

# Fraud

## Syrians, Fraud and Forgery in Jordan

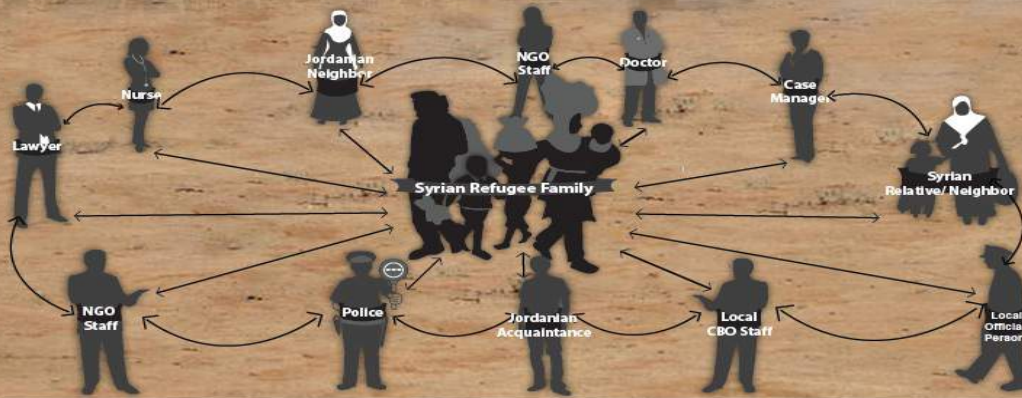


**ARDD-LEGAL AID**

Arab Renaissance for  
Democracy & Development

2013 - 2014

## The Costs of Confusion Uncertainty, Referrals, and the Rising Incidence of Fraud



"Often, trying to meet their needs, refugees navigate an ever-expanding web of interlocutors who possess imperfect information and make unnecessary referrals. Each referral imposes transportation costs that, over time, can be as crippling as the overall environment of uncertainty and misinformation."



## About ARDD-LA

ARDD-LA is the first Arab organization dedicated to fighting injustice through the provision of free legal aid services and the promotion of human rights, democracy, and development.

### Mission

ARDD-LA is devoted to fostering justice, human security, and stability within the Middle East and North Africa (MENA) Region, in part by empowering marginalized groups to assert their legal rights. ARDD-LA recognizes the value of providing free legal services to help victims seek redress and to hold human rights violators accountable. Additionally, ARDD-LA strives to provide effective humanitarian relief, as well as crucial legal research and advocacy.

### Overview

Founded in January 2012, ARDD-LA is a newly created, local, independent, non-governmental organization. ARDD-LA was conceived to expand upon the services of its predecessor organization, Legal Aid in Jordan. ARDD-LA works to maintain total independence and transparency.

ARDD-LA is proud of its human rights-based approach, which emphasizes the right to development in terms of its economic, social, cultural, and political elements. During its short time in existence, ARDD-LA has forged partnerships regionally and internationally for the sake of honoring its holistic approach to grass-roots empowerment.

ARDD-LA focuses on grassroots implementation, as well as linking the voices of local communities to key agenda-setting and policy-making efforts.

*This report deals with the highly sensitive issue of how fraud and forgery impact Syrians in Jordan, both in the urban and camp settings.*

*The results illustrate the gravity of these issues, explain their origins, and emphasize the need for action.*

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*This report was researched and developed by the ARDD-LA Team.*

*Dennis Ardis contributed in terms of development, analysis, and writing.*

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*Research for this report took place primarily in July till December 2013.*

*However, in developing the Report, ARDD-LA capitalized on several years of institutional knowledge.*

*Verification of the data in the Report has been ongoing through the date of the Report's release.*

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|---------------|-------|---|
| ARDD-LA       | ..... | Arab Renaissance for Democracy and<br>Development – Legal Aid |
| CBO           | ..... | (Local) community-based organization                          |
| INGO (or NGO) | ..... | International non-governmental organization                   |
| JOD           | ..... | Jordanian Dinar   |
| MoL           | ..... | Jordanian Ministry of Interior                                |
| MoSD          | ..... | Ministry of Social Development                                |
| NGO           | ..... | Non-governmental organization                                 |
| UN            | ..... | United Nations  |
| UNHCR         | ..... | United Nations High Commissioner for Refugees                 |
| WFP           | ..... | United Nations World Food Programme                           |

# Abbreviations

# Executive Summary

ARDD-LA is the sole partner of the UNHCR with regard to the provision of legal aid services in Jordan. As such, ARDD-LA is intimately involved in the most pressing day-to-day protection concerns of Syrians in the country. In fact, ARDD-LA currently receives, on average, 50 calls per day to its 24-hour Emergency Line, which came into existence long before the Syrian Crisis began.<sup>1</sup> The Emergency Line, which is just one source of information, not only places the organization in the unique position of learning about critical issues as they arise, but also allows the organization to step back and to identify common trends worthy of analysis and action.

Of the countless trends ARDD-LA has seen develop over the last two years, none have been more problematic than those tied to the issues of concern in this report. In short, most, if not all, protection concerns make Syrians susceptible to countless forms of illegal exploitation. Rampant misinformation within Syrian communities then becomes the primary culprit, which makes the mere likelihood of Syrians falling into illegal exploitation become near certainty. Witnessing this trend, as well as its dire repercussions for Syrians – who can lose, not only their savings, but also their liberty – made writing this report imperative.

The objectives of this report are primarily two-fold. First, ARDD-LA sought to expose the primary types of fraud and forgery (collectively, “illegal exploitation”) that plague Syrian communities. Instead of trying to address every type of illegal exploitation, ARDD-LA aimed to present the most pressing ones, in part to flag those worthy of prioritization. Second, seeing misinformation as the ultimate culprit, ARDD-LA sought to shed light on how and why these scams unfold. For this reason, the report devotes considerable space to explaining the underlying contexts that give rise to each issue. The old adage, “knowledge is power,” rings with truth here. Accurate information is the first line of defense against illegal exploitation, and Syrians in Jordan are often both ill-equipped and outgunned in this regard.

This report consists primarily of two sections. Section One addresses the issue of fraud, as well as some related forms of exploitation. Section Two focuses on the issue of forgery. These two topics generally raise separate legal concerns. In the case of forgery, for instance, Syrians are much more likely to face prosecution as the result of their victimization. Collectively the two sections represent some the most pressing legal concerns Syrians face.

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<sup>1</sup> This estimate is conservative. On some days, ARDD-LA receives in excess of 65 calls. The number of calls has been this high since the Syrian Crisis began, in part due to the fact that the number for the Emergency Line has on UNHCR materials. Of the calls, 10-12 calls each day, at least, pertain to the precise issues of concern in this report.

In terms of methodology, it is important to emphasize that this project grew out of an already existing body of data that is, by all accounts, considerable.<sup>2</sup> For the purpose of this report, ARDD-LA supplemented the existing data, in part, with structured group discussions and follow-up interviews to confirm specific trends and to highlight important considerations (e.g., the number of individuals impacted in terms of percentages). In addition to explaining the methodology, the subsequent section aims to highlight several key limitations to the report. Perhaps the most significant of them is the inherently sensitive nature of the topics of consideration for all stakeholders. Recall that the central focus of this report is exposing the impact of fraud on Syrians; the report does not devote sufficient attention to the ways in which Syrians might commit exploitation (e.g., against NGOs) themselves.

Each section begins by highlighting some “general findings” or themes. The most obvious observation, which nevertheless warrants pause here, is the sheer prevalence of these issues overall. Another significant finding, as noted, is the extent to which misinformation regarding many critical processes increases the likelihood of Syrians failing victim to certain types of scams. Misinformation within Syrian communities is contagious. It often outweighs the flow of otherwise clear, consistent advice from highly credible sources. And yet, of course, providing clear, consistent advice on these issues is not easy. By clarifying key issues and procedures, this report helps evidence how nuanced the issues have become. Other findings include the extent to which certain forms of illegal exploitation are location-specific, as well as the extent to which many Syrians are afraid to assert their rights in local courts.

Finally, in terms of recommendations, each of the topics in this report present an area in need of awareness raising and education. Throughout this report, awareness raising refers primary to informing stakeholders of the underlying issues, including their gravity; whereas, education refers to developing the capacity of stakeholders to deal with these issues more effectively. Often there are ways for Syrians to take highly effective preventative measures. The final section of the report details many other recommendations (which also appear in context in relevant subsections throughout the document) for key stakeholders, including the Jordanian Government, the UNHCR, and NGOs.

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<sup>2</sup> Recall that, alone, ARDD-LA receives 50 calls per day to its Emergency Line. The organization closely tracks these calls for follow-up and analysis.

# Introduction

## Context: Syrians in Jordan

### (a) General Context

As of August 14th, 2013, the UNHCR reported that Jordan had become home to 516,449 Persons of Concern due to the Syrian crisis.<sup>3</sup> That number reflects the 458,526 Syrians who had, by that date, registered with the UNHCR, as well as the 57,923 Syrians who had then yet to do so. The number of registered Syrians dispersed throughout the country in urban areas was 325,439 (i.e., more than 70% of the total number of registered Syrians), with the remainder of registered Syrians, i.e., 133,087, then living in the camp setting.<sup>4</sup> The Jordanian Government maintains slightly higher figures with regard to the overall number of Syrians living in Jordan. In early July, 2013, for instance, the Government noted that as many as 600,000 Syrians lived within Jordanian borders, in which case they would constitute roughly 9% of the country's total population.

The number of Syrians who enter Jordan each day varies greatly. Yet, on average, Syrians continue to come in the thousands.

The crisis, which saw its first wave of violence in March 2011, unfortunately shows no signs of abating anytime soon.

This brief section aims only to highlight basic information of particular relevance to the subject matter of this report. There have been many other invaluable assessments that shed light on additional protection concerns for Syrians living in both the urban and camp settings.<sup>5</sup>

Pull factors for the entry of Syrians into Jordan are based in part on the longstanding relationship between the two countries, which, even prior to the crisis, yielded an open-door policy and many particularly strong cross-border ties among families. Syrians who possess passports can still enter Jordan legally, without even going through the trouble of obtaining foreign residency visas.

On the other hand, Syrians attempting to enter Jordan unlawfully (e.g., when lacking passports) must now travel to the sole operational refugee camp, Zaatari, where they may either remain or seek entry into the Jordanian community.

<sup>3</sup> "Persons of Concern to the UNHCR" is a general term used to describe all people whose protection and assistance needs are of interest to the UNHCR.

<sup>4</sup> See Syria Regional Refugee Response, accessed on August 15, 2013, available at <http://data.unhcr.org/syrianrefugees/country.php?id=107>

<sup>5</sup> See, e.g., CARE, Syrian Refugees in Urban Jordan, Rapid Participatory Community Assessment (Apr. 2013); Care, Baseline Assessment of Community Identified Vulnerabilities Among Syrians Living in Amman (Oct. 2012).



Syrians leave the Zaatari Camp both officially through the bailout system (which, as described below, applies primarily to humanitarian cases)<sup>6</sup> or, as often occurs, unofficially. Going to the Zaatari Camp has proven to be the path of many Syrians. In fact, due to the growth of the Zaatari Camp, it took only one year for the desolate piece of land in northern Jordan where the Zaatari Camp is located to become the second largest home of refugees in the world.<sup>7</sup> In March, 2013, the Jordanian government authorized the opening of the al-Azraq Camp, which many believe will be even bigger.

Note that Syrians inside and outside Zaatari often receive access to public healthcare and education, as well as some forms of aid (namely food vouchers). On the other hand, Syrians are normally unable to work legally in Jordan. And, on average, they possess little education and few resources. Nevertheless, Syrians often come to Jordan with at least some wealth in the form of gold and other valuables, which provides them with the opportunity to make one or two investments in their future.

Also note that Syrians often lack personal identification, in part because Zaatari Camp authorities seek to retain some of the personal documents they might carry into the country (e.g. the family book). And finally, in some cases, commonalities between

<sup>6</sup> See below, Section Two, “Zaatari Bail Document.”

<sup>7</sup> <http://www.unhcr.org/51f698ee6.html>

Syrian and Jordanian culture – or, the perception thereof – create additional challenges. Two key considerations in this regard include the high prevalence of bribery in Syria, as well as one seemingly slight, yet highly significant practice regarding lawful marriage.<sup>8</sup>

With the number of Syrians in Jordan on the rise, the historically positive relationships between Syrians and Jordanians risk souring. For instance, there appears to be growing animosity in some communities, particularly impoverished ones, that have either reached their absorption capacity or that perceive injustice through the disproportionate provision of aid.<sup>9</sup> Like some prior newcomers, Syrians also increasingly bear the brunt of concerns regarding the increasing cost of daily life in Jordan. Perceptions along these lines could help some individuals rationalize forms of exploitation against Syrians.

### (b) Legal Context

Jordan has not yet signed the 1951 United Nations Refugee Convention, nor yet established internal mechanisms for granting asylum. Instead, the Government receives Syrians, like all foreigners, through the legal framework of its Alien Law, and the UNHCR

<sup>8</sup> See below, Section Two, “Marriage and Birth Certificates.”

<sup>9</sup> The Government requires NGOs to provide services to Jordanians as well. Nevertheless, animosity and misconceptions along these lines exist.



operates under a memorandum of understanding.<sup>10</sup> The issue of entry and residency aside, Syrians are otherwise subject to the same laws and legal processes as Jordanians.

