

Accessing the Labour Market for Syrian refugees: Lessons learnt from the Iraqi Refugee Crisis- June 2016



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Executive summary

The announcement of an amnesty on fees associated with work permits for Syrian refugees in March 2016, is an important and welcome development expected to alleviate the economic hardships suffered by Syrian refugees in Jordan. The Syrian refugee crisis is not, however, the first time that Jordan implements a policy of work permits for refugees. Drawing upon ARDD-Legal Aid's work during the peak of the Iraqi refugee crisis in Jordan, this report provides an analytical overview of the challenges faced in the context of the Iraqi refugee crisis. We believe there were lessons learned that must be considered in the implementation of work permits for Syrians, to ensure the challenges experienced will not endure in the current context.

The paper is divided into five main sections as follows: the first section of the report provides a brief refresher/overview of the characteristics of the Iraqi displacement to Jordan, including number of registered and unregistered arrivals, socio-economic characteristics and main challenges. The second part of the report describes the main industries that Iraqis were able to work in, with particular focus on the informal sector. The third section outlines the legislation concerning non-Jordanian workers, the process of obtaining a work permit and the initiatives implemented to enable access to the labour market. The fourth section outlines the challenges that existed for Iraqis as well as employers. The final section reflects

on this experience and informs what we need to consider for Syrian refugees as they transition into the formal work force.

A Refresher on Iraqi Refugee Crisis in Jordan

Although the history of Iraqi displacement to Jordan is long, with Iraqis taking refuge in Jordan since the 1958 overthrow of the monarchy, the numbers increased drastically following the invasion of Iraq in 2003, with surges again in 2007.¹ UNHCR records of registered Iraqi refugees in Jordan have always been significantly lower than the estimated number by the Jordanian government. In March 2003, UNHCR recognized a total of 940 Iraqis as refugees, while the Jordanian government estimated 200,000-300,000 Iraqis in the Kingdom.² In May 2007, the Norwegian Research Institute FAFO, in cooperation with Jordan's Department of Statistics, concluded that 450,000-500,000 Iraqis resided in Jordan;³ the numbers registered by UNHCR at the time was 47,910. As one academic put it, 'the number of people who choose not to seek protection from UNHCR, for whatever reason, are by definition unknown'.⁴ But as outlined by researcher Geraldine Chatelard, the discrepancy in numbers was not necessarily a cause for concern as Iraqis in Jordan cannot all be classified as refugees.

¹ Stevens, D, (2013), 'Legal Status, Labelling, and Protection: the Case of Iraqi 'Refugees' in Jordan', Int J Refugee Law (1) 25 (2013); UNHCR, (2016), Registered Iraqis in Jordan, April 15th 2016. PDF.

² Legal Status, Labelling, and Protection: the Case of Iraqi 'Refugees' in Jordan, Int J Refugee Law (4 :1) 25 (2013 first published online March 2013 ,14.

³ http://www.dos.gov.jo/dos_home_e/main/Iraqis20in20Jordan.pdf (pg. 3).

⁴ Stevens, D, (2013), Legal Status, Labelling and Protection: the Case of Iraqi 'Refugees in Jordan, in International Journal of Refugee Law, v.25, n.1.

She indicates that the migration from Iraq to Jordan has long been circulatory for business and government figures at the same time as mass displacement has occurred.⁵ As will be demonstrated, the lack of clear legal status affected many people in Jordan in a variety of different ways, including their access to the labour market.

There is a general consensus that the Iraqi refugees who have arrived in Jordan after 2003 were from educated middle class background, unlike the situation of Iraqi refugees in Syria.⁶ In their study FAFO showed that the Iraqis were ‘well educated’⁷ 46.3% of whom had a degree, and 33.4% of UNHCR registered Iraqis had a degree or higher.⁸ Chatelard also highlighted in her 2011 paper how most Iraqis come ‘overwhelmingly from the middle and upper classes, have urban backgrounds and middle to high levels of education and generally possess some financial capital when they arrive.’⁹

In spite of the socioeconomic and cultural profile of Iraqis, they faced significant challenges to their existence largely because of the uncertain legal status they held by virtue of being a ‘guest’ rather than a ‘refugee’ in Jordan, and further as a consequence of changing border policies. As outlined below, this was the primary challenge for Iraqis to even be *considered* for a work permit. To understand how this functioned in practice it is necessary to review Jordanian Law for Foreigners and how this interacts with the Jordanian Labor Law, as will be explained in the following section.

