



Refugees / Migrants

Refugee Mobility, Recognition and Rights

Refugee Recognition Regime
Country Profile: Jordan

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Working Paper No. 04



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About RefMig Project

The RefMig project aims to examine the global refugee regime, with a particular focus on the institutionalisation of the refugee/migrant binary globally. The project is divided into two strands: Recognising Refugees and Organisations of Protection. This report falls under the Recognising Refugees strand, which examines the institutional practices that seek to distinguish refugees from migrants. We take a purposefully broad conception of refugee recognition, encompassing not only individual refugee status determination (RSD) but also the institutional processes that determine access to RSD, as well as various forms of group determination. We examine the role of state institutions in this context (bureaucracies, legislatures, and the judiciary), as well as UNHCR’s mandate RSD practices, and its handovers to state authorities.

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RefMig Working Papers are available to download at: <https://www.refmig.org/working-papers>

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Executive Summary

This paper explores the refugee recognition regime in Jordan, the country hosting the second highest number of refugees per capita in the world. Against the background of a relative dearth of literature on refugee recognition regimes – in Jordan and more widely – this desk-based study analyses the norms, institutions, modes of recognition, quality of recognition processes, and quality of protection of the Jordanian refugee recognition regime. It focuses on the four key national ‘cohorts’ – Iraqis, Sudanese, Syrians and Yemenis - and the main findings are laid out in this Executive Summary.

Norms: Jordan is not a signatory to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol, and there is no regional refugee regime in the Middle East. Despite hosting very large numbers of asylum seekers and refugees for decades, Jordanian law has no specific law regarding asylum seekers and refugees, and there are only minimal references to them in other laws. There is a complex and often opaque legal landscape for people seeking international protection, and political considerations can play a large role in shaping the hosting environment.

Institutions: UNHCR’s presence in Jordan is formally regulated through a 1998 Memorandum of Understanding (MoU). The MoU was written when Jordan hosted approximately 5,000 registered asylum seekers and refugees, and it envisages their presence in Jordan to be temporary. The MoU, however, is legally unenforceable, and policy and practice differ substantially from the terms of the MoU. Refugee status determination (RSD) is undertaken by UNHCR, although multiple Jordanian government actors play a large role in the governance of refugees, notably the Ministry of Interior.

Modes of Recognition: Modes of refugee recognition vary depending on the nationality of the person seeking protection. For Syrians, a *de facto prima facie* regime is in place, although one has not formally been declared. Syrians undertake individual RSD through a ‘merged procedure’ if they are being considered for resettlement. Iraqis have been subject to a range of recognition arrangements including a *prima facie* regime from 2007-2012. Now, like Sudanese and Yemenis, they undergo an individualized RSD, although since 2016 - when UNHCR’s New Approach to RSD was adopted - most do not undergo full RSD and remain asylum seekers. In January 2019, the Jordanian government prohibited those entering Jordan with medical, work, tourism and study visas from claiming asylum, which significantly impacts Iraqis’, Sudanese’ and Yemenis’ access to protection.

Quality of Recognition Processes: Jordan has allowed a very large number of asylum seekers and refugees to enter its territory, especially by international standards, although it has also denied entry to notable numbers, whether through closing borders (e.g. with Syria or Iraq) or by instituting restrictions on who may enter through its borders. Within its borders, the refugee recognition regime has been relatively accessible for many, although there are marked differences in terms of gender, nationality and class. Despite concerns about privacy and consent, UNHCR has deployed biometric registration to improve the efficiency of recognition processes. Further research should be undertaken on the accuracy and fairness of these processes.

Quality of Protection: The quality of protection for asylum seekers and refugees in Jordan varies significantly, depending on (among other factors) nationality, gender, class and the circumstances in which they arrived in Jordan. For many protection indicators, most notably the right to work, the situation for Syrians is significantly better than the situation for protection seekers of other nationalities. Repeated violations of the right to *non-refoulement* constitute one of Jordan’s most serious legal violations. Protection against *refoulement* and the right to work are explored in depth in this paper, along with security of residence, freedom of movement, the right to education, and the right to health.

الملخص التنفيذي

يبحث هذا البحث في نظام التعرف على اللاجئين في الأردن، البلد الذي يستضيف ثاني أعلى رقم من اللاجئين من حيث عدد الأفراد في العالم. انطلاقاً من خلفية النقص النسبي في الأدبيات المتعلقة بأنظمة الاعتراف باللاجئين - في الأردن كما تتوسع في قيام هذه الدراسة المكتبية بتفصيل المعايير، المؤسسات، أنماط عمليات الاعتراف وجودة حماية نظام الاعتراف باللاجئين الأردنيين. تركز هذه الدراسة على أربع افواج رئيسية من اللاجئين - العراقيين، السوريين واليمنيين- ويشتمل هذا الملخص الإجرائي على النتائج الرئيسية التي تم التوصل إليها.

القواعد والأعراف

ليست الأردن واحدة من الدول الموقعة على اتفاقية عام 1951 المتعلقة بوضع اللاجئين أو بروتوكول عام 1967، كما أنه لا وجود لنظام إقليمي للاجئين في الشرق الأوسط. على الرغم من استضافة أعداد كبيرة جداً من طالبي اللجوء واللاجئين لعقود من الزمن، إلا أن القانون الأردني لا يحتوي على قانون محدد يتعلق بطالبي اللجوء واللاجئين، كما أنه لا يوجد سوى الحد الأدنى من الإشارات إليهم في القوانين الأخرى. هناك حقيقة قانونية معقدة وغالباً ما تكون غامضاً للأشخاص الذين يسعون للحصول على الحماية الدولية، ويمكن للاعتبارات السياسية أن تلعب دوراً كبيراً في تشكيل بيئة الاستضافة للاجئين.

المؤسسات:

يعتبر وجود المفوضية السامية للأمم المتحدة لشؤون اللاجئين في الأردن رسمياً بموجب مذكرة تفاهم عام 1998، والتي تم نشرها باللغة العربية من قبل منظمة غير حكومية، مع ترجمة غير رسمية باللغة الإنجليزية. تمت كتابة مذكرة التفاهم عندما استضاف الأردن ما يقرب من 5000 من طالبي اللجوء واللاجئين المسجلين، حيث تم الاعتقاد بأن يكون وجودهم في الأردن يعتبر مؤقتاً. ومع ذلك، فإن مذكرة التفاهم غير قابلة للتنفيذ من الناحية القانونية، وتختلف السياسة والممارسات اختلافاً جوهرياً عن الشروط الواردة في مذكرة التفاهم سالفة الذكر.

يتم تحديد وضع اللاجئ من قبل المفوضية السامية للأمم المتحدة لشؤون اللاجئين، على الرغم من أن العديد من الجهات الحكومية الأردنية تلعب دوراً كبيراً في إدارة شؤون اللاجئين، خصوصاً وزارة الداخلية.

أنماط الاعتراف:

تختلف طرق الاعتراف باللاجئين بناءً على الجنسية. تعتبر المفوضية السامية للأمم المتحدة لشؤون اللاجئين "حركة لاجئين" تعمل عملياً مثل نظام "الإقرار على أساس أول وهلة"، على الرغم من عدم الإعلان رسمياً عن ذلك. شرع السوريون بتحديد وضع اللاجئ بشكل فردي من خلال "إجراء مدمج" فيما إذا تم الأخذ بعين الاعتبار موضوع إعادة توطينهم. وقد خضع العراقيون لمجموعة من ترتيبات الاعتراف بما في ذلك نظام "الوهلة الأولى" من 2007-2012. حالياً، مثل السودانيين واليمنيين، فإنهم يخضعون لتحديد وضع اللاجئ الفردي، على الرغم من أنه منذ عام 2016، عندما تم اعتماد نهج المفوضية الجديد لتحديد وضع اللاجئ، لا يخضع معظمهم لتحديد وضع اللاجئ وبقون من ضمن طالبي اللجوء. في كانون الثاني (يناير) 2019، منعت الحكومة أولئك الذين يدخلون الأردن بتأشيرات طبية وتأشيرات عمل وسياحة ودراسة من طلب اللجوء، مما يؤثر بشكل كبير على وصول العراقيين، السودانيين، اليمنيين للحصول على الحماية.

نوعية عمليات الاعتراف

سمحت الأردن لعدد كبير من طالبي اللجوء واللاجئين بالدخول إليها، وخاصة بموجب معايير دولية، على الرغم من أنها قامت بمنع الدخول لعدد كبير منهم، بعدة أساليب تشتمل على إغلاق الحدود (مثل السوريين والعراقيين) أو بموجب وضع قيود لكل من يدخل الأردن من خلال الحدود البرية. داخل حدودها، كان نظام الاعتراف باللاجئين متاحاً نسبياً للكثيرين، على الرغم من وجود اختلافات ملحوظة من حيث الجنس والجنسية والطبقة. على الرغم من المخاوف بشأن الخصوصية والموافقة، فقد نشرت المفوضية التسجيل بموجب البصمات لتحسين كفاءة عمليات الاعتراف. في هذا المجال فإنه ينبغي إجراء المزيد من البحث حول دقة وعدالة هذه العمليات

نوعية الحماية

تختلف نوعية الاعتراف بالنسبة لطالبي اللجوء واللاجئين في الأردن بشكل ملحوظ، انطلاقاً من (من بين عوامل أخرى) الجنسية، الجنس، الفئة والظروف التي وصل خلالها أولئك إلى الأردن. بالنسبة لكثير من أصحاب الحماية، لا سيما الحق في العمل، يعتبر وضع السوريين أفضل بكثير من وضع طالبي الحماية من جنسيات أخرى. تشكل الانتهاكات المتكررة للحق في عدم الإعادة القسرية واحدة من أخطر الانتهاكات القانونية. تم تناول الحماية من الإعادة القسرية والحق في العمل بمزيد من التفصيل في هذا البحث، إلى جانب أمن الإقامة، حرية التنقل، الحق في التعليم وحق الحصول على الخدمات الصحية.

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I. Introduction

Jordan is one of the most important countries in the international refugee system. It is, according to UNHCR, the country with the second highest number of refugees per capita in the world,¹ and a high (but unknown) proportion of its citizens are Palestinian refugees and their descendants.² In the last two decades, Jordan has been at the centre of the Iraqi refugee crisis and the Syrian refugee crisis, while also hosting numerous smaller national populations who are seeking international protection. In late 2020, despite having an overall population of approximately 10 million, Jordan was hosting over 750,000 persons of concern to UNHCR,³ and more than 2 million registered Palestinian refugees.⁴ Its importance as both a refugee hosting state and as a context from which come key innovations in international refugee policy, is hard to overstate.

Yet, as is true in many other contexts across the world,⁵ the refugee recognition regime is one aspect of the refugee context in Jordan that is under-researched, particularly within academia. This paper offers an overview of that regime, focusing on the period from 1998 - present, and the four largest national ‘cohorts’ in Jordan (except for Palestinians): Iraqis, Sudanese, Syrians and Yemenis. In total there are 57 nationalities of people of concern to UNHCR in Jordan, although those not belonging to one of the four aforementioned nationalities constitute 0.3% of the total (around 2,200 people). These four cohorts vary significantly in their size, gender composition, class composition, economic circumstances, and, crucially, in terms of the policies under which they fall, and which determine so much about their lives in Jordan. **This working paper examines the institutions involved in recognising refugees as refugees, the norms according to which they operate, the modes of recognition, the quality of recognition processes, and the quality of protection.**

In exploring these systems, this paper highlights how the refugee recognition regime in Jordan varies heavily by nationality and across time, and reinvents itself upon the arrival of mass influxes. The refugee recognition regime, and the statuses that derive from it, can therefore be understood to be precarious and always subject to change and reinvention. This in a context in which the government has a “remarkably underarticulated refugee policy,”⁶ creating an environment in which such changes and re-inventions can more readily occur. Simultaneously, while government policy has been and remains a crucial shaper of the refugee recognition regime in the country, in the Middle East UNHCR has also had “considerable latitude, within its mandate, to orient policy in a direction of its choosing.”⁷ While significant changes in refugee recognition took place upon the arrival of large numbers of Iraqis and Syrians, other nationalities of protection-seekers have been subject to a regime that is, in many key respects,

¹ UNHCR Jordan, ‘Jordan September 2020 Fact Sheet’ (UNHCR, 24 September 2020)

<<https://reliefweb.int/report/jordan/jordan-unhcr-factsheet-september-2020>> accessed 7 January 2021.