In short, the Jordanian legal system consists of three types of courts, roughly: regular courts, religious courts, and special courts. Issues in this report concern all three. Here, however, it is worthwhile to note that regular courts carry out both criminal and civil functions. Religious courts have jurisdiction over all matters of “personal status,” namely, of relevance here, those that pertain to marriage and kinship. Finally, the special courts of concern are the military or state courts that only handle specific crimes, like bribery of public officials.

In some cases, judges have been lenient with Syrians who find themselves in the throes of the legal system. That leniency, however, certainly is not enough to overcome the many issues Syrians frequently face at trial, like those tied to procuring evidence sufficient to support their legal claims. The most relevant concerns here stem from their need for access to courts and their need for access to legal advice and representation. Their need for access to courts, namely in the Zaatari Camp, has recently gained attention, with local authorities approving the establishment of the first

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<sup>10</sup> These faces were noted in CARE’s report, Syrian Refugees in Urban Jordan, Rapid Participatory Community Assessment (Apr. 2013).

religious court there.<sup>11</sup> Their need for access to legal advice and representation surfaces in areas throughout this report. Here it is particularly important to note that, under the Jordanian legal system, criminal courts do not automatically provide victims of fraud with financial restitution. Instead, Syrians will need attorneys to help them take independent legal action. Moreover, the need for legal experts to help all stakeholders, not only Syrians, to understand the complicated protection concerns of Syrians in Jordan should not be underestimated.<sup>12</sup>

This report includes two main sections, which correspond to the two particularly relevant areas of the law. The first area of law, that which pertains to fraud (Section One), appears in Article 417 of the Jordanian Penal Code. The second area, that which pertains to forgery (Section Two), appears in Articles 260 to 272. Because the legal consequences of forgery are more complicated, they appear in relatively greater detail below.

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<sup>11</sup> Weekly Inter-Agency Situation Report (Jordan), Syrian Refugee Response Update 22 July to 28 July 2013.

<sup>12</sup> For an example of the protection issues that arise, see the aforementioned Weekly Inter-Agency Situation Report (Jordan), Syrian Refugee Response Update 22 July to 28 July 2013, which draws attention to the difficulties Syrians face when attempting to gain the MoI Card, namely given their lack of other documentation and their lack of understanding about its function.

# Introduction

## Research Methodology

This section aims to describe the research methodologies of the report in considerable detail in order to enable the reader to fully understand the inherent strengths and limitations of the research findings.

The research sought to help answer five questions:

1. What are the primary types of fraud?
2. How pervasive is each?
3. What are the underlying causes of fraud?
4. What are the consequences of fraud?
5. What can be done to stop fraud?

In short, the primary objective of developing the research strategies was confirming the day-to-day reports of exploitation that ARDD-LA receives, namely by gaining credible data that further evidenced the nature and the scope of these issues – including their reach within the Syrian population, as well as their impact at the individual level. ARDD-LA aimed to achieve this while paying utmost attention to the inherently sensitive nature of the topics of concern and the security interests of everyone involved.

Given the nature of the topic, ARDD-LA acknowledged the need to proceed cautiously and to avoid asking groups of Syrians questions that might implicate the individuals most responsible for fraud in their areas. As an alternative to asking detailed questions, ARDD-LA recognized that comparing reports that corroborate one another was the best way of verifying the information they contain. This resulted in the need to facilitate focused discussions with as many Syrians as possible.

Based on this conclusion, ARDD-LA developed the two-phase research approach described below, which includes highly structured group discussions as one of its primary components. The highly structured nature of the discussions allowed ARDD-LA to address the same issues in various contexts and to ask only general questions, such that an affirmative response, for instance, only indicated limited information about the individual respondent. In addition to the structured group discussions, research for this report included, among other things, the reconsideration of numerous legal cases, as well as calls to the ARDD-LA 24-hour Emergency Line, and ultimately the completion of several follow-up interviews.

## PHASE ONE

Phase One incorporated various research methodologies with the primary objective of answering *the first research question* above, that regarding the primary types of fraud Syrians face in the Jordanian context. ARDD-LA completed most of Phase One within the first two weeks of the overall project.

The Phase One methodologies included:

1. Reviewing the legal cases of ARDD clients;
2. Reviewing calls to the ARDD telephone hotline;
3. Consulting open-source materials,
4. Participating in coordination meetings;
5. Interpreting local laws and regulations.

Phase One served to narrow the issues of greatest concern and to provide additional context to the latter portion of the research effort. It is important to emphasize that ARDD-LA has immense institutional knowledge about fraud and forgery in the Jordanian context, particularly with regard to their impact on Syrians. This insight comes not only from working with other organizations to address the protection needs of Syrian in general, but also from the unique focus of ARDD-LA on the provision of legal aid services in particular.

As noted above, ARDD-LA maintains its Emergency Line, which provides Syrians with 24-hour access to legal advice. This service has been in existence from the beginning of the Syrian crisis. On average, the Emergency Line currently receives 50 calls per day.<sup>13</sup> Of these calls, 10 to 12, at the minimum, pertain to the precise issues of concern in this report. The extent to which these calls were vital to the research of this report cannot be underestimated. While Phase Two includes additional elements, namely the structured discussions and follow-up interviews, they served primarily to confirm much of the information that ARDD-LA had already gained over the course of many months, even years, of day-to-day work with Syrians.

Also to capitalize on its institutional expertise, ARDD-LA looked internally to the expertise and experiences of its staff and to formal case documents that provide solid evidence of the fraud and forgery. The initial phase of the research also consisted of reviewing published reports, attending coordination meetings, in which key organizations discuss rising challenges within thematic areas, and consulting local laws and policies that further helped inform the analysis and the resulting recommendations.

<sup>13</sup> This estimate is conservative. On many days, calls exceed 65.

## PHASE TWO

After completing Phase One, ARDD-LA designed Phase Two of the project to better understand the full scope of the fraud issue and to answer the remaining research questions. For *the second research question*, regarding the extent of the fraud issue, ARDD-LA relied primarily on structured group discussions. For questions three through five, regarding the causes of fraud, the consequences of fraud, and the steps stakeholders can take to stop fraud, ARDD-LA incorporated phone interviews with Syrians who expressed interest in talking more about their personal experiences.

Ultimately, through the group discussions, ARDD-LA spoke with an additional 161 Syrians in three governorates with significant Syrian populations. Following these discussions, ARDD-LA went into greater depth with several individuals through one-on-one follow-up interviews to gain more nuanced information about the impacts of fraud and forgery on them and their families.

### a) Structured Group Discussions

For question two, ARDD-LA sought to understand how often the primary forms of fraud occur, where they occur, and which Syrians are most at risk. ARDD-LA recognized that some forms of fraud may cause dire consequences for specific individuals, whereas other types, though less troubling at the individual level, may

impact many more people. Taking location into account promised to help ARDD-LA identify the groups of Syrians most at risk for specific types of fraud. Answering the second question necessitated speaking with many Syrians. While group discussions promised to be worthwhile in this regard, they posed concerns given the inherently sensitive nature of the topic.

Instead of asking Syrians to provide sensitive information in the group context, which might serve to add credibility to each individual account, ARDD-LA sought to gather multiple reports of the same topics so that those reports could corroborate one another. One key objective then, as noted above, was approaching each discussion uniformly. While conducting written surveys might have served this purpose, ARDD-LA decided against this option for several reasons.<sup>14</sup> Moreover, ARDD-LA hoped to maintain sufficient flexibility to address the concerns of individual participants and to allow new forms of fraud to come to light.

ARDD-LA embedded this questioning into its legal aid workshops for Syrian refugees. Through this component of the research alone, ARDD-LA reached 161 Syrians in three governorates

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<sup>14</sup> One particularly important reason stemmed from the extent of illiteracy among the Syrian population. As illiterate Syrians are particular at risk for fraud, ARDD-LA sought to ensure their inclusion.

with significant Syrian populations.<sup>15</sup> Though this number is relative small compared to the number of calls ARDD-LA receives via the Emergency Line, the group discussions played an important role, namely by helping to evidence the prevalence of fraud and forgery (i.e., by giving some basis for percentage estimates).

ARDD-LA embedded the research questions in its broader legal workshops for several reasons. Foremost among them was the desire to use the information from Phase One to offer Syrians structured advice regarding the most troublesome types of fraud-related issues. The facilitator of the workshops introduced each issue with several case-specific examples and gave practical advice about what steps Syrians can take to avoid exploitation.

This approach helped minimized the likelihood that the primary focus of the group discussions would become the actions and experiences of the individual participants themselves, including the embarrassment and shame associated with victimization. The introduction to the workshops made this approach clear. Questions often took the form of, "Have you or anyone you know paid for...," and the facilitator only asked for the show of hands, which encouraged Syrians to maintain confidentiality with respect to their personal involvement. As the report aims to show, the most effective

tool for combating fraud is the dissemination of correct information about circumstances and processes that, amidst rampant uncertainty, might lend themselves to abuse. Using this research methodology allowed the project to serve the interests of the Syrian participants, and not just its underlying research objectives.

#### **b) Phone Interviews**

With regard to the remaining research questions, ARDD-LA supplemented its daily work, including the calls to the Emergency Line, with both the workshop discussions and the follow-up phone interviews. The latter was particularly important with regard to understanding the impact of fraud on the lives of individual Syrians and their families.

With regard to *the third research question* in particular, about the underlying causes of fraud, ARDD-LA sought to help identify the groups of Syrians most at risk of falling victim to fraud. ARDD-LA hoped that doing so would result in targeted efforts to address some of the greatest risk factors. Additionally, ARDD-LA hoped to shed some light on why certain groups of individuals are willing to perpetrate fraud and forgery against Syrians, as it might be helpful, for instance, for stakeholders to know whether some perpetrators of fraud commit their crimes due to some specific unmet need of their own. Finally, with respect to the third question, ARDD-LA aimed to understand more fully what laws, policies, and practices, whether

<sup>15</sup> On average, 40 Syrians participated in each workshop.

official or unofficial, help create an environment in which fraud is more likely to occur. Understanding this dimension of the issue was critical for offering meaningful recommendations.

With regard to *the fourth research question*, ARDD-LA sought to gain evidence of the hardship that fraud causes Syrians. The mere scope of the issue, as evidenced by the group discussions, promised to provide some critical insight in this regard. Understanding the scope of the issue in terms of its reach, however, could not substitute for understanding its depth in terms of its individual impact. What makes the fraud issue so tragic, and frankly appalling – and what sets fraud apart from the other issues Syrians face – are its roots in concerted efforts to exploit individuals who face unfathomable challenges already.

Finally, with regard to *the fifth research question*, ARDD-LA sought to amalgamate the above into concise recommendations that would allow stakeholders to act decisively to stop the further exploitation of Syrians. This research, ARDD-LA realized, had the ability to answer many potential questions regarding what various stakeholders can do to help stem abuse and foster greater accountability.

# Section One

## The Primary Types of Fraud

This section of the report focuses on fraud and fraud-related forms of exploitation. It aims to highlight the primary types of fraud Syrians face and to provide the reader with sufficient context to understand the nature of these scams and why they appeal to Syrians so greatly. This section evidences the extent to which fraud thrives in areas of uncertainty. Namely it provides insight into how uncertainty, from the perspective of Syrians, infects their daily lives, not only as individuals who face all the difficulties of adjusting to live away from home, but also as displaced persons who possess many other vulnerabilities. Understanding the contexts in which fraud occurs, including the pressures Syrians face, is imperative for anyone who hopes to address the root causes of these issues.

This section addresses fraudulent services, namely to:

- Expedite UNHCR registration appointments;
- Expedite UNHCR cash assistance;
- Facilitate registration with local CBOs;
- Provide housing;
- Provide phone service.

The potential areas of fraud are limitless. This section does not purport to capture them all. Instead, it focuses on reoccurring types of fraud that have some link to the status of Syrians in Jordan. The following sections aim to note the rate for each service. While the rates appear in JOD, readers should note that Syrians often pay for these services with personal property, often gold or canisters of propane cooking gas (worth about 40 JOD each) for instance.

Each subsection below first presents the primary research findings, including the prevalence of each type of fraud and its associated costs. Each section then describes the underlying context in which each scam occurs.

Section One pertains primary to fraudulent services, whereas Section Two pertains primary to forged documents. The division between the two sections is not entirely clear. Nevertheless, when taken together, they speak to the issues of greatest concern to the many individuals who participated in the research for this report or who contacted ARDD-LA independently.

Recall that key recommendations appear within each of the following subsections, as well as in the final section of the report.



## GENERAL FINDINGS AND OBSERVATIONS

### a) Common Trends

The subsections below reveal common trends. Foremost among them, it seems, is the general uncertainty Syrians face with regard to many essential processes and procedures. Misinformation within Syrian communities appears to be contagious, such that the flow of misinformation often outweighs the flow of otherwise clear, consistent advice from highly credible sources. From the interactions that occurred during the workshops, it seemed clear that Syrians frequently paid for many of the following services (and for many of the forged documents, which are the focus of Section Two) with the genuine belief that doing so was not improper. ARDD-LA does not seek to make any pretenses with regard to the frequency with which Syrians knowingly resort to improper means of meeting their needs. However, the extent to which Syrians become victims of fraud, despite the current sources of accurate information, is particularly stunning.