Jordanian Law for Foreigners and Arab nationals

Jordan has a clearly demonstrated and articulated policy of non-integration of refugees, with the exclusion of Palestinian refugees. Jordan is not a signatory to the Refugee Convention, but signed a Memorandum of Understanding with UNHCR in 1998. Persons arriving as refugees are considered and treated the same as any other temporary foreigner. This is in line with the 1973 Law on Residence and Foreigners, which forms the basis from which refugees and other migrant groups are dealt with while in the Kingdom.

According to this law it is necessary for non-Jordanians to obtain a visa to enter the Kingdom. This visa does not entitle the individual to anything beyond their temporary stay and is renewable for six months. Foreigners who overstay their visas must pay up to 761 JD (1.5JD per day) for every year they overstay.

How this Law works in practice is distinct for different populations. For a long time, citizens from Arab countries were exempted from the requirement to obtain a visa, this effectively meant, and especially in the case of Iraqis, that they could easily come to the Kingdom. As Chatelard argued in 2007, the Jordanian government applied a non-legally binding framework of ‘hosts and guests’ relations for other Arab nationals. Although, as Chatelard indicates, this did not include the right to residency or access to the labor market.¹⁰

Visa requirements for Iraqis changed in 2008 when the Jordanian government announced that Iraqis were required to apply and pay for a visa in advance.¹¹ This inevitably impacted the ease to which Iraqis could cross into Jordan but, also significantly impacted those Iraqis already residing in the Kingdom. Regardless of their time of arrival, whether in 2003 or 2007, Iraqis from the date of the change came under the 1973 Law and were thus required to leave the Kingdom within a 6 month period, or accumulate overstaying fines.

Of those already in the Kingdom, only those who were registered with UNHCR were exempt from the overstay fines. But as outlined above, there was a large portion of the Iraqi population in Jordan who could not be pardoned of these fines because they were not registered. Importantly, in February 2008 the Jordanian authorities indicated that they would exempt Iraqis from overstaying fines if they decided to return back to Iraq or to travel to a third country. As Chatty and Mansour pointed out in 2011 however, very few Iraqis accepted to return to Iraq.¹² Writing in 2011, ARDD-Legal Aid outlined that ‘Refugees (continue to) struggle to maintain a legal existence in Jordan, attain proper residency status and avoid overstay fines’.¹³ Indeed, UNHCR outlined in 2011, that only 30% of Iraqis held residency permits.¹³⁻¹⁴ Up to this day, some Iraqis continue to accumulate fines and are

10 Chatelard, G., et al, (2009), Protection mobility and livelihood challenges of displaced Iraqis in Urban Settings, International Migration Commission, p10-9.

11 Stevens, D, (2013), ‘Legal Status, Labelling, and Protection: the Case of Iraqi ‘Refugees’ in Jordan’, International Journal of Refugee Law (1) 25 (2013), p16

12 Chatty, D, and Mansour, N, (2012), Displaced Iraqis: Predicaments and Perceptions in Exile in the Middle East, in *Refuge*, v.28, n.1, p101.

13 ARDD-Legal Aid, (2011), Mapping Refugees Minds, p6 PDF.

14 U.N. Office for the Coordination of Humanitarian Affairs, (2011), (2010) Regional Response Plan for Iraqi Refugees, Dec. 2010, 28, <http://www.unocha.org/cap/appeals/regional-response-plan-iraqi-refugees2011>, p44

15 Another important point to make is that during different periods of the Iraqi refugee crisis UNHCR was implemented a Temporary Protection Regime (TPR) which differs to the normal process as agreed under the MoU in 1998. The primary difference is that UNHCR did not conduct refugee status determination (RSD) and instead considered Iraqis as people of concern. Dallal Stevens (2013) offers a thorough explanation of the process and challenges that emerged in this process, p14-11.

forgiven such fines if they resettle or repatriate¹⁶.