² Curtis R. Ryan, ‘Identity Politics, Reform, and Protest in Jordan’ (2011) 11 *Studies in Ethnicity and Nationalism* 564

³ UNHCR, ‘Jordan: Statistics for Registered Persons of Concern (as of 30 September 2020)’ (UNHCR, 2020) <<https://data2.unhcr.org/en/documents/details/79349>> accessed 12 December 2020

⁴ UNRWA, ‘Protection in Jordan’ (UNRWA, March 2018) <<https://www.unrwa.org/activity/protection-jordan>> accessed 10 December 2020

⁵ Cathryn Costello, Caroline Nalule and Derya Ozkul, ‘Recognising Refugees: Understanding the Real Routes to Recognition’ (2020) 65 *FMR* 4

⁶ Alexandra Francis, ‘Jordan’s Refugee Crisis’ (*Carnegie Endowment for International Peace*, 21 September 2015) <<https://carnegieendowment.org/2015/09/21/jordan-s-refugee-crisis-pub-61338>> accessed 5 December 2020

⁷ Dallah Stevens, ‘Rights, Needs or Assistance? The Role of the UNHCR in Refugee Protection in the Middle East’ (2016) 20 *The International Journal of Human Rights* 265.

designed not for asylum seekers and refugees, but for other ‘categories’ of migrants and foreigners.

Therefore, the rights afforded to people seeking international protection, and the policies and bureaucratic processes to which they are subject, have regularly changed over time and depending on nationality. Perhaps one of the starkest examples of the variation within the refugee recognition regime is that at the same time that a ‘regularization campaign’ was being conducted for Syrians (that is, a campaign that helped Syrians who had entered Jordan or left its refugee camps informally to have a secure legal status), the government decreed the suspension of UNHCR registrations for certain categories of non-citizens, who entered the country on medical, work, tourism or study visas. This latter policy shift overwhelmingly restricted the ability of Iraqis, Sudanese and Yemenis (and others) to seek international protection. These differing systems can ‘invisibilise’ some groups of migrants and protection-seekers, and some of the (often less formal) systems of protection on which they rely.⁸

While it is important to note that Jordan has, in several important ways, maintained a relatively positive approach to those seeking international protection, this re-invention of the refugee recognition regime is far from only influenced by questions of refugee rights and protections. As has been observed on an international scale, the refugee regime is not isolated or compartmentalised from other regimes in which states and international actors engage.⁹ Crucially, in Jordan, the refugee policies are heavily influenced by geopolitical factors, which also shape much of the wider socio-political landscape in the country. These factors prominently include: the question of Palestine, and more specifically of Palestinians in Jordan; the numerous and protracted conflicts that have taken place in the region; the prominence of societal cleavages along lines of identity and belonging; Jordan’s relationships with neighbouring states, donors, and the international community; as well as Jordan’s traditional position as a key western ally in the region. This combination of geopolitical influences, recognition policies and practices that vary by nationality, and the aforementioned “underarticulated” nature of Jordan’s refugee policies, lead to a confusing array of policies and systems, as well as a wide range of terminology and labels that are inconsistently applied both within and between different key actors - such as the Government of Jordan and UNHCR and its partners. All of these factors will be explored in what follows.

II. Literature Review

Refugee recognition regimes, as noted above, are an under-researched area of refugee policy and practice.¹⁰ This is also the case in Jordan. A great deal of interesting and important scholarship has explored Jordan as a refugee hosting context,¹¹ while others have explored the position of refugee hosting within Jordan’s foreign policy-making.¹² In more recent years,

⁸ Georgia Cole, ‘Pluralising Geographies of Refuge’, (2021) 45 *Progress in Human Geography* 88.

⁹ Alexander Betts, ‘The Refugee Regime Complex’ (2010) 29 *Refugee Survey Quarterly* 12

¹⁰ Costello et al (n 5)

¹¹ For example see: Luigi Achilli, *Syrian Refugees in Jordan: A Reality Check* (European University Institute 2015); Alexander Betts, Fulya Memişoğlu, and Ali Ali, *Local Politics and the Syrian Refugee Crisis: Exploring responses in Turkey, Lebanon, and Jordan* (Refugee Studies Centre 2017); Lewis Turner, ‘Explaining the (non-)encampment of Syrian Refugees: Security, Class, and the Labour Market in Lebanon and Jordan,’ (2015) *Mediterranean Politics*, 386

¹² For example see Rawan Arar, ‘The New Grand Compromise: How Syrian Refugees Changed the Stakes in the Global Refugee Assistance Programme’ (2017) 9 *Middle East Law and Governance* 298; Peter Seeberg, ‘Syrian Refugees in Jordan and Their Integration in the Labour Market: Jordanian Migration Diplomacy and EU Incentives’ (2020) *Mediterranean Politics* online first; Gerasimos Tsourapas, ‘The Syrian Refugee Crisis and

much attention has been paid to the Jordan Compact, and its effects on refugee policy and refugees' lives.¹³ Yet relatively few academic articles focus on how refugees in Jordan become recognised as refugees. This is particularly true when it comes to the 'everyday' practices of refugee recognition, and the fine-grained and complex processes that create, interpret and contest refugee recognition policies. There is, furthermore, a dearth of literature regarding important topics such as rejected asylum seekers and asylum seekers with 'closed files'.

Nevertheless, there are a few key academic sources - on which we draw extensively in this paper - that demonstrate both key factors in Jordan's refugee recognition regime and the importance and productiveness of further research in this area. These factors include the nationally-differentiated nature of the refugee regime,¹⁴ the twists and turns that refugee policy can take (even with reference to one national group only),¹⁵ the importance and consequences of 'labels' that are used by humanitarian and state actors (such as 'refugees' and 'guests' among others),¹⁶ and how crisis-driven much of Jordanian refugee governance has been, as well as migration having caused political and governance crises within Jordan.¹⁷

There is arguably a wider range of sources and literature on the topic of the refugee recognition regime in Jordan from non-academic sources, particularly humanitarian organisations and non-governmental organizations. Again, many of these papers highlight how refugee recognition processes - and more broadly the quality of protection that different people experience - differ according to nationality.¹⁸ This is in addition, of course, to many other factors such as age, gender, and class, both within and across national groups.¹⁹ This literature furthermore highlights the ways in which there is often a key dividing line between Syrian and (as they are often labelled) 'non-Syrian' asylum seekers and refugees in Jordan, with Syrians often being subject to different, and typically preferential, policies. This does not preclude, however, there being important differences between and among groups of 'non-Syrians'.²⁰

One of the challenges of conducting research on this topic, which is reflected in the aforementioned literature, is how frequently refugee recognition policies can change, and the (often) lack of publicly accessible information that unambiguously spells out these changes. This is even before, of course, one gets to the key question of how these policies are implemented 'on the ground.' This working paper - written in late 2020 and early 2021 - therefore attempts to explore and analyse both the historical development of the refugee recognition regime(s) in Jordan, and the current 'state of play' for those seeking international

Foreign Policy Decision-Making in Jordan, Lebanon, and Turkey' (2019) 4 *Journal of Global Security Studies* 464.

¹³ See section on the right to work

¹⁴ Rochelle Davis et al, 'Hosting Guests, Creating Citizens: Models of Refugee Administration in Jordan and Egypt' (2017) 36 *Refugee Survey Quarterly* 1

¹⁵ Susan Akram et al *Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing* (Boston University School of Law 2015)

¹⁶ Dallal Stevens, 'Legal Status, Labelling, and Protection: The Case of Iraqi 'Refugees' in Jordan' (2013) 25 *International Journal of Refugee Law* 1

¹⁷ Francis (n 6)

¹⁸ Mennonite Central Committee, *On the Basis of Nationality* (Mennonite Central Committee 2017)

¹⁹ Arab Renaissance for Democracy and Development, *Hidden Guests: Yemeni Exiles in Jordan* (ARDD 2016); Mixed Migration Platform, *Displaced Minorities: Part I* (Mixed Migration Platform 2017); Mixed Migration Platform, *Displaced Minorities: Part II* (Mixed Migration Platform 2017)

²⁰ Rochelle Johnston, Dina Baslan, and Anna Kvittingen *Realizing the Rights of Asylum Seekers and Refugees in Jordan From Countries Other Than Syria with a Focus on Yemenis and Sudanese* (Norwegian Refugee Council 2019)

protection in Jordan. In pursuing this analysis, it furthermore demonstrates the clear need for further research to be conducted on these themes in the future.

III. Methodology

In light of the restrictions and challenges posed by the COVID-19 pandemic, the research for this paper was desk-based, and thus did not require any formal ethical approval. The authors reviewed the available academic and grey literatures on the refugee recognition regime in Jordan, paying careful attention to the need to consult literature that focused on the different nationalities of refugees in Jordan. They also consulted relevant statistics, fact sheets, and reports from UNHCR, which were an important source of information; media reports, particularly by Jordanian journalists and publications; as well as key official documents, legislation and regulations. Both English and Arabic sources were consulted and drawn upon. The authors subjected these sources to a qualitative analysis, identifying not only important empirical information, but also key analytical themes, which led to the development of the arguments put forward in this paper. As noted above, the literature specifically dedicated to the refugee recognition regime is somewhat limited. There are, therefore, aspects of the refugee regime that we are unable to explore in as much detail, and which constitute important future areas for research. These prominently include the quality of refugee recognition processes, closed and rejected cases, and how relatively new UNHCR policies on refugee recognition (such as the ‘merged procedure’ for resettlement) are being applied in practice.²¹

In addition to the aforementioned literatures and sources, the authors drew on their previous research on, and experience working with and in, the humanitarian sector in Jordan, to supplement and inform the desk-based work. Samia Qumri is an academic and practitioner working in the humanitarian-development sector with over 10 years working in and researching forced migration in Jordan. Lewis Turner is an academic who has previously published a range of research on the Syria refugee response in Jordan, based on extensive fieldwork in the country.

In terms of time-frame, the paper focuses on the refugee recognition regime in Jordan since 1998. It was in this year that the first Memorandum of Understanding (MoU) was signed between the Government of Jordan and UNHCR, and thus marked a new phase of the refugee regime in the country.²² The paper will focus on four national ‘cohorts’ living in Jordan: people who are seeking international protection and are from Syria, Iraq, Yemen and Sudan. These cohorts are the largest that potentially fall under the purview of UNHCR in the country, and have thus been the main focus of UNHCR’s work and the policies and practices of the refugee recognition regime. There are substantial differences in how the refugee recognition regime treats asylum seekers and refugees of these differing nationalities, and thus the inclusion of all four in this paper allows both for a comprehensive overview of the refugee recognition regime, and for important contrasts to be drawn, explored and analysed.

As of September 2020, the number of registered ‘persons of concern’ for UNHCR in Jordan included 660,262 Syrians, 66,835 Iraqis, 14,640 Yemenis, and 6,098 Sudanese, although this figure is derived from registration processes that are themselves part of the refugee recognition regime. As will be discussed below, for a number of reasons, the number of registered persons of concern does not account for the total population of these nationalities who are in Jordan, or

²¹ The ‘merged procedure,’ which is explained in depth below, refers to the merging of the resettlement process and refugee status determination for Syrian refugees.

²² The MoU is available – in Arabic with an unofficial English translation – in Appendix 1.

the total number of those who came to Jordan seeking international protection.²³ The presence of those who, for example, choose not to register, or are unable to register, is representative of a methodological challenge that faces the discipline of refugee studies more widely, as there is a tendency to “sample on the dependent variable.”²⁴ Despite limitations in data, and within the limits of the methodology employed in this paper, we attempt to highlight the (possible) presence of those who are unregistered but who may be (considered to be) seeking international protection.