The problems here are compounded, as the last subsection seeks to make clear, by the hesitancy of Syrians to assert their rights and to utilize the local legal process to their advantage. More often perpetrators of fraud use threats of going to local authorities to

ensure Syrians acquiesce to their demands. In that sense, the legal system can work against them.

The most prevalent forms of fraud vary by locality. Nearly all of those discussed below occur in each of the governorates of consideration. The differences exist with respect to the prevalence of each type and the ways perpetrators choose to carry out the crimes. For instance, in areas outside Amman, especially those with large, consolidated groups of Syrians, perpetrators seem to act with some greater sense of impunity. They post fliers for fraudulent services, for instance, and they convene large gatherings for the purpose of reaching many individuals at one time. Door-to-door solicitation for some services also appears to be more common.

The centrality of Amman to official offices, like government ministries, seems to curtail the reach of misinformation to some degree. The greater police presence in Amman also acts to inhibit the type of overt efforts to defraud Syrians that occur outside the capital.

Another catalyst for fraud appears to be the extent to which Syrians believe that using unofficial channels of gaining access to certain services is acceptable, and perhaps necessary, based on their experiences in Syria. Perpetrators of fraud, particularly those who purport to represent local officials, do lasting damage by reinforcing misconceptions about the utility of making unofficial payments in the Jordanian context.

In addition to misinformation, the unmet needs of Syrians – as well as the unmet needs of members of their host communities – serve as primary drivers of fraud and exploitation. Perhaps little more can be done in some circumstances to address their needs, given the reality of the crisis and severe stress that the influx of Syrians, like the influxes of Iraqis and Palestinians before them, have caused on the economic and social wellbeing of the country. The Report, however, proceeds with some degree of optimism, namely with the hope that some changes, perhaps even small ones, can alleviate some of the most pressing concerns.

Taking these general observations into consideration will help the reader understand the issues that appear in each of the following subsections, as well as the many other issues that will inevitably arise over time. Most importantly, stakeholders must bear in mind that fraud may exist anywhere the imagination can take it. The Report helps demonstrates this.

#### **b) Legal Observations**

All of the crimes mention in Section One are punishable under Article 417 of the Jordanian Criminal Code. The last subsection, which pertains to exploitation, might be one categorical exception.

The penalty for committing fraud is, at most, three years of imprisonment and 200 JOD in fines.<sup>16</sup> Merely falling victim to one of the crimes in this section will not cause an individual to suffer these penalties. This is one significant difference between the crimes that appear in Section One and those that appear in Section Two.

Nevertheless Syrians who fall victim to one of the crimes in this section cannot escape the need for legal representation to recoup their losses. While the State will pursue criminal changes against the perpetrator, victims must enforce their personal rights and gain any compensation due to them through separate legal proceedings,<sup>17</sup> which generally occur after the criminal verdict.<sup>18</sup>

### **THE PRIMARY FORMS OF FRAUD**

#### **Expediting UNHCR Registration Appointments**

At least one Syrian in every workshop discussion, and often many more, indicated knowing of individuals who seek payment to expedite UNHCR registration appointments. The prices they report

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<sup>16</sup> Penal Code No. 16 of 1960, according to the latest Amendment No. 8 for the year 2011 [herein Penal Code No. 16], Article 417.

<sup>17</sup> These proceedings are named “personal rights” proceedings.

<sup>18</sup> It is possible to add the personal right (i.e. compensation) element to the criminal proceedings. Few attorneys, however, do this, given that waiting for the criminal verdict ensures an easy win during any subsequent proceedings.

varied from 50 to 60 JOD. Relatively more individuals in the Amman area noted hearing of this scam.

Many of the cases the Syrian participants reported followed the same pattern: an individual who claims to work for the UNHCR appears at the home of a Syrian family; the individual speaks with the family about its needs; and then, based on the outcomes of the resulting assessment, which is only for show, the individual offers to expedite the family's registration appointment upon payment of the aforementioned fee.

It is imperative for Syrians who live outside Zaatari to register with the UNCHR in person. The pressure for Syrians to do so stems primarily from the need for them to obtain the UNHCR Registration Certificate, which allows them greater access to aid and provides them with some measure of personal security. For instance, the Certificate serves as the key prerequisite for access to UNHCR cash assistance, WFP food vouchers, key public services (namely health and education services), and, in some cases, forms of humanitarian assistance from NGOs and other organizations. The Registration Certificate is the only form of personal identification some Syrians possess.<sup>19</sup>

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<sup>19</sup> The Government now requires all Syrians to obtain the Jordanian Service (MoI) Card, which equally serves as an important form of identification.

After scheduling a registration appointment, Syrians receive a yellow appointment card that serves as a partial stand-in for the formal registration document. The yellow card is sufficient for access to some (though relatively few) forms of assistance,<sup>20</sup> and it therefore mitigates some of the pressures Syrians face.

The current wait for a first-time registration appointment (after scheduling one) is approximately four to six weeks.<sup>21</sup> The wait for an appointment to renew the registration certificate can be much longer (as long as six months). The need for renewal raises the same concerns, as the number of services Syrians can access with expired certificates is limited.

The UNHCR facilitates legitimate door-to-door outreach, which, for the purposes of registration, does not include individual needs-based assessments. The UNHCR uses door-to-door outreach to encourage all Syrians to register at the nearest UNHCR office. (Note, however, as discussed below, that gaining access to UNHCR cash assistance does in fact require an in-home assessment).

*Recommendations include* awareness raising and education aimed at drawing the attention of stakeholders to this form of fraud

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<sup>20</sup> Only few organizations provide assistance to yellow card holders. As the yellow card helps evidence recent arrival, some make an additional effort to target yellow card holders due to their unique vulnerability.

<sup>21</sup> Note that, in the past, wait times were as long as eight months.

and at imparting, ultimately to Syrians, important lessons with regard to avoiding scams of this nature (e.g., Syrians should not pay for UN services under *any* circumstances). Stakeholders, knowing that this form of fraud is widespread, could also take additional steps to better inform Syrians of precisely how the UNHCR will engage with them (ideally to the exclusion of certain methods).

Additionally, the Jordanian Government and NGOs can contribute by providing Syrians who have not yet registered with greater access to certain services. Making the Jordanian Service (MoI) Card sufficient for access to health services, for instance, would help alleviate some of the underlying pressure.<sup>22</sup> On the other hand, requiring the yellow appointment card seems wise, as doing so would help ensure that Syrians maintain an incentive, not only to make registration appointments, but also to appear for them.

### **Expediting UNHCR Cash Assistance**

At least one Syrian in each workshop discussion was aware of individuals seeking payment to expedite UNHCR cash assistance. The rate for this fraudulent service, according to their reports, varied from 150 to 200 JOD. Cases of individuals going door-to-door and

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<sup>22</sup> The Jordanian government has indicated that the Jordanian Service (MoI) Card would serve precisely this purpose. However, it alone does not yet do so.

conducting home visits, to add an air of legitimacy to the scam, were also common here.

The UNHCR provides monthly cash assistance (as well as, at times, urgent cash assistance in cases of pressing needs). Monthly cash assistance from the UNHCR ranges from 50 to 150 JOD, largely based on family size. Other organizations provide cash assistance in roughly the same amounts.

While all Syrians who have registered with the UNHCR can request cash assistance, the UNHCR, like other organizations, can only provide case assistance to the most vulnerable of them due to budget constraints.<sup>23</sup> In order to assess vulnerability for the purpose of case assistance, the UNHCR conducts home visits. Syrians need the home visit to occur for the process to move forward.

Note that, following the initial approval, cash assistance only lasts for three months. An additional assessment is required to extend the monthly disbursements beyond that time.

Syrians are unable to work in Jordan legally. The need for cash, in order to pay for rent and for transportation, for instance, is therefore particularly acute.

Research for the Report revealed that many Syrians do not understand the practical constraints that limit the provision of cash

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<sup>23</sup> Moreover, note that providing cash assistance is not central to the core mandate of the UNHCR.

assistance and that this misunderstanding engenders widespread frustration and the common belief that the system operates with unnecessary bias. To the extent Syrians see wait times and mixed results as flaws in the process, they are more likely to see purchasing some degree of favoritism as potentially beneficial. While this perspective does not reflect the reality of the UNHCR process, it does reflect the reality of life in Syria before the crisis, where payment for just treatment was often required.

**Recommendations include** awareness raising and education that aim to address the two key misconceptions noted above, namely those: (i) regarding the nature of the UNHCR process, including the overall availability of funds; and, (ii) regarding the efficacy of making unofficial payments to officials in the Jordanian context. As noted elsewhere, Syrians are far more receptive to advice when they understand key aspects of the underlying context (like why, despite the level of their need, many families will not receive financial assistance due to highly restrictive resource constraints).

### **Facilitating Registration with CBOs**

Approximately one-quarter of all workshop participants indicated having heard of concerted efforts to persuade Syrians to pay (highly significant sums in some cases) merely to register with CBOs in their areas. The prices they noted for this service varied greatly. One woman reported fees in excess of 100 JOD.

Workshop participants often learned of the CBOs that charge fees from individuals within their communities. Promises of, “I know someone who can get you... (you name it),” formed the beginning of many such conversations. They also reported that door-to-door solicitation was common in several areas.<sup>24</sup>

With regard to most cases of this type, the application of the law is clear. Where solicitors willfully make false statements, by offering guarantees as to the services their organizations will provide for instance, the local law prohibiting (and punishing) fraud applies. However, the law is less clear with respect to whether CBOs can charge for registration in the absence of any deception. This is one consideration that stakeholders should bear in mind. For instance, NGOs cannot rely on the tacit understanding that their CBO partners do not charge fees (as they might be able to do so without fears of legal repercussions).

Note that CBOs often serve to link Syrians within any one community to the larger, relatively well-funded NGOs that aim to serve the Syrian population more generally. CBOs often provide NGOs with space to hold meetings and to distribute aid, generally contingent upon the payment of fees. CBOs generally maintain lists

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<sup>24</sup> Note that, according to reports, sometimes individuals (Jordanian or Syrian) collect the names of Syrians at no charge in order to later sell their lists of names to CBOs.

of Syrians in their areas. Those lists speak to the ability of CBOs to help NGOs conduct outreach and identify beneficiaries. The lists incidental serve as the primary marketing tools of CBOs for future NGO partnerships. The incentives are clear: the greater the number of Syrians on these lists, the more likely the CBO will secure NGO partners; and, in turn, the more likely the CBOs will generate fees.

While the primary issue here involves Syrians paying to register, more than one workshop participant noted the opposite scenario in which, due to these incentives, CBOs pay Syrians to acquire their names (as well as to acquire copies of their identification documents, in the event the CBO needs verification).

More commonly, however, Syrians fall into the trap of paying to be affiliated with CBOs in their areas. By requiring fees, CBOs make money up front – perhaps without ever going through the hassle of securing NGO relationships and inviting scrutiny. Note that Syrians might value registration with specific CBOs on the basis that some CBOs have better reputations than others with respect to their ability to deliver key services (e.g., cash assistance). Some Syrians believe then, understandably so, that registration with some CBOs might be difficult given their relative popularity. Here, like elsewhere, high prices served to provide authenticity to the scam in the eyes of Syrians.

The Jordanian Government requires all CBOs to register with the Ministry of Social Development (MoSD). However, it appears that CBOs often do not. For instance, workshop participants reported many cases in which individuals, clearly with no intention of creating legitimate organizations, attempted to fool them with little more than phony names and makeshift banners (which, in the absence of registration with the MoSD, allowed these individuals to exit Syrian communities even faster than they entered them).

While the Government issues certificates to CBOs, Syrians do not request to see them, making accountability all the more elusive. Preliminary research on this issue also indicated that gaining access to the official list of registered CBOs within any one area is considerably difficult (even for well-established NGOs), such that this information is almost certainly not available to Syrians who might benefit greatly from it.

*Recommendations include*, in terms of awareness raising and education, taking steps to highlight this issue and to ensure that Syrians are well-positioned to take preventative steps.

The Jordanian Government might find value in making more concerted efforts to monitor the registration status of CBOs. In fact, the MoSD might wish to launch an investigative campaign to

identity potential violators.<sup>25</sup> The primary benefits of doings so would be, not only eliminating unregistered CBOs, but also facilitating accountability following reports of abuse. Moreover, the Government should considering publicizing the list of registered CBOs by geographical area, such that Syrians could easily discern which CBOs are legitimate places to seek the services they need.

The Jordanian Government could also consider requiring CBOs to post their registration certificates in plain view, such that stakeholders anticipate seeing them, and ultimately, such that the absence of a registration certificate raises concerns. Alternatively, with the list of legitimate CBOs available, Syrians could call organizations (like ARDD-LA) to check on the status of CBOs in their areas.

NGOs might wish to require the CBOs with which they partner to provide copies of their registration certificates (i.e., those that they gain by registering with the MoSD). Moreover, NGOs might also wish to require CBOs to post their registration certificates in plain view. Following both suggestions will foster a culture of transparency among CBOs that makes perpetrating fraud more difficult. Finally, NGOs might wish to take steps to ensure that the CBOs with which they partner do not charge registration fees.

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<sup>25</sup> The Ministry of Social Development did just this after allegations of abuse from Iraqis.