Iraqi refugees access to labour market

As Twigt outlined in 2013, 'The protractedness of the Iraqi crisis in combination with a lack of secure job opportunities for Iraqis means that those who used to be rich became increasingly impoverished and dependent on assistance.'¹⁷ To be sure, this was the experience for the majority, who were able to make out a living working in the informal labour market. As UNHCR indicated at the time, between 40-60% of Iraqi adults were working informally in Jordan. UNHCR outlined that this exposed Iraqis to protection challenges including potential detention or deportation, as well as exploitation, abuse and irregular wages.¹⁸

While this was understood to be the general experience, a small section of the community was able to gain legal status and from this basis secure legal employment. ARDD-Legal Aid pointed out in 2011 that some Iraqis were also working with international NGOs and as professors in higher education. A Jordanian Ministry of Planning report published in 2010 indicated there were around 450 Iraqi academics and professors working in Jordanian universities.¹⁹ Indeed, as Jordanian economist Yusuf Mansur outlined: 'I believe that private universities would not have emerged had there not been Iraqi teachers willing to work for under \$1,000 per month even though they were trained in some of the best Western universities.' He went on further to say that 'we had first rate researchers, scholars, doctors, physicians etc that worked for lower wages and filled a gap. Some worked informally as the government would not give them work permits';²⁰ This indicated that some skilled professionals were able to work informally and not just in the unskilled sections of the economy.

Foreign investment was another major avenue for Iraqis to gain legal status and work within the Kingdom. Drawing specifically on the case of Iraqis who arrived between 2004-2008, Mansur highlights that some Iraqis 'injected significant amount of invest-

ment into the economy.'²¹ According to the Ministry of Industry survey at the time, Iraqi investments totaled 482,772,106 shares/ Jordanian Dinars, for the years 2003- 2011, with number of partners / investors reaching 5,209.²² This was obviously an avenue only open for Iraqis with a significant financial capital level and demonstrates the variety of socio-economic backgrounds of the Iraqi population.

Another important though underreported situation with the Iraqi refugees was the emergence of Iraqi owned financial services agencies. These were set up by Iraqi investors, to provide loans and liquidity to Iraqis in Jordan. There was an obvious demand for such a service as Iraqis were unable to access debt from the regular banking system in the Kingdom. A loan such as this could enable people to apply for a residency permit and fulfil the financial requirement of depositing 25,000JD into a bank. Like in many financial services provided outside of the formal banking system, interest rates were high and thus problems significant for those unable to repay. ARDD-Legal Aids experience attests to the fact that some people were using the cash assistance provided by UN HCR to repay these loans. Once identified as a significant practice, UNHCR was able to advocate to the government to close such businesses, however the legal requirements under the contracts stood and ARDD-Legal Aid played a significant role in mediating these cases.

There is no exact number of the amount of Iraqis who were able to gain a work permit or investor permit during the peak of the crisis. However considering that only 30% of Iraqis had a residency permit it is possible to suggest that only a small fraction of this population held these permits. As will be outlined below, there were various challenges that existed to obtaining such permits.

¹⁶ There are no publicly available statistics on the number of Iraqis that this would apply to, but within ARDD-Legal Aids practice we know that it happens.

¹⁷ Twigt, M, (2013), *Negotiating Dissolution: A study on Resettlement, Power and Place among the Iraqi Refugee Community in Jordan*, p13. PDF.

¹⁸ U.N. Office for the Coordination of Humanitarian Affairs, (2011), (2010) *Regional Response Plan for Iraqi Refugees*, Dec. 2010, 28, <http://www.unocha.org/cap/appeals/regional-response-plan-iraqi-refugees2011>, p49

¹⁹ Ministry of Planning Report – Ref: Mr. Omar Nusair

²⁰ Mansur, Y, (2015), 'A Human gift' – the socio-economic dimension of the Syrian refugee crisis, in *Alternative Voices on The Syrian Refugee Crisis in Jordan: An interview Collection*, Rosa Luxemburg Stiftung: Regional Office Palestine, p24

²¹ Ibid, p21

²² Ministry of Industry and Trade, Companies Control Department, http://www.ccd.gov.jo:7777/ccd_gov_jo_2/CompanyStatistics/menu.jsp

Understanding Work Permits: Normative framework and procedures in the context of Iraqi refugee

a. Legal framework for non-Jordanian workers

The Jordanian Labour Law No.8 regulates the requirements and processes for non-Jordanians to gain legal employment in the Kingdom. Article 12 outlines that non-Jordanian labour must receive the approval of the Minister; the non-Jordanian must obtain a work permit; and the employer should pay the permit fee. Employing a non-Jordanian outside of this process, in a position other than the one specified in the work permit or in an occupation without a permit, is expressly viewed as a violation of the Labour Law and penalties are associated with such violations.