With regard to the four different national ‘cohorts,’ aside from the obvious difference in their size, there are other important differences to note. Perhaps most pertinently, around 20 percent of registered Syrian refugees in Jordan live in refugee camps (primarily Za’tari and Azraq camps), while similar camps were not created for Iraqis, Yemenis, or Sudanese in the country.²⁵ Whereas Syrians who live outside of camps live primarily in the major urban centres of Amman, Irbid, Mafraq and Zarqa, the other three nationalities, particularly Sudanese and Yemenis, live overwhelmingly in the capital Amman.²⁶ The age and gender composition of the cohorts differ substantially too. While Iraqi and Syrian protection-seekers are recorded as approximately half female and half male,²⁷ Yemeni and Sudanese in Jordan, who typically arrived legally on medical, tourism, work, and study visas, are around 70% male.²⁸ The proportion of children also differs notably, constituting approximately 20 percent of Yemenis, 30 percent of Iraqis and Sudanese, and 50 percent of Syrians in the country.²⁹ Finally, there are important class differences to note. For example, when Iraqis began to arrive in Jordan following the 2003 invasion, they were overwhelmingly middle- and upper-class Iraqis, from urban backgrounds, and with high levels of education as they were most able to leave the country,³⁰ although this changed in later years. Syrian refugees, by contrast, were much more likely to be poor, from rural backgrounds, and with much lower levels of formal education.³¹

The selection of these four national cohorts excludes, of course, the largest refugee population in Jordan, which is the Palestinians. This decision was made for multiple reasons. Firstly, in line with the broader RefMig project, our focus in this paper is on UNHCR and the refugee recognition regime, and Palestinian refugees do not fall under UNHCR’s purview, but rather that of the United Nations Relief and Works Agency (UNRWA). Secondly, the time-frame for the paper is subsequent to the establishment of the Palestinian refugee recognition regime, and subsequent to the overwhelming majority of Palestinian refugees arriving in Jordan. Thirdly, Palestinians’ situation in Jordan - in terms of legal status - is in the main qualitatively very different from that of any other nationality of refugees in Jordan. Most importantly, the vast majority of Palestinian refugees in Jordan hold Jordanian citizenship; indeed, although no

²³ UNHCR Jordan (n 1)

²⁴ Georgia Cole, ‘Sampling on the Dependent Variable: An Achilles Heel of Research on Displacement?’, (2020) *Journal of Refugee Studies* 1

²⁵ For a history of encampment in Jordan, see Turner (2015) (n 11)

²⁶ Mennonite Central Committee (n 18) 36

²⁷ UNHCR and Government of Jordan statistics appear to use a binary conception of gender (i.e. female/male, women/men, girls/boys) based on how this is recorded on people’s documents. This recorded gender may or may not align with the gender identities of the individuals concerned.

²⁸ Rochelle Johnston, Dina Baslan and Anna Kvittingen, *Realizing the Rights of Asylum Seekers and Refugees in Jordan From Countries Other Than Syria with a Focus on Yemenis and Sudanese* (Norwegian Refugee Council 2019) 8

²⁹ Johnston et al (n 26) 9

³⁰ Geraldine Chatelard, ‘Jordan: A Refugee Haven’ (*Migration Policy Institute*, 31 August 2010) <<http://www.migrationpolicy.org/print/4357#.U8U9qahblXs>> accessed 7 June 2014.

³¹ International Labour Organization (ILO) and Fafo, *Impact of Syrian Refugees on the Jordanian Labour Market* (ILO 2015)

official figures exist to confirm this, it is widely assumed that a majority of Jordanian citizens are Palestinians.³² Those who do not hold Jordanian citizenship, such as those often referred to as ‘ex-Gazans,’ do face specific circumstances and challenges,³³ which are important to note, but fall outside of the purview of this paper.³⁴ This paper will discuss, however, Palestinians who were residing in Syria prior to the beginning of the Syrian uprising and who fled to Jordan, and the challenges they experienced both accessing Jordanian territory and refugee recognition. The other way in which Palestinian refugeehood will be included in this paper, albeit indirectly, is through recognising the important role that the status and politics of Palestinian refugeehood has had on the refugee recognition regime in Jordan, particularly in terms of government policy on refugee integration.

Finally, there are other nationalities of asylum seekers and refugees who reside in Jordan who will not be a focus of this paper. As of September 2020, there were 2,360 registered persons of concern to UNHCR residing in Jordan who are not from Syria, Iraq, Yemen or Sudan. Among these 2,360 persons, the largest national cohort by far is Somalis, of whom there were 749.³⁵ There is some research and publicly available information about the situation of Somali asylum seekers and refugees in Jordan,³⁶ but very little information or research on the even smaller national cohorts.³⁷

IV. Norms

Jordan is not a signatory to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol. There are multiple factors behind Jordan’s non-accession, although like many other states in the Middle East, Jordan’s approach toward refugee policy has been heavily shaped by the question of Palestine, and the country’s large-scale hosting of Palestinians.³⁸ Although Palestinians receiving protection or assistance from UNRWA are excluded from the 1951 Convention under Article 1D thereof, UNRWA’s mandate is renewed every three years, and its permanence is thus not guaranteed. Jordan is reportedly therefore wary of a possible dramatic expansion of UNHCR’s mandate, were it to sign the Convention, and UNRWA were subsequently be dissolved.³⁹ Arab states were also very keen to ensure that the visibility of the Palestinian issue was maintained, and were wary of steps that might lead to Palestinians’ incorporation in the broader emerging refugee regime.⁴⁰ There are multiple other dynamics at play, however, including the perceived violation of ‘good neighbourliness’ that formally recognising refugees from other Arab states might involve, and a reluctance to sign up to a

³² Ryan (n 2)

³³ Anna Kvittingen et al., “Just Getting by” *Ex-Gazans in Jerash and Other Refugee Camps in Jordan* (Fafu, 2019)

³⁴ For an overview of the legal situation of different groups of Palestinians in Jordan, see Oroub El Abed, ‘Palestinian Refugees in Jordan’ (*Palestinians in Europe Conference*, n.d.) <<http://www.alawdaeu.prc.org.uk/index.php/en/palestine/refugees/582->> accessed 20 February 2021.

³⁵ UNHCR Jordan (n 1)

³⁶ See for example Emma Murphy et al, ‘Sudanese and Somali Refugees in Jordan’ (2016) 279 *Middle East Report 2*; Mennonite Central Committee (n 18); Simon Verduijn and Solemn Al Majali, ‘Somalis and Yemenis of Mixed Origin Stranded and Struggling in Jordan’s Capital’ (*Mixed Migration Centre*, 23 July 2020) <<http://www.mixedmigration.org/articles/somalis-and-yemenis-of-mixed-origin-stranded-and-struggling-in-jordans-capital/>> accessed 6 August 2020

³⁷ Davis et al (n 14)

³⁸ Maja Janmyr and Dallal Stevens, ‘Regional Refugee Regimes: Middle East’, in Cathryn Costello, Michelle Foster and Jane McAdam (eds), *Oxford Handbook of International Refugee Law* (OUP 2020)

³⁹ Mohamed Olwan, *Iraqi Refugees in Jordan: Legal Perspective* (CARIM 2009)

⁴⁰ Michael Kagan, ‘We live in a country of UNHCR’ *The UN Surrogate State and Refugee Policy in the Middle East* (UNHCR Policy Development and Evaluation Service 2011)

system that would formally offer more rights to refugees, and that might be perceived to facilitate a path to long-term integration into Jordanian society.⁴¹

Nevertheless, the 1998 MoU between the Government of Jordan and UNHCR incorporates multiple elements of the Convention.⁴² Most notably, it includes the Convention definition of a refugee, without the geographic and temporal limitations. As Stevens details, it furthermore incorporates the language of asylum seekers and refugees (a term that in the Middle East was historically associated with Palestinians specifically), the principle of *non-refoulement*, and “states that asylum seekers and refugees should be treated in accordance with internationally accepted standards and that refugees should receive legal status.”⁴³ Akram et al. claim that the MoU “accounts for approximately 70% of the rights” laid out in the 1951 Convention,⁴⁴ while other critics argue that the “MoU fell short of guaranteeing most of the Convention rights and did not bring any change to existing legislation, which already guarantees the same rights, sometimes in a larger scope.”⁴⁵ Furthermore, as Clutterbuck et al point out, the MoU is “unenforceable” and has “little legal weight.”⁴⁶ Importantly, the MoU deliberately mentions only two of the three ‘durable solutions’ - voluntary return and resettlement to a third country. No mention is made of the possibility of permanent integration in Jordan, which is consistently rejected as an option by the Government of Jordan.⁴⁷ Under the terms of the MoU, refugee status determination is conducted by UNHCR.

The MoU was amended in 2014, although the amended version has not been made public.⁴⁸ According to reporting in the *Jordan Times*,⁴⁹ there were 2 amendments to the original 1998 MoU. These amendments firstly extended the period of time that UNHCR had to examine asylum claims from one months to 90 days. Secondly, in the language of the *Jordan Times* report, the amendments extended “the validity of a refugee identification card to one year instead of six months,” which is presumably a reference to the Asylum Seeker Certificate (ASC). This therefore amends the regulation that refugees’ stay in the country should not be longer than six months before a durable solution (of return or resettlement) is arranged, changing that period of time to one year. As will be discussed in further detail later, however, these articles of the MoU are not reflected in the reality on the ground.

Domestic Jordanian law is minimal in its references to the rights of asylum seekers and refugees.⁵⁰ Indeed, Dallah Stevens describes Jordanian “domestic law on the treatment of

⁴¹ Stevens (n 16); see also Maja Janmyr, ‘UNHCR and the Syrian Refugee Response: Negotiating Status and Registration in Lebanon’ (2018) 22 *The International Journal of Human Rights* 393

⁴² Davis et al (n 14)

⁴³ Stevens (n 16) 8

⁴⁴ Akram et al (n 15) 60

⁴⁵ Ghida Frangieh, ‘Relations Between UNHCR and Arab Governments: Memoranda of Understanding in Lebanon and Jordan’ in *The Long-Term Challenges of Forced Migration: Perspectives from Lebanon, Jordan and Iraq* (LSE Middle East Centre 2016) 37

⁴⁶ Martin Clutterbuck et al, ‘Alternative Protection in Jordan and Lebanon: The Role of Legal Aid’ (2020) 67 *Forced Migration Review* 52

⁴⁷ Ahmet İçduygu and Maïssam Nimer, ‘The Politics of Return: Exploring the Future of Syrian Refugees in Jordan, Lebanon and Turkey’ (2020) 41 *Third World Quarterly* 415

⁴⁸ International Human Rights Clinic (IHRC) and Norwegian Refugee Council (NRC), *Registering Rights: Syrian Refugees and the Documentation of Births, Marriages and Deaths in Jordan* (IHRC and NRC, 2015) 36

⁴⁹ Khetam Malkawi, ‘Gov’t, UNHCR sign amendments to cooperation memo’ *Jordan Times* (Amman, 31 March 2014) <<http://www.jordantimes.com/news/local/gov%E2%80%99t-unhcr-sign-amendments-cooperation-memo>> accessed 6 January 2021

⁵⁰ For an overview, see Library of Congress, ‘Refugee Law and Policy: Jordan’ (*Library of Congress*, 30 December 2020) <<https://www.loc.gov/law/help/refugee-law/jordan.php>> accessed 10 January 2021

asylum seekers and refugees” as “virtually non-existent.”⁵¹ Article 21 (1) of the Jordanian constitution offers a very limited protection against *refoulement* in some contexts, in stating that “political refugees shall not be extradited on account of their political beliefs or their defence of liberty.”⁵² The Refugee Affairs Coordinator at the Ministry of Interior has publicly explained that this article offers political asylum “only in very exceptional situations and it is not an option available for most refugees.”⁵³ In practice, this article appears to be utilised at the discretion of the Monarch in cases of high-profile individuals.⁵⁴ The Jordanian law that is most relevant to asylum seekers and refugees, however, is the 1973 Law of Residence and Foreign Affairs (as subsequently amended). Yet even this law does not define the words ‘refugee’ or ‘asylum seeker,’ and is notably vague in terms of how the law is to be applied to these groups. For example, Article 10 of the law states that Ministers will “specify by decree the forms and particulars of travel documents granted to certain categories of foreigners, refugees and emigrants, and the conditions and procedures for granting them.”⁵⁵ There is therefore no domestic legislation that explicitly lays out the rights of refugees, and asylum seekers and refugees are often treated in accordance with broader laws that also apply to other non-citizens, rather than through particular asylum- or refugee-focused legislation.

