanese refugees provide tutoring to children by themselves. The obstacles they face include finding adequate space to teach the large number of students who need help.

Note that many Somali and Sudanese families share housing to save money. As a result, living quarters are extremely crowded. This impacts children in their studying, as well as makes finding places for informal tutoring more difficult.

Traditionally, Somali children learn and memorize the Holy Qura'an, which assists them in learning Arabic, and hopefully faring well in Jordanian schools.

The many challenges Somali and Sudanese children face often lead to lack of success in school, as well as being subject to bullying and discrimination.

Suggestions to improve education services include:

- Providing text books, uniforms, bags, shoes, and stationary to school-age children at the beginning of each semester. Those items rarely last given how quickly children grow and given that the items themselves are often poor quality and thus easily damaged.
- Providing more afterschool programming, especially for children who struggle with Arabic. For them in-school lessons are often insufficient.

⁶ <http://www.unhcr.org/53c915756.html>.

- Supporting Somali and Sudanese refugees who provide tutoring. Tutors often provide this service willingly, and Somali and Sudanese children often respond well to being helped by members of their own communities. Supporting the tutors includes helping them find places to offer their lessons. Providing accommodations in this regard alone could be very helpful. The Somali and Sudanese tutors are often the same individuals who serve as “translators” within their communities. As noted above, those individuals do far more than translate. They are essential to efforts to meet medical, education, and other protection needs. They are also mobilizers.
- Incorporating “translators” and other Somalis and Sudanese into NGO volunteer programs. Somalis and Sudanese often note that they, relative to other refugees, rarely succeed in gaining volunteer roles despite the unique skills they possess. They voice their desire to have equal opportunities to be productive members of the NGO community, as well as to help individual organizations connect with members of their communities.

3. Protection and the Law:

Like refugees of other nationalities, Sudanese and Somali refugees face many legal challenges. For them, however, overcoming these challenges is often far more difficult due to their lack of Arabic language and due to their skin color, which, unfortunately, results in discrimination.

Working without a work permit is illegal in Jordan for all foreigners (including refugees). Like other refugees, Somali and Sudanese are unable to obtain work permits due to de facto local policy. Nevertheless, like other refugees, Somali and Sudanese refugees try to work to meet their daily needs.

Very few organizations provide cash assistance to Somali and Sudanese refugees. The UNHCR, to address this need, goes beyond its mandate and provides some financial assistance. Meeting the needs of Somalis and Sudanese requires that NGOs contribute in far greater amounts, especially now that cash is becoming an increasingly utilized modality with respect to addressing the protection concerns of other refugee groups.

Whereas other refugees might qualify for financial assistance from NGOs, Somali and Sudanese refugees categorically do not. Likewise, unlike other refugees, they do not receive food vouchers.

Relatedly Somali and Sudanese refugees note that, even with respect to other items (NFIs), they receive less in terms of quantity and quality. For instance, winter blankets that are available to Syrian and Iraqi refugees might not be available to Somali and Sudanese refugees.



And, even when Somalis and Sudanese can obtain winter blankets, for instance, their blankets are often of noticeably lesser quality.

Of course Somali and Sudanese refugees are aware of the disparate treatment. This demoralizes them and creates tension. They frequently refer to themselves as “forgotten.” Relatedly, they frequently note that they yearn most, not for full financial support, for instance, but instead for mere equality with other refugee populations in Jordan.

Finding job opportunities is particularly difficult for Somali and Sudanese refugees who do not speak Arabic and who lack local integration. Even when employed, Somalis and Sudanese are more likely to face exploitation, discrimination, and other deprivations of their labor rights. The situation can appear less like gainful employment than like modern slavery.

Working puts Somalis and Sudanese at risk of administrative detention. Even upon release, they might lack access to their passports (having relinquished their passports to local authorities). If they raise security issues or possess a criminal record, additional legal obstacles will follow. For instance, release might require providing a Jordanian guarantor (“kafeel”), which is by no means easy. Guarantors must be males with good security records who are willing to relinquish their ID cards to police for as long as they must fulfill their role. Because those ID cards are essential to Jordanians in their daily lives, few Jordanians are willing to help. This requirement is not unique to refugees, but, lacking strong ties within the Jordanian community, refugees (Somalis and Sudanese in particular) are far less likely to find fully benevolent guarantors.