The Labour Law interacts with the 1973 Law on Foreigners because a work permit is one of the ways to obtain legal residency in Jordan (with another being investment in the country). To obtain such a residency permit the individual must be legally residing in the Kingdom, meaning, among other things, not having acquired overstaying fines and have arrived through an official border crossing. The former proved to be particularly important for the Iraqi refugee situation as many held significant amounts of overstaying fines after the introduction of a visa requirement in 2008. This was particularly difficult for Iraqis to rectify as they were unable to go back to Iraq or had no option of leaving the country. Importantly, the government forgave the fines if the Iraqi was able to leave through resettlement. However, there are still Iraqis in Jordan holding significant levels of accumulated fines.²³

As suggested above, another avenue to gain a residency permit in Jordan is through investing in the Kingdom. According to the Investment Jordanian Law for Non-Jordanians 2000, non-Jordanian investors are required to hold a minimum of 50,000 JD.

As it will be explained below, the process to obtain a work permit was and still is rife with bureaucratic and costly difficulties which prevented the substantive access to work. Both this and the substantial cost of

the investment itself, meant that this was a path left only to wealthy Iraqis.

b. Process for obtaining a work permit

The process to obtain a work permit starts with three main conditions: legal status of the non-Jordanian; availability, legality and suitability of the job opportunity; and guarantee that the employer will issue the work permit. After these conditions are met the formal process can be started. This is the case for all non-Jordanian workers, regardless of whether they are a refugee or not.

The work permit paperwork should be submitted to the Labor Office closest to where the Iraqi lives. This paperwork consists of two sets of documents by both parties involved: from the potential employee and the employer. The employer should provide a copy of the registration certificate of the entity, an updated original copy of the vocational license of the work entity, a copy of the employer's ID, form from the Ministry of Labor, and a bank guarantee. On the employees side, an authentic copy of the individual passport (type A or G), a free of disease health certificate, vocational training certificate if appropriate, two personal photos, and a signed annual employment contract. These documents are then required to be submitted to a Labor Office of the MoL. The applicant receives a number and should follow up after 14 days. During this time the paperwork is reviewed by a panel in the MoL for approval. If approved by the MoL the application is then sent for second approval by the Ministry of Interior, in consultation with the intelligence department, for security reasons. If approved by the MoI, the application is sent back to the MoL who then contacts the individual and requests them and the employer to the ministry to finalize the permit. At this time the employer is required to sign the work permit issuance papers and pay the required fees. By Law, the fees are paid for by the employer.

Once finalized the work permit is issued for one year, and is required to be renewed after its expiration date. Renewal of permits follows the same process as above, with any changes to salary or position having to be amended in renewal documents.

²³ This understanding is based off ARDD-Legal Aids work since 2008

However, this process was rarely successful. Indeed as ARDD-Legal Aid pointed out in 2011, 50% of the cases before the Labour committee are asked to be replaced by a Jordanian, and 90% of the cases that did make their way through to the Ministry of Interior were rejected. As ARDD-Legal Aid reported at the time, this is complicated and confusing for all involved as, ‘in some cases, an applicant for a work permit may have all required legal approvals for many legal actions in Jordan, including residency, approved travel visa to Jordan or approved marriage contract which confirms his/her legal status, yet his/her work permit application will be refused!’