It is furthermore important to note that the Middle East, in which many key states are non-signatories to the 1951 Convention, also lacks a regional refugee regime such as those established in South America and Africa, despite various attempts to establish one.⁵⁶ Jordan has ratified the Arab Charter on Human Rights, which includes the right to seek political asylum, a prohibition on mass expulsions, and the need for an expulsion of a legally resident alien to be conducted according to the law. Nevertheless, the Charter lacks an enforcement mechanism.⁵⁷ Jordan is also a signatory to multiple international conventions that “establish similar obligations” to the 1951 Convention.⁵⁸ The Convention Against Torture, to which Jordan is a party, “prohibits *refoulement* to a country where there is reason to believe” the person being returned would be at risk of torture.⁵⁹ The International Covenant on Civil and Political Rights, “which protects the rights of freedom of movement and due process and to refrain from arbitrary detention,” has also been signed by Jordan.⁶⁰ Similarly, the MoU signed by Jordan and UNHCR states that the principle of non-*refoulement* should be respected. Since 2006, Jordan has been a member of the Executive Committee of UNHCR, and UNHCR affirmed, the following year, that it understands non-*refoulement* to be part of customary international law, and as such is binding on all states.⁶¹

Jordan is furthermore a party to the Convention on Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination Against Women, which include the principle of freedom from discrimination and equality before the

⁵¹ Stevens (n 16) 2

⁵² The Constitution of the Hashemite Kingdom of Jordan (Jordan)

⁵³ Saleh Al-Kilani, ‘A Duty and a Burden on Jordan’ (2014) 47 *Forced Migration Review* 30

⁵⁴ For example, see Voice of America (VOA) News, ‘Jordan Grants Asylum to Saddam Hussein’s Daughters’ (*VOA News*, 1 August 2003) <<https://www.voanews.com/archive/jordan-grants-asylum-saddam-husseins-daughters-2003-08-01>> accessed 12 December 2020

⁵⁵ Law No. 24 of 1973 on Residence and Foreigners' Affairs (Jordan)

⁵⁶ Janmyr (n 41); for an overview of international refugee law in the Middle East see Janmyr and Dallal (n 38)

⁵⁷ Susan M. Akram, ‘The Arab Charter on Human Rights 2004’, (2007) 24 *Boston University International Law Journal* 147.

⁵⁸ Akram et al (n 15) 59

⁵⁹ Akram et al (n 15) 59

⁶⁰ Francis (n 6)

⁶¹ UNHCR, ‘Advisory Opinion on the Extraterritorial Application of Non-*Refoulement* Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol’ (UNHCR 2007)

law. It has furthermore ratified the International Covenant on Economic, Social and Cultural Rights, which recognises the right to work and equal pay for equal work, regardless of citizenship or residency status.⁶² These instruments, however, appear to have little effect on refugee policy in Jordan on the ground. According to Clutterbuck et al, and their consultations with lawyers and legal aid providers, “while lawyers sometimes use human rights arguments in court proceedings, judges only occasionally make references to international human rights principles in decision, preferring to rely upon national legislation.”⁶³ As is explored in the section on ‘Quality of Protection’ below, the aforementioned rights that Jordan has signed up to upholding are routinely violated.

As scholars have explored - most notably Dallal Stevens - this complex landscape for refugee policy, including the underarticulated nature of much of Jordan’s refugee policies,⁶⁴ is part of the context that leads to (or at least facilitates) a wide range of ‘labels’ being applied to people seeking international protection. Not only the language of asylum seekers, refugees, and people of concern, but also the political discourse of ‘guests,’ and the widespread self-identifications of people as ‘displaced’ (rather than ‘refugees’), due in part to the association of refugeehood with Palestinians specifically.⁶⁵

V. Institutions

The relationship between UNHCR and Jordan is formally regulated by the 1998 MoU introduced in the previous section. MoUs are a part of many refugee recognition regimes, yet remain an understudied instrument in many contexts.⁶⁶ According to Michel Kagan, MoUs constitute “alternative legal instruments for regulating the status of refugees.”⁶⁷ They are attractive to many states, he argues, because unlike the Refugee Convention, MoUs “are negotiated directly with the individual state government and can thus be tailored to an individual state’s concerns.”⁶⁸ From the perspective of UNHCR, even an MoU which heavily compromises the rights of refugees can be preferable to having no legal basis for its operations in the country, or ability to challenge, for example, state practices of *refoulement*.⁶⁹

In the specific context of Jordan, the MoU essentially gives a wide range of responsibilities to UNHCR, including refugee status determination (Article 2). Other major responsibilities include finding durable solutions - but not local integration (Articles 4 and 5), interviewing asylum seekers who entered clandestinely and are being held by Jordanian authorities (Article 3), providing assistance to asylum seekers in need (Article 11), as well as outlining areas of cooperation for UNHCR and the Government, including responding to emergencies (Article 12). Concerningly, from the perspective of refugee rights, Article 4 includes a “duty” for refugees and asylum seekers “to not embarrass the host government” in terms of its “relations

⁶² Human Rights Watch, *The Silent Treatment: Fleeing Iraq, Surviving in Jordan* (Human Rights Watch 2006)

⁶³ Clutterbuck et al (n 46) 55

⁶⁴ Francis (n 6)

⁶⁵ Stevens (n 16); see also Francis (n 6); Jil Goldenziel ‘Regulating Human Rights: International Organizations, Flexible Standards, and International Refugee Law’ (2013) 14 *Chicago Journal of International Law* 453

⁶⁶ See e.g. Maja Janmyr, ‘No Country of Asylum: ‘Legitimizing’ Lebanon’s Rejection of the 1951 Refugee Convention’ (2017) 29 *International Journal of Refugee Law* 438; Marjoleine Zieck, ‘The Legal Status of Afghan Refugees in Pakistan, a Story of Eight Agreements and Two Suppressed Premises’ (2008) 20 *International Journal of Refugee Law* 253.

⁶⁷ Michael Kagan, ‘The UN Surrogate State and the Foundation of Refugee Policy in the Middle East’ (2012) 18 *UC Davis J Int’l L & Pol’y* 327

⁶⁸ *Ibid*

⁶⁹ *Ibid* 331

with other countries and prohibits them from giving interviews to media.”⁷⁰ UNHCR should seek to resettle recognized refugees who are in violation of these provisions.⁷¹ While the MoU does allocate the Jordanian government some roles in the social and economic welfare of refugees, the formulations used “left the precise division of labor between the government and UN somewhat ambiguous.”⁷² As Ghida Frangieh has argued, the MoU essentially allocates extensive responsibilities to UNHCR, while Jordan’s obligations are “limited to tolerating refugees’ presence temporarily on the condition that they can be resettled to a third country.”⁷³

At the time that the MoU was signed, Jordan was hosting only approximately 5,000 registered refugees and asylum seekers that fell under UNHCR’s purview (i.e. not including Palestinians). The MoU was therefore written, and signed, in an entirely different context to the present day, and appears to neither have envisaged, nor have been written for, situations of mass displacement.⁷⁴ Despite the inadequacies of the MoU for dealing with such a situation of mass displacement, the 2014 amendments to the MoU - long after the Iraqi and Syrian crises began - indicate the Government of Jordan’s intention to attempt to maintain the MoU as the basis of UNHCR’s operations in the country.⁷⁵ Nevertheless, the government privately acknowledges that it “bends the rules” and turns a “blind eye” when the terms of the MoU are violated, for example by people not being resettled within the six month (or now one year) timeframe.⁷⁶ In practice, as UNHCR says, the government “continues to be lenient” on this issue of a timeframe,⁷⁷ although the existence of a timeframe is there to establish that asylum seekers’ and refugees’ stay in Jordan should be temporary.⁷⁸

As is discussed in subsequent sections in more detail, while there have been numerous rejected asylum seekers in the time period covered by this paper, policy changes in more recent years have meant that many do not go through full RSD processes. Furthermore, those going through these processes and who generate e.g. exclusion concerns may not be formally rejected, but rather de-prioritized for resettlement, thus reducing the number of formal rejections. There is some data on the number of cases closed each year, which is discussed further in the later section on quality of recognition processes, and is available in Appendix B. As this appendix demonstrates, however, the data for some years and categories of applicant are missing. Furthermore, the number of closed cases, in and of itself, does not reveal a great deal, because of the multiple reasons for which a case could be closed. Closed cases can be a result of an application being rejected and appeals exhausted, but can also indicate, for example, that someone failed to attend an RSD interview and to contact UNHCR within a set time frame, that someone has been naturalized in the host country or a third country, or that they have forcibly or voluntarily returned to their country of nationality.⁷⁹ Similarly, while there is some data about the number of rejected cases, which is again discussed in the section on the quality of refugee recognition processes, some data is lacking, and there is even less information about what happens to people whose cases are rejected. This is part of a much wider problem. As

⁷⁰ Ibid 329

⁷¹ Ibid

⁷² Ibid 331

⁷³ Frangieh (n 45) 39

⁷⁴ Frangieh (n 45) 41

⁷⁵ Frangieh (n 45) 41

⁷⁶ Stevens (n 16) 12

⁷⁷ UNHCR, ‘2012 Global Report Jordan’ (UNHCR, 2013) <<https://www.unhcr.org/51b1d63bd.pdf>> accessed 3 December 2020 3

⁷⁸ Stevens (n 16) 12

⁷⁹ UNHCR *Procedural Standards for Refugee Status Determination under UNHCR’s Mandate* (UNHCR 2020) chapter 9

Crisp and Habersky point out, this lack of data is a problem across the Global South. Rejected asylum seekers “do not appear in UNHCR’s statistical reports” for example on the number of people of concern in a country, and “they have attracted very little attention from the practitioner, policy and academic communities.” Crisp and Habersky, both of whom have extensive experience in the Middle East, posit however “with some confidence,” that “very few” are being deported to their countries of origin.⁸⁰

While the 1998 MoU declares (Article 14) that the Government of Jordan “would consider the establishment of a national mechanism for status determination,” in practical terms, very few steps towards this ostensible goal have been taken. In its 2018 submission to the Universal Periodic Review of the Office of the High Commissioner for Human Rights, UNHCR argued that the adoption of a national refugee law would “provide clarity and consistency for both refugees and authorities...establish a basis for procedural due process and judicial review of critical determinations, such as deportation...[and] would also help to establish equal treatment for refugees of all nationalities.”⁸¹ While Akram et al, in work published in 2015, describe that (unspecified) “initial steps to draft a refugee law” had been taken by the Government of Jordan, they report that it was “put on hold due to fears that the timing is not right to pass such a law in the midst of the current [Syria] crisis.”⁸² To the best knowledge of the authors, at the time of writing there have been no serious, public attempts to bring such a national mechanism onto the political agenda, nor, in our view, are such efforts likely to materialise or be successful in the foreseeable future. The lack of movement towards transferring RSD to state institutions runs contrary to UNHCR’s longer-term aim of ensuring that responsibility for RSD is assumed by states. While noting that this must be done in a “sustainable manner,” UNHCR argues that its importance lies in the fact that “only States are able to ensure comprehensive protection and durable solutions.”⁸³

Nevertheless, despite refugee status determination being conducted by UNHCR, numerous Jordanian government institutions and actors can be considered part of the refugee recognition regime in Jordan, particularly considering the role that geopolitical considerations play in shaping how refugees are hosted in Jordan. As Ali has recently explored, it is important to ‘disaggregate’ the Jordanian state to gain a clear and full picture of the government’s role in asylum governance and how its different overarching goals (such as security, obtaining funding for the refugee response, and trying to ensure Syrians are not a permanent population) are pursued and prioritised differently by the various state actors involved.⁸⁴ The main governmental actor is the Ministry of Interior (MoI). The MoI approaches refugee policy and practice primarily through a national security lens, and is, under the terms of the MoU,

