

ARDD-Legal Aid, Legal Assistance Department

# The Ability of Refugees to Legally Work from Home or Otherwise Use Their Foreign Credentials in Jordan



**ARDD-LEGAL AID**

Arab Renaissance for  
Democracy & Development

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## NOTE

This legal summary reflects Jordanian law as of the date of publication.

The perspectives herein are solely those of ARDD-LA and, unless otherwise specified, do not necessarily reflect the opinions of the organization's partners.

Ghaleb Abdelraheem contributed by leading efforts to locate and analyze the relevant local law and legal processes. Dennis Ardis assisted in that effort, as well as contributed in terms of development, presentation and writing.

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## ABBREVIATIONS

- ARDD-LA Arab Renaissance for Democracy and Development – Legal Aid
- GoJ Government of Jordan
- ILO International Labor Organization
- JOD Jordanian Dinar
- MoE Ministry of Education
- MoH Ministry of Health
- MoI Ministry of Interior
- MoITS Ministry of Industry, Trade and Supply
- MoL Ministry of Labor
- MoPIC Ministry of Planning and International Cooperation
- MoSD Ministry of Social Development
- NGO Non-Governmental Organization (International and Local)
- UNHCR United Nations High Commissioner for Refugees

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## 1. INTRODUCTION AND EXECUTIVE SUMMARY

Key stakeholders asked ARDD-LA to investigate whether or not Syrian refugees could legally work from home or otherwise use their foreign teaching or medical credentials in Jordan. This legal guidance note sets forth the applicable requirements and calls attention to several important protection concerns.

This guidance note also responds to recent developments. Namely, in light of the Crisis's protracted nature, NGOs are doubling down on long-standing efforts to secure livelihood opportunities for Syrian refugees in Jordan. For its part, the ILO recently contributed to policy discussions via a report that highlights the extent to which Syrians are working in the informal sector.<sup>1</sup> ARDD-LA trusts that this document provides critical insight into the local legal environment and, in doing so, serves as an important supplement to the ILO's findings.

Unfortunately, ARDD-LA believes that these employment options are unlikely solutions to the troubling livelihood dilemma. As the following shows, the legal hurdles associated with home-based work and the use of foreign credentials are considerable. Moreover, the regulatory framework for home-based work raises protection concerns of its own, such that serious risks remain even for individual who succeed in gaining work authorization.

Thus, in light of the "Do No Harm" principle, ARDD-LA strongly cautions NGOs against placing hasty emphasis on employment opportunities, home-based work in particular.

The greatest concern, as well as perhaps the most surprising one, is the *possibility* that the GoJ could interpret the need for work permits broadly, even to encompass individuals working alone at home.<sup>2</sup>

Syrians who possess at least some work documentation (e.g. a vocational license) might be more likely to succeed in gaining work permits. Moreover, even when unable to gain work permits, they might escape at least some (though not all) of the legal repercussions associated with unauthorized work. That being said, it is important to emphasize that the processes for gaining work documentation are extremely cumbersome and perhaps risky, especially for refugees who face protection concerns, including those related to lack of documentation and financial means. Unfortunately, this is especially true with regard to home-base work, which, as noted below, carries acute risks for refugees due to the nature of the regulatory framework, particularly within the context of current local dynamics.

<sup>1</sup> [http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms\\_364162.pdf](http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_364162.pdf).

<sup>2</sup> So far the report focuses on home-based economic activity, teaching and practicing medicine. There appears to be a few, very limited cases in which work permits might not be necessary. ARDD-LA is looking into this.

### Layers of Rules and Risks: Working Within the Home

#### Layers of Rules: E.g. Making Food Within the Home

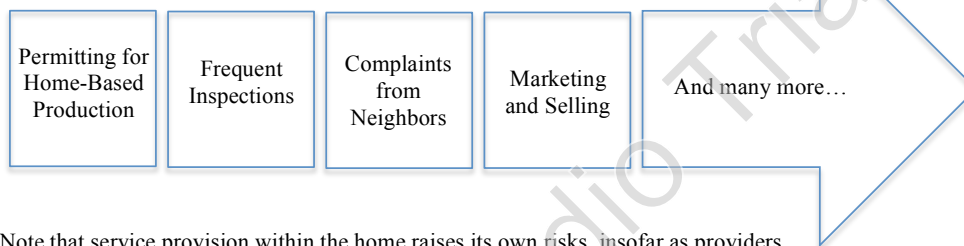
Labor Law: Work Permits

↳ Law on Vocational Licenses

↳ Instructions on Working from Home

↳ Food and Drug-Related Laws and Regulations

#### Layers of Risk: E.g. Making and Selling Food Within the Home



\* Note that service provision within the home raises its own risks, insofar as providers must often abide by additional sets of rules and regulations. Those bodies of law are often hard to find and understand.

Finally, it is important to note that this summary often provides what ARDD-LA believes to be the technical legal answer. Unfortunately, even an entirely accurate analysis of the law might poorly predict how certain questions are resolved in practice. This is particularly true when it comes to refugees, given the lack of concrete points of reference and, of course, given sensitivities that place refugees at greater disadvantage. Knowing and understanding the law is essential when it comes to preventing and mitigating protection concerns. But even the most accurate legal analysis is no panacea. And thus, importantly, the “Do No Harm” principle requires stakeholders to proceed with caution in their work with Syrians and in their advocacy when it comes to work-related issues in particular.

## 2. WORK PERMITS

A valid, state-issued work permit might be required almost, if not entirely, irrespective of how one practices his or her profession. Thus, before moving on, it is important to clarify the Labor Law’s potentially expansive scope.

The Labor Law, which, for foreigners, requires the issuance of work permits (Art. 12), applies to “employers” and “employees” (Art. 3). In short, an individual is an “employee” if he or she: (1) preforms work (يؤدي عملاً); (2) for (or “encountering”) pay (لقاء أجر); (3) while subordinate to his or her employer (و يكون تابعا لصاحب العمل و تحت إمرته). Art. 2.



“Work” is defined equally broadly, to encompass not only permanent but also casual, temporary and seasonable labor.

On the question of who is an “employee” for the purposes of the Labor Law, it is necessary to bear in mind two additional points. First, in Jordan, like in many countries, *the law* defines employers and employees – namely so as to leave no room for the parties to the work agreement to do so themselves, and thus perhaps to disclaim the existence of the employer-employee relationship. In other words, based on the factual circumstances at hand, the law might apply irrespective of what either or both parties wished and/or intended.

Second, in Jordan, like in many countries, local labor law continues to apply in many important respects to “employees” working illegally (i.e. without work permits). They might be entitled to many of the law’s benefits and protections (e.g. minimum wage, rules regarding termination). Thus, irrespective of how the parties to a work agreement see themselves, “employees” are likely to succeed in enforcing certain rights against their employers.

Likewise, the definition of “employer” is expansive. It includes any natural or corporate body that employs, in any capacity whatsoever, one or more people in exchange for pay. Art. 2. As noted in the following section, the dynamic under the law between “employers” and “employees” could be even broad enough to encompass cases in which an individual, having registered with the MoITS, effectively serves as both.

Finally, note that the general requirements for gaining a work permit are listed in Annex 7.1. It is helpful to highlight that the MoL requires possession of a valid passport, as well as lawful entry into the country. The Ministry has been flexible with regard to passports that are expired and cannot easily be renewed. Nevertheless, the passport requirement poses a considerable barrier for many Syrians within the Kingdom.

### **3. HOME-BASED ECONOMIC OPPORTUNITIES**

In theory, it is possible to obtain a vocational license to work from home. On this topic, it is helpful to begin by noting that Jordan has two separate laws regarding the issuance of vocational licenses in general: one, the Law of Professional Licenses for the City of Amman, applies only therein; the other, the Law of Professional Licenses, applies in all other municipalities. The Law for Amman has been supplemented, in accordance with the Law’s text (Art. 6(b)), with instructions that pertain to working from home in particular. These regulations are little used in practice, which leads to much uncertainty about their practical application. Unfortunately, there is even more uncertainty when it comes to licensing home-based work outside the capital, as the Law of Professional Licenses has not yet been supplemented in the same way.

Given its relative degree of specificity, this section focuses largely on the law in effect for the Greater Amman Municipality. Other municipalities often look to Amman-based law

when their own laws are relatively less robust. Thus hopefully this section reflects the law in effect more generally.

### **3.1. Licensing Procedures and Requirements**

The relevant legal framework is ostensibly set forth in the Licensing Instructions for the Practice of Professions from Inside the Home for the Year of 2012. The Instructions are quite robust, except, unfortunately, when it comes to the requirements and processes for obtaining a license for home-based work.

In this regard, the Regulations (Art. 5 and 6) stipulate that the applicant must:

1. Apply to the Mayor of Greater Amman (using the approved form);
2. Be in compliance with the requirements that apply to the practice of similar professions;
3. Submit proof that he or she resides within the home and, if he or she is renting, that the landlord has agreed to the specified use of the premises;
4. Have registered with MoITS (as an individual or company).

The Instructions also require the applicant to submit (seemingly in writing, as part of the application process) to ongoing inspections of the residence. This stipulation, like other aspects of the regulatory framework, raises serious protection concerns, some of which are highlighted below.

The Instructions note that the license shall (only) be issued in the name of an individual or company registered with the MoITS (Art. 6(b)). The procedures for registering with MoITS are relatively few, though considerable ambiguity exists with respect to home-based work.