c. Initiatives to enable access

In recognition of the difficulties that Iraqi refugees faced in accessing work permits, ARDD-Legal Aid worked in coordination with UNHCR and Open Society Foundation to attempt to overcome the barriers to accessing work permits. This included awareness raising session with refugees about work rights, providing consultations explaining the procedures for obtaining jobs and work permits, preparing the required forms and letters needed by the MoL, facilitating and initiating dialogues with many employers to encourage the issuance of work permits, drafting contracts to support protection of both parties rights, finding various solutions to pay the work permit fees, as well as actively trying to find job opportunities through the Private4Public project. Other organizations also initiated projects to provide training or work for Iraqis. CARE provided paid training opportunities for refugees for a three month period, with the aim to encourage refugees to improve their skills and allowed employers a time period to examine and identify successful candidates for permanent jobs. International Relief & Development also tried to offer all kind of capacity building trainings to make refugees competent to find jobs and have the work permit. In addition, in Lebanon as numbers of Iraqi refugees were fewer, IRD Lebanon mission offered to pay half of the agreed salary to encourage employers to hire refugees. Despite these efforts, there were very minimal if any results. Significant barriers still existed because the challenges were not simply lack of information or lack of understanding about the process, though as outlined below, this is one reason.

Other factors included legal status, costs associated with obtaining documents, the types of documents required, perceptions of work permits and environmental challenges such as the need for official licensed entities. These challenges were not experienced one sided, but also included those that were perceived by employers.

Data shows that the main obstacle for most cases was paying the overstay fines. On this particular issue, ARDD-Legal Aid tried to secure those payments especially when refugees were partially exempted in December 2010. Many NGOs proposed to facilitate that exemption, by offering the transportation costs as it was required to leave Jordan and comeback in order to have the exemption, but the costs were high for some families. Indeed, the costs was too high for NGOs to cover.

In line with UNHCR efforts, the Ministry of Interior issued regulations - upon Royal directions-stating clearly that refugees have the right to work just like any other foreigner, and exempting them from the overstay fines. Despite these efforts, on the behalf of both the government and NGOs, challenges to access work endured.

Challenges associated with accessing work permits²⁴

As part of the initiative, ARDD-Legal Aid conducted a perception study with large, medium and small sized companies, both foreign and local, and among refugees that highlighted a number of challenges. As the challenges endured, and only ONE refugee received a work permit despite extensive efforts, ARDD-Legal Aid returned the remaining money that was provided for this initiative because of the limited results that it produced.

As outlined below, these challenges existed on both the side of the refugee themselves as well as for the employers.

Legal status

The illegal status of refugees in terms of their residency and its renewal was at the heart of procedural difficulties in the process of obtaining work permits

²⁴ The findings in this section were outlined by both employers and refugees in 2011 for a perception study conducted by ARDD-Legal Aid and Private4Public.

for Iraqis. Only 30% of Iraqis had a residency permit, and this was, and is, required to be renewed yearly. This status discourages employers from hiring such staff, and presents as the primary barrier for refugees to seek legal work.

Costs of documentation:

The employer is required by law to pay the work permit fees. In practice this was not always the case. Whether paid for by the employer or employee however it represented a barrier to accessing the permit from the outset. This fee was perceived to be a significant barrier but it is not the last that was required to be paid. There was a 20JD cost associated with the medical test, which had to be completed twice a year (once every six months); There were other smaller, incidental costs associated with the permit including the need to renew a passport at a cost of 30 JD, copy of vocational license certificate 5JD, ratification of the annual work contract 3JD, photocopying at an average cost of 1-2 JD, stamp fees for MoI 7.5 JD, as well as annual residency 35JD. Although seemingly small, any extra cost was a major barrier for refugees. Employers indicated that when faced with the choice of employing a Jordanian or an Iraqi, they would opt for a Jordanian because there was no process or payment necessary.

Types of documentation:

Along with the legal status gained by virtue of UNHCR card or residency permit, there were other documents necessary to submit before the MoL and these further presented as barriers. Take for example the need for a vocational certificate, the medical certificate, valid and specific passport copy, as well as the annual work contract.

The types of documents requested of the employer were also seen as barriers. Namely, the need to submit a bank guarantee on behalf of the non-Jordanian employee. This is regardless of whether the work permit is granted.

Knowledge and awareness of the process:

Many refugees lacked the needed information on how to find a job and how to obtain a work permit. This was further mirrored by the employers. Because of this, they tend not to engage in the process from

the beginning. This results either in the refugee themselves having to navigate the process or that employers do not even consider to employ non-Jordanians.