⁸⁰ Jeff Crisp and Elena Habersky, ‘The End of the Road? Rejected Asylum Seekers in the Global South’ (*School of Advanced Studies*, 7 September 2020) <https://rli.blogs.sas.ac.uk/2020/09/07/the-end-of-the-road-rejected-asylum-seekers-in-the-global-south/?fbclid=IwAR1wjN_VhaLgW0HGbn2U8QpH85DI0k5oE0SnabuVUv_yMU-4UMWSqH4vls> accessed 10 January 2021

⁸¹ UNHCR, ‘Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights’ Compilation Report Universal Periodic Review: 3rd Cycle, 31st Session Jordan’ (UNHCR, July 2018) <<https://www.refworld.org/docid/5b56fce37.html>> accessed 5 February 2021; 3

⁸² Akram et al (n 15) 74

⁸³ Executive Committee of the High Commissioner’s Programme, ‘Refugee Status Determination’ (*UNHCR*, 31 May 2016) <<https://www.refworld.org/pdfid/57c83a724.pdf>> accessed 13 December 2020; 5

⁸⁴ Ali Ali, ‘Disaggregating Jordan’s Syrian Refugee Response: The ‘Many Hands’ of the Jordanian State’ (2021) *Mediterranean Politics* 7-8

“required to provide personnel and technical assistance to UNHCR to allow the latter to conduct status determination and resettlement.”⁸⁵

The MoI also contains units that are of relevance to the refugee recognition regime. Firstly, it houses a specific unit that deals with the Syrian refugee file, called the Syrian Refugee Affairs Directorate (SRAD), in which “national authority [is] concentrated.”⁸⁶ This entity, which is a branch of the Public Security Directorate,⁸⁷ was initially known as the Syrian Refugee Camp Directorate (SRCD), and its role at first was to take over camp management responsibilities from the Jordan Hashemite Charity Organization, due to rising numbers of Syrians, and perceived security issues in Za’tari.⁸⁸ Its role later expanded to encompass all Syrian refugees in Jordan. The MoI also contains the position of the Refugee Affairs Coordinator, and the Ministry’s Department of Security Intelligence oversees matters that are deemed to be relevant to national security, and the regulation of status for those who fall under the 1973 Law on Residence and Foreigners’ Affairs.⁸⁹

Furthermore, and concerningly, the MoI “retains the absolute right to deport foreigners,”⁹⁰ and multiple state security agencies are known to be involved in the *refoulement* of refugees, most notably Syrians in recent years. For example, some deportations are carried out by the General Intelligence Department (GID). The GID, whose Director General and Officers are appointed by Royal Decree, is an extremely powerful entity separate to the Ministry of Interior,⁹¹ and is in practice subject to very little oversight or challenge from other government entities or departments. Other deportations have been carried out by Public Security Directorate, which is an independent legal entity “connected to the Ministry of Interior.”⁹² These institutions are both part of and representative of the “deeply authoritarian nature of political power structures in the country.”⁹³ This political authoritarianism, which has been worsening in recent years,⁹⁴ can often be masked by the international reputation that Jordan holds (and carefully cultivates) as a state that is moderate, reforming, liberalising and democratising.⁹⁵

Multiple other Jordanian ministries are relevant to asylum/refugee policy, and in particular to the quality of protection in the country. These include the Ministry of Social Development (MoSD), which oversees the supervision of non-governmental organisations (NGOs) working in the country; the Ministry of Labour (MoL), which issues work permits; and the Ministry of Planning and International Cooperation (MoPIC), which took a leading role in negotiating the Jordan Compact and concomitant changes to domestic legislation. The centrality of MoPIC, which “manages relations with the international donor community”⁹⁶ in the Syria response in

⁸⁵ Akram et al (n 15) 56

⁸⁶ Betts et al (n 11) 12

⁸⁷ Ali (n 84) 10

⁸⁸ Akram et al (n 15) 57

⁸⁹ Johnston et al (n 26) 15

⁹⁰ Akram et al (n 15) 63

⁹¹ General Intelligence Department, ‘About G.I.D’ (General Intelligence Department, n.d.) <<https://gid.gov.jo/gid-info/about-g-i-d/>> accessed 3 February 2021.

⁹² Public Security Directorate, ‘Historical Preface’ (*Public Security Directorate*, n.d.) <<https://www.psd.gov.jo/index.php/en/2016-08-24-07-00-59/historical-preface>> accessed 3 February 2021.

⁹³ Benjamin Schuetze, *Promoting Democracy, Reinforcing Authoritarianism: US and European Policy in Jordan* (Cambridge University Press 2019) xviii

⁹⁴ Freedom House, ‘Jordan’ (*Freedom House*, 2021) <<https://freedomhouse.org/country/jordan/freedom-world/2021>> accessed 17 February 2021.

⁹⁵ See Ibid.

⁹⁶ Betts et al (n 11) 12

particular, gave it a prominence that was relatively unusual, because it is a ‘service’ Ministry rather than a ‘sovereign’ Ministry like Interior, Defence, Finance and Foreign Affairs.⁹⁷

While both UNHCR and the Government of Jordan are keen to emphasize their cooperative and collaborative relationship in public-facing fora, the strength and dynamics of their relationship have varied over time. For example, a particular low point in Government-UNHCR relations came in 2007, following several years of disagreements about what kind of recognition and protection regimes should be put in place for Iraqis fleeing to Jordan, and the extent to which UNHCR’s regimes were diverging from the arrangements set out in Government-UNHCR agreements (as is discussed in depth below). In March 2007, The Government even took the step of suspending UNHCR’s activity in the country for three weeks, “culminating in the replacement of its then representative (Robert Breen) by Imran Riza.”⁹⁸

The relationship between the government and UNHCR has certainly improved since that time period. Indeed, more recently, it is the closeness of the relationship between UNHCR and the government that has been a source of disquiet among - for example - NGO and humanitarian workers in Jordan. An independent evaluation of UNHCR’s work in Jordan in the early years of the Syria response noted that the agency appeared to have “developed a near exclusive bilateral relationship with the Government of Jordan,” which is “now questionable given the increasing protection issues in Jordan.”⁹⁹ Similarly, in the previous research of one of the authors, an NGO project manager claimed - referring to alleged ‘security concerns’ about refugees in Za’tari - that “you cannot win in a discussion with the police or with the camp management [UNHCR] because they work, erm, together.”¹⁰⁰ In that same research, following the widespread deportations of Sudanese in December 2015, there was a widespread perception that UNHCR was too publicly silent on these vital questions, and that its attempts to form relationships and lobby ‘behind closed doors,’ or to exercise ‘quiet diplomacy,’¹⁰¹ might be coming at the expense of its ability to hold the government to account for violations of refugee rights.¹⁰² UNHCR’s cooperation with the government in - one might argue complicity in - Azraq camp, in which severe rights violations take place (see below), has also been highlighted as a cause for concern by critics.¹⁰³

Therefore, while UNHCR conducts refugee recognition with some level of institutional autonomy, particularly in more recent years (i.e. post the 2007 low point in UNHCR-Government relations), it is important to recognise that this (along with other aspects of UNHCR’s role) are conducted in a broader context in which UNHCR attempts to maintain a close relationship with the Jordanian government. UNHCR is also subject to governmental decisions that can quickly and significantly change the nature of the refugee recognition work it undertakes, for example the January 2019 decision, discussed in more detail below, that

⁹⁷ Ali (n 84) 8

⁹⁸ Stevens (n 16) 12

⁹⁹ Transtec, *Independent Programme Evaluation (IPE) of UNHCR’s Response to the Refugee Influx in Lebanon and Jordan* (Transtec and UNHCR, 2014) 7

¹⁰⁰ Lewis Turner, ‘Challenging Refugee Men: Humanitarianism and Masculinities in Za’tari Refugee Camp’ PhD Thesis (SOAS 2018) <<https://eprints.soas.ac.uk/30291/>> accessed 6 January 2021 114

¹⁰¹ For discussion of UNHCR’s ‘quiet diplomacy,’ see for example Anne Hammerstad *The Rise and Decline of a Global Security Actor: UNHCR, Refugee Protection, and Security* (Oxford University Press 2014)

¹⁰² See also Transtec (n 99)

¹⁰³ Sophia Hoffman, ‘Humanitarian Security in Jordan’s Azraq Camp’ (2017) 48 *Security Dialogue* 97

prohibited those who entered the country on (among others) medical visas from being registered as asylum seekers.

VI. Modes of Recognition

As in other areas of refugee recognition policy, the modes of recognition have varied significantly a lot based on the nationality of the person seeking protection, and the time period in which they were/are seeking protection. We outline below the different systems in place for different national ‘cohorts’ of people seeking international protection.

i. Syrians

Syrians seeking international protection in Jordan are treated by UNHCR as refugees,¹⁰⁴ although technically, UNHCR has not declared a *prima facie* regime for Syrians in the Middle East.¹⁰⁵ Rather, in its official report on international protection considerations for those fleeing Syria, UNHCR “characterize[s] the flight of civilians from Syria as a refugee movement, with the vast majority of Syrian asylum-seekers continuing to be in need of international refugee protection, fulfilling the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention.”¹⁰⁶ As Maja Janmyr has explored in her work on Lebanon, and which similarly applies to the context of Jordan, the confusing and equivocal designation of Syrians as a “refugee movement,” in practice appears to function as a *de facto prima facie* regime, even in the absence of one formally existing.¹⁰⁷ Accordingly, Syrians in Jordan are regularly referred to as refugees by the agency (not as a “refugee movement”), for example on its Operations Portal for the Syria crisis and in its overall official data portal,¹⁰⁸ although on other documents it simply refers to Syrians as ‘registered Syrians’ or ‘registered persons of concern.’¹⁰⁹ Therefore, Syrians who approach UNHCR in Jordan to seek international protection are registered as ‘persons of concern’ to UNHCR. The details of the registration process, including how to make an appointment, where registration can happen, which documents applicants should attempt to bring and so forth are provided online by UNHCR,¹¹⁰ and are explored in more detail in the section about the accessibility of the refugee recognition regime. Upon completion of their registration process, Syrians are given an asylum seeker certificate (ASC). The ASC is valid for one year, and must be renewed annually (prior to the COVID-19 pandemic - see below).

Syrians therefore do not typically go through an individual RSD interview, although individual RSD is carried out for some Syrians being considered for resettlement to a third country. This individual RSD is done as part of the relatively new practice called the ‘merged procedure,’ through which resettlement and RSD interviews and processes are conducted in parallel when necessary for the purposes of resettlement.¹¹¹ This relatively new arrangement is undertaken in

¹⁰⁴ Mennonite Central Committee (n 18) 8.