Generally, to register with MoITS, one must:

1. Verify their identity, by providing documentation;
2. Complete and submit a form generated by MoITS staff;
3. Prove that he or she possesses funds of a specified amount.

For our purposes here, the last requirement raises substantial concern. Typically, MoITS determines the amount of funds one must have on hand (i.e. in his or her bank account) according to the nature of the business. In general, with respect to many businesses, the amount is often prohibitively high (e.g. 50,000 JOD). Interestingly, the Instructions used to address this requirement directly: whereas the Instructions now lack specification, they once set the amount at 5,000 JOD (considerably less than the customary amount). On one



hand, the change seems positive insofar as the required amount could be less. On the other, the lack of specification vests the power to decide back in MoITS. Lacking clear guidance, MoITS might follow earlier precedents, requiring the same amount, or require even more, as is typically the case.

The documentation process likely involves multiple trips between the Ministry and one's bank (where the funds must remain on deposit until registration is finalized). MoITS reserves the right to impose additional requirements.

In an effort to clarify the application requirements, ARDD-LA attorneys visited the Greater Amman Municipality, the body foremost responsible for licensing and regulation. Municipal staff indicated that, while they have heard of the Instructions, they lack any practical insight into the application procedures and regulatory framework. When asked about the application form (mentioned in the Instructions), they indicated having no knowledge of it. This is not surprising. Based on our general observations, as well as news articles,<sup>3</sup> it seems that very few people, if any, seek to obtain the licenses in practice and thus the procedures for doing so remain largely unused and undefined.

The Instructions do not distinguish between Jordanians and non-Jordanians in any way. The Instructions differ markedly in this respect from the Jordanian Labor Law (which, as noted above, relates to employment). Likewise, because the Instructions are unused, it is extremely difficult to predict how they might apply in practice to foreigners, and refugees in particular.

Moreover, the Licensing Instructions have little to say about bring goods to market, other than to note, for instance, that the transportation of goods cannot affect the residential character of the premises or bother neighbors. Instead, it seems that separate provisions guide the production and sale of goods outside the home. The Crafts and Industries Law, for instance, refers to "Mobile Sellers" in its definition section, though otherwise includes few, if any, specifics that relate to them in particular. All that seems clear from the Law's text is that, in theory, selling outside the home could require an additional license. In practice, many organizations and individuals sell their products in places like Souk Jara without the need to gain approval from state authorities. While this seems clear, the technical need to have a license might nevertheless pose considerable risks to refugees.

### **3.2. Potential Default Procedures and Requirements**

Because the Instructions lack specific requirements, looking to the Law (under which the Instructions sit) and its implementation is potentially insightful. While the Law also sets forth only imprecise application requirements and processes (Art. 6), ARDD-LA knows a great deal about them in practice, having helped numerous organizations and individuals obtain vocational licenses in recent years.

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<sup>3</sup> See, e.g., "Homemade Products Compete with Restaurants and Calls for Monitoring" (translation from Arabic), Al Ordunieh, August 2014.

It is important to note that in general vocational licenses apply foremost to the place of business (not, as one might assume, to individual practitioners per se). This is clearly reflected in the licensing requirements.

Typically, the Municipality requires the following for issuance of a (general) vocational license:

1. A completed application form;
4. The applicant's ID;
5. The landlord's ID and the Arabic version of the lease (for lessees);
6. The original ownership deed (سند تسجيل) of the property;
7. The document (إذن أشغال) issued by the Municipality for the current year attesting to the veracity of the property's blueprint;
8. The land plan/scheme (مخطط أراضي), which documents the location of the land, and the site organization plan/scheme (مخطط موقع تنظيمي), which places the site within surrounding structures (roads, etc.);
9. One's (or one's business's) MoITS registration certificate;
10. Payment of the licensing fee, which relates both to the space of the premises and the nature of the business.

No doubt these requirements are cumbersome. Unfortunately, for home-based work, they are likely to be nearly the same, if not more extensive. Here too the Municipality reserves the right to impose requirements in addition to the above.

### 3.3. Potentially Excluded Positions

There is an interesting area of ambiguity under the Law. Pursuant to Article 3(b), certain businesses and professionals might be excluded from the need to obtain vocational licenses or pay fees. The related list, Table of Exemptions from Professional License Fees, includes women who make their living by sewing or through simple work in the home that does not require additional workers. Art. 3. While the text of the Law's Art. 3 seems to exclude them from the need to obtain vocational licenses, the title of the Table, to which Art. 3 refers, references fees alone. Thus at least some ambiguity seems to exist about the scope and nature of the exemptions. Note that the Table also includes builders, sculptors and stonemasons who lack a designated place of work. Art. 4.

### 3.4. Work Permits and Protection Concerns



It seems as though obtaining a vocational license might not supplant the need to obtain a work permit. This seems to be true even for foreigners, including refugees, working from home on their own (i.e. while not employing others). The legal rationale here is somewhat surprising in light of the fact that the Labor Law seems to apply (only) in the presence of an employer-employee relationship.

Under the law, it seems possible for the home-based professional to be both the legal “employer” and “employee.” When the professional registers with the MoITS, even as an “individual,” he or she nevertheless creates a business-like entity under the law. That entity, which remains the individual licensee for all practical purposes, functions as the “employer” under the law.

While that entity remains the professional for practical purposes, it might function legally as the “employer.”

Meanwhile, the professional might simultaneously serve as the entity’s (i.e. his or her own) legal “employee.” And, because the home-based professional is an “employee,” he or she, by the terms of the Labor Law, might be required to obtain a work permit. No doubt this rationale is somewhat surprising in light of one’s intuitive (and more realistic) understanding of the dynamics at play. However, this interpretation is *possible*, perhaps *highly likely*, and thus worthy of serious consideration and concern.

Practicing a profession within the home without a license, or otherwise in contravention of the Instructions is subject to penalty. Art. 11(c). The related fine (and prohibitions) is set forth under the Law, as ranging from 10 to 100 JOD. Art. 15(a). Closure of the shop is provided for in Article 15(b).

Relatedly, based upon the foregoing rationale, it is feasible (though perhaps improbable) for a professional working at home in the absence of a work permit to be subject to the fines imposed on “employers” in accordance with the Labor Law. Those fines are relatively substantial: 200 to 500 JOD per employee for the first infraction; 400 to 1,000 JOD per employee for infractions thereafter. Art. 12(e). The only punishment specified under the Labor Law for foreign “employees” is deportation (which, due to the *non-refoulement* principle, is unlikely (though not unheard of) for refugees).<sup>4</sup> Art. 12(g).

The absence of procedures for obtaining the license could, in theory, create opportunities for refugees, at least insofar as there are not yet any negative precedents. Stakeholders could advocate for allowing refugees to follow the licensing procedures before any adverse precedents are set.

While the Instructions say little about application procedures, they impose a relatively nuanced regulatory framework. Careful advocacy might also help mitigate or clarify some of the protection concerns that would result from refugee participation. For instance, prior landlord approval of the business is required (Art. 5(d)(2)), which opens a

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<sup>4</sup> Due to this dynamic, punishments typically follow in practice from the powers possessed by local Mayors, (who, under broad grants of authority can impose fines and temporary detention largely at their discretion).





window for exploitation. Moreover, the regulatory scheme includes unannounced visits by local authorities – in this case, to a refugee’s residence.

Under the Instructions, the complaints of neighbors could cause revocation of the license, and, unfortunately, complaints are likely for individuals who find success by becoming known within their communities. Coincidentally, several news articles have spoken about this issue, mainly with regard to food production in particular. One tells of how local shops and businesses, seeing home-based ones as threatening competition, are pushing for increased regulation and oversight.<sup>5</sup> Another two tell of how, in response to complaints from citizens, authorities have cited and closed numerous stores and small businesses in recent weeks for problems with their registration status and sanitation practices.<sup>6</sup> They note that at least some of the businesses are home-based ones operating without valid licenses.

Of course, for refugees, the likelihood of complaints is far higher. This is particularly true for Syrians who appear to be doing well relative to their local counterparts. Thus, the licensing and regulatory scheme could function to increase the susceptibility of refugees to exploitation and threats from neighbors and competing local businesses, resulting, perhaps, in closure of the business and loss of capital investment.

#### 4. OPPORTUNITIES FOR TEACHING

Unfortunately, there seems to be an equal amount ambiguity with respect to foreigners working within the education sector. To begin with, it is important to note that foreign teachers almost certainly need work permits to comply with local labor law.

##### 4.1. A “Closed Profession”

Moreover, teaching is largely a “closed profession,” for which, in theory, few work permits are available. ARDD-LA recently obtained a list of closed professions from the Directorate of Foreign Labor, which is housed within the MoL. The list includes, as “closed,” all education specialties, excluding only those for which the country lacks qualified Jordanians.<sup>7</sup> See Annex 7.2. The prohibition seemingly extends to all public schools. While registering with the Teachers Association is compulsory for all Jordanian teachers, foreign teachers are categorically barred from doing so.<sup>8</sup>

No doubt there are many foreign teachers in Jordan working in private schools and centers. Like foreign nationals in other sectors, they most likely work without formal work permits (and thus technically in violation of the Labor Law). Thus, the realistic

<sup>5</sup> See “Homemade Products Compete with Restaurants and Calls for Monitoring” (translation from Arabic), Al Jordunieh, Aug. 2014.