Environmental challenges:

44% of the Jordanian labour market was assumed to be informal.²⁵ Employment in the informal sector is unable to obtain work permits by virtue of its unofficial status. Considering that 40-60% of Iraqis were estimated to be working in the informal labour market this necessarily meant that there was little opportunity for their work to become regularized. There were also challenges in relation to refugees with professional backgrounds as Jordan has a closed professions list, which means that employment in such professions is exclusive to Jordanians such as (medicine, business management, accounting, lawyers, engineer and others). Another environmental challenge was the shortage of permanent job opportunities and the employer's tendencies to offer part time jobs, mostly day to day jobs rather than issuing an annual employment contract as required.

Perceptions to work permits:

Some refugees indicated that they fear that UNHCR may reduce their limited monthly financial assistance if they have a job. There was also some skepticism about obtaining a work permit because of the potential impact this could have on the possibility for resettlement. For employers, there was a lack of willingness to employ Iraqis because of the process to obtain a work permit, as well as the fees. Further, given the temporary, undetermined though perceived short term stay of the refugees as well as the possibility of their resettlement, some employers were hesitant to hire them. Hesitation also rested on the legal responsibility that employers have to take in issuing an annual work contract.

These challenges largely proved insurmountable for Iraqi refugees. Indeed the initiative created by NGOs had limited impact on the ground. In the case of ARDD-Legal Aids own initiative at the time, only one refugee was granted a work permit. Because of this, ARDD-Legal Aid returned all remaining money as it was clearly evident that we were pushing up against structural, procedural as well as behavioural barriers.

²⁵ UNDP, (2011), The Informal Sector in the Jordanian Economy, Available at: <http://www.undp.org/content/dam/jordan/docs/Publications/Gov-The20%Informal20Sector20in20the20Jordanian20Economy-jo.pdf>, p32

Moving forward to provision of work permits to Syrian:

The lack of substantive access to legal work has evidently endured through the Syrian refugee crisis in Jordan. Before the announcement of the amnesty on work permit²⁶ fees, it was estimated that only 1.7% of the working age urban Syrian population had a work permit with an estimated 160,000-200,000 working informally.²⁷

To draw lessons out of the Iraqi refugee experience into the current context it is important to first make a couple of points clear about the differences between the populations. Firstly, while unregistered Iraqis, by virtue of the visa requirement, could become irregular, Syrians have never been required to hold a visa and thus they are exempted from the overstaying provision in the 1973 Foreigners Law and thus the possibility of becoming irregular under Law. Unregistered Syrians are considered guests,²⁸ and are required, like refugees holding UNHCR card, to now simply hold an updated MoI card. As guest is not a legal status under law, they are considered as foreigners and their affairs are regulated as such (ie access to services at the foreigner rate). Syrians, whether registered or not, can now become irregular by virtue of the requirement to hold a valid MoI card.²⁹

Second, the demographic makeup of the Syrian refugee population and the Iraqi refugee population is, generally speaking, understood to be distinct. While Iraqis were understood to be middle class, coming from urban contexts and highly educated, registered Syrian refugees in Jordan are not as easily classified. The majority come from Dar'aa (43.4%), Homs (16.1%), rural Damascus (12.1%), Aleppo (9.1%), Damascus (7.6%);³⁰ with the ILO and FAFO reporting that in general:

*'the vast majority of them come from rural areas in Syria; they constitute a relatively young population... and they have considerably lower education compared to Jordanians. 60 per cent of Syrian refugees above the age of 15 have never completed basic schooling, and only about 15 per cent of the refugees have completed secondary education'*³¹

Third, there are three camps specifically for Syrian refugees whereas Iraqis were always urban based. This means that two processes must occur, camp focused and urban focused, to ensure that all have access to the opportunity.

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Lessons learnt from Iraqi experience

These differences are important to bear in mind as we consider how the lessons learned through the Iraqi experience can inform the current context.

As outlined above, the cost of the work permit is not the sole barrier to obtain a work permit. Thus the amnesty on fees for the work permit for Syrians will not exclusively overcome the challenges that exist in the process. Specific efforts to address incidental costs, types of documentation needed, included valid MoI card, the negative perceptions of the work permit by the potential employees and employers; knowledge and awareness about the process and the environmental challenges associated with the informal sector, and thus efforts for regularization of the irregulars, must be initiated and overcome. How these challenges have and will play out for Syrian refugees will be different, because of the differences outlined above, however their obstructive character will remain the same.