¹⁰⁵ Janmyr (n 41); Mennonite Central Committee (n 18)

¹⁰⁶ UNHCR, ‘International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic Update V’ (UNHCR, 2017) <<https://www.refworld.org/pdfid/59f365034.pdf>> accessed 8 December 2020

¹⁰⁷ Janmyr (n 41)

¹⁰⁸ UNHCR, ‘Syria Refugee Response Operations Portal’ (UNHCR, 2021)

<<http://data2.unhcr.org/en/situations/syria/location/36>> accessed 12 January 2021; UNHCR, ‘Refugees Data Finder’ (UNHCR, 2021) <<https://www.unhcr.org/refugee-statistics/>> accessed 11 January 2021

¹⁰⁹ For example see UNHCR (n 3)

¹¹⁰ UNHCR Jordan ‘Registration’ (UNHCR n.d.) <<https://help.unhcr.org/jordan/en/helpful-services-unhcr/registration-unhcr/>> accessed 30 November 2020

¹¹¹ See UNHCR Lebanon, ‘Accelerated Processing of Claims from Syria in the Context of Large Influxes into Lebanon’ (UNHCR 15–16 December 2015), <<http://www.refworld.org.ru/pdfid/>

contexts in which UNHCR determines that an individual RSD is not necessary to ensure international protection.¹¹² The purposes of individual mandate RSD in such contexts, therefore, “is ostensibly to enable resettlement.”¹¹³ As Fisher has highlighted in a recent article, and as Janmyr has explored in depth in the case of Lebanon, asylum seekers should not be rejected through a merged procedure, although they can be de-prioritised for resettlement if possible exclusion concerns are raised through this process.¹¹⁴ Concerningly, there is no right to a legal representative, and in effect no right to appeal. The inability to appeal is because, under the merged procedure, asylum seekers whose cases are deemed to raise potential exclusion concerns are deprioritised for resettlement, rather than rejected as asylum seekers. There is, therefore, even in cases where applicants are deprioritised, no formal decisions against which an appeal could be launched.¹¹⁵ Furthermore, the 2020 guidelines issued by UNHCR are vague on precisely what kind, or level, or procedural review is necessary.¹¹⁶ Given that, as Fisher argues, “the current situation is ripe for arbitrary decision-making,”¹¹⁷ more research into these ‘merged procedures’ - in Jordan and elsewhere - would be valuable.¹¹⁸

Despite the (at least in many respects) ‘straightforward’ designation of Syrians as persons of concern to UNHCR, and thus as *de facto* refugees, the use of the terminology of ‘Syrian refugees’ by different actors in Jordan can lead to confusion and unclarity. For example, while around 650,000 Syrians were registered with UNHCR in Jordan at the end of 2019, the Jordan Response Plan 2020-2022, produced by the Jordanian Ministry of Planning and International Cooperation, refers to “1.36 million Syrian refugees.”¹¹⁹ This figure is presumably derived, at least in part, from the most recent Jordanian census of 2015, which recorded 1.265 million Syrians as living in Jordan, a figure about which widespread scepticism has been expressed.¹²⁰ By contrast, in previous iterations of the Jordan Response Plan, for example the 2016-2018 plan, the Government referred to “about 1.4 million Syrians, including around 630,000 refugees” as living in Jordan.¹²¹ The number of Syrians who are estimated to live in Jordan but to not be registered with UNHCR is very unclear, and has been the subject of significant debate and controversy (as it was in the Iraqi crisis).¹²² This renders it difficult to gain a precise and accurate picture of the numbers of people in need of international protection who are residing in Jordan, even though, as a Syrian in Jordan it is (in the vast majority of cases) relatively straightforward to register with UNHCR, particularly following the 2018-2019 regularization campaign (حملة تصويب الاوضاع). This campaign attempted to enable Syrians who had left Za’tari informally or entered Jordan informally (within certain dates), to legalize their status by registering with UNHCR and receiving a Ministry of Interior Service Card (see below for more details).

56c46f8f4.pdf> accessed 25 November 2020

¹¹² Betsy Fisher, ‘Conducting RSD for resettlement: the need for procedural protections’ (2020) 65 *Forced Migration Review* 17

¹¹³ Costello et al (n 5)

¹¹⁴ Fisher (n 112); Janmyr (n 41)

¹¹⁵ *Ibid*

¹¹⁶ Fisher (n 112)

¹¹⁷ *Ibid* 18

¹¹⁸ See also Costello et al (n 5)

¹¹⁹ Ministry of Planning and International Cooperation, *Jordan Response Plan for the Syria Crisis 2020-2022* (MOPIC, 2020) 1

¹²⁰ Katharina Lenner, ‘‘Biting Our Tongues’ Policy Legacies and Memories in the Making of the Syrian Refugee Response in Jordan’ (2020) 39 *Refugee Survey Quarterly* 273

¹²¹ Ministry of Planning and International Cooperation, *Jordan Response Plan for the Syria Crisis 2016-2018* (MOPIC, 2016) 8

¹²² Lenner (n 120)

Furthermore, it is important to note the situation of Palestinians from Syria who attempted to seek protection in Jordan. Falling outside of UNHCR's mandate, UNRWA is "only recording, not re-registering Palestinian refugees in Jordan if they are already registered in Syria."¹²³ As of May 2020, UNRWA reported the presence of 17,448 Palestinian refugees from Syria in Jordan.¹²⁴ As Akram et al explore, this both preserves their status as Palestinians from Syria, and may facilitate their eventual return to Syria, given that the Assad regime declared that Palestinians who leave Syria would not be able to return. However, this of course applies only to Palestinians from Syria who were able to access Jordanian territory. Since at least April of 2012, the Jordanian government has regularly forbidden entry to Palestinians from Syria or, for example, arbitrarily detained them with returning to Syria presenting the only possibility for release.¹²⁵ The ban on Palestinian entry became official in early 2013.¹²⁶ It appears that this ban extends not only to those coming directly from Syria, but to all ports of entry, even if the Palestinians in question have previously resided in or transited through Jordan.¹²⁷ Adding further complexity to this situation, Palestinian refugees from Syria hold a range of different statuses, with some, for example, possessing Jordanian citizenship (even if their spouses or children do not).¹²⁸ The legal status of those who have entered the country (for example early in the crisis and/or informally) is often very precarious.¹²⁹ According to UNHCR, there have also been instances of Palestinians coming from Syria having their Jordanian citizenship revoked and Palestinians from Syria being *refouled*,¹³⁰ and according to the UN Committee on the Rights of the Child "dozens" of Palestinian children from Syria have been returned to Syria by Jordanian authorities.¹³¹

ii. Iraqis

Iraqis who have come to Jordan have been subjected to a wide range of refugee recognition arrangements in the period since the MoU was signed in 1998. Prior to 2003, when a very small number of Iraqis sought international protection in Jordan (for example fewer than 5,000 registered with UNHCR in 2002),¹³² individualised refugee status determination was conducted. However, following the invasion of Iraq, the Government of Jordan and UNHCR signed a Letter of Understanding that agreed to the establishment of a centre - to be located in the Jordanian-Iraqi border area - to provide 'temporary protection.' As Dallal Stevens has carefully documented, while the Letter of Understanding specifically denoted spatial limitations to the 'temporary protection,' "UNHCR attempted to introduce a pan-national 'temporary protection regime'" for all Iraqis coming to Jordan.¹³³ Such a regime would absolve

¹²³ Akram et al (n 15) 61

¹²⁴ UNRWA, 'Syria Emergency Snapshot - Jordan Field' (UNRWA, 2020)

<https://www.unrwa.org/sites/default/files/unrwa_jfo_prs_snapshot_may_2020.pdf> accessed 15 March 2021.

¹²⁵ Human Rights Watch, 'Jordan: Bias at the Border' (Human Rights Watch, 4 July 2012)

<<https://www.hrw.org/news/2012/07/04/jordan-bias-syrian-border>> accessed 16 December 2020

¹²⁶ Akram et al (n 15) 64

¹²⁷ UNHCR, 'Return and Readmission of Palestinian Refugees from Syria to Lebanon and Jordan' (UNHCR, 2017) <<https://www.refworld.org/pdfid/5ab8cf9d4.pdf>> accessed 24 September 2021

¹²⁸ Ibid

¹²⁹ Ibid

¹³⁰ Ibid

¹³¹ United Nations Committee on Rights of the Child, 'Concluding observations on the combined fourth and fifth periodic reports of Jordan' (United Nations, 2014)

<<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsiaA1%2F6olxyVVmNojGiLiCejouKr7uygwf0WAviLALU%2FvzgknUXajBn8IT0N9LcI%2F5eKofN6A%2BQKPGQw000wrhBDyTFD2pqu6sfrUQQwISot>> accessed 3 March 2021.

¹³² UNHCR (n 108)

¹³³ Stevens (n 16) 9

UNHCR of the responsibility to conduct individual RSDs and arguably of its obligation - as set out in the MoU - to seek resettlement for refugees within six months.

The Government of Jordan maintained its own view of the agreement with UNHCR, and the spatially-limited nature of the agreement. Amidst worsening relations with the agency, by 2005 the Government had formally rejected UNHCR's temporary protection regime. This breakdown was one of the factors that led to UNHCR beginning a *prima facie* recognition regime in January 2007 for all Iraqis from central and southern Iraq, and UNHCR argued that this should apply to all who left Iraq since April 2003. Nevertheless, the government continued to insist on referring to Iraqis as 'guests,' rather than asylum seekers or refugees. At the behest of the government, which "refused to accept that *prima facie* refugees should receive a refugee card...UNHCR was forced to amend its approach and commenced issuing an 'Asylum Seeker Certificate' to Iraqis who registered in its office in Amman."¹³⁴ These certificates were valid for 6 months at a time, and thus required regular renewal. Stevens attributes UNHCR's attempts to find alternative ways to provide protection (other than those outlined in the MoU) in part to its attempt to provide protection "without the need to conduct RSD, with its significant burden on resources; its inherent risk of refusal; and potential return to Iraq."¹³⁵ This shift in approach to conducting RSD in Jordan predated the broader 'new approach' adopted by UNHCR in 2016, as is discussed further below.¹³⁶

Subsequent years were to bring further changes to refugee recognition policies and practices concerning Iraqis. In September 2012, as the situation in Iraq evolved, new eligibility guidelines were issued for Iraqi asylum seekers, which lifted the *prima facie* regime, meaning that from that point forward Iraqis had to go through individual RSD interviews. This coincided with a rapid increase in the number of Syrians entering Jordan, and registration for Iraqis was even suspended for 5 months in 2012 in order to direct capacity to registering Syrians.¹³⁷ The pressures on UNHCR because of the Syria crisis and the renewed influx of Iraqis to Jordan that followed the rise of ISIS created significant backlogs for Iraqis (and other asylum seekers).¹³⁸ As a result, in March 2015, UNHCR decided to henceforth to "conduct RSD only for cases designated as urgent or emergency, a designation which is made on the basis of vulnerability."¹³⁹ In its year end 2015 report, UNHCR explains that it "harmonized its refugee status determination (RSD) and resettlement procedures across the two main refugee populations, prioritizing the most vulnerable."¹⁴⁰ Predictably, this led to a decline in the number of Iraqis recognised as refugees, which fell from 4,629 in 2015 to 697 in 2016.¹⁴¹ To demonstrate these changes in a longer time frame, while in 2012, in the first year after the lifting of the *prima facie* regime, according to UNHCR figures there were 55,509 Iraqi refugees in Jordan, and 2,435 asylum seekers, by the end of 2019, there were 34,336 refugees and 32,843 asylum seekers.¹⁴²

In addition, Iraqis, who had previously benefitted from Jordan's 'open door' policy to Arab citizens, also began to find themselves enmeshed in increasing strict border and visa regimes,

¹³⁴ Ibid 11-12

¹³⁵ Ibid 12; see also Lamis Abdelaaty, 'RSD by UNHCR: Difficulties and Dilemmas' (2020) 65 FMR 21.

¹³⁶ Executive Committee of the High Commissioner's Programme (n 83)

¹³⁷ UNHCR, '2012 Global Report Jordan' (n 77)

¹³⁸ Mennonite Central Committee (n 18) 9

¹³⁹ Mennonite Central Committee (n 18) 9

¹⁴⁰ UNHCR, 'Jordan', (*UNHCR Global Focus*, n.d.) <<https://reporting.unhcr.org/node/2549?y=2015#year>> accessed 3 March 2021.