<sup>6</sup> See “Zarqa... Stopping 22 Commercial Businesses from Working” (translation from Arabic), Al-Ammoun, June 1, 2015 (noting authorities in Zaraq stopped the work of 22 businesses and cited 92 others); “Destruction of 19.5 Tons of Food Materials and Pausing and Closing of 28 Food-Related Institutions” (translation from Arabic), Al-Ammoun, June 11, 2015 (noting authorities conducted 302 field visits, issuing 153 warnings and closing 28 businesses).

<sup>7</sup> المهن التعليمية بطافة تخصصاتها، باستثناء التخصصات النادرة عند تعذر وجود اردني

<sup>8</sup> See Art. 5, regarding the rules for membership, of the Rules of Procedure for the Jordanian Teachers Association.



scope of *legal* employment within the education sector is likely much smaller than meets the eye. This seems particularly true for Syrian refugees, unfortunately, whom authorities might perceive as possessing relatively little unique expertise relative to their Jordanian counterparts.

#### **4.2. The Limited Exception**

The limited exception for certain specialties introduces a great deal of ambiguity. Because its bounds are vaguely defined, certainty about one's prospects only comes through attempting to navigate the bureaucratic process without knowing beforehand of one's chances for success. As noted above, the exception applies to only those specialties for which no qualified Jordanian is available.

The requirements for obtaining a work permit through the exception mirror those that apply in general (as outlined in Annex 7.1). Foreign teachers must also visit the Civil Service Bureau, simply for the Bureau to acknowledge that the teacher is non-Jordanian and thus unqualified to teach in certain areas. Unfortunately, when it comes to working legally, foreign teachers do not seem to possess other options, ones that might allow them to bypass the need for work permits.

#### **4.3. Vocational Licenses to Teach**

Moreover, it seems as though gaining a vocational license to teach – and thus at least some documentation – is equally unlikely. As noted above, vocational licenses are tied foremost to the place of business (such that teachers often operate under the vocational licenses of the centers in which they work). Thus gaining a vocational license to teach seems particularly unlikely for refugees. Unfortunately, the Licensing Instructions for the Exercise of Professions from Inside the Home do not include teaching as one of the potentially licensable professions. See Annex 7.4.

### **5. OPPORTUNITIES FOR PRACTICING MEDICINE**

“Medical professions” also appears on the list of closed professions. See Annex 7.2. In this case, the list does not include any exceptions, not even for specialties for which the country lacks local capacity. However, that exception might apply by default based on the wording of Article 12(a) of the Labor Law (which, as noted above, sets forth the basic provisions regarding foreigners and their need for work permits). The “Law of the Jordanian Medical Association” seems to confirm this. Article 8(f) notes that registration and licensing are possible for foreigners, provided the specialty is “needed by the Kingdom.”<sup>9</sup> Article 8 also specifies other requirements for gaining a practice certificate, such as those related to education and training. It includes references to reciprocity with other Arab countries. Art. 8(3-4)).

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<sup>9</sup> It seems that the Association's website relates to the provisions of the Law prior to its amendment. It notes an additional exception for foreign doctors working for charitable organizations. That exception no longer exists.



Recently, the Jordanian Medical Association introduced policies that substantially limit the ability of refugees to register as locally certified health professionals.<sup>10</sup> Namely, the Association rejects the applications of refugees, except those who will: (i) participate in a medical residency or fellowship; (ii) work in public facilities, having gained prior written authorization from MoH; (iii) or, teach at the university level. With respect to each of these exceptions, a one-year time limit applies, requiring yearly re-registration.

In sum, it is possible for foreigners to obtain work authorization based upon their medical credentials. However, their eligibility is limited, particularly in practice. Syrians, for instance, would certainly face many of the routine challenges that relate to their inability to gain work permits in general.

## 6. CONCLUDING THOUGHTS

Here, in light of the findings noted above, it is important to highlight concerns related to how the humanitarian community can move forward. In this respect, it is first important to acknowledge that the Government is unlikely to relax work permit requirements for refugees, even for home-based work. To some extent, the roots of the problem are linked to the general lack of employment opportunities in the country. It is equally important, if not more important, to acknowledge that many Jordanians and Jordanian institutions see the country's limited capacity for employment as the core problem – irrespective of whether or not some employment opportunities in fact exist (in certain sectors for instance). Widespread beliefs are important because, ultimately, the political dynamic is extremely influential with respect to the Government, which needs to be accountable to its people, especially now given events in the Region.

The issue is partially one of security. It is important to bear in mind that weighty fears of Jordan falling victim to conflicts within the Region have manifested themselves, in large part, in terms of labor unrest. Even before the Crisis, socioeconomic concerns and calls for greater employment were at the core of local protests.<sup>11</sup> The important point here is that, by allowing Syrians to work in potentially large numbers, the Government risks enflaming tensions and thereby jeopardizing local stability and security, which, of course, are paramount concerns. Unfortunately, even relatively small concessions, like allowing Syrians to work from home, seem unlikely given the public's reactions to issues of sort in the past. Moreover, recall that even Jordanian home-based businesses have fallen under increased scrutiny in recent months due to perceptions of increased competition.

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<sup>10</sup> Typically, in order to practice or teach medicine, one must first gain a registration letter from the Jordanian Medical Association. For foreigners, the Association determines if the specific specialty is one for which local expertise is lacking. Candidates take the registration letter to the MoH, which issues the professional certificate (indicating that the individual is licensed to practice within the country). The candidate then returns to the Association to gain his or her membership (professional practice) card.

<sup>11</sup> There were over 1,700 labor-related protests in Jordan in 2011 alone. International Labor Organization, *The Impact of the Syrian Refugee Crisis on the Labour Market in Jordan: A Preliminary Analysis*, pg. 13 (2014) (“This compares to only 139 labour protests during all of 2010.”), citing, Labour Watch, *Labour Protests in 2011: Analytical Report*, available at <http://www.labour-watch.net/en/index.php/report-english/3400-labour-protests-in-2011>.



It is tempting to believe that small scale operations, like those established through microfinance, might easily fly underneath the Government's radar. In fact, NGOs once offered microfinance activities to Iraqis with some degree of Government approval or indifference. Meanwhile, foreigners often work in Jordan without proper authorization and, in years past, the Government has been somewhat lenient about work violations by agreeing not to imposing harsh penalties in most (but not all) cases.

In this case, the past might poorly predict the future, and ARDD-LA fears that Syrians may bear the risk of misplaced assumptions. For Iraqis, there were roughly three to five microfinance projects of limited scope. By contrast, the need to find immediate, long-term solutions for far many more Syrians, coupled with widespread interest in doing so, foretells of the potential for far more extensive programming. As noted above, the introduction of extensive work-based programming is likely to raise public concerns. In turn, ARDD-LA anticipates that MoPIC approvals will be far harder to gain, and that, simultaneously, the consequences of skirting official processes could be far more dire. Recent developments, such as the freezing of shelter projects, and even the eviction of some Syrian tenants, shows the Government's resolve to tighten its policies and pursue their application.

For this reason, ARDD-LA highlights the fact that the Government could, in theory, impose the work permit requirement broadly, even to encompass foreigners working at home. The idea of working from home (a closed, safe space) might provide a false sense of security. Success for most home-based businesses requires some degree of recognition within the community and, in this case, neighbors and nearby businesses would likely be sources of great risk. Finally, with respect to microfinance in particular, it is important to note that other legal challenges emerged from offering loans to Iraqis for the creation of small businesses. ARDD-LA handled many of the cases.

No doubt there is an extremely urgent need to provide Syrians with viable, long-term livelihood opportunities. In the effort to find solutions, "Do No Harm" demands that all humanitarian actors engage in earnest and pragmatic analysis, especially where doing so entails calling attention to programming risks or otherwise being the bearer of bad news. This obligation is particularly incumbent upon legal service providers, and here the call is particularly salient in light of the risks, which include summary deportation.

As a humanitarian organization, in particular one with an intimate understanding of local dynamics, ARDD-LA believes that providing solutions to the livelihood dilemma lies in supporting highly inclusive job creation, as well as in striving to alter local perspectives that incorrectly attribute the country's economic woes (including the lack of jobs in certain sectors) to the labor force participation of Syrians. ARDD-LA finds reason for at least some hope that these root causes can be addressed to the betterment of the general humanitarian situation within the country.

## 7. ANNEXES

### 7.1. General Requirements for Obtaining a Work Permit

Issuing a work permit under the Internal Regulations of the Jordanian Ministry of Labor typically requires:

1. A copy of the employment contract in Arabic;
2. A copy of the organization's registration certificate from MoITS or MoSD;
3. A letter showing the name of the organization's representative from MoITS or MoSD;
4. A copy of the organization's current vocational license;
5. A document from the Social Security Department showing the numbers (ratio) of Jordanian and non-Jordanian employees within the organization;
6. A blood test (health certificate);
7. A copy of a valid passport for the organization's representative or an ID card if the applicant is Jordanian;
8. Two personal photos;
9. A valid passport (expired passports have been accepted);
10. Practice certificate for some professions (i.e. medical professions)

## 7.2. Document on “Closed Professions”

It is important to note that the following list of professions was hard to obtain, even for ARDD-LA staff. Moreover, the list includes some apparent inaccuracies.

### Hard to Obtain

The enclosed list was hard for ARDD-LA to obtain. It does not exist online, nor can it be found in hard copy form (e.g. as a brochure, a poster, etc.). To gain the list, ARDD-LA visited several offices within MoI, ending with the Directorate of Foreign Labor (Office 1). The officer with whom ARDD-LA spoke was initially hesitant to share a printout of the list, though he ultimately did so.