Costs of documentation:

The incidental costs of the work permit are a barrier to accessing the work permit. Considering that the majority of Syrian refugees are currently understood to be living below the poverty line, it is assumed that these costs will continue to pose as a barrier and will have to be covered to ensure the process can begin, continue and be finalized.

Types of documentation:

As evidence from the Iraqi experience attests, it is necessary for the MoL and MoI to make sure that permits will be accepted and issued, and not re-directed back to Jordanians or other migrant worker

26 ILO and FAFO, (2015), Impact of Syrian refugees on the Jordanian labour market, Available at: http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_364162.pdf, p63

27 ILO, (2015), Access to Work for Syrian refugees in Jordan: A discussion paper on labour and refugee laws and policies. PDF; The Jordan Times, (2015), Around 200,000 Syrians illegally work in Jordan – ministry, 20th June 2015. Available at: <http://www.jordantimes.com/news/local/around-200000-syrians-illegally-work-jordan-%E-94%80%2ministry>

28 As stated in Article 29 (e) of the Law of 1973 on Residence and Foreigners Affairs: 'The nationals of States bordering the territory of the Kingdom, in respect of entry into areas bordering such States, provided that they obtain a special authorization, called a border-crossing authorization, in accordance with the provisions of agreements concluded for this purpose with those States'. Syrians are included in this.

29 There is a significant discrepancy between the number of Syrians registered with UNHCR (651,114) and those counted by the government (1,265,514).

30 UNHCR, (2016), Registered Syrians in Jordan, 15th April 2016. PDF

31 ILO and FAFO, (2015), Impact of Syrian refugees on the Jordanian labour market: findings from the governorates of Amman, Irbid and Mafrq. Available at: http://www.ilo.org/wcmsp5/groups/public/---arab-states/---ro-beirut/documents/publication/wcms_364162.pdf P5.

communities. As one of the requirements for Syrians to obtain a permit is a valid MoI card it is possible to suggest that it will be less likely that the MoI will reject an application for work. However the fact that a significant majority of registered and unregistered Syrians still have not participated in the re-verification process necessarily means that a lot more work must be done to ensure that they hold legal status in the Kingdom, and then can apply for a permit. A reported 299,000 Syrians have participated.³² This means that at least half of the registered population has not participated and a huge portion of the unregistered population.

The re-verification process is a particularly acute issue for those refugees who were initially living in Zaatari refugee camp and left without the appropriate bail out permits. It is often reported that such individuals are fearful of approaching authorities in the fear that they will be sent back to Zaatari. There are currently few avenues for refugees to leave the camps through official means. This necessarily means that refugees in camp settings will be excluded from the possibility for legal work, which may mean that people will continue to leave through unofficial channels.

Perceptions to work permits:

Perceptions are difficult to challenge without the right information. It is clear in the FAQs provided for by UNHCR that while the status of registered Syrians will not change, the question of whether Syrians will still be considered for resettlement is not as definitive stating that they 'may still be considered.'³³ This thus may continue to be a challenge of engaging and regularizing labour, as many Syrians remain set on the opportunity to resettle. In turn, this may also continue to pose a barrier for employers as they continue to assume that Syrians presence in Jordan is temporary.

Knowledge and awareness of the process:

Full briefing sessions should be provided for current and potential employers to encourage them to regularize their refugee employees work status and encourage more engagement with refugee labour. To address knowledge gaps about the process sessions must also be provided for employees, including about rights and responsibilities, that they hold under Law and highlight avenues for redress when

and if violations and abuse occurs.

Environmental challenges:

The fact that the majority of Syrians are currently understood to be working in the informal sector does not bode well for regularization of their status. To achieve this it will be necessary for entities to become legal, which may present as an insurmountable challenge for small businesses. Unofficial entities may not see it within their interest to regularize Syrian labour for this reason.