¹⁴¹ Mennonite Central Committee (n 18) 9

¹⁴² UNHCR (n 108)

especially from late 2005 onwards, after the Amman hotel bombings. It was, nonetheless, possible for more wealthy Iraqis to contain to gain and maintain access to Jordanian territory, for example with the status of investors.¹⁴³ The aforementioned restrictions, which included formal rules about, for example, the kind of passport one possessed, to much less formal but widely prevalent screening based on religion, limited many Iraqis' access to Jordanian territory and their ability to maintain a legal presence in the country (see section on security of residence).¹⁴⁴ In 2019, this became even more limited, upon the passing of Resolution 2713A, which is discussed immediately below.

iii. Sudanese and Yemenis

Sudanese and Yemenis are subject to the same refugee recognition systems, and thus will be dealt with here together. Prior to early 2019, Sudanese and Yemenis had to decide, upon arriving in Jordan (typically with a medical, study or work visa, and/or using false documentation), whether to register an asylum claim with UNHCR or not. Upon registering, they would receive an Asylum Seeker Certificate from UNHCR, and would begin the process of individualised refugee status determination, which was a “lengthy process” in which “delays are common and success is not guaranteed,” and involved “interviews and home visits,”¹⁴⁵ despite “home visits” only receiving a fleeting mention in UNHCR’s procedural standards for conducting refugee status determination.¹⁴⁶ One Yemeni asylum seeker, according to a report by the Mixed Migration Platform, reported the process taking “over 18 months just to receive an initial asylum interview with UNHCR,”¹⁴⁷ a timeframe also mentioned in other reports.¹⁴⁸ Even if they were lengthy, UNHCR would “routinely conduct” these individualized RSD processes, but, since 2016 (when UNHCR’s new approach was adopted), it began to conduct them “only for asylum seekers being considered for resettlement,” meaning many now remain formally as asylum seekers.¹⁴⁹ At the end of 2019, figures showed that there were 2,996 Sudanese refugees and 3,014 Sudanese asylum seekers in Jordan, and 715 Yemeni refugees and 14,060 Yemeni asylum seekers.¹⁵⁰ As Johnston et al explore, while - apart from the potential opportunity of resettlement - registration as an asylum seeker or being recognised as a refugee should in practice provide the same rights in Jordan, not all of their interlocutors agreed with this assessment. Some claimed that they were more at risk of *refoulement*, in particular when carrying an ASC compared to refugee status.¹⁵¹

Both nationalities (along with others such as Iraqis and Somalis) were significantly affected by the January 2019 change in government policy (Resolution 2713A), which henceforth prohibited those who entered Jordan with visas for medical care, work, tourism, or study, from claiming asylum.¹⁵² Upon passage of this legislation, the Government “requested UNHCR to suspend registration of these categories,” in what UNHCR described as a “major shift in

¹⁴³ Stevens (n 16); Turner (n 11)

¹⁴⁴ Stevens (n 16)

¹⁴⁵ Mixed Migration Platform *Displaced Minorities: Part 1* (n 19) 6

¹⁴⁶ UNHCR, *Procedural Standards for Refugee Status Determination Under UNHCR's Mandate* (UNHCR 2020) 110, 238.

¹⁴⁷ Mixed Migration Platform *Displaced Minorities: Part 1* (n 19) 6

¹⁴⁸ Mennonite Central Committee (n 18) 9

¹⁴⁹ Johnston et al (n 26) 16; see also Mennonite Central Committee (n 18) 9

¹⁵⁰ UNHCR *Refugees Data Finder* (n 108)

¹⁵¹ Johnston et al (n 26) 17; see also Mennonite Central Committee (n 18) 9-10

¹⁵² See Human Rights Watch, ‘Jordan: Events of 2019’ (*Human Rights Watch*, 2020)

<<https://www.hrw.org/world-report/2020/country-chapters/jordan>> accessed 23 November 2020

Government policy.”¹⁵³ From the perspective of refugee protection, this is a very concerning shift. Given the restricted legal avenues for those from Yemen, Sudan, and elsewhere to reach Jordan, and the absence of a common border between these countries and Jordan, this legislation has the effect of significantly limiting the ability of people of these nationalities to seek protection in Jordan.

VII. Quality of Recognition Processes

i. Accessibility:

In this paper, we consider the accessibility of the refugee recognition regime from multiple angles: firstly, the accessibility of Jordanian territory for those seeking international protection. Secondly, the accessibility of the refugee recognition regime in terms of practical access for those who are able to access Jordanian territory. Thirdly, we explore why many do not register with the refugee recognition regime, for reasons that include but often go beyond ‘practical’ steps. These three perspectives on accessibility demonstrate a mixed picture: while great efforts have been made to attempt to ensure that all those who can access Jordanian territory are able to register with UNHCR, numerous individuals and groups struggle to enter Jordan to seek international protection, and some of those who do, choose not to register.

While Jordan has, particularly by international standards, allowed a very large number of asylum seekers and refugees to enter its territory since it signed an MoU with UNHCR, it is also indisputable that Jordan has stopped a large number from seeking international protection by denying them entry to Jordan. For those coming from Syria this happened in stages. Even relatively early on in the Syria crisis, not long into 2013, Human Rights Watch reported that Jordan was denying access to Palestinian and Iraqi refugees living in Syria, all single men of ‘military age,’ as well as those who did not possess identification documents.¹⁵⁴ From the middle of 2013, there were restrictions placed on the number of Syrians who could be processed at the border (e.g. in one day) and the authorities sporadically closed and re-opened the borders. The situation worsened considerably by 2016, when tens of thousands of Syrians were stranded in the no-man’s land between Syrian and Jordanian territory. King Abdullah asserted that there were “elements” of Islamic State among those gathering at the border, and expressed his exasperation at other countries’ insistence that Jordan should take them in, at one point even offering to take the gathered 16,000 to an airbase, and send them to any country willing to take them in.¹⁵⁵ Due to these border restrictions, therefore, while in the earlier years of the Syria crisis, deportation to Syria did not prevent re-entry,¹⁵⁶ this is typically no longer possible. Similarly, during the height of the Iraqi refugee crisis in the mid-2000s, there were also extensive restrictions on access to Jordanian territory, and Jordan denied entry to many who were seeking international protection.¹⁵⁷ Iraqis who were returned to Iraq “get a stamp on their documents and are denied entry for 5 years.”¹⁵⁸

¹⁵³ UNHCR, ‘Jordan’ (*UNHCR*, 2019) <<https://reporting.unhcr.org/node/2549?y=2019#objectives>> accessed 16 December 2020

¹⁵⁴ Bill Frelick, ‘Fleeing Syria: Insights on Lebanon’s Open Border’ (*Human Rights Watch*, 24 April 2013) <<https://www.hrw.org/news/2013/03/24/fleeing-syria-insights-lebanons-open-border>> accessed 2 June 2014

¹⁵⁵ BBC News, ‘Syria conflict: Jordanians ‘at boiling point’ over refugees’ (BBC News, 2 February 2016) <<https://www.bbc.co.uk/news/world-middle-east-35462698>> accessed 8 December 2020; Betts et al (n 11)

¹⁵⁶ Akram et al (n 15) 64

¹⁵⁷ Human Rights Watch (n 62)

¹⁵⁸ Akram et al (n 15) 64

Accessibility within Jordanian territory, however, is overall a more positive picture. There are three main UNHCR offices in Jordan (in the capital Amman, and in the main northern cities of Irbid and Mafrq), at which people can register with the agency.¹⁵⁹ For people who do not live in those areas, or who live in areas of the aforementioned cities but far away from UNHCR's offices, the agency operates 13 'Helpdesks' in locations across the country, which were particularly important in reaching populations living in southern Jordan. Given the relative concentration of most nationalities of protection-seekers in Amman, these mobile helpdesks in practice mostly served Syrians. Some of these are open several days a week, some once a week, and some only once a month, but nonetheless they give the agency a presence across a wide geographical area.¹⁶⁰ Furthermore, UNHCR conducts "mobile registration missions" for those who live in the governorates of Karak, Ma'an, Tafilah, Aqaba and Ruwashed, which further facilitates the accessibility of refugee registration.¹⁶¹ People who are unable to come to a UNHCR facility to undertake registration, for example due to medical conditions, are able to request a home (or hospital) visit.¹⁶²

Unsurprisingly, significant changes were needed upon the outset of the COVID-19 pandemic. While Jordan had very low numbers of COVID cases in the spring and early summer of 2020, it went into one of the earliest and strictest national lockdowns in the middle of March.¹⁶³ UNHCR suspended in-person interviews at its registration centres, and proceeded to conduct registration and refugee status determination by telephone, only offering in-person appointments in "very exceptional circumstances."¹⁶⁴ While adaptations were of course required in response to the pandemic, a recent article by Elise Currie-Roberts and Sarah-Jane Savage, both themselves RSD Officers at UNHCR, highlights that remote RSD procedures can prevent applicants from communicating effectively, and may be inappropriate in some cases, such as survivors of gender-based violence. They furthermore emphasise that the implications of these adaptations for the fairness, efficiency and integrity of RSD systems must be closely monitored.¹⁶⁵

Nevertheless, there are multiple reasons for people not registering with UNHCR, which relate to factors including awareness among communities, class differentiations within communities, and the perceived lack of benefits of registering. These factors are particularly prominent among the smaller populations of asylum seekers and refugees in Jordan - particularly Yemenis. According to the available literature, this appears to be related to multiple factors. Firstly, it appears that, in contrast to other national cohorts in Jordan, the levels of awareness about the possibilities for registration with UNHCR are much lower among Yemeni communities than others, with some believing that Yemenis are not eligible for assistance from UNHCR.¹⁶⁶ Others have cited the very low chance of being granted refugee status as a reason

¹⁵⁹ UNHCR Jordan 'Registration' (n 110)

¹⁶⁰ UNHCR Jordan, 'About UNHCR Jordan' (UNHCR n.d.) <<https://help.unhcr.org/jordan/en/about-unhcr-jordan-offices/>> accessed 30 November 2020

¹⁶¹ UNHCR Jordan, 'Registration' (n 110)

¹⁶² Ibid

¹⁶³ See Reuters, 'Jordan Tightens Lockdown to Combat Coronavirus' (Reuters 14 March 2020) <<https://www.reuters.com/article/us-health-coronavirus-jordan-idUSKBN2110S3>> accessed 6 January 2021

¹⁶⁴ UNHCR Jordan, 'Remote Registration' (UNHCR Jordan n.d.) <<https://help.unhcr.org/jordan/en/remote-services/remote-registration-renewal/>> accessed 6 January 2021

¹⁶⁵ Elise Currie-Roberts and Sarah-Jane Savage, 'Institutional adaptability in the time of COVID-19' (2020) 65 Forced Migration Review 56

¹⁶⁶ Arab Renaissance for Democracy and Development (n 19); Johnston et al (n 26)

for not registering, while others still “have preferred to concentrate on seeking alternative ways to move onwards from Jordan, such as through medical, study or tourist visas.”¹⁶⁷

There is also an important class dimension to registration decisions, however. Yemenis living in Jordan include not only those who are politically influential, and are protected by the Jordanian government, but also those who simply have independent and sufficient sources of income and/or savings, and so choose not to register with UNHCR out of a perceived lack of necessity.¹⁶⁸ As research by the Mixed Migration Platform concluded, the rising numbers of Yemenis registering with UNHCR in, for example, 2016-2017, was “partly explained by the deepening vulnerability of those already in Jordan, who are no longer able to return home nor move onwards,” and who may be struggling to meet their living costs in a way that they did not do upon arrival to Jordan.¹⁶⁹ Among those who did choose to register, the main benefit that they sought (or at least expected to derive from it), was often protection from *refoulement* and having a form of identification that they could present to the Jordanian police and other authorities. However, as the participants in Johnston et al.’s research pointed out, the deportation of hundreds of Sudanese in late 2015 demonstrate that there are limits to the protection that such paperwork can provide.