Even then, the Directorate of Foreign Labor provided only a printout that lacks letterhead or any other official insignia or markings. While the printout did not include a date, the officer acknowledged it as up-to-date.

### The Professions and Apparent Inaccuracies

The list that ARDD-LA gained from the Directorate of Foreign Labor notes the following as the closed positions:

قائمة المهن المغلقة أمام العمالة الوافدة		List of Closed Professions for Foreign Labor
المهن الطبية	1	Medical sector
المهن الهندسية	2	Engineering sector
المهن الادارية والمحاسبية	3	Administrative and accounting fields
المهن الكتابية بما في ذلك اعمال الطباعة والسكرتاريا	4	Professions related to writing, including typing and clerical work
اعمال المقاسم والهواتف والتوصيلات	5	Labor for call centers, telephones and communications
اعمال المستودعات	6	Warehouse labor
اعمال البيع بكافة فئاتهم	7	Labors in selling of all types
اعمال قص الشعر ( الكوافير )	8	Coiffeurs
اعمال الديكور	9	Décor work
المهن التعليمية بكافة تخصصاتها، باستثناء التخصصات النادرة عند تعذر وجود اردني.	10	Education professions of all specialties, with the exception of specialties for which there is no Jordanian
بيع المحروقات في المدن الرئيسية.	11	Sellers of fuel (or combustible materials) in major cities
مهن الكهرباء.	12	Electrician field
مهن الميكانيك وتصليح السيارات.	13	Mechanic and car repair professions
السواقين.	14	Drivers
الحراس والمراسلون	15	Guards and delivery personnel



خدم العمارات	16	Building helpers
--------------	----	------------------

\* Note the original list included spelling mistakes that have been fixed above

The inclusion of building helpers (16) and sellers of fuel (6) calls the accuracy of the list (or its practical value) into consideration. Both are roles that are often filled by foreign workers, typically Egyptians, including those who possess work permits. There are also many foreign education professionals (10) who work at the university level and foreign coiffeurs (8) in Jordan. ARDD-LA finds the inclusion of these professions confusing and problematic in terms of the list's overall validity.

It is often said that farming and cleaning positions are ones that foreigners *can* hold. This appears to be true based on the list's omission of them.

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### **7.3. Relevant Laws & Regulations (Arabic & English)**

The following includes the official (Arabic) versions of the legal provisions noted in the paper, as well as ARDD-LA's English translations of them.

On the issue of the translation, please note that the English texts are unofficial and provided only for increased accessibility. ARDD-LA endeavored to translate word-for-word to the greatest extent possible (even where doing so results in less than ideal diction). The use of [brackets] indicates places in which the translation is relatively less literal.

The following appears below:

1. The Labor Law (sections thereof);
2. The Law for the Licensing of Professions for the City of Amman (sections thereof);
3. Schedule of Exemptions of Fees for the Licensing of Professions for the City of Amman (sections thereof);
4. Licensing Instructions for the Exercise of Professions from Inside the Home for the Year 2012 (in full);
5. The Internal Rules of the Jordanian Teachers Association (sections thereof).

قانون العمل وتعديلاته رقم 8 لعام 1996  
حل محل قانون العمل وتعديلاته رقم 21 لعام 1960

...

The Labor Law and Its Amendments No. 8 of 1996  
Replaced the Labor Law and Its Amendments No 21 of 1960

...

المادة 2

يكون للكلمات والعبارات التالية حيثما وردت في هذا القانون المعاني المخصصة لها أدناه ما لم تدل القرينة على غير ذلك:

Article 2

The following terms and phrases wherever mentioned in this law shall have the meanings set forth, unless the context indicates otherwise:

...

صاحب العمل: كل شخص طبيعي او معنوي يستخدم بأي صفة كانت شخصا او اكثر مقابل أجر.

Employer: Every natural or legal person who hires another person for his/her service in exchange for compensation.

...

العامل : كل شخص ذكر أو أنثى يؤدي عملا لقاء أجر ويكون تابعا لصاحب العمل وتحت إمرته ويشمل ذلك الأحداث ومن كان قيد التجربة أو التأهيل.

Employee: Every person male or female performing work in exchange for compensation [where he or she] follows the employer [under] the employer's orders. [An employee] includes juveniles, and those under probation or rehabilitation.

العمل : كل جهد فكري أو جسماني يبذله العامل لقاء أجر سواء كان بشكل دائم أو عرضي أو مؤقت أو موسمي.

Work: All activities involving mental or physical effort exerted by the Employee in exchange for compensation on a permanent, casual, temporary or seasonal basis.

...

الأجر : كل ما يستحقه العامل لقاء عمله نقدا أو عينا مضافاً إليه سائر الاستحقاقات الأخرى أي كان نوعها إذا نص القانون أو عقد العمل أو النظام الداخلي أو استقر التعامل على دفعها باستثناء الأجور المستحقة عن العمل الإضافي.

Compensation: All cash or in-kind entitlements of the Employee in exchange for his work, in addition to entitlements of whatever type [as] provided by the law, the work contract, the bylaws or [that which is customary or typical], with the exception of [overtime pay].

...



### المادة 3

أ مع مراعاة احكام الفقرة (ب) من هذه المادة ، تطبق احكام هذا القانون على جميع العمال واصحاب العمل باستثناء الموظفين العمامين وموظفي البلديات.

ب تحدد الاحكام التي يخضع اليها عمال الزراعة والعمالون في المنازل وطهاتها وبستانيها ومن في حكمهم بمقتضى نظام يصدر لهذه الغاية على ان يتضمن هذا النظام تنظيم عقود عملهم واوقات العمل والراحة والتفتيش واي امور اخرى تتعلق باستخدامهم.

### Article 3

A. Subject to the provisions of paragraph (b) of this Article, the provisions of this law apply to all Employees and Employers except for public servants and municipal employees.

B. Provisions governing agricultural workers, domestic workers, cooks and gardeners shall be determined [by] regulations issued for this purpose, provided that the framework regulates their contracts, [their] working hours, [their] rest hours, inspections and any other matters related to their employment.

...

### المادة 12

أ لا يجوز استخدام أي عامل غير أردني إلا بموافقة الوزير أو من يفوضه شريطة أن يتطلب العمل خبرة وكفاءة غير متوفرة لدى العمال الأردنيين أو كان العدد المتوفر منهم لا يفي بالحاجة وللوزير اصدار اي تعليمات يراها لازمة لتنظيم استخدام واستقدام العمال غير الأردنيين لغايات هذه المادة.

### Article 12

A. It is not permissible to employ any non-Jordanian Employee, except with the approval of the Minister, or [he or she to whom the Minister has delegated authority], [and] provided that the work requires experience and capability not available from Jordanian Employees or [in the event] the available number [of qualified Jordanian employees] does not meet [demand]. The Minister may issue any instructions necessary to regulate the employment and recruitment of non-Jordanian workers for the purposes of this Article.

...

هـ يعاقب صاحب العمل أو مدير المؤسسة حسب مقتضى الحال بغرامة لا تقل عن مائتي دينار ولا تزيد على خمسمائة دينار عن كل عامل غير اردني يستخدم بصورة تخالف احكام هذا القانون ، وتضاعف هذه الغرامة في حالة التكرار ولا يجوز تخفيض الغرامة عن حدها الأدنى في أي حالة من الحالات أو لأي سبب من الأسباب.

E. The Employer or the Manager of the organization shall be penalized, as the case may be, by a minimum fine of two hundred Dinars, and not more than five hundred Dinars, for every non-Jordanian Employee who is employed in a manner in violation of the provisions of this Law. The fine shall not be reduced below its minimum in any case or for any reason.

و تعتبر مخالفة لاحكام هذا القانون استخدام العامل غير الاردني في اي من الحالات التالية:

1 استخدامه دون الحصول على تصريح عمل.

2 استخدامه لدى صاحب عمل غير المصرح له بالعمل لديه ما لم يكن حاصلًا على اذن بذلك من الجهة المختصة في الوزارة.

3 استخدامه في مهنة غير المهنة المصرح له العمل بها.

F. Employment of a non-Jordanian Employee is considered a violation of the provisions of this Law in any of the following cases:

1. Employment without a work permit.

2. Employment by an Employer [with whom the Employee is not authorized to work], unless permission has been gained from the concerned authorities of the Ministry.

3. Employment in a profession which the Employee is not permitted to practice.

ز . يصدر الوزير قرارا بتسفير العامل المخالف لأحكام هذه المادة إلى خارج المملكة على نفقة صاحب العمل أو مدير المؤسسة ويتم تنفيذ هذا القرار من قبل السلطات المختصة ولا يجوز إعادة استقدام او استخدام العامل غير الاردني الذي يتم تسفيره قبل مضي ثلاث سنوات على الاقل من تاريخ تنفيذ قرار التسفير .

G. [In the event an Employee violates the provisions of this Article,] the Minister shall issue a decision regarding deportation (outside the Kingdom) at the expense of the Employer or the organization's Manager. Such a decision shall be executed by the competent authorities. The non-Jordanian Employee who is deported from Jordan is not permitted to return back to the Kingdom [until] three years have passed from the date of [the deportation decision].

### قانون رخص المهن لمدينة عمان وتعديلاته

## The Law for the Licensing of Professions for the City of Amman and its Amendments

...