Given the high prevalence of this issue, as well as the number of Syrians who will interact with, not only one, but many CBOs during their time in Jordan, ARDD-LA believes that this issue is one worth prioritizing heavily.

## **OTHER AREAS OF FRAUD AND EXPLOITATION**

### **APARTMENT RENTAL FRAUD**

The broad category of apartment rental fraud was the focus of greatest concern in nearly every workshop discussion.

General forms of rental fraud include those where:

- The seller does not own the apartment;
- The owner misrepresents the apartment;
- The owner misrepresents the underlying contract;
- The owner exploits tenants for excessive payments.

Securing affordably housing is one of the greatest challenges many Syrians face. And the problems they encounter have only increased as their numbers mount in Jordan.

Many Syrians share housing, with multiple families in one location, or live under nearly inhabitable conditions. Given the scarcity of housing, as well as the resulting asymmetry of power between landlords and their would-be tenants, the presence of fraud and exploitation, is nearly as predictable as it is deplorable.



### Where the Seller Does Not Own the Apartment

Within most focus group discussions, Syrian participants reported cases in which they or someone they know discovered, after having paid to rent an apartment, that the individual who claimed to be the owner had no legitimate connection to the premises whatsoever. The terms of fraudulent rental agreements vary greatly (as one might imagine). The amounts workshop participants paid before learning that they possessed no claim to the apartment varied from small security deposits to several months worth of rent.

One woman, for instance, reported paying 15 JOD to secure an apartment for her and her family. As the seller, who claimed to own the apartment, walked away, someone nearby informed her that the seller had pulled the same scam on five other Syrians that week. When she confronted the man, demanding her money back, the seller said that he would kill her and her son if she created problems for him. “Done! He can keep the money,” she announced to the other workshop participants, who chuckled empathetically.

Unfortunately many cases of rental fraud involve much greater sums of money, such that the payment can amount to everything the Syrian family has. Recall that many Syrians come with their gold. Simply surrendering their savings might not be an option in some circumstances. One Syrian man, for instance, found

himself in court after an individual rented him an apartment in Irbid that, unbeknownst to him at the time, was the current home of another family who happened to be outside the city. The Syrian man paid 1,000 JOD for the “fully furnished” apartment – before realizing that the apartment came with more than some extra amenities. Not long after the Syrian man moved into his new home, the true owners returned to find him in theirs. The Syrian man subsequently filed a lawsuit and then sought legal assistance from ARDD-LA.

Despite the huge inconvenience of going to court to recoup his losses, as well as the hardship of waiting on the legal process to make him whole, Syrians often fall into these traps only to emerge without any hope of recompense. The situation is made worse by the fact that, because many landlords lack trust in the ability of Syrians to pay monthly, having to pay several months rent in advance is consistent with the norm.

Consider the following story:<sup>26</sup>

*Faris attended one of our workshop discussions. One of the few men in the room, he sat on the edge of the crowd, not far from the front, and kept silent as the women around him eagerly voiced their concerns. Midway through the discussion, Faris raised his hand to indicate that he knew of someone defrauded for rent. Faris declined the opportunity to share his story with the group, although his body language told of the deep, personal frustration and*

<sup>26</sup> All names and other personal information mentioned in stories such as this are changed to maintain confidentiality by ARDD-LA.

embarrassment that accompanies the experience of being swindled. We later discovered that his story sat on the tip of his tongue.

Faris, now 42 years old, fled to Jordan in April of this year with his wife and five children. He and his wife struggle with several illnesses; for him, his sever back pain and diabetes were nearly debilitating. Like many Syrians, Faris struggled to find affordable housing for his family upon arriving to Jordan. Finding consistent work whereby he could support the many needs of his family boarded on fantasy by comparison. Perhaps Faris should have seen the opportunity to secure housing and work as too good to be true. But, then again, how could he not pursue it?

An older man, perhaps in his 60s, approached Faris and his friend, Mohammad, one day as the two men walked in the city. After some small talk, the older man, who called himself Ahmed, mentioned that he was looking for two good men to serve as groundskeepers for his villa, which included a sizable farm. Ahmed agreed to drive Faris and Mohammad to the villa, which he did shortly thereafter, although he claimed to be too busy to show them around thoroughly at the time. The groundskeeper positions, he said, included, not only consistent pay, but also discount accommodations for the men and their families. Faris and Mohammad were eager to finalize to the arrangements, even though doing so required several advance payments.

Ahmed promised to provide both men with work permits. As “insurance” for his investment of time and money (ultimately 590 JOD, he claimed), Ahmed required Faris to pay 260 JOD up front. Ahmed took less for Mohammad, who was young and fit, on the pretext that Mohammad might prove to be the better worker. Next, for accommodations, Ahmed required that they each pay an additional 300 JOD up front for six months of rent. Perhaps Faris would have seen straight through the plot if Ahmed, having shown them the location of the villa already, did not also require them to provide him with

copies of their identification for the work visas and to sign what Ahmed said were their rental agreements. Ahmed kept everything the two men gave him – including all the money (which from Faris alone amounted to 590 JOD) – in a large folder between the seats of his car as the three men drove from location to location.

As the process seemed to be nearing its end, Ahmed drove Faris and Mohammad to buy stamps to mail some of the documents. Faris and Mohammad left Ahmed in the car. They went inside, made their purchase, and returned moments later to find that Ahmed was gone with the folder and its contents – which amounted to nearly all the money Ahmed possessed to establish himself and his family in Jordan.

*Recommendations include*, namely, awareness raising and education for Syrians in particular, who can take steps to safeguard themselves and their families, and who, by knowing and asserting their rights, might help foster accountability under at least some circumstances.

ARDD-LA found that bringing Syrians together to discuss rental fraud and to demonstrate the need for constant vigilance, as nearly all families risk facing these issues, was highly effective.

In terms of education, ARDD-LA primarily counsels Syrians to confirm the identities of the individuals with whom they make critical arrangements. This often means asking them for personal identification, particularly where long-term contracts are involved. Syrians should also possess sufficient information to facilitate the process of securing accommodations for themselves. The following

subsection includes some practical recommendations that might also be of value here.

These issues clearly represent fraud under the Jordanian Criminal Code, and thus Syrians should report cases like these to local authorities. Recall that, however, while the State will prosecute, Syrians will need independent legal representation to recoup their losses through parallel proceedings.

### **Where the Landlord Misrepresents the Agreement**

Another category of cases pertains to those in which the owner of the apartment misrepresents the apartment or the terms of the rental agreement in some regard. Difficulties frequently arise with regard to the completion of much-needed repairs.

For instance, one woman reported paying her prospective landlord 1,000 JOD for improvements to the apartment she hoped to rent (just enough to make the apartment minimally habitable) and ultimately for rent. While the landlord promised to make the repairs within two weeks, it took him longer than four months to do so, during which time the woman had no choice but to find somewhere else for her family to live. The landlord kept 600 JOD of the 1,000 JOD, even though the woman ultimately gained nothing other than hardship and uncertainty from the arrangement. She stopped trying to collect her money when the man began to threaten her.

Another common scenario is one in which Syrian tenants agree to do repairs themselves. For instance, one woman reported agreeing to install a kitchen in her apartment based on the understanding that her landlord would split the cost. After she completed the work, the landlord refused to uphold his end of the bargain. "It is your kitchen," he said. "Take it with you when you leave." Of course the kitchen fixtures are permanent. The woman now feels bound to the landlord that exploited her, unless she abandons her investment altogether and starts anew.

Another Syrian woman told the story of how she accidentally agreed to making all the necessary repairs to her apartment. Under pressure to secure accommodations, the woman signed her lease agreement without reading it first. Nor did she inspect the apartment beforehand, which, certainly to the knowledge of the landlord, lacked even the most fundamental components (including exterior and interior doors, windows, and sinks). The agreement she signed ultimately forced her, not only to stay for the term of the lease, but also to renovate the apartment for her new landlord at her own expense.

Some of the cases here might not meet the legal definition of fraud under Jordanian law, even though they clearly represent forms of exploitation. Therefore the need for Syrians to protect themselves in advance is particularly great.

### **Where the Landlord Demands Excessive Payments**

There are still many other ways in which some landlords exploit their tenants. For instance, there are numerous reports of landlords increasing the monthly rent payments during the terms of their leases. The message is often, simply, “pay or leave.” Having experienced the difficulties of finding an apartment once, Syrians often feel they have no choice but to acquiesce. Many Syrians also complain about their landlords charging them more for utilities than they owe. This often occurs when multiple units within one building share the same meter or water supply. The landlord pays the bill and then demands that his or her tenants pay “their share” of the overall amount, which might be wildly inconsistent with what the tenants actually owe. While these issues might occur for anyone, the general unwillingness of Syrians to assert their rights through local courts makes them particularly vulnerable to abuse.

*Recommendations include*, in terms of awareness raising and education, highlighting these issues for Syrians and stressing the importance of taking certain preventative measures.

Practical advice includes: taking steps to confirm the owner of the premises; to inspect the apartment and ensure that key fixtures

will remain, to account for key utilities;<sup>27</sup> to formalize procedures for making payments; and, when the agreements are oral, to ensure that witnesses are present.

However, no matter what precautions Syrians take, they will not always succeed in avoiding these traps given that the initial agreements, which serve to bind landlords and tenants together, may have occurred without any indications of foul play. Moreover, these issues might resemble generic disputes between landlords and tenants, such that the focus moves away from the Criminal Code, even when exploitation in fact exists. These factors make the need to gain legal representation particularly important.

### **PHONE-RELATED FRAUD**

ARDD-LA knows of several damaging cases of fraud that pertain to purchasing or using cell phones. While phone-related fraud occurs, perhaps with devastating consequences for some individuals, research for this report ultimately revealed fewer cases of mobile phone fraud than ARDD-LA anticipated. Nevertheless the following forms of fraud occur with some regularity.

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<sup>27</sup> Namely by ensuring that: key utilities operate well; that they exist in the name of the owner; that there are no outstanding bills; and, that the Syrian tenant and his or her landlord form an agreement with respect to monthly payments. Ideally the tenant should receive individualized bills that pertain solely to his or her apartment.

Troublesome forms of phone-related fraud include:

- Sale of fraudulent or misleading phone contracts;
- Sale of fraudulent or misleading phone credit;
- Other forms of exploitation

The more-serious forms of fraud, such as those that pertain to the sale of misleading phone contracts, meet the definition of fraud under Article 417 of the Jordanian Criminal Code. However, when cell phone fraud involves less money on an individual basis, prosecution only seems realistic following general investigation that promises to shed light on widespread nature of the scheme. Thus, for crimes that fit this description (i.e., those that carry relatively minor repercussions for individual victims, yet that impact many people) gathering information from victims and identifying trends among the reports becomes particularly important with respect to fostering accountability. Finally, it is also important to note that ARDD-LA has Syrian clients who face criminal proceedings as the result of their involvement and victimization.

Understanding the types of phone-related fraud that occur in the Jordanian context requires knowing that there are primarily two ways of gaining phone service in the country. Residents can buy long-term service contracts, which, like in many countries, often include the option to purchase mobile phones at reduced prices.

More often, however, residents secure phone service by buying phone credit on-the-go, in which case residents purchase mobile phones separately. As the following demonstrates, there are forms of fraud that pertain to both methods. Given the inherently higher costs associated with the former, however, that method carries far greater risks.

### Sale of Fraudulent or Misleading Phone Contracts

The sale of fraudulent or misleading phone contracts is the most problematic issue regarding mobile phones. The arrangements take many forms. The prime example pertains to individuals who sell long-term service contracts, perhaps with nearly limitless perks, in exchange for sizable upfront payments. Some Syrians sign these contracts and pay in full, not understanding the underlying terms of the agreements. Later they might discover, for instance, that they owe the service provider monthly fees in amounts far beyond what they paid the original seller (who might have started them on the contracts and merely pocketed the upfront payments).

The situation is even worse where the contract includes the cost of an expensive mobile phone, perhaps entirely unbeknownst to the Syrian buyer (i.e., where he or she received only the SIM card from the seller). The additional charge could be hundreds of JOD.

### **Sale of Fraudulent or Misleading Phone Credit**

Fraud pertaining to phone credit works similarly. While the stakes might not be as high, this form of fraud impacts many more individuals. The terms of the deals between sellers and the buyers vary wildly, although they stem from the same general premise that the seller misrepresents the value of the phone credit (the initial balance, the cost per call, etc.). This type of scam is less costly at the individual level. However, its reach is much greater. Syrians appear to be more susceptible to these scams than their Jordanian peers, who are accustomed to taking precautions. Moreover, some sellers prey on Syrians specifically by advertising special rates to Syria that promise to help Syrians stay connected to their loved ones more easily.

### **Other Forms of Such Exploitation**

There are many other forms of exploitation that occur with respect to cell phones. They often resemble the types of exploitation that occur with regard to service contracts and property in general. However, ARDD-LA has dealt with a few unique cases. For instance, ARDD-LA represents a Syrian man who fell into legal trouble after being accused of purchasing 2,000 phone lines in his own name. According to the story, the Jordanian shopkeeper who footed the initial bill did so with the understanding that the Syrian man would

sell the phone lines in Syria for much more than they cost in Jordan initially, thereby generating handsome profits for himself. By having the phone lines issues in his name, the Syrian man became responsible for them. He found himself in serious legal trouble after someone considerably abused one of the lines he allegedly sold.