There is furthermore a gender aspect to consider. As in other contexts such as Lebanon,¹⁷⁰ there are reports in Jordan that some Syrian men choose either not to register, or to register separately from their ‘nuclear families’.¹⁷¹ This can be because they believe that the amount of aid that they are likely to receive will be greater if a woman registers with her children, but without a male partner. Given the difficulties that many men of ‘military age’ had in accessing Jordanian territory in the first place, they may potentially be more likely to be in Jordan irregularly, although some might hold Jordanian citizenship. Furthermore, evidence from Lebanon suggested that a large number of ‘single men’ (i.e. those travelling without nuclear families) believed that they were ineligible to register with UNHCR, due to a belief that UNHCR was there to help women and children, and/or ‘families.’¹⁷²

According to the available literature and the experiences of the authors, other factors that have induced a reluctance to register with UNHCR include lack of correct paperwork, lack of trust in the United Nations, a fear that registering may prohibit temporary returns visits (e.g. to family in Syria), and fears about data being shared with the government.¹⁷³ Furthermore, as Jeff Crisp et al reported in the context of the Iraqi refugee crisis in Jordan, some did not register because they did not want to be resettled. The logic of this decision stemmed from the overarching policy context for refugees in Jordan (as outlined in the MoU), which led to some seeing registration as an automatic path to resettlement as opposed to other alternatives. Some of those who actively did not want to be resettled from Jordan wished to receive assistance, but

¹⁶⁷ Mixed Migration Platform, *Displaced Minorities: Part I* (n 19) 6

¹⁶⁸ Arab Renaissance for Democracy and Development (n 19)

¹⁶⁹ Mixed Migration Platform, *Displaced Minorities: Part I* (n 19) 5

¹⁷⁰ Derya Ozkul, ‘Refugee Recognition: Not Always Sought’ (2020) 65 *Forced Migration Review* 39

¹⁷¹ Lewis Turner, ‘Are Syrian Men Vulnerable Too? Gendering the Syria Refugee Response’ (*Middle East Institute*, 29 November 2016) <<https://www.mei.edu/publications/are-syrian-men-vulnerable-too-gendering-syria-refugee-response>> accessed 1 December 2016

¹⁷² International Rescue Committee (IRC), *Vulnerability Assessment of Syrian Refugee Men in Lebanon* (IRC 2016)

¹⁷³ See also Ozkul (n 156)

to refrain from registering, fearing that doing so might see them forced to be resettled elsewhere.¹⁷⁴

Another important issue relating to accessibility (as well as other aspects of the refugee recognition regime) is the treatment of people of non-normative or minoritized sexual orientations, gender identities and gender expressions, who face particular challenges when seeking international protection in Jordan (as further afield). These protection seekers regularly face homo-, bi-, queer-, and especially transphobia not only from people within their own communities (in their country of origin and country of asylum), the host communities of the country of asylum, but also from humanitarian actors, including those who may have control over the recognition of their claims to asylum, or their access to a range of services. People who experience this widespread discrimination on the aforementioned grounds may not be aware, however, that they may be eligible for support or protection from UNHCR and the humanitarian sector because of that discrimination.¹⁷⁵

One of the key challenges facing protection seekers of non-normative genders and sexualities in Jordan (and the wider Middle East) is the centrality of Western- and Anglo-centric terminologies within humanitarian work, and the ‘international’ guidelines that humanitarian agencies produce. While ‘LGBTI’ is an acronym that is increasingly used in the humanitarian sector, these terms often do not reflect the identities and understandings of people who face persecution because of their gender identities, gender expressions or sexual orientations in Middle Eastern contexts.¹⁷⁶ These categories therefore may have little – if indeed any – meaning for people seeking protection in Jordan, yet falling into the ‘right’ categories can be very important when going through the asylum process. Focusing on people’s protection concerns, and their specific situations, rather than whether they are familiar with or identify with particular (Western-centric) labels, would potentially lead to a broader and deeper recognition of the protection needs of a wider number of people. Furthermore, while ‘LGBTI’ trainings are undertaken, much more outreach is necessary, and trainings need to focus more on the specifics of the socio-linguistic and socio-cultural contexts from and in which people are seeking asylum, rather than western-centric concepts and categories.¹⁷⁷

ii. Accuracy

The accuracy of the refugee recognition regime is very challenging to assess within the context of this working paper.¹⁷⁸ This is an aspect of UNHCR’s work - in Jordan as elsewhere - about which there is very little transparency.¹⁷⁹ The data that is publicly issued by UNHCR (included in Appendix B) offers some indications into the accuracy of refugee recognition rates, but in many ways poses more questions than it answers. For example, recognition rates for some national cohorts have regularly changed over time, and in some cases the results appear more or less ‘surprising.’ For example, while the recognition rate (calculated as those recognised as a proportion of those recognised and rejected) for Yemenis in 2012 was 4.4%, this had grown

¹⁷⁴ Jeff Crisp et al, *Surviving in the City: A Review of UNHCR’s Operation for Iraqi Refugees in Urban Areas of Jordan, Lebanon and Syria* (UNHCR PDES 2009) 24

¹⁷⁵ Humanitarian and queer activist: see Turner (n 100); see also Lewis Turner, ‘Who Will Resettle Single Syrian Men?’ (2017) 54 *Forced Migration Review* 29

¹⁷⁶ See also Nof Nasser-Eddin, Nour Abu-Assab and Aydan Greatrick, ‘Reconceptualising and Contextualising Sexual Rights in the MENA Region: Beyond LGBTQI Categories’ (2018) 26 *Gender & Development* 173

¹⁷⁷ Humanitarian and queer activist: see Turner (n 100).

¹⁷⁸ See also Costello et al (n 5)

¹⁷⁹ Costello et al (n 5)

to 100% in 2016.¹⁸⁰ This recognition rate is arguably unsurprising given the developments in Yemen over this period of time, and the rapid deterioration of the security situation in that context. The recognition rate furthermore appears to be in accordance with UNHCR's 2015 guidance on Yemen, which stated that the agency calls for "calls on all countries to allow civilians fleeing Yemen access to their territories. UNHCR further recommends that States suspend forcible returns of nationals or habitual residents of Yemen to the country."¹⁸¹

On the other hand, recognition rates for Iraqis in the 2000s varied dramatically, including a change in the recognition rate of first instance decisions from 87.8% in 2004 to 100% in 2005 to 27.9% in 2006. In 2006 only 121 were recognised and 314 were rejected, despite there being 4,689 applications that year and 16,210 cases pending at the start of the year. No data is available for Iraqis in Jordan for 2007, 2008 and 2009. To highlight another example that raises important questions, recognition rates of Sudanese in Jordan are often high. For example, the recognition rate for 'first instance and appeal' cases was 64.7% in 2011, 43.2% in 2012, and reached 71.3% in 2013. No data is available on first instance and appeal cases in 2014, but the recognition rate of administrative review cases was 68.8%. The number of closed cases (about which there is in general very little information) also fluctuates considerably. In the early 2000s there were two years (2000 and 2001) in which 5568 and 2413 Iraqi cases were closed, respectively. In the early 2010s considerable numbers of Syrian cases were closed, for example 2102 cases that were classed as first instance and appeal cases were closed in 2012. None of this is necessarily evidence - at least on its own - of problematic processes, but does appear at the very least to raise questions, which we at present cannot answer, about the accuracy and reliability of these processes.

Furthermore, and importantly, much data is lacking, which is a fundamental impediment to assessing the accuracy of the refugee recognition regime. As the information presented in Appendix B demonstrates, UNHCR statistical yearbooks and the UNHCR Refugee Population Statistics Database often do not provide key information. In the case of Jordan, the number of pending cases at the beginning of a year is very often missing, and there is often also less data about appeals than there is about first instance decisions. Another data-related challenge is that UNHCR Statistical Yearbooks include a '-' to indicate "that the value is zero or not available or not applicable," making it impossible to know - at least in some contexts - whether there is a lack of data or whether there were no cases falling into a particular category.¹⁸² Furthermore, as was noted earlier, there is a particular lack of information about cases who are left in 'limbo,' which is an important consideration in a context in which many have no access to a durable solution now or in the foreseeable future.

Another aspect of accuracy relates to whether applicants receive the same treatment regardless of where in the country their refugee claims are dealt with. Unlike registration, which happens in several main offices across the country, RSD processes are centralised in Amman, although if it is not possible for the applicant to travel to Amman, UNHCR can arrange for it to happen in another office.¹⁸³ To our knowledge, there is no evidence that refugee recognition rates vary significantly between offices. Furthermore, as previously discussed, the vast majority of Iraqi,

¹⁸⁰ All statistics quoted in this section are available in Appendix B.

¹⁸¹ UNHCR 'UNHCR Position on Returns to Yemen' (UNHCR April 2015) <https://www.unhcr.org/jp/wp-content/uploads/sites/34/protect/Yemen_Position_on_Returns_08_04_2015_final.pdf> accessed 3 February 2021.

¹⁸² See UNHCR, *UNHCR Statistical Yearbook 2015* (UNHCR 2017) 11

¹⁸³ UNHCR Jordan, 'Refugee Status Determination - UNHCR Jordan' (*UNHCR* n.d.) <<https://help.unhcr.org/jordan/en/helpful-services-unhcr/refugee-status-determination/>> accessed 9 January 2021

Sudanese and Yemeni asylum seekers and refugees (among whom more variation in recognition rates might be expected compared to Syrians) live in Amman, which further reduces the likelihood of widespread regional variation in recognition rates. It should also be noted, however, that the ‘merged procedure’ for RSD and resettlement, and the previously discussed decisions to conduct RSD in fewer cases, reduces the likelihood of outright ‘rejections,’¹⁸⁴ which further complicates attempts to understand the accuracy of the refugee recognition regime. Johnston et al have noted that these processes may also have caused confusion among applicants, who might understand they have been rejected because they have ‘only’ been issued with an ASC.¹⁸⁵ From our experiences and previous research, some of the operations for RSD were hampered, especially in the early 2010s, by high levels of staff turnover, and the large influx of people seeking asylum, although the overall impact on refugee recognition accuracy is challenging to discern.¹⁸⁶

Exclusion concerns are also another important aspect of the accuracy of the refugee recognition regime, and again assessing how these are dealt with is complicated by the fact that RSD appears to be conducted now only as part of a merged procedure for resettlement or in cases categorised as the most vulnerable or urgent. According to Crisp et al, in the context of the Iraqi crisis in the 2000s, there was however a new system that attempted to “address the matter of exclusion at the front end of the operation,” that is at the registration stage. Where “strong exclusion concerns” were identified, the applicant was issued with an ASC and scheduled for an RSD interview, whereas “cases raising lesser concerns” were “issued with refugee certificates and interviewed only if there was a need for a protection intervention.” The percentage of Iraqi individuals requiring exclusion interviews - in Jordan, Lebanon and Syria taken together - was between two and three.¹⁸⁷

There have also be specific instances in which concerns have been raised about the accuracy and “thoroughness”¹⁸⁸ of UNHCR’s RSD processes. Human Rights Watch has documented how UNHCR’s RSD processes appeared to fail to protect Iraqis, 121 of whom were deported back to Iraq. This came against the background context of the aforementioned disputes between UNHCR and the Government of Jordan about the nature and extent of the Temporary Protection Regime in Jordan, and before the declaration of a *prima facie* regime for Iraqis in 2007. In this year, Jordan detained 191 Iraqis who held asylum seeker cards, and notified UNHCR when the detentions happened. UNHCR staff were able to visit the detainees to conduct RSD proceedings in the detention centres. Despite UNHCR’s position that the Temporary Protection Regime should be applicable to all Iraqis, it only recognised 22 Iraqis as refugees in 2005. While the agency appealed to the Government of Jordan to “extend flexibility in allowing even rejected asylum seekers to remain in Jordan until such time as the security situation in Iraq has improved,” the fact that 121 were deported that year shows that such calls for “flexibility” were not heeded.¹⁸⁹ Yet UNHCR simultaneously did not regard these forced returns as refoulement. As Human Rights Watch points out, this position is “inconsistent” with the Temporary Protection Regime,¹⁹⁰ and “raises immediate questions about the thoroughness of the RSDs and the refugee-definition standards on which they are based.”¹⁹¹

¹⁸⁴ See Fisher (n 112)

¹⁸⁵ Johnston et al (n 26) 18

¹⁸⁶ See also Transtec (n 99) 13

¹⁸⁷ Crisp et al (n 174) 24

¹⁸⁸ Human Rights Watch (n 62) 35

¹⁸⁹ Ibid 36

¹⁹⁰ Ibid 36

¹⁹¹ Ibid 35

iii. Efficiency

In Jordan, a large proportion of applicants benefit (or at times have benefitted) from group recognition. While numbers and proportions will of course change over time, in September 2020 Syrians represented 88 percent of persons of concern to UNHCR in Jordan, meaning that at least that proportion will have benefitted from a form of group recognition.¹⁹² Although difficult to calculate with precision, the real proportion will be even higher, because many of the almost 67,000 registered Iraqis will have benefited from group recognition, prior to the rescinding of *prima facie* status for Iraqis in 2012. While benefiting from group recognition, the extremely high number of Syrians that entered Jordan during 2012 and 2013 (at times more than 2,000 people per day), nevertheless meant that there was a significant backlog of registrations at that time