### المادة 3

أ . مع مراعاة احكام الفقرة ( ب ) من هذه المادة لا يجوز لاي شخص ان يتعاطى اية مهنة في مدينة عمان ما لم يحصل على رخصة بذلك و يدفع الرسم المستحق عليها بمقتضى الجدول ( 1 ) الملحق بهذا القانون ويشترط في ذلك ان لا يغني الترخيص الصادر لاي نشاط تجاري او صناعي او سياحي بموجب اي قانون اخر ينظم ذلك النشاط عن ضرورة الحصول على الرخصة وفقا لاحكام هذا القانون ودفع الرسم المقرر بموجبه وذلك بالاضافة الى الرسم المقرر بمقتضى ذلك القانون .

ب . يعفى من الحصول على الرخصة ومن دفع الرسم الاشخاص الذين يتعاطون المهن المدرجة الجدول رقم ( 2 ) الملحق بهذا القانون

### Article 3

A. Subject to the provisions of paragraph (b) of this Article, no one is permitted to practice any profession in the City of Amman without [first] obtaining a [vocational] license and without paying the fee [stated] in Table 1 [of] this law. A license issued for any business, [or any] industrial or tourist activity, under any other law regulating that business or activity does not replace the need to obtain [a vocational] license in accordance with the provisions of this Law and to pay the fee required [in addition to the fee(s) required by any other laws].

B. Persons practicing professions listed in Table 2 [of] this law are exempt from obtaining [a vocational] license.

...

#### المادة 6

أ يقدم طلب الحصول على الرخصة الى الامين على النموذج المقرر مرفقا بالمستندات والبيانات المطلوبة خلال المدة المحددة لذلك، ويصدر الامين قرارا بالموافقة على الطلب اذا كان مستوفيا للشروط المنصوص عليها في هذا القانون

ب تحدد شروط منح الرخصة بتعليمات يصدرها المجلس.

#### Article 6

A. The application for obtaining [a] license shall be submitted to the Mayor (Al-Amin) [on] the approved form, [and shall be] accompanied by [whatever] documents and information [are required for] the specified period. The Mayor will approve the application if the conditions and requirements stipulated in the Law are met.

B. Determining the conditions for granting the license by instructions issued by the Board.

#### المادة 15

أ يعاقب بغرامة لا تقل عن عشرة دنانير و لا تزيد على مائة دينار كل من

1 مارس في مدينة عمان مهنة بدون ترخيص.

#### Article 15

A. [The following are] punishable with a fine of not less than ten dinars and not more than one hundred dinars:

1. A person practicing a profession in the City of Amman without a work permit.

...

ب بالاضافة الى ما ورد في الفقرة "أ" من هذه المادة يحكم باغلاق المحل الى أن يستكمل المخالف اجراءات الترخيص او يقوم بازالة اسباب المخالفة

B. In addition to what is stated in paragraph "a" of this Article, the store will be closed until the violator completes the licensing procedures or removes the causes of the violation.

---

جدول الإعفاءات من رسوم رخص المهن لمدينة عمان و تعديله رقم 2 لسنة 1985

Table of Exemptions from Professional License Fees for the City of Amman

...

#### المادة 3



ARDD-LEGAL AID

3. النساء اللواتي يحصلن على معاشهن بواسطة حياكة اليد او بتعاطي بعض المهن او الاعمال البسيطة في بيوتهن بدون استخدام عاملات او عمال. جدول الإعفاءات من رسوم رخص المهن لمدينة عمان و تعديله رقم 2 لسنة 1985

#### Article 3

3. Women who work in hand sewing or in other simple businesses from home that do not require employing workers.

#### المادة 4

4. أ . جميع المستخدمين والمستخدمات في المصالح الخاصة وماذونو عقود الانكحة الشرعيين .

ب. البنؤون والنحاتون والحجارون على ان لا يكون لاي منهم مكتب او محل يعمل فيه

#### Article 4

4 (A). All employees of (or, persons used to serve) private (special, personal) interests and persons authorized to perform civil marriages.

4 (B). Construction workers, sculptors, and stone masons who do not have an office or a special workplace.

### تعليمات ترخيص ممارسة المهن من داخل المنزل لعام 2012

#### Licensing Instructions for the Exercise of Professions from Inside the Home for the Year 2012

#### المادة 1

تسمى هذه التعليمات ( تعليمات ترخيص ممارسة المهن من المنازل ) ويعمل بها من تاريخ نشرها في الجريدة الرسمية .

#### Article 1

These instructions are named (Licensing Instructions for the Exercise of Professions from Home), and it should be effective from the date of its publication in the official newspaper.

#### المادة 2

أ يكون للكلمات والعبارات التالية حيثما وردت في هذه التعليمات المعاني المخصصة لها أدناه ما لم تدل القرينة على غير ذلك.

القانون: قانون رخص المهن لمدينة عمان النافذ.

النظام: نظام الأبنية والتنظيم في مدينة عمان النافذ.

الأمانة: أمانة عمان الكبرى.

المجلس: مجلس الأمانة.

الأمين: أمين عمان الكبرى.

الشخص: أي شخص طبيعي أو معنوي حاصل على ترخيص وفق أحكام هذه التعليمات.  
المرخص له: الحاصل على ترخيص وفق أحكام هذه التعليمات.

المهنة: أي من المهن المحددة في القائمة الملحقة بهذه التعليمات والصادرة وفق أحكام المادة (3) منها.

المنزل: بيت السكن الذي ترخص ممارسة المهنة من داخله في المناطق السكنية وفق أحكام هذه التعليمات.

ب لغايات هذه التعليمات تعتمد التعريفات الواردة في القانون والنظام والمعاني المخصصة لها حيثما ورد النص عليها في هذه التعليمات.

## Article 2

A) The following words and phrases, wherever they occur in these instructions, shall have the meanings specified below unless otherwise indicated:

The Law: The Law for the Licensing of Professions for the City of Amman [as] effective [therein].

Regulations: the Regulations for Building and [Urban] Planning for the City of Amman (as) effective (therein).

The Municipality (Amaanah): The Greater Municipality of Amman.\*

The Council: The Council of the [Greater] Municipality [of Amman].

The Mayor (Al-Amin): The Mayor (Al-Amin) of Greater Amman.\*

The Person: Any natural or legal person (e.g. corporate "person") who has obtained a license in accordance with these instructions.

The Licensee: [He or she] who has obtained a license in accordance with these instructions.

The Profession: Any of the professions in the accompanying list published in accordance with Article 3.

The House: The residence within which the practice of the profession is licensed in residential areas and in accordance with these instructions.

B) For the purpose of these instructions, the definitions found in the law, the regulatory framework, and the specific meanings wherever provided by the text depend upon these instructions.

\*Amaanah and Amin are from the root "trust" and "honesty," but the Municipality's official translation is Municipality and Mayor. The terms for Amman differ from those for other cities.

## المادة 3

قائمة المهن:

أ يصدر المجلس قائمة بالمهن التي يجوز ترخيص مزاولتها من داخل المنزل بناء على تنسيب الأمين.

ب تكون القائمة الصادرة وفق أحكام هذه المادة جزءاً من هذه التعليمات.

### Article 3

The list of professions:

- A) The Council [shall issue] a list of professions for which the licensing of [their] practice from home is possible based upon the recommendations of the Mayor;
- B) The list issued in accordance with the rules of this Article is part of these instructions.

### المادة 4

يشترط في المهن التي يتم تحديدها وفقاً لأحكام الفقرة (أ) من المادة (3) من هذه التعليمات مايلي:

- أ أن لا تتطلب ممارستها استخدام معدات، أو القيام بعمليات تصنيع أو إنتاج أو تقديم خدمة من شأنها إحداث ضجيج، أو اهتزاز، أو وهج، أو دخان، أو غبار، أو رائحة أو تأثير كهربائي أو مغناطيسي، وأن لا يكون لها تأثير سلبي على الجوار.
- ب أن لا تستخدم أو تنتج مواد خطرة مثل المواد القابلة للاشتعال والمواد المتفجرة، والمواد السريعة الاشتعال، والمواد المشعة، والمواد السامة.
- ج أن لا تكون ذات تأثير سلبي على الصحة أو السلامة العامة، كتلك التي تتعلق بإنتاج أو تصنيع أو تحضير أو معالجة أو تعبئة أو تغليف أو تجهيز أو نقل أو حيازة أو توزيع أو عرض أو بيع أو تقديم المواد الدوائية أو المستلزمات الطبية.
- د أن لا تستخدم أو تنتج أو تتطلب استخدام معدات أو عملية تصنيع من شأنها استهلاك الخدمات أو البنية التحتية للمنطقة السكنية بما في ذلك المياه والكهرباء والصرف الصحي بشكل يتجاوز الحدود المألوفة للاستهلاك في المنطقة السكنية.

### Article 4

The professions specified in accordance with the provisions of paragraph (a) of Article 3 of these instructions shall adhere to the following:

- A. It shall not require the use of equipment, the carrying-out of manufacturing or production operations, providing a service that causes noise, vibrations, heat, smoke, dust, odors or electrical or magnetic interference. It should not [otherwise] negatively influence [that which is] in the vicinity.
- B. It shall not use or produce hazardous substances, such as combustible or explosive substances, highly flammable substances, radioactive materials or toxic substances.
- C. Its effects shall not negatively impact health or public safety, such as the effects related to the production, manufacturing, preparing, treatment, filling, packaging, processing, transportation, possession, distribution, display, selling or presentation of pharmaceuticals or medical supplies.
- D. It shall not use, produce or require the use of equipment or production processes that consume services or [wear down] the residential infrastructure of the area, including with respect to the [the use of] water, electricity and sewage facilities [in excess of] the customary level of conception in the residential area.