*Recommendations include* awareness raising and education for Syrians. Beyond raising awareness, speaking with Syrians about these issues might help expose broader issues, given that these crimes more likely occur through the efforts of many individuals, thereby warranting the proper investigation of local authorities. As with apartment rental agreements, ARDD-LA counsels Syrians to confirm the identities of individuals who sell phone service contracts before finalizing long-term agreements, such that, in the event of subsequent issues, they can identify the individuals responsible.

### **OTHER FORMS OF EXPLOITATION**

Most of the issues above implicate fraud as such under Article 417 of the Jordanian Criminal Code. In addition to these issues, ARDD-LA has learned of many others that may depart from the contours of the legal definition, though they are certainly no less troubling. This brief section serves to highlight several of them. It does not purport to account for all possible forms of exploitation, nor could it. Instead, this section aims to provide greater context to the



overall concerns of the report, including the extent of moral depravity that often fuels many of these crimes. What differentiates these cases from the ones above is that, in these cases, Syrians ultimately gain what they paid for – albeit at outrageous prices. The unfortunate reality is that sellers can often charge whatever they like for their services, so long as someone is willing to pay the fee.

For instance, one particularly insightful set of examples pertains to securing travel documents. The hope of traveling outside the region is enough to tempt many Syrians into paying outrageous fees for simple, routine services. In Zarqa, for instance, Syrians report seeing posters labeled “happy news” for “Syrians only” that advertise immigration assistance with “guaranteed results” for travel abroad to any one of several destinations. The service only consists of helping Syrians fill out the basic immigration applications of foreign embassies. However, the cost for this service, at 300 JOD, is astounding. Even the most reputable law offices in Amman charge less than one-tenth that amount (e.g., 20 JOD) for the same service. Theoretically, the service itself is legitimate, as Syrians can file the paperwork, and again, theoretically, the service provider can charge whatever he or she likes. The results of the service, however, are far from “guaranteed,” making this scam seem more like the ones above that fit comfortably within the legal definition of fraud.

There are also many reports of Syrians paying outrageous sums to facilitate passport-related processes at the Syrian Embassy without having to go there themselves. One group of workshop participants knew of multiple families who had paid 1,000 JOD per passport for someone to take their passports to the Syrian Embassy and to facilitate whatever processes were necessary there (e.g., with regard to passport renewal). This cost reflects the magnitude of the fears some Syrians possess with regard to going to the Syrian Embassy. Note that Syrians who resort to this process risk losing their passports entirely, in addition to whatever fees they might pay.

Finally, from the Emergency Line, ARDD-LA knows of cases in which Syrians paid to recover their detained passports from local authorities and to ensure that, when the passports are returned, the passports contain immigration stamps evidencing valid entry into the country.<sup>28</sup> Although this practice might not amount to fraud per se under Article 417 of the Jordanian Criminal Code, the Jordanian law clearly has provisions that address this type of activity, perhaps with repercussions for the individuals on both ends of the transaction.<sup>29</sup> The prices ranged from 300 to 500 JOD, according to the Syrian callers. This issue in particular needs greater confirmation.

<sup>28</sup> Syrians generally need the stamps for travel outside the country.

<sup>29</sup> The section entitled “Visas and Other Travel Documents,” which appears with regard to forgery below, addresses the potential legal repercussions of



As noted early in Section One, only the imagination sets limits to the forms of exploitation Syrians might face. One Syrian man noted being exploited with regard to burial perpetrations for a loved one. He initially paid 20 JOD to have the body cleaned, which fits the price in Jordan generally. However, having taken the money and having promised to complete the service, the man he entrusted with the body of his loved one asked for another 25 JOD before beginning the process. The Syrian man then contacted the hospital, fearing that this was the beginning of an even more costly process. The hospital told the man that, given the circumstances of his case, the service should have been free of charge.

One theme among cases of exploitation is the common assumption (and, unfortunately, often the reality) that Syrians will shy away from asserting their rights and pursuing legal action due to their fears regarding their legal status.

The following story illustrates one example of this:<sup>30</sup>

*A Syrian father named Hakim first connected with ARDD-LA through the 24-hour legal aid Emergency Line. He spoke about a recent incident in which an individual tried using threats against his children to exploit him. The*

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gaining the stamp illegitimately. The punishment for this type of abuse is, at most, three years of imprisonment. While the law does not punish use of the stamp alone, anecdotal evidence suggests that they user might be accused of forging it himself, in which case a lengthy legal process will ensue.

<sup>30</sup> All names and other personal information mentioned in stories such as this are changed to maintain confidentiality by ARDD-LA.

*incident occurred after several kids vandalized a school in the Zarqa area, breaking windows and taking school property. There was every indication that numerous kids participated, and according to Hakim, his children were at home under his care at the time.*

*Nevertheless the local school security guard singled out Hakim and his boys aged 12 and 13 years old. The guard said he would take the boys to the police unless Hakim pay 50 JOD. Hakim refused. The guard then demanded 30 JOD, then 20 JOD. When Hakim, knowing that his children were not responsible, still refused, the guard used his connections with local police to have the children detained. The guard then demanded 300 JOD, telling Hakim that if Hakim refused his children would remain in custody until they appeared for trial.*

*The judge was sympathetic to Hakim. In fact, the judge himself filed a complaint against the school guard for failing to properly watch the school. Even though the judge assured Hakim that Hakim would ultimately prevail though subsequent proceedings, Hakim relented and paid 50 JOD to win the release of his sons and end what had already been a traumatic experience for them.*

This story is insightful because it exemplifies the all-too-common occurrence of individuals assuming that Syrians fear the local justice system, or that they lack enforceable rights altogether. Moreover, the story exemplifies how, without local connections (i.e. of the type that appear to have won the security guard early favoritism with local police) Syrians can also be easy targets for fraud and manipulation.

# Section Two

## The Primary Types of Forgery

Section Two pertains primary to forged documents. Like the preceding section, Section Two aims to highlight the primary types of forgery that impact Syrians and to provide the reader with sufficient context to understand the nature of these scams, including why they often appeal to Syrians. The potential types of forgery are also limitless, as some of the latter subsections help to make clear. Instead of capturing them all, Section Two aims to present the most prevalent ones and to identify the most salient trends that apply to the issue of forgery in general.

The forged documents of concern here include:

- The Zaatari Bail Document;
- Jordanian Service (MoI) Card;
- Work Permits;
- Visas and Other Travel Documents;
- Marriage & Birth Certificates;
- Other.

Note that, as stated in the methodology section, the objective with regard to investigating the sale of forged documents was not to identify specific perpetrators or to make accusations that implicate

any group of individuals. In fact, ARDD-LA refrained from asking questions along these lines in the workshop setting due to concerns for the safety of participants.

It is also important to note that, because ARDD-LA did not investigate the sources of the documents, ARDD-LA often had no way of knowing whether any one document was (a) forged (i.e. fake or erroneous) or (b) fraudulently obtained (i.e. genuine, but inappropriately obtained). This distinction might be important for some stakeholders. However, with respect to the impact of forgery on Syrians, it is often less significant, such that concerns for safety clearly win favor. Note that the findings below are limited by the application of the term “forgery” to both options.

### GENERAL FINDINGS AND OBSERVATIONS

#### a) Common Trends

The subsections below reveal several important trends. Note that many of the general observations from Section One apply here, just like many of the trends here add greater insight into the findings of the report overall. A few of the subsections below, for instance, speak to additional forms of exploitation and to additional

circumstances in which perpetrators feel some sense of impunity from the law (particularly with respect to Syrians, who they expect not to assert their rights).<sup>31</sup>

One potentially important consideration here pertains to whether Syrians purchase documents in good faith (i.e., with the genuine belief that doing so is not improper). It might seem likely that Syrians more often willingly purchase forged documents than, for instance, willingly pursue fraudulent services (of the kinds noted above). Moreover, the idea that Syrians pursue informal processes in good faith might seem difficult to believe when the proper processes seem relatively clear. The findings of this report, however, cut the other way, again by casting light on the extent to which Syrians often lack even the most rudimentary understanding of the most critical requirements and processes (e.g., for acquiring the Jordanian Service (MoI) Card).<sup>32</sup> Misinformation not only obscures the clarity of the formal processes in many cases but also displaces those processes altogether in many others, such that the idea of Syrians pursuing

informal channels in good faith seems entirely plausible.<sup>33</sup> A separate, though related question pertains to whether Syrians pursue informal channels because they believe that doing so is necessary (i.e., their only hope), though they realize that doing so might amount to violating the law.<sup>34</sup>

The consideration of good faith aside, there are several trends from Section One that clearly repeat themselves here. First, ARDD-LA found that some forms of fraud and forgery are highly location-specific. In fact, the differences with respect to forgery were particularly strong, with nearly all Syrians in certain areas being familiar with the sale of certain documents (whereas similar reports from other areas were far less common).<sup>35</sup>

Note that there are at least two possible explanations for the relatively high prevalence of forgery in some areas. One is the aggressive outreach efforts of perpetrators. Syrians in some areas report, for instance, the occurrence of mass meetings, as well as the

<sup>31</sup> E.g., Syrians note that some individuals solicit their scams through mass meetings, as well as by posting flyers that carry blatantly false claims to the informed eye.

<sup>32</sup> Concerns along these lines, for instance, appeared in the Weekly Inter-Agency Situation Report (Jordan), Syrian Refugee Response Update 22 July to 28 July 2013, p. 7, with regard to the MoI Card in particular.

<sup>33</sup> It is important to remember that, while these processes might appear to be clear in the eyes of some professionals (coincidentally, the same individuals who are most likely to read this report), the process at issue here might not be clear at all to Syrians who just entered the country. Preliminary research indicates that, amidst the complexity and the frequent changes, many of the most significant stakeholders lack sufficient knowledge.

<sup>34</sup> E.g., Zaatari Bail Document

<sup>35</sup> E.g., travel visas.

mass distribution of flyers. Given the remote possibility that some documents are genuine (yet obtained inappropriately), another explanation is the possible involvement of one or two local officials in those localities where certain forms of fraud are most common.

Second, again putting the consideration of good faith aside, ARDD-LA frequently confronted the reality that Syrians might be hesitant to believe that bribery does not yield results in Jordan, given that it is commonplace in Syria. Third, once again, ARDD-LA found that understanding the issues of greatest concern required thoroughly understanding the underlying local context, particular with respect to the unmet needs of Syrians and Jordanians.

The subsections below present some additional concerns, largely with respect to the types of risks Syrians face in acquiring and using forged documents. Note that Syrians often risk greater sums of money here, as the costs associated with forged documents have increased measurably over recent months.<sup>36</sup>

#### **b) Legal Observations**

More importantly, Syrians risk facing serious, long-term criminal responsibility as the result of purchasing forged documents

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<sup>36</sup> For instance, the price Syrians report for work permits has increased measurably, from an average of approximately 200 JOD earlier this year to an average of approximately 400 JOD currently. The same is true of forged visas, which now cost as much as 5,000 JOD per passport.

(or, otherwise engaging in their creation or sale). The subsections below reference some of the most significant criminal provisions (though resolving any one case requires thorough, independent legal analysis).<sup>37</sup> Suffice it to say here that merely one charge of criminal forgery can, *at the very least*, result in five years of imprisonment with hard labor.<sup>38</sup> Individuals who use forged documents can face the same penalties, provided that they do so knowingly.<sup>39</sup> Pleading ignorance is an imperfect defense. Often the accused must wait in jail pending his or her trial, and there are no guarantees that the defense will work.

In short, the legal repercussions result in the need both to inform Syrians of the proper processes for gaining certain documents and to emphasize the dire consequences of failing to adhere to those processes. Avoiding exploitation involving the purchase of forged documents is made far more difficult by the complexity of many official policies and processes for gaining certain documents, as well as by the frequency with which those official policies and processes change.

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<sup>37</sup> By including legal references in this document, ARDD-LA does not intend to provide legal advice of any type. Any individual who needs legal advice should not rely on this analysis; instead, he or she should seek an attorney.

<sup>38</sup> Penal Code No. 16 of 1960, *supra* note 16, Article 262

<sup>39</sup> Penal Code No. 16 of 1960, *supra* note 16, Article 261.

## THE PRIMARY TYPES OF FORGED DOCUMENTS

### The Zaatari Bail Document

Approximately one-quarter of all workshop participants indicated that they knew of the sale of personalized copies of the Zaatari Bail Document. According to their reports, bail documents are available for sale inside and outside the Zaatari Camp, for 50 to 200 JOD each, with Syrians outside Zaatari needing to pay at the upper end of this range (100 to 200 JOD).

Note that, in order to leave Zaatari legitimately, Syrians must obtain the Zaatari Bail Document from Jordanian authorities on the basis of humanitarian need. Doing so requires moving through several steps. Qualified Syrians must first find Jordanian guarantors, i.e., individuals who are willing to assume legal responsibility – and thus significant risk – on their behalves. They must also return their camp vouchers (which provide them with access to housing and food). While the formal application cost is 18 JOD, Syrians often report paying 50 JOD, in large part based on the understanding that otherwise they must wait two-to-three months.

The bail document came into existence not long after the establishment of the Zaatari Camp. Jordanian authorities have since changed its format to make perpetrating forgery more difficult. The new version, which appeared in mid-2012, includes a photo and an

official stamp. Note that spotting forgery is easy when the document bears the old format, despite being issued recently.