For this reason, a black market for guarantors has emerged. Individuals, exploiting the situation, ask for high levels of financial compensation in return for their “services.” Doing so is illegal, but the practice continues nonetheless. Securing guarantors, and finding ways to afford them, is one of the greatest struggles some refugees face. Because the guarantor system applies broadly in Jordan, change is unlikely. Refugees frequently ask the UNHCR and ARDD-LA to provide guarantors free of charge, but under the law they simply cannot.

The UNHCR has been able to help some refugees gain release from administrative detention, especially when their detention has been prolonged (often for security reasons). Compared to other refugees, Somalis and Sudanese are more often detained for illegal work, yet less often deported for security reasons (only a few cases of deportation are known).

Finally, it is worth noting that, while legally unable to work in Jordan, refugees maintain labor rights under Jordanian law that help protect them from exploitation. For instance, having been exploited, refugees might nevertheless be able to claim the wages and other benefits that are due to them. ARDD-LA has assisted several refugees in this regard, for instance by resolving their cases via mediation and direct legal representation.

The following cases highlight some of these concerns, as well as others that appear in the paper more generally:

Struggling to Get By: Abed⁷

Abed, who is 29 years old, lives with nine other Sudanese men in one apartment. The ten men share two small rooms, one bathroom, and the kitchen and pay 110 JOD per month. This living arrangement is, unfortunately, all too common for young Somali and Sudanese men. While crowding into one apartment enables them to afford rent cost, their shared space is crowded to the point of being nearly uninhabitable. Physical and mental health risks abound due to the excessive crowding of already unsafe spaces.

Abed notes that only one of the ten men have work, an illegal job opportunity as a cleaner, for which he earns 133.50 JOD per month after deductions. Illustrating the gravity of their day-to-day struggles, Abed recounted how finding 1 JOD on the road recently helped the group subsist on lentils and stale bread pending their flatmate's next paycheck. Others within the group used to work. However, they lost their jobs with the recent employment crackdown. For roughly two months now, nearly everyone within the apartment has been desperately searching for whatever opportunity might help them to survive.

The following three cases illustrate the importance of legal aid services, as well as the challenges of providing them.

Employer Exploitation: Hassan

Hassan is a young Sudanese man who has been working (illegally) for more than one year for a construction contractor who, for Hassan's work, owed him over 4,000 JOD. The contractor finally agreed to pay 1,500 JOD. Instead of paying the remainder, the contractor began threatening Hassan with deportation (a type of threat refugees often hear). Before contacting a lawyer, Hassan believed that there was no hope of collecting the full payment because his work was illegal and because, by approaching the police, he might only make matters worse for himself. Fearing deportation, he nearly gave up.

Like Hassan, many refugees are surprised to learn that they possess certain labor rights even with respect to unlawful forms of employment. Like in other

⁷ All names have been changed for confidentiality and protection

countries, whether one can work and whether one enjoys certain rights while doing so (against various forms of exploitation for instance) are two separate issues. After learning this, Hassan filed a legal case against the contractor, and, after one year and four months of mediation and litigation, Hassan won a legal judgment in his favor for 2,500 JOD, the remainder of what the contractor owed him.

Employer Intimidation: Faiza

Faiza, a single Sudanese mother of four, has a similar story. Faiza worked in a beauty salon for three years before her employer wrongfully terminated their work agreement. Likewise, Faiza faced threats of deportation, and other problems, if she insisted on enforcing her workplace rights. So Faiza settled for a small amount of money to end the dispute.

While she possessed little hope, Faiza consulted a local attorney. After learning of her rights, she too filed a legal case. Faiza's employer returned to the negotiating table and offered Faiza more money, though it was less than her full entitlement. Undeterred, Faiza rejected the offer and went ahead with the case, which, now in the final stages of litigation, will almost certainly be successful.