### المادة 5

إجراءات التقديم للرخصة

أ يقدم طلب الحصول على الرخصة إلى الأمين على النموذج المعتمد لهذه الغاية مرفقا بالمستندات والبيانات المطلوبة.

ب على مقدم الطلب أن يكون مستوفيا لشروط ومتطلبات ترخيص مزاولة المهن المماثلة وفقا لما هو معمول به في الأمانة.

ج على مقدم الطلب أن يقدم تعهدا بالسماح لموظفي الأمانة بالقيام بالاجراءات اللازمة للتفتيش على المنزل وفقا هو متبع في ترخيص المهن المماثلة في المناطق ذات التنظيم التجاري وذلك لأغراض الترخيص والتجديد وللتحقق من الشكوى.

د لا تمنح الرخصة لمقدم الطلب الا اذا توافرت به الشروط التالية:

1 أن يكون مقيما في نفس المنزل المطلوب ترخيص ممارسة المهنة من داخله ورافاق ما يثبت ذلك.

2 أن يقدم ما يثبت أنه مالك أو مستأجر للمنزل المنوي مزاولة المهنة فيه، أو أنه احد افراد عائلة المالك أو المستاجر القاطنين معه , وأن يرفق ما يثبت ذلك , وأن يرفق موافقة مالك العقار الخطية على استعمال المنزل لغايات ممارسة المهنة المطلوب ترخيص مزاولتها اذا كان المنزل مستاجرا.

3 أن لا يكون حاصلا على أي رخصة مهن اخرى .

4 اذا كان مقدم الطلب احدى الشركات المنصوص عليها في المادة (6 ب) من هذه التعليمات فيجب ان تحدد مكان الرخصة في منزل أحد الشركاء، على أن تتوافر فيهم الشروط الواردة في البنود (1 و 2 و 3) من هذه الفقرة.

#### Article 5

The procedures for applying for the license:

A. (The applicant shall) submit the request to obtain the license to the Mayor [Al-Amin] (using) the approved form, (likewise submitting) any other requested documents or information.

B. The applicant must be in compliance with the licensing conditions and requirements that relate to the practice of similar professions, in accordance with the established practices of the Municipality.

C. The applicant must permit Municipal employees to carry out the necessary inspection procedures of the house, in accordance with established practices for the licensing of similar positions in the area under commercial instructions, [or as otherwise necessary] for the sake [of issuing] the license, renewing [the license] or verifying complaints.

D. The license shall not be granted to the applicant unless the following conditions are fulfilled:

1. He or she must be a resident of the same home [for which he or she is requesting licensing] to practice the profession from within it. And [he or she must] attach prof of this.

2. He or she must present that which proves he or she is an owner or renter of the home intended for professional use or that he or she is a family member of the owner or renter who resides with him or her. He or she must also submit that which proves this. He or she must also attach the written agreement of the owner of the property regarding use of the home for the purposes of practicing the profession as requested for licensing if the housing is being rented.

3. He or she must not be in possession of any other professional license.

4. If the applicant is one of the companies mentioned in Article 6(b) of [the] Instructions, then the licensed premises must be within the house of one of the partners, based upon the completion of the conditions in clauses 1, 2 and 3 of this paragraph.

## المادة 6

- أ يصدر الأمين قراره بالموافقة على طلب الترخيص اذا توافرت الشروط والمتطلبات المنصوص عليها في هذه التعليمات.
- ب تصدر الرخصة باسم الشخص الطبيعي والمسجل في السجل التجاري للأفراد لدى وزارة الصناعة والتجارة أو باسم الشخص المعنوي والمسجل في سجل الشركات لدى دائرة مراقبة الشركات كشركة ذات مسؤولية محدودة أو شركة تضامن أو شركة توصية بسيطة فقط.
- ج الرخصة شخصية تخول مقدم طلب الترخيص تحديدا ممارسة المهنة أو المهن المحددة فيها وفق أحكام هذه التعليمات وفي المنزل المحدد فيها حصرا , ولا يجوز التنازل عنها لشخص آخر أو تغيير المنزل المحدد فيها وفقا لما تقتضيه أحكام هذه التعليمات.
- د الرخصة السنوية، ويجب تقديم طلب التجديد على النموذج المعتمد لهذه الغاية بانتهاء المدة المحددة فيها.
- هـ لايعفى الترخيص الصادر وفق أحكام هذه التعليمات من الحصول على التراخيص والموافقات والتصاريح التي تتطلبها التشريعات ذات العلاقة لممارسة المهنة.
- و يجوز تضمين الرخصة المهنية الواحدة عدة غايات شريطة تسجيلها ضمن سجل تجاري واحد.
- ز لا تضيف هذه التعليمات أي حق للمرخص له بالاستمرار بأي شكل مخالف للقانون والنظام أو أحكام هذه التعليمات.

## Article 6

- A. The Mayor will approve the license application if the conditions and requirements stipulated in the Instructions are met.
- B. The license [shall be] issued in the name of a natural person [who is] registered in the commercial registry for individuals with the Ministry of Industry and Trade or in the name of a legal person [that is] registered in the companies registry with the Directorate of Company Monitoring as only a limited liability company, a general partnership, or a limited partnership.
- C. The license is personal and grants only the applicant [the right] to practice the profession or professions specified within it, in accordance with the rules of the Instructions, and only within the specified residence. Transferring the license to another person or changing the specified house is not permitted [under] the rules of the Instructions.
- D. The annual license: it is necessary to submit the request for renewal on the form approved for this purpose by the end of the period specified within the license.
- E. Licenses issued in accordance with the rules of the Instructions do not waive [the need] to obtain (other) licenses, approvals and permits required by regulations (or legal provisions more generally) for the practice of the profession (in general).
- F. Including multiple purposes within the same professional license is permitted upon the condition that they are included within one commercial record.
- G. The Instructions do not grant any right to the licensee to proceed [or to continue conducting his or her affairs] in violation of the law, the regulatory framework(s) or the rules of the Instructions.

## المادة 7



اشتراطات استخدام جزء البناء المخصص لأغراض العمل من داخل المنزل

يشترط لترخيص ممارسة أي مهنة في المنزل مايلي:

أ أن لا تزيد المساحة المستغلة من المنزل لممارسة المهنة أو المهن المحددة في الرخصة على ما نسبته (15%) من المساحة الأرضية الإجمالية له أو على (25) مترا مربعا أيهما أقل , حيث يسمح باستغلال المساحة المخصصة للعمل للأغراض السكنية.

ب أن لا تتم ممارسة المهنة خارج حدود البناء المفروز أو المغلق للمنزل كالشرفات المكشوفة أو أي شرفة غير مسقوفة أو المنور أو السماعات أو الكراجات أو أي جزء مكشوف الجانب أو الجوانب من البناء وان كان مسقوفا ويقع ضمن حدود المنزل.

ج عدم إحداث أي تعديل أو تغيير في شكل البناء الخارجي الذي يقع فيه المنزل.

د عدم إحداث أي تعديل أو تغيير داخل المنزل يؤثر على طبيعة استخدامه السكني.

هـ عدم استخدام أي لافتة إعلانية على المبنى الذي يقع فيه المنزل أو على البناء الفرعي التابع له بما في ذلك الأسوار والأعمدة والمداخل والأبواب والشرفات والمنور والبروز المعماري أو أي مظلة أو أي مركبة يتم إيقافها بالمنطقة المحيطة بالمنزل. على أن يسمح استخدام قارمة لا تتجاوز مساحتها (15سم\*5سم) على باب المنزل فقط , موضح فيها الغايات ورقم الرخصة.

#### Article 7

Conditions for using part of the specified building for the purposes of work within the home:

Licensing for the exercise of any profession within the home is conditioned upon the following:

- A. That the area used within the home [used] for the practice of the profession or professions specified in the license does not exceed 15% of the total ground area of the home or 25 square meters, whichever is less (though it is [permissible] to use the area designated for work for residential purposes).
- B. That the exercise of the profession should not be done outside of the defined or closed borders of the building, such as [on or within] exposed balconies, any unroofed balcony, utility rooms, [open] areas, garages, exposed [places] of the building even if roofed and located within the bounds of the home.
- C. The nonoccurrence of modifications or changes to the exterior of the building in which the home is located.
- D. The nonoccurrence of modifications or changes within the home that impact its natural residential use.
- E. The nonuse of any advertising sign on the building in which the house is located or on its [associated parts], including walls, columns, entrances, utility rooms and external architecture, as well as on any canopy or vehicle parked within the area surrounding it. However it is permissible to use a sign with an area that does not exceed 15cm by 5cm on the door only indicating the goals (of the business) and the license number.

#### المادة 8

يشترط أثناء ممارسة المهنة التي يتم ترخيصها وفق أحكام هذه التعليمات الالتزام بالمعايير والشروط المحددة فيها بما في ذلك ما يلي:

أ عدم استخدام أو توظيف أي شخص للعمل لدى المرخص له في المنزل.

ب عدم التسبب بزيادة حركة السيارات والمركبات أو الازدحام في المواقف في المنطقة السكنية المحيطة.

- ج عدم ممارسة أي مهنة غير المهنة المحددة في الرخصة.  
د عدم نشر أي إعلان بأي صورة عن المهنة يتضمن الإشارة إلى موقع المنزل.