In the March 2016, the Livelihoods working group published a document providing insight into the educational breakdown for the urban Syrian refugee population.³⁴⁻³⁵ Even before the release of these figures many had suggested that the Syrian labour demographics were complimentary to the Jordanian labour population, and could be directed into regularized work in construction, agriculture, and factory work. The current initiative driven by UNHCR and ILO appears to work off this assumption.³⁶ It is clear that UNHCR and ILO are working hard to make sure that such an opportunity will be made available for men and women. They are currently in talks with factory owners and management of the zones regarding the provision of child facilities.³⁷ While these extensive efforts must be commended, it is clear that work in such areas requires significant oversight because of the violations that continue to face migrant workers. There must be sufficient avenue for redress if violations occur.

Considering that there are a number of Syrians with higher education, and who have already practiced professions such as law, accounting, medicine, teaching, engineering and pharmacy, it is clear that it will be difficult for these people to obtain jobs in similar professions due to the Jordanian closed professions list. This necessarily means that people who were once professional will be de-skilled. There appears few opportunities for them with the focus of organizations on engaging lower skilled staff.

Tied to the issue of deskilling is the increased number of scholarships provided to Syrian youth to study at Jordanian universities.³⁸

³² Amnesty International, (2016), *Living on the Margins*, p14.

³³ UNHCR, (2016), *Frequently Asked Questions*

³⁴ UNHCR, (2016), *Jordan: Factsheet Livelihoods working group, March 2016, Syrian refugees Education, Urban Settings*. Available at: <file:///C:/Users/user/Downloads/EducationFS.pdf>. Note, It was clearly reported that 66,951 refugees had not provided any data about education level.

³⁵ The data is not disaggregated to understand how many people are currently enrolled in the various levels of the education system, and the number of people who reached this level of education in the past. The largest groups included 'no education' (5', (79,500 years (or Grade five)' (8', (69,086 years (or Grade 53,017)' (8). There were 16,078 people who reported university level and 6,306 who reported technical or vocational level.

³⁶ UNHCR and Better Work, (2016), *UNHCR Work Permit Pilot Project to Support Syrian Refugee Employment in Jordan's Apparel Industry*, Available at: <http://betterwork.org/jordan/wp-content/uploads/UNHCR4-.pdf>

³⁷ UNHCR and Better Work, (2016), *UNHCR Work Permit Pilot Project to Support Syrian Refugee Employment in Jordan's Apparel Industry*, Available at: <http://betterwork.org/jordan/wp-content/uploads/UNHCR4-.pdf>

³⁸ ARDD-Legal Aid, (2016), *Access to Higher Education for Refugees: Protection and Sustainable Development*

Once these youth have finalized their education there must be a link to the employment market. Without this link, this will constitute a significant waste of critical funding made by the international community to enable access to higher education.

Based off ARDD-Legal Aids experience in the Iraqi refugee crisis and our deep and long engagement and support for Syrian refugees in Jordan, a number of recommendations can be made:

1. Employers must be engaged:

Employers, at all levels of the labour market, need to be engaged and energized to pursue the process of regularization for their refugee employees. Employees without a permit cannot access social security and do not pay taxes and, most importantly, remain in violation of the Labor Law.

2. Incidental costs associated with work permit must be minimized:

issuing of certificates, printing costs all serve as barriers to gaining a permit. The medical certificate obtained for the purposes of the MoI reverification process must be clearly outlined as the same as that required for the work permit process, to reduce costs on refugees.

3. Rights under Labour Law explained:

this could be conducted in awareness raising sessions and must outline avenues for redress if abuse or violations occur.

4. Ensure the skills of the Syrian population:

by allowing them to work in professions that they have previously and the education they have pursued.

5. Avenues to access for camp based refugees:

currently leave permissions are only available from the camp which means that they will be denied access to the labour market. Permission should be granted so people can move in and out of the camp to access work.

6. Understand the characteristics of the Syrian refugee population who would be interested in applying for work permits (even if entitlements are lost and those for whom resettlement is not an option) A

perception survey among employers and Syrian refugees would be advised as a baseline.

7. Provide substantive access to work for all:

considering that there are only an approximate 63,454³⁹ additional refugees registered with UNHCR the question why such a small number cannot be included in the amnesty to ensure discrimination, disadvantage and misfortune is not perpetuated. Expanding the amnesty to all refugees in Jordan will reduce social tension between communities and ensure the protection of all refugees, not just one nationality.