Even one case can require tremendous resources and legal expertise. Refugees, of course, are often at a tremendous disadvantage in terms of bargaining power. Securing their rights, whether via mediation or litigation, requires strong, dedicated representation.

The Nuance of Legal Service Provision: One Case; 56 Workers

While Somali and Sudanese, like all refugees, possess labor rights, their cases typically raise unique challenges. For instance, having signed individual labor contracts, 65 Sudanese workers were fired at the same time by their employer, a cleaning service. So far ARDD-LA has met with 45 of them. The legal dynamics of each case differ such that ARDD-LA must deploy several unique legal approaches. The case is currently in the process of mediation, with the company's legal department, due to the weaknesses of the company's case, hoping to obtain strong settlements for the workers. If mediation fails, then litigation will follow.

Sudanese and Somali refugees also frequently encounter challenges with their landlords who, for instance, routinely demand rent beyond that which is due. The situation has become much worse in recent years with the inflow of Syrian refugees, which has resulted in dramatic price increases in the housing market. Finding accommodation has become harder, and, for many individuals, paying rent has become all but impossible without resorting to harmful coping mechanisms.

With little or no financial resources and work opportunities, how can the poorest refugees cope in this environment? The only solution seems to be cash assistance for rent and utilities, coupled with legal support for individuals who face exploitation and/or eviction.

Somali and Sudanese refugees face many unique legal challenges. Yet even typical challenges, ones of the type that any individual might face, are made more difficult for Somali and Sudanese by the circumstances noted above, including their lack of financial resources. ARDD-LA has come in contact with many troubling cases.

One such case is the following:

Two Cases and No Perfect Solutions

After school, while playing football, a Somali child accidentally bumped a loose, heavy metal door that fell onto another Somali child causing serious injuries. The injured child, due to head trauma, remains in a coma. The police are investigating and the mother of the injured Somali child filed a lawsuit. The case is currently in the process of litigation. Everyone involved in this tragic situation is clearly a victim. Both mothers are trying to protect their children and manage the extreme financial costs involved. Meanwhile neither speaks Arabic. Thus they must rely on the “translators” within their community, which raises further complications.

Suggestions to reduce protection concerns include:

- Ensuring increased access to financial and food assistance for Somali and Sudanese refugees. That assistance should, of course, target the most vulnerable individuals.
- Providing Somali and Sudanese with equal access to NFI items. Namely, working to ensure the absence of de facto discrimination in the provision of aid.
- Expanding upon the provision of legal aid services, including those that pertain to awareness raising, legal consultation, and direct representation.



Conclusion:

This paper serves to voice the perspectives and concerns of ARDD-LA's Somali and Sudanese beneficiaries. It does not purport to provide a comprehensive analysis of their demographics and needs but instead strives to inspire action.

The humanitarian community is generally aware of the fact that Somali and Sudanese refugees are among the most vulnerable. Nevertheless, for reasons unrelated to their vulnerability, relatively little is being done. The sheer size of the Syrian crisis rightly captures the attention of donors and service providers. However, irrespective of the number of Syrians in Jordan, donors and service providers should not forget the humanitarian imperative to treat individuals as such – i.e. as individuals with independent needs – and to prioritize them accordingly. Despite the challenges of doing so, organizations should strive to provide humanitarian-based interventions over nationality-based ones.

The paper also aims to show how a little can go a long way. This is because there are relatively few Somali and Sudanese refugees in Jordan and because they currently lack even the most rudimentary forms of assistance. Moreover, Somali and Sudanese have grown accustomed to their inadvertent marginalization by the aid community and thus possess few expectations. The upside to this unfortunate reality is that even modest assistance would change the status quo greatly in the minds of Somalis and Sudanese, and thereby, even in psychological terms, have a relatively profound impact.

Again, ARDD-LA does not put forth this paper to suggest that ARDD-LA is sufficiently focusing on this otherwise neglected issue. On the contrary, ARDD-LA recognizes that it too, like many other humanitarian actors, should do more over the coming months for Somali and Sudanese refugees. Through this paper, ARDD-LA hopes to provide some concrete suggestions as to how it and other organization can work together do so.