#### Article 8

While exercising professions licensed under the rules of [the] Instructions [one must] adhere to the standards and conditions specified herein, including the following:

- A. The nonuse or employment of any person by the licensee in [the licensee's] home.  
B. Not causing an increase in the movement of cars or vehicles or in congestion in parking places in the surrounding residential area.  
C. Not exercising any profession other than that which is specified in the license.  
D. Not spreading (or publishing) any advertisement with any image of the profession, including [anything that indicates] the location of the home.

#### المادة 9

- يشترط أثناء ممارسة المهن التي يتم ترخيصها وفق أحكام هذه التعليمات الالتزام بالمعايير والشروط المحددة فيها بما في ذلك ما يلي:
- أ المهن ضمن المجموعة (أ): تنطبق جميع الاشتراطات الواردة في المادة (8) أعلاه، وبحيث يسمح باستقبال متلقي الخدمة أو المتعاملين أو المراجعين أو الزبائن في المنزل وبما لا يزيد عن الحدود المألوفة للاستخدام السكني.
- ب المهن ضمن مجموعة (ب) الحرف اليدوية: تنطبق جميع الاشتراطات الواردة في المادة (8) أعلاه، إضافة إلى التالي:
- 1 يسمح بتخزين المواد الأولية والنهائية داخل البناء السكني بكميات لا تؤثر على طبيعة الاستخدام السكني للمنزل.  
2 يسمح بعرض المنتجات دخل المنزل واستقبال العملاء.  
3 يسمح بتسليم المنتجات النهائية من المنزل ودون التأثير على طابع المنطقة السكني.
- ج المهن ضمن مجموعة (ج) تصنيع الأغذية: تنطبق جميع الاشتراطات الواردة في المادة (8) أعلاه إضافة إلى التالي:
- 1 يسمح بتخزين المواد الأولية والنهائية داخل البناء السكني بكميات لا تؤثر على طبيعة الاستخدام السكني للمنزل، وحسب المتطلبات الواردة أدناه.  
2 لا يجوز عرض المنتجات داخل المنزل واستقبال العملاء.  
3 يسمح بتسليم المنتجات النهائية من المنزل ودون التأثير على طابع المنطقة السكني.  
4 غرفة إعداد الأطعمة: يشترط أن تكون بعيدة عن مصادر التلوث.

#### Article 9

While exercising professions licensed under the rules of [the] Instructions [one must] adhere to the standards and conditions specified herein, including the following:

- A. Professions within Group (A): All of the conditions mentioned in Article 8 apply, through it is

permissible to receive service recipients (i.e. clients), [those with whom one does business], reviewers (or auditors) or customers in the home provided [the flow of these individuals] does not exceed typical residential use.

B. Professions within Group (B), the handmade crafts: All the conditions mentioned in Article 8 apply, in addition to the following:

1. It is permissible to store primary and final materials within the residential building in amounts that do not impact the ordinary residential use of the home.
2. It is permissible to exhibit products inside the home and to receive clients.
3. It is permissible to deliver final products from the home [provided that doing so does] not impact the residential nature of the area.

C. Professions within Group (C), food manufacturing and processing: All the conditions mentioned in Article 8 apply, in addition to the following:

1. It is permissible to store primary and final materials within the residential building in amounts that do not impact the ordinary residential use of the home, per the requirements set forth below.
2. It is not permissible to display the products inside the home or to receive clients.
3. It is permissible to deliver final products from the home [provided that doing so does] not impact the residential nature of the area.
4. The room for food preparation: it is required to be far from pollution sources

5 البناء:

اسممتي ذات عزل جيد.

جيد التهوية والانارة مع وجود شفاطات لمنع الأبخرة والروائح.

التصميم يتناسب مع نوع المادة الغذائية.

وجود مصادر للمياه الباردة والساخنة وخزانات للماء.

الأرضيات من البلاط سهل التنظيف.

وجود مناخل على الشبابتك.

وجود نظام تصريف للمياه العادمة ومياه التنظيف.

مكان مخصص للتخضير والإنتاج والتخزين وأن تكون منفصلة وحسب سلسلة الإنتاج لسلامة المنتج الغذائي.

وجود غرفة للخدمات الأخرى مثل غرفة غيار, توفير وحدة صحية مع مغسلة مع وجود مغسلة خاصة بوضع عليها صابون ووسائل تجفيف الأيدي, وأن تكون منفصلة , ومغسلة خاصة لغسل المعدات والأواني.

وجود ثلاجة لتبريد وحفظ اللحوم.

أن تكون الجدران مبلطة صيني ليسهل التنظيف.

السقف أن يكون مدهونا باللون الفاتح.

باب المطبخ سهل الفتح والإغلاق.

أن يراعي في غرفة الاعداد عدم إمكانية تكاثر الحشرات ودخول القوارض.

وجود موقع منفصل لوضع المخالفات وحاويات للنفايات الصلبة ويتم التخلص منها أولاً بأول.

#### 5. The Building:

- Concrete (cement) of good insulation.
- Good ventilation and lighting with hoods/ducts to prevent vapors and odors.
  - The design is suitable for the type of food materials [being used].
- Sources for cold water and hot [water] and storage tanks for water are present.
  - The floors consist of easy-to-clean tiles.
  - The presence of screens on the windows.
  - A system for draining wastewater and cleaning water is present.
- Separate places dedicated to preparation, production, and storage, in accordance with the production chain [for] safe food products.
- Presence of a room for other services (as necessary), such as a changing room; providing a [sanitary station] with (i) a sink, [as well as] (ii) a separate sink [with] soap and means for hand drying, and (iii) a designated sink for washing equipment, [including] utensils and pots.
  - Presence of a refrigerator for cooling and preserving meat.
  - The walls must [be tiled with] “Chinese” tiles to facilitate cleaning.
  - The ceiling must be painted with a light color.
  - The kitchen door must open and close easily.
- Consideration [should be given] in the room(s) [for food preparation] to the reduction of insects [and] rodents.
- The presence of separate locations for the placement of irregularities and containers for solid waste, [which shall be] disposed of continuously.

6 المعدات:

أن تكون ملائمة لكل منتج غذائي.

أن تكون من النوع الذي لا يصدأ أو يمكن أن تصدر مواد سامة وسهلة التنظيف والصيانة.  
استخدام الكفوف ذات الاستخدام لمرة واحدة في بعض الصناعات وفي بعض مراحلها.  
وجود مواد تنظيف وتعقيم لا تؤثر على صحة الإنسان.

#### 6. Equipment:

- [Should] be appropriate for each [type of] food product.
- [Should] be of the kind that does not rust or emit toxic materials and [that can be] easy-cleaned and maintained.
- The use of one-time gloves in some industries and in some of its stages.
- The presence of cleaning materials and sterilization/sanitation [products] that do not (negatively) affect human health.

#### 7 عمليات الإنتاج:

يفضل أن تكون في مكان مخصص وتتم بدون تأخير في المراحل منعا للتلوث وان يخزن المنتج النهائي بشكل لا يسبب تلفه.  
وجود ثلاجة لتبريد وتجميد لبعض الصناعات الغذائية.

ومواد لمكافحة الحشرات). UV يجب أن يتم توفير آلية لعملية مكافحة الحشرات والقوارض)  
السماح لمفتشي الغذاء بالدخول لموقع العمل للتأكد من توفر الاشتراطات بزيارات غير معلنه .

#### 7. Production Operations

- Preferably [should be conducted] in a designated place, without delay in the phases to prevent contamination; the final product [should] be stored in a way that does not cause its ruin.
- Presence of a refrigerator for cooling and freezing for some of the food industries.
- A mechanism for the controlling insects and rodents must be available (UV and materials for fighting/combating insects).
- Allowing of food inspectors to enter the work site to make sure [these requirements are met] via unannounced visits

#### 8 نقل المواد الغذائية:

يجب نقل المواد الغذائية في ادوات حافظة لنقل المواد الغذائية حسب درجة حرارة المنتج تمنعه من التلوث بالجراثيم أو الحشرات.  
عدم إزعاج المجاورين أثناء عملية الإعداد والتداول أو نقل المواد الغذائية.

#### 8. Transporting Food:

- Food materials must be transported in preservation [containers] for food materials according to the temperature for the product at which the product will not be contaminated by germs or insects.

- [Shall not] disturb neighbors during the preparation process or the exchange or transport of food materials.

#### المادة 10

##### إجراءات التفتيش:

يتولى موظفو الأمانة القيام بالاجراءات اللازمة للتفتيش على المنزل لغايات استكمال اجراءات منح الرخصة والتجديد والتحقق في حال ورود شكوى، وذلك وفقا للتعهد المقدم سندا لأحكام الفقرة (ج) من المادة (5) من هذه التعليمات ووفقا لما هو متبع في ترخيص المهن المماثلة في المناطق ذات التنظيم التجاري .

#### Article 10

##### Inspection Procedures:

Employees of the Municipality are responsible (i.e. those designated) for carrying out the necessary inspection procedures of the home for the purposes of completing the procedures for license granting and renewal, as well as verification (of) complaints; this is in accordance with undertakings made pursuant to the provisions of paragraph (c) of Article (5) of [the] Instructions and in accordance with what (applies to the) licensing similar professions under (other) commercial instructions.

#### المادة 11

##### المخالفات

أ يكون المرخص له مسؤولا عن أي مخالفة لأحكام الشتريعات ذات العلاقة وأحكام هذه التعليمات وخصوصا المتعلقة بعايير وشروط ومتطلبات ممارسة المهنة ويحظر عليه مخالفة أي منها.