For some time, when Jordanian authorities encountered Syrians who, despite living outside Zaatari, did not possess the Zaatari bail document, Jordanian authorities followed the policy of returning them to the camp. While that policy is no longer officially in effect, reports indicate some confusion here (even among local officials).

Beyond fear of return to the Zaatari Camp, Syrians possess other motivations (some more well-founded than others) for obtaining the Zaatari Bail Document through illegitimate channels despite the significant costs and risks of doing so. For instance, while not all Syrians who lack the bail document will face return, Syrians who violate the terms of their residency status in some way (e.g., by working illegally), might still risk that punishment.<sup>40</sup> Moreover, there are at least some reports of local authorities requiring the Zaatari Bail Document before issuing the Jordanian Service (MoI) Card.<sup>41</sup> Here too there seems to be some confusion among local

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<sup>40</sup> Note that Jordanian authorities do not subject Syrians who possess the bail document to substantial punishment, including return to Zaatari, when they violate the work permit requirement for the first time.

<sup>41</sup> This report describes the process for gaining the Jordanian Service (MoI) Card below.

authorities, given that requiring the bail document for access to the service card is no longer formal policy.

Finally, Syrians who lack other forms of identification, including the many individuals who handed over their documents to Zaatari authorities upon entering the country, might need the Zaatari Bail Document to facilitate other processes.<sup>42</sup> For instance, it might be their only hope of verifying their identity and obtaining other documents, like marriage and birth certificates.

The difficulty of gaining the bail document legitimately also fuels the market for forgery. For instance, the need to return the housing and daily ration vouchers greatly complicates the process for some Syrians, particularly Syrians who, after leaving the camp, lost or sold theirs. Some Syrians report that officials instruct them to return to Zaatari to find their vouchers, which could be in the hands of nearly any one of the many Syrians who live there. Finding the Jordanian guarantor and enduring long waits, particularly in the face of some humanitarian need, also pose considerable challenges.

Research for this report indicates that Syrians possess genuine uncertainty with regard to how the Zaatari bail process operates. One workshop participant, for instance, told the story of

how she obtained the bail document through means that she initially believed were entirely legitimate. She only became skeptical after receiving it, ultimately such that she decided to approach local authorities. Though she obtained her document long after mid-2012, it did not follow the new format. Instead of describing her anger toward the individuals who cheated her, the woman spoke about her sincere frustration with not knowing how to gain the document legitimately. She, like others in the group that day, worried most about falling into the same trap again.

The ensuing discussion helped shed light on the extent to which some Syrians genuinely believe they are doing the right thing, only to discover differently later – perhaps when the risks are far greater, as the result of criminal liability. Other studies have found that the bailout system lacks systematization and clarity such that it poses considerable risks to the Syrian population.<sup>43</sup>

As for potentially relevant legal provisions, forgery of the Zaatari Bail Document could be governed by Article 271 or Article 262 of the Jordanian Criminal Code. Article 271, on “private papers,” could apply when the forgery pertains to the underlying agreement between the Syrian seeking the document and the individual posing

<sup>42</sup> As mentioned in the context section, Jordanian authorities require Syrians to cede their passports, family books, etc., upon their arrival to Zaatari. Some Syrians, aware of this policy prior to arrival, hide their documents.

<sup>43</sup> See, e.g., the 2013 report of the Child Protection and Gender-Based Violence Sub-Working Group Jordan, “Findings from the Inter-Agency Child Protection and Gender-Based Violence Assessment in the Za’atari Refugee Camp.”

as his or her Jordanian guarantor (this, it seems, must often be the case for Syrians who gain the document while outside Zaatari). The penalty under Article 271 is, at most, three years of imprisonment.<sup>44</sup>

Alternatively, when the falsification pertains to some sort of abuse regarding the official process for issuing the document itself (e.g., regarding the official stamp), Article 262 could apply.<sup>45</sup> Article 262 carries much harsher penalties, including five years of hard labor at least,<sup>46</sup> fifteen years at most.<sup>47</sup> The same applies irrespective of whether or not the individual who procured the document was acting in an official capacity (e.g., as the official ultimately tasked with approving the bail documents).

In both cases, the law also makes clear that the same penalties apply to individuals who merely use forged documents, so long as they do so knowingly.<sup>48</sup> Of course asserting that an individual lacked knowledge (i.e., of the fact that he or she gained the document through illegal means), is not easy to substantiate. In short, Syrians who use forged versions of the documents – even if

unknowingly – risk facing the same penalties as the people who create them. And the penalties are staggering.

*Recommendations include* awareness raising and education with Syrians as the primary targets. In many cases, despite the prevalence of this issue, Syrians remain unaware of the fact that forged bail documents are common and that possessing them can have serious repercussions.

With regard to education, Syrians must understand the proper process for gaining the bail document, as well as why they need the document and what obtaining it requires (i.e., such that they recognize the importance of keeping their food and housing vouchers). Given the general uncertainty that surrounds the bail document, however, education efforts should extend much further, to local and international organizations, for instance, as well as to local authorities (in light of the confusion noted above).

Moreover, the Jordanian government might be able to take steps beyond fostering individual accountability. For instance, the Jordanian government might reduce the pressure to gain the bail document through informal means by clarifying its return policy, as well as by helping to ensure that Syrians possess alternate forms of identification (e.g., by allowing Syrians to keep their passports, particularly once they leave Zaatari). Similarly, there might also be significant value in making the process to obtain the bail document

<sup>44</sup> Penal Code No. 16 of 1960, according to the latest Amendment No. 8 for the year 2011 [herein Penal Code No. 16], Article 271.

<sup>45</sup> Penal Code No. 16, *supra* note 16, Article 262.

<sup>46</sup> Penal Code No. 16, *supra* note 16, Article 262.

<sup>47</sup> Penal Code No. 16, *supra* note 16, Article 20.

<sup>48</sup> Penal Code No. 16, *supra* note 16, Article 261.



easier. Likewise, the Jordanian government can do much to help foster clarity and to contribute to awareness raising and education.

### **Jordanian Service (MoI) Card**

At least five individuals within each of the workshops (and seventeen in one workshop of forty-eight) indicated familiarity with the sale of the Jordanian Service (MoI) Card. The prices for the card varied greatly from location to location. Workshop participants in Mafraq, for instance, reported prices as high as 500 JOD, whereas participants in Amman generally noted prices of 10 to 50 JOD (with one woman reporting 100 JOD).

The Service (MoI) Card first appeared in October, 2012. As with the Zaatari Bail Document, the format of this document has since changed. In fact, ARDD-LA has seen so many versions of the this document that knowing what version(s) are genuine has become increasingly difficult. Genuine versions should include a photo (for Syrians over the age of ten).

Syrians must gain the Service (MoI) Card from the police stations nearest their homes. Jordanian officials report that the process will soon change. Until now, and perhaps for some time to come, they must bring copies of their leases, as well as their landlords, who must agree in person to serving as their legal

guarantors. Many Syrians report that their landlords refuse to assume that responsibly, which greatly hinders the process.<sup>49</sup>

The proposed change will eliminate the need for Jordanian landlords to accompany their Syrian tenants. Instead, prior to appearing at the police station, Syrians must verify their leases through their local municipalities. Based on the rent amount, the municipality will then assess taxes against the landlords. Note that, while the landlords need not appear, they must still (contrary to their interests, in light of the potential need to pay additional taxes) provide their tenants with information to facilitate the process.<sup>50</sup>

Authorities have already abandoned requiring Syrians who left Zaatari to present the Bail Document in order to gain the Service (MoI) Card, due to the number of individuals who are unable to do so. Under the new regulations, Syrians without identification will sign sworn documents attesting to their identify, as well as allow authorities to conduct retina scans. Efforts like this to require less documentation are commendable under the circumstances.

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<sup>49</sup> Requiring that landlords serve as the legal guarantors of Syrians, which entails considerable risks, nearly guarantees that additional forms of fraud will surface. In fact, at least one additional form appears below.

<sup>50</sup> Note that, by law, *all* lease agreements should be on file with municipal offices so they may assess taxes. Anecdotal evidence, however, suggests that few landlords comply with this requirement. Thus, the new policy regarding Syrians again runs counter to the interests of landlords such that they might avoid cooperation.

Currently the Service (MoI) Card benefits Syrians by providing them with identification that facilitates their movement and residence within the Kingdom. The Jordanian government also benefits from issuing the cards to Syrians, as the registration process yields important information, both about individual Syrians, as well as about general demographics. For some time, reports from officials indicated that the Service (MoI) Card alone (i.e., without any other form of documentation) would allow Syrians access to key public services. That has not yet been the case however.

While the Service (MoI) Card is not yet alone sufficient for access to public services, Syrians face considerable pressure to obtain the card. For instance, the Jordanian government now requires all organizations to condition the provision of all aid on possession of the card. Syrians also report being unable to carry out some quasi-official processes (like cashing checks in their names at local banks) without the Card, irrespective of whether or not they have other forms of identification with them (including passports and/or UNHCR Registration Certificates).

During one Amman-based workshop, three women took out their Service (MoI) Cards to ask the facilitator if they were authentic. Each of the three cards looked distinct; even their sizes varied greatly. Again the ensuing discussion helped illustrate why, amidst

rampant misinformation, Syrians can mistake informal channels of obtaining certain documents for the proper ones.

As for potentially relevant legal provisions, forgery of the Service (MoI) Card could be governed by Article 262 of the Jordanian Criminal Code. As noted above, Article 262 mandates five years of hard labor at least,<sup>51</sup> fifteen years at most.<sup>52</sup> Also the same penalties apply to individuals who merely use the forged document, provided they do so knowingly,<sup>53</sup> irrespective of the source of the document.<sup>54</sup> Finally, Syrians should understand that pleading ignorance is an unlikely defense.

*Recommendations include* awareness raising and education designed to help stakeholders, ultimately Syrians, fully understand the prevalence of forged Service (MoI) Cards and the proper mechanisms for obtaining them.

The Jordanian government might help curtail this issue (while serving its own interests of encouraging registration) by making the registration process easier. The government seems to be pursuing precisely this policy through the potential changes noted above. It is wise, for instance, for authorities to consider departing

<sup>51</sup> Penal Code No. 16, *supra* note 16, Article 262.

<sup>52</sup> Penal Code No. 16, *supra* note 16, Article 20.

<sup>53</sup> Penal Code No. 16, *supra* note 16, Article 261.

<sup>54</sup> Penal Code No. 16, *supra* note 16, Article 265.

from the requirement that landlords serve as guarantors for their Syrian tenants, given that, due to the inherent risks involved, the unwillingness of landlords to do so is understandable.

Note, however, that the proposed changes do not fully eliminate the underlying issues. Syrian tenants are still subject to the good graces of their landlords. In fact, the proposed changes might diminish the willingness of landlords to cooperate even further (as cooperating can result in the need to pay increased taxes). Landlords refusing to cooperate will likely result in Syrians facing additional forms of exploitation.<sup>55</sup>

Finally, it might also be wise, for the sake of curtailing the market for other documents, to make the Jordanian Service (MoI) Card sufficient for access to key public services.

### Work Permits

Workshop participants also noted hearing of work permits for sale. This includes nearly half of the participants of one sizable workshop in al-Ramtha. Otherwise, on average, five individuals in each group indicated knowing of the issue. Prices from workshop participants and callers to the Emergency Line generally range from

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<sup>55</sup> Requiring that landlords serve as the legal guarantors of Syrians, which entails considerable risks, nearly guarantees that additional forms of fraud will surface given the extent to which Syrians need the card. The fraud that results appears below under “Other Types of Forgery”

350 JOD to 800 JOD (the reports of 800 JOD coming from participants in Irbid).<sup>56</sup>

Note that the Jordanian government requires all foreigners residing in Jordan to obtain work permits prior to seeking gainful employment. The process for doing so in Jordan is cumbersome and complicated, like elsewhere in the world, in part given the number of types of permits available. It suffices to say that the process for each individual application includes the consideration of two Jordanian ministries (in succession); that oftentimes each application needs the support of the Jordanian employer; and, that normally the job itself must be one that no Jordanian can fill.

Moreover, in March 2013, the Jordanian government froze the issuance and the renewal of *all* work permits to *all* individuals. The decision, according to government sources, was based on the need to help Jordanians obtain high-paid positions with the many international organizations in Jordan. The rationale was not, it seems, based on the need to inhibit the otherwise valid work options of Syrians in particular. The freeze still continues, and, whatever the intentions, anecdotal evidence suggests that Syrians feel its impact most.

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<sup>56</sup> This subsection omits reference to a type of forgery that recently came to light, namely with respect to the sale of business registration certificates. It appears, again from unofficial reports, that at least one official was arrested as a result of the issue (though ARDD-LA has little additional information).

Even general information of the type just noted here is invaluable when it comes to dispelling the idea that Syrians can obtain valid work permits through the payment of fees alone. ARDD-LA explains the difficulty of the process to Syrians, such that they can easily understand why no one person can fully facilitate it for them.

The pressures Syrians face here are predictable. Given the difficulty (impossibility) of working legally, financial assistance from organizations often becomes the only legitimate source of income for many Syrians. Even then, as noted in Section One, few Syrians possess access to financial assistance given the reality of the Crisis. The most common concern in each workshop discussion was how Syrians could continue to make ends meet (often after losing their savings due to some form of exploitation).

Note that opening the Jordanian labor market to Syrians could be catastrophic to the Jordanian economy, given the recent unemployment rate of 15.8%.<sup>57</sup>

While the Jordanian government cannot open the job market to everyone, local authorities seem to provide some room for Syrians to work without being subject to serious penalties. For instance, there are reports of authorities offering verbal warnings, as well as

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<sup>57</sup> Report from the Jordanian Statistic Department published in May 2013 for the prior year, 2012.

only requiring first-time offenders to complete written affidavits in which they promise not to commit future violations.

Serious penalties seem to be reserved for Syrians who cross paths with authorities multiple times or who raise other concerns (for instance by not possessing other forms of documentation). On the other hand, however, note that the penalties for business owners can be highly significant, including fines of 50 to 200 JOD for initial infractions, as well as closure of the business for repeat offenders.

As for the potentially relevant legal provisions, forgery of work permits could be governed by Article 262 of the Jordanian Criminal Code, which, as noted above, provides for five years of hard labor at least,<sup>58</sup> fifteen years at most.<sup>59</sup> Recall that this potential penalty applies equally to individuals who merely use the forged document, provided they do so knowingly.<sup>60</sup> Pleading ignorance here might be more difficult, given that, unlike with respect to other documents, all foreigners are categorically unable to obtain work permits at the current time.

**Recommendations include**, foremost, awareness raising and education efforts that aim to convey some of the key points above to Syrians and other stakeholders.

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<sup>58</sup> Penal Code No. 16, *supra* note 16, Article 262.

<sup>59</sup> Penal Code No. 16, *supra* note 16, Article 20.

<sup>60</sup> Penal Code No. 16, *supra* note 16, Article 261.

As noted, the Jordanian government is already taking some steps to aid Syrians without radically endangering the overall health of the Jordanian economy. Reducing the overall unemployment rate in Jordan is certainly easier said than done. However, to the extent possible, the government could consider including Syrians in public work projects. Perhaps seeking donors to fund public work projects, with the idea that some jobs will go to Syrians, could serve the interests of everyone.

### **Visas and Other Travel Documents**

Research for the report identified at least two types of forgery that pertain to travel documents, both of which appear to be highly location specific.

Almost all of the workshop participants in the al-Ramtha area acknowledged knowing about the sale of travel visas to European countries. Seven participants of the fifty who participated in total indicated having some form of direct contact with the individuals who sell them. Workshops in other areas, however, included only limited discussion of the issue, for instance, with one two people expressing some degree of familiarity with it.

The audacity of the individuals who sell “visas” in al-Ramtha certainly contributes to the difference. It also speaks to the sense of impunity with which some perpetrators of organized crime

operate. Several workshop participants in Ramtha spoke about how sellers convene large gatherings of Syrians to encourage them to purchase travel visas, mainly by telling them lies about how their lives would unfold in places like the United Kingdom, France, and Germany. “They make life abroad sound like heaven,” one woman said. “They promised us free housing for our families, consistent work for our husbands, and first-class education for our children.” The group setting also gives the appearance of legitimacy, as Syrians are more likely to buy into the processes when they see the potential commitment of others. According to reports from al-Ramtha, prices for the travel visas (and “heaven” abroad) ranged from 2,000 to 5,000 JOD.

Note that very few countries have offered travel visas to Syrians on humanitarian grounds since the beginning of the Syrian crisis,<sup>61</sup> and that, even if travel visas are currently available, they would be nearly impossible to obtain for any one of the 500,000 Syrians currently seeking refuge in Jordan. Moreover, Syrians also commonly believe that, having obtained refugee statuses, there is some hope for UNHCR resettlement. This misunderstanding opens the door to additional forms of exploitation.

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<sup>61</sup> For instance, in September 2013, the Australian Government announced that it would issue 1,000 visas to Syrians on humanitarian grounds.

Certainly life in “heaven” is alluring for Syrians who face so many struggles during their daily lives. The willingness of some individuals to pray on the hopes Syrians have to bettering their circumstances, perhaps at the expense of everything they own, is what makes this type of fraud particular repugnant.

In addition to the travel visas, Syrians in Mafraq noted the sale of passport entry stamps. Relatively few Syrians reported this concern overall however. According to two reports, the associated cost is 500 JOD. Note that many Syrians do not get an entry stamp when they enter Jordan, particularly through Zaatari,<sup>62</sup> and that they need one for subsequent travel outside the country (the exception being travel back Syria).

The potentially relevant legal provisions differ here. The general provisions of the Jordanian Criminal Code are trumped by the relatively specific provisions of the Jordanian Passport Law.<sup>63</sup> Article 24 of the Passport Law could provide for, at most, three years of imprisonment with respect to either issue.<sup>64</sup> Note that Article 24 of

<sup>62</sup> Many Syrians hide their documentation, including their passports and family books, knowing that they must cede those documents to Jordanian authorities as the Zaatari Camp. Only those Syrians who maintain their passports are potential victims of this form of fraud.

<sup>63</sup> This conforms to the general legal principle of *lex specialis* whereby the specific governs over the general.

<sup>64</sup> Passports Act No. 16 of 1985, Article 24.

the Passport Law does not criminalize the mere use of forged visas. However, individuals who use forged visas (whether or not they do so knowingly) could face the accusation that they forged the visas themselves (brining the traumatic experience of trial, as well as the potential for three years of imprisonment, back into the picture). In fact, this scenario appears to be highly likely to occur in practice.

ARDD-LA has clients who face precisely these allegations. One Syrian man, for instance, ultimately hoping to travel to Greece, claims he purchased his visa in Irbid through channels that he believed were entirely legitimate. While he managed to leave Jordan without incident, authorities in Egypt, where he stopped en route, investigated his documents. Soon thereafter, he found himself back in Jordan awaiting trial.

*Recommendations include*, namely, awareness raising and education that (i) illustrate the gravity of these two issues and (ii) explain the contextual considerations that make gaining some travel documents legitimately practically impossible. Education on this issue, like others, can impart general lessons for the future regarding the need to question claims that sound too good to be true.

Finally, for government officials, the travel documents issue signals the need for additional efforts to combat organized crime, particularly in areas outside of Amman. The need is particularly strong with respect to forged documents, which jeopardize essential

state processes, and which, might not only impose financial costs on victims, but also strip them of their liberty.

### Marriage and Birth Certificates

Several workshop participants noted the sale of marriage and birth certificates. While the reports came from various locations, the overall number of reports was relatively small (with approximately one participant per workshop having personal experience with one of the two certificates). However, on average, about fifteen Syrians call the ARDD Emergency Line per day with questions or concerns about marriage and birth certificates. While the callers note the sale of certificates, the levels of confusion and misinformation they evidence are equally concerning. This area seems ripe for future exploitation on an exceptionally large scale.

The costs for forged certificates, according to reports, vary from 150 to 500 JOD. None of the workshop participants who spoke about the certificates from personal experience report ultimately having paid for them.

Note that, despite the confusion and misinformation (which result mainly from one fundamental differences between marriage in Syria and in Jordan, as described below), Syrians should have some basic understanding of how to gain marriage and birth certificates legitimately in Jordan. Therefore consider that, namely due to their

knowledge of how the process operates in Syria, they might be more likely to question the legality of selling and buying certificates. This could impact the number of cases they report.

Legal marriage is one area in which cultural differences between Jordanians and Syrians, however slight, can yield considerable legal challenges. In both countries, marriage should ultimately include roughly the same steps. Couples in Jordan and Syria first formalize their marriage through the *katib al-kitab* ceremony, during which a local religious figure (an *imam* or *sheikh*) blesses their union before their immediate family.<sup>65</sup> The couple might sign their marriage contract at this time or, as often occurs in Syria and Jordan, the religious figure who leads the ceremony might simply record the names of the newlyweds.

Either way, while the *katib al-kitab* ceremony validates the marriage under Islam, the *katib al-kitab* ceremony does *not* validate the marriage under state law. Validating the marriage under state law requires the additional step of filing paperwork with state religious courts. After doing so, couples gain the marriage certificate, which they should then take to their Personal Status Department in order to gain the “family book.” Note that, in Syria, the Personal

<sup>65</sup> The *katib al-kitab* ceremony may occur following an engagement period; or, even though *katib al-kitab* makes the marriage official under Islam, an engagement-like (i.e., testing) period may follow the *katib al-kitab* ceremony prior to the wedding party.



Status Department retains the original marriage certificate. Syrians must return to the courts to gain another copy if they need one.

The critical difference occurs with respect to the timing of the wedding party, after which the couple may consummate their marriage. In Syria, couples often consummate their marriages prior to ratifying their marriages through state courts (though after *katib al-kitab*). Syrians frequently wait for the need to obtain a marriage certificate before taking the additional step of ratifying their marriages. In Jordan, however, couples *must* ratify their marriages through state courts prior to having the wedding party. In fact, failure to do so warrants criminal penalties, potentially even jail time.

More specifically, for couples who marry in Jordan, failure to ratify their marriage results in two legal cases. The first case pertains to the criminal nature of the issue. The outcome could be as much as six months in jail, though Jordanians and Syrians can pay additional fees to avoid that result.<sup>66</sup> The second case, which might be the more taxing of the two, pertains to affixing the marriage through the religious (i.e., *sharia*) courts. That process might take

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<sup>66</sup> Here not knowing the law does not amount to any sort of defense. Even if one pays additional fees, the first case might still result in a criminal verdict.

another year or longer,<sup>67</sup> and the court fees alone can amount to 1,000 JOD.

For couples who married in Syria, failure to validate their marriage only results in the need to pursue the second case (i.e., to affix the marriage through the *sharia* courts). However, due to its length and its cost, that process alone poses significant barriers for many Syrians. Even the moral significance of having an “invalid” marriage is considerable.

One of the most significant barriers pertains to the second issue of concern here, that of obtaining birth certificates. Jordanian hospitals issue birth notifications (i.e., *not* birth certificates), which always include the name of the mother. Whether or not the birth notification includes the name of the father depends on whether or not the couple has proper documentation of their marriage (i.e., their marriage certificate or, more likely, their family book). With proper documentation, the couple can take the birth notification to the Personal Status Department and obtain the formal birth certificate without any complications.

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<sup>67</sup> The judicial process for affixing marriage is more complicated for foreigners because they need additional documentation, for instance, from their embassies stating that they were eligible to marry in the first place (e.g., documentation certifying that they are not lying about other marriages, that they abided by the grieving period mandated by *sharia* law following the death of their former spouse, etc.)

Otherwise, lacking proper marriage documentation has even further legal and moral implications. First, in addition to the case(s) regarding the marriage itself, the couple will need to go through the judicial process of affixing kinship, which could take an additional six months and require additional fees. ARDD-LA facilitated a case for an Iraqi man and Syrian woman that lasted over three years, during which time the couple had not one, but two additional children.

Furthermore, imagine the moral implications for the family at the time of birth when the father learns for the first time that hospital staff refuse to include his name on the birth notification (thereby refusing, it seems, to acknowledge that he is in fact the father). In the local cultural context, hospital staff cannot avoid giving the impression that, in their eyes, the child is “illegitimate,” as the result, at best, of an “illegitimate” (i.e. not properly documented) marriage. Questioning the status of the father calls into doubt the honor of the family, the wife in particular. From here it is easy to imagine the confusion and heated conflict that can then ensue on an otherwise joyous day (occasionally resulting in entirely new legal problems for the angry fathers).

In addition to the need to endure the judicial processes of affixing marriage and affixing kinship, Syrians might face practical repercussions, most notably with respect to UNHCR registration. For

instance, without proper documentation of their marriage, husband and wife will appear on separate registration certificates, with any children appearing on the certificate of the wife. Without the mother present, the father will face difficulties when trying to access health and education services for his children. These difficulties can result in the denial of health services to the children, for instance, and in the same type of heated conflict noted above. Also note that, for couples with children, the wife will more likely become the named recipient of need-based aid, including food vouchers and financial assistance. The result can be severe issues between husbands and wives, particularly when husbands, having always provided for their families in the past, feel emasculated and struggle to cope with some loss of control.

Finally, separate registration certificates can also cause problems for stakeholders by giving the appearance, based on the certificate of the wife alone, that she (perhaps as the mother of several children) lives in Jordan without her husband. The results here, again as one might imagine, are the possibility of misleading data and the prospect of widespread manipulation.

As for the potentially relevant legal provisions, forgery with respect to either of these two documents is governed primarily by Article 262 of the Jordanian Criminal Code, which, as noted above,

mandates five years of hard labor at least,<sup>68</sup> fifteen years at most.<sup>69</sup> Recall that the same penalties apply to individuals who merely use the forged versions of these documents, provided they do so knowingly.<sup>70</sup> Here too pleading ignorance will not keep someone out of court, nor keep someone from facing harsh penalties without persuasive evidence.

**Recommendations include**, principally, awareness raising and education aimed at helping Syrians understand the importance of ratifying their marriages with Jordanian courts as soon as possible (for couples who marry in Jordan, ratifying their marriage prior to holding the wedding party is imperative).

Otherwise, resolving these issues requires ensuring that Syrians have access to courts, both inside and outside the Zaatari and Al-Azraq camps, as well as access to legal services, which will also prove necessary for many cases. Note that, so long as the Zaatari Camp lacks a *sharia* court, any marriage that occurs there will raise these concerns.<sup>71</sup>

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<sup>68</sup> Penal Code No. 16, *supra* note 16, Article 262.

<sup>69</sup> Penal Code No. 16, *supra* note 16, Article 20.

<sup>70</sup> Penal Code No. 16, *supra* note 16, Article 261.

<sup>71</sup> Recall that there are plans to establish the first religious court in Zaatari within the near future.

### **Other Types of Forgery**

There are at least two other forms of forgery that warrant additional concern and investigation. The first pertains to efforts to gain residency status, as Syrians must to obtain the Jordanian (MoI) Service Card, and the second pertains to gaining greater access to medical services.

As noted above, in order to gain the Jordanian Service (MoI) Card, Syrians must appear at the police station nearest their homes with their lease agreements and their Jordanian landlords, who must agree in person to serving as their legal guarantors.<sup>72</sup> Some landlords refuse to facilitate the process. The resulting issue has given rise to organized efforts to sell Syrians, not only forged lease agreements, but also fraudulent landlords who will accompany them. Reports from Irbid and al-Ramtha note the presence of specific offices where Syrians can go for this service, at prices ranging from 30 to 50 JOD.

Additionally, workshop participants in Amman noted the sale of cards that, in theory, provide discount health services. According to their reports, door-to-door salesmen are often the ones to offer the cards, which the salesmen claim work for many (and sometimes any) health providers. The cards cost about 10 JOD each.

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<sup>72</sup> Recall, as noted earlier, that there are plans to change this process.

The same workshop participants noted that they tried using the cards on multiple occasions to no avail.

Note that not all cards of this type are fraudulent. Jordanians also report knowing of door-to-door salesmen who offer something similar. The genuine ones, however, come with detailed instructions about their use, generally in the form of brochures that also include detailed information about the specific health providers who honor the cards. One workshop participant noted that, when she purchased the discount card, she received nothing of the sort. She then tried using her card five times. Each time doctors rejected it.

Also note that the Jordanian government provides Syrians with access to public healthcare services at no cost. Nevertheless the cards might appeal to Syrians who report having to wait in long lines at crowded facilities. Private facilities, which Syrians hope to access through the cards, are known for offering high-quality services by comparison. Additionally, Syrians lack dental coverage under the public option, which is something else they might stand to gain if the cards matched the claims attached to them.

## AWARENESS RAISING AND EDUCATION

- \* All stakeholders<sup>73</sup> should consider awareness raising and education to be the most promising tools for countering the extremely high incidence of illegal exploitation, namely on the basis that most forms of illegal exploitation thrive amidst areas of uncertainty.
- \* Stakeholders should note that each of the topics in this report presents an area worthy of prioritization for awareness building and education. Based on the findings of the report, the most pressing areas of illegal exploitation are those regarding rental agreements, the Zaatari Bail Document, and work permits. Stakeholders should carefully select the issues they choose to prioritize, in part by taking into consideration geographical location,<sup>74</sup> in order to reduce the likelihood that information overload will dilute the impact of their interventions.
- \* Stakeholders should treat their clarification of the issues in this report as an invaluable form of aid. Like misinformation, the spread of clear, consistent advice can be contagious within Syrian communities. Recall that fraud and forgery cost many Syrians, not only their savings, but also, in some cases, their personal liberty.
- \* Stakeholders should work together to create common awareness raising and education goals, in part based on the understanding that certain organizations are better positioned to handle certain issues than others.
- \* Stakeholders should take into consideration that awareness raising and education should occur not long after Syrians enter the country, given the immediate need (particular in urban settings) for them to complete certain legal processes.
- \* In terms of educating their staff and partners, stakeholders should focus on clarifying: (i) the official processes for obtaining key documents, namely those most often associated with forgery; and, (ii) the most efficacious measures for preventing and combatting exploitation. Stakeholders should regularly consult organizations with legal expertise, like ARDD-LA.<sup>75</sup>

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<sup>73</sup> Here “stakeholders” applies broadly, unless otherwise noted. It includes the Jordanian government, the UNHCR, and locally based NGOs. It also applies to Syrians in the position of awareness raising and offering education.

<sup>74</sup> Because some issues are more common in some areas than others, stakeholders should strategize their awareness raising and education efforts accordingly. Recall that nearly all workshop participants in al-Ramtha were familiar with the sale of travel visas to European countries (whereas this issues seemed much less severe elsewhere).

<sup>75</sup> Stakeholders should avoid merely referring cases to the UNHCR, which does have the capacity to answer every question immediately. Syrian report frequent referrals, and, while awaiting guidance, falling into legal trouble.

\* Because the most troubling forms of illegal exploitation, like many official processes (e.g., the process for gaining the Jordanian Service (MoI) Card), change continuously, stakeholders must see awareness raising and education as an ongoing responsibilities. Therefore, they should: (i) monitor protection related concerns (internally, with the help of survey systems and tracking tools,<sup>76</sup> or externally, with the help of outside sources); and, (ii) develop systems for updating staff on important issues, including changes to official policies and processes.

\* In terms of educating their Syrian beneficiaries, stakeholders should recall that providing even basic information can be helpful. Stakeholders should therefore take steps to identify and provide generally applicable legal advice.<sup>77</sup> Many of the subsections in this report include information that is relevant in this regard.

\* Stakeholders should also devote sufficient time and energy to helping Syrians understand certain contextual considerations, namely those that relate to key areas of confusion and tension. For instance, stakeholders should help Syrians understand why the Government does not allow everyone within Jordanian borders to work,<sup>78</sup> how budgetary constraints severely limit access to financial aid,<sup>79</sup> why, at the present time, securing travel visas or resettlement is practically impossible.<sup>80</sup> Education efforts should be both informative and persuasive.

\* When the objective is encouraging Syrians to avoid informal means of obtaining certain documents, stakeholders should go beyond informing them of the proper channels for obtaining those documents. Stakeholders should also ensure that Syrians understand the great risks involved, such as the potential for criminal sanctions (including trial before the special state court and the prospect of five to fifteen years of hard labor). In other words, stakeholders

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<sup>76</sup> Stakeholders could, for example, include key questions registration forms and track responses.

<sup>77</sup> For example, stakeholders should: counsel Syrians to confirm the identity of any individual with whom they seek to make critical arrangements, as well as any individual who seeks payment for official services; encourage Syrians to complete certain processes at official facilities; and, emphasize to Syrians that paying for favoritism does not yield the same results in Jordan, as it might in Syria

<sup>78</sup> Syrians, for instance, are receptive to the fact that unemployment was high in Jordan even before the Syrian Crisis began, and that, in face of this reality, the Government cannot open its job market to the hundreds of thousands of prospective workers in the country.

<sup>79</sup> While Syrians tend to see cash assistance procedures as biased, they are receptive to the idea that, in light of the magnitude of the crisis and the reality of budget constraints, many needy families will not receive funds. The issue seems to be that Syrians see organizations as possessing sufficient resources, when that simply is not true.

<sup>80</sup> Note, for instance, that the international community sees repatriation as the best option for all refugees. UNHCR resettlement, therefore, will not begin until after the Crisis has ended. Understanding this fact places Syrians in the position of questioning any “special offer” that suggests the contrary.

must aim to alter the balance of the incentives Syrians face. This is especially important with respect to official processes that are daunting (time consuming, costly, etc.).

\* Stakeholders should utilize case-specific examples where possible. Case-specific examples (i.e., stories about the experiences of other individuals with fraud and forgery) help reduce the ambivalence of Syrians to engage in open discussion about their experiences. They also paint an accurate picture of how stories of exploitation unfold, in part by illustrating the highly significant consequences for their victims. Through the experiences of others, Syrians are more likely to internalize some degree of caution and skepticism and to recall certain generally applicable lessons.

## LEGAL SERVICES

\* Stakeholders should take steps to ensure that Syrians possess greater access to legal experts. This could be as simple as enhancing referral policies. It could also involve coordinating outreach efforts with legal professionals.<sup>81</sup> This report evidences that there are many cases of illegal exploitation occurring. The need for legal advice and representation is correspondingly high.

## ADDITIONAL RECOMMENDATIONS FOR KEY STAKEHOLDERS

### The Jordanian Government

In addition to the above, the Jordanian Government might wish to consider:

\* Investigating many of the issues that appear in this report with an eye toward fostering accountability. For instance, authorities might find value in investigating those crimes that impose relatively little costs on victims at the individual level, but that, by reaching many individuals, impose significant costs on society in the aggregate.<sup>82</sup> Likewise, the Government might wish to address concerns that point to largescale, organized crime,<sup>83</sup> as well as to take steps to ensure the integrity of certain official processes.

<sup>81</sup> Recall that nearly every issue in this report implicates the need for direct legal services. This need is particularly clear where an issue results in criminal responsibility for the victim. However, recall that, in order for Syrians to gain any form of restitution, they must normally resort to independent, “personal rights” through the help of lawyers.

<sup>82</sup> Many forms of illegal exploitation might go unpunished where individual claims involve only relatively little amounts of money (and thus little incentive to file legal cases).

<sup>83</sup> E.g., regarding forged visas in al-Ramtha.



- \* Investigating the registration status of CBOs, with the aim of identifying organizations that have not registered with the MoSD. Authorities might also find value in making the list of registered CBOs within key geographical areas widely available.
- \* Passing regulations that require CBOs to post their registration certificates in plain view, as well as regulations that prohibit CBOs from charging registration fees.
- \* Clarifying official policies and procedures, ideally through routine (perhaps weekly) updates to key stakeholders, including enforcement officials.<sup>84</sup>
- \* Developing policies that: (i) help reduce the underlying pressures Syrians face with respect to their need to complete certain processes or to gaining certain documents quickly; and/or, (ii) ease the burdens Syrians face with respect to completing those processes and gaining those documents. For instance, the Government is currently attempting to do the latter through its new process for obtaining the Jordanian Service (MoI) Cards.
- \* Making the Jordanian Service (MoI) Card sufficient for access to key public services.<sup>85</sup>
- \* Finalizing plans to return the identity documents of Syrians.<sup>86</sup> Authorities should also publicize their intention to do so, which might have the immediate impact of reducing the willingness of Syrians to obtain certain documents illegitimately.
- \* Including Syrians in public work projects to the greatest extent possible. Note that seeking donors to fund public work projects (with the idea that some jobs will go to Syrians) could serve the interests of everyone.

## The UNHCR

In addition to the above, the UNHCR might wish to consider:

- \* Taking preemptive measures, in accordance with the concerns of this report, to clarify the role of the UNHCR, namely with respect to how the UNHCR engages Persons of Concern.<sup>87</sup>

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<sup>84</sup> Recall that confusion exists, even among authorities (according to reports), regarding the official return policy of individuals who lack the Zaatari Bail Document.

<sup>85</sup> Recall that the Government has indicated that the MoI Cards might become sufficient for access to some services, whereas now, for instance, service providers often require the UNHCR Registration Certificate.

<sup>86</sup> Recall that Zaatari authorities retain many identity documents. The Government has indicated that authorities might soon begin releasing some documents however.

This includes taking additional steps to assure Syrians that the UNHCR does not accept any form of payment under any circumstances.

- \* Taking steps, including advocacy, to eliminate the need for Syrians to present the Jordanian Service (MoI) Card for UNHCR registration.
- \* Stressing the importance, namely to key partners, of mainstreaming enhanced protection monitoring mechanisms that bears emphasis on the concerns outlined this report.

## NGOs

In addition to the above, NGOs might wish to consider:

- \* Developing protection monitoring tools that address illegal exploitation and that gauge the knowledge possessed by beneficiaries of official processes for gaining services and documents (given that their knowledge of those processes is one clear proxy for the likelihood of their exploitation); deploying the monitoring tools, in part by integrating them into registration and programming efforts; and, facilitating inter-organization coordination, in part to develop and implement strategic plans for protection monitoring.
- \* Developing systems for updating staff on the most pervasive forms of illegal exploitation, as well as on any changes to official processes for gaining the documents of concern. This includes designating internal focal points for protection monitoring, including monitoring of legal issues.
- \* Refraining from conditioning aid on possession of the UNHCR Registration Certificate to the extent possible (where the Jordanian Service (MoI) Card alone could be sufficient).<sup>88</sup>
- \* Taking steps to ensure that CBO partners do not charge registration fees, as well as steps to ensure that CBO partners possess MoSD registration certificates. NGOs might also find that encouraging CBOs to post their certificates (and that encouraging Syrians to look for the certificates when visiting CBOs) will help make perpetrating fraud more difficult.

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<sup>87</sup> Preemptive measure might include informing Syrians of their rights and responsibilities as registered refugees. Some Syrians believe, for instance, that they are entitled to cash assistance or resettlement. Misconceptions along these lines create an environment conducive to illegal exploitation.

<sup>88</sup> Though still requiring the yellow appointment card could prove wise, in order to encourage Syrians to attend their UNHCR registration appointments.

\* Providing beneficiaries with lists of registered (and perhaps otherwise vetted) CBOs in their geographical areas. The benefits of doing so are two-fold. Possessing these lists, Syrians will know where to go to receive assistance. Also, when approached by CBOs, Syrians will have some basis for knowing whether or not they can be trusted.

# Recommendations