ب في حالة مخالفة أي من أحكام القانون أو هذه التعليمات يحق للأمين اتخاذ القرار بإيقاف الرخصة و/أو عدم تجديدها دون أي حق للمرخص له المخالف بالمطالبة بأي عطل أو ضرر.

ج تطبق الأحكام المتعلقة بالعقوبات و الغرامات الواردة في القانون على أي مرخص له أو أي شخص يخالف أحكام هذه التعليمات.

#### Article 11

##### Violations

- A) The licensee [takes] responsibility for any violation of the legal provisions that relate to the provisions of [the] Instructions, especially those related to the standards, conditions and requirements for exercising the profession [for which] his [or her] violation of them is prohibited.
- B) In the event of violation of any of the provisions of the law or these instructions, the Mayor (Al-Amin) has the right to halt the license and/or its renewal, with the licensee lacking any right to claim [recompense for] any loss or damage.
- C) The provisions related to penalties and fines [under] the law (i.e. the Law of Professional Licenses for the City of Amman) apply to any licensee or person who violates the provisions of these instructions.

#### المادة 12

## إلغاء الرخصة

تلغى الرخصة التي يتم منحها وفق أحكام هذه التعليمات في أي من الحالات التالية:

- أ بناء على طلب المرخص له أو المفوض بالتوقيع عنه.
  - ب وفاة المرخص له إذا كان شخصا طبيعيا أو وفاة الشريك المقيم في المنزل المحدد في الرخصة إذا كان المرخص له شخصا معنويا (شركة).
  - ج إذا تبين أن منح الرخصة كان مستندا الي بيانات أو وثائق غير صحيحة أو مزورة.
  - د مخالفة أي من أحكام هذه التعليمات وعلى وجه الخصوص المعايير والشروط والمتطلبات أو ارتكاب أي من الأفعال المحظورة ،أو التأثير على الصحة والسلامة العامة أو التسبب بتلوث البيئة أو إقلاق الجوار.
  - هـ زوال أو فقد أي شرط من شروط الترخيص مثل تغيير المهنة او المهن أو المنزل أو شطب شهادة تسجيل (المؤسسة الفردية أو الشركة)والصادرة من وزارة الصناعة والتجارة.
  - و نتيجة التحقق من صحة الشكوى المقدمة من الجيران من قبل اللجان المعنية في داخل الامانة.
  - ز عدم سماح المرخص له لموظفي الامانة القيام بعمليات التفتيش على المنزل.
- في غير الحالات المنصوص عليها في هذه التعليمات تطبق أحكام القانون والنظام والتعليمات المعمول بها في الأمانة بما في ذلك الاجراءات والرسوم.

## Article 12

### Cancelation (and Revocation) of the License

Cancelation of [a] license granted in accordance with the provisions of these instructions [may occur] in any of the following cases.

- A) Based upon the request of the licensee or [he or she who is authorized] to sign for the licensee;
- B) The death of the licensee if he or she is a natural person or the death of the resident of the specific house [to which the license pertains] if the licensee is a legal entity;
- C) If it turns out that the license was [based upon] data or documents that are [forged or otherwise untrue].
- D) Violation of any of the provisions of [the] Instructions, in particular the criteria, conditions [or] requirements [set forth herein], or commission of prohibited acts, or [causing] effects adverse to health or public safety or causing contamination of the environment or disturbing neighbors;
- E) The [absence] of any condition of the licensing conditions, such as changing of the profession or professions or [changing of] the home or ending the certificate of registration (individual institution or company) issued by [MoITS].
- F) [Following] the verification of complaints from neighbors by the relevant committees within the Municipality;

G) The licensee not allowing the employees of the Municipality to undertake investigative operations in the home;

In other situations stipulated in [the] Instructions [following] legal rulings and the framework or instructions made by the Municipality regarding procedures or fees.

#### المادة 13

##### تفويض الصلاحيات

1 يصدر الأمين قراراً بتشكيل اللجان المذكورة في هذه التعليمات.

2 تكون دائرة رخص المهن و الإعلانات و دائرة الرقابة الصحية و المهنية و كل حسب إختصاصاته مسؤولة عن تنفيذ إحكام هذه التعليمات

3 للأمين أن يفوض أياً من صلاحياته الواردة في هذه التعليمات لأي من موظفي الأمانة على أن يكون التفويض خطياً ومحدداً.

#### Article 13

##### Delegation of Authority

1. The Mayor (Al-Amin) issues a decision to form the committees mentioned in [the] Instructions.

2. The Department of Professional Licenses and Advertising and the Department of Health and Professional Oversight are, each in accordance with its specialty, responsible for the execution of the provisions of [the] Instructions.

3. It is the Mayor (Al-Amin) who [may] delegate any of his powers, [as] mentioned in [the] Instructions, to any of the employees of the Municipality (Al-Amaanah), provided the delegation is written and specific.

#### المادة 14

تلغى تعليمات ترخيص المهن من داخل المنزل لسنة 2011.

مجلس أمانة عمان الكبرى

#### Article 14

The Professional Licensing Instruction for Inside the Home for the Year 2011 are cancelled.

The Council of Greater Amman Municipality

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النظام الداخلي لنقابة المعلمين الأردنيين

The Internal Rules of the Jordanian Teachers Association



...

الباب الثاني : عضوية النقابة

المادة 5

يلزم المعلم الراغب بممارسة مهنة التعليم في المملكة وخارجها الحصول على شهادة مزاولة المهنة ويُدْرَج اسمه في سجل عضوية النقابة إذا توفرت فيه الشروط التالية:

أن يكون متمتعاً بالجنسية الأردنية.

Chapter Two: Association Membership

Article 5

All applicants who wish to teach in Jordan or outside [of Jordan] have to obtain a practice certificate. The applicant's name will be included in the membership list of the Jordanian Teachers Association, [provided] the following requirements are met

The applicant must hold a Jordanian citizenship.

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#### 7.4. The Table of Licensable, in-Home Professions

The following table reflects that which accompanies the “Licensing Instructions for the Exercise of Professions from Inside the Home for the Year 2012.”

المهنة		Profession
المجموعة (أ): المهن الفكرية		Group A: Intellectual Professions
إستشارات إدارية	1	Administrative consulting
إستشارات تسويقية	2	Marketing consulting
إستشارات غذائية	3	Food (nutrition) consulting
التصميم الجرافيكية	4	Graphic design
التصميم الداخلي	5	Interior design
تحرير	6	Editing
تخطيط إستراتيجي	7	Strategic planning
ترجمة	8	Translating
التصميم الحدائق	9	Landscaping (gardening) design
التصميم المجوهرات	10	Jewelry design
التصميم أزياء	11	Fashion (clothing) design
تصميمات متحركة ثلاثية الأبعاد والوسائط المتعددة	12	3D animation and multimedia design
سكرتارية	13	Secretarial work
طباعة	14	Printing
علاقات عامة (كتابة أخبار صحفية)	15	Public relations (writing press releases)
تصميم مواد تسويقية و إعلانية	16	Designing marketing and advertising materials
أستشارات موارد بشرية	17	Human resources consulting
رسم معماري	18	Architectural design (drawing)
محاسبة بإستثناء التدقيق على الحسابات شريطة الإلتزام بالتشريعات السارية	19	Accounting, with the exception of auditing companies bound by specific legislation
إستشارات إقتصادية	20	Economic consulting
إستشارات ضريبية	21	Tax consulting
دراسات الجدوى الإقتصادية	22	Economic feasibility studies
دراسات السوق	23	Market studies
إعمال محاسبة بإستثناء التدقيق على الحسابات شريطة الإلتزام بالتشريعات السارية	24	(Duplicate of 19)
تكنولوجيا المعلومات (تطوير و تصميم برامج، تصميم المواقع الإلكترونية)	25	Information Technology (software and web development and design)
بيع و تسويق أجهزة مكتبية - من خلال الإنترنت	26	Sale and marketing of office devices through the internet
بيع و تسويق أدوات رياضية - من خلال الإنترنت	27	Sale and marketing of sporting goods through the internet
دراسات و إستشارات	28	[Conducting] studies and consulting
المجموعة (ب): الحرف اليدوية		Group B: Handcrafts



الحياكة	29	Sewing (also knitting, weaving, braiding)
التطريز	30	Embroidery
إعمال الخزف (الفخار)	31	Making ceramics (pottery)
زخرفة السيراميك	32	Decorating ceramics
حياكة الحصر و السجاد	33	Weaving rugs and carpets
تصنيع الصابون	34	Soap making
أغراض الزينة، كالمجوهرات و نوافذ الزجاج المعشق بمعدن الرصاص، و المعلقة الجدارية، المنحوتات	35	[Making] decorative things, like jewelry, stained glass windows
تصنيع الشموع	36	Candle making
المجموعات (ج): تصنيع الأغذية		Group C: Food Production
المرببات	37	Jams
المخبوزات المنزلية (الكعك، المعجنات، كيك، بسكويت، حلويات)	38	Homemade baked goods (bread, pastries, cakes, cookies, sweets)
تحضير الخضار (حفر الكوسا، ملوخية، جزر، و غيرها)	39	Vegetable preparation (coring zucchini, chopping mulukhiyah, carrots, and others)
الكبيس بأنواع	40	Pickling of various types
الجميد و منتجاته	41	[Making] jameed and its ingredients
تحضير الأعشاب و البقوليات	42	Preparation of herbs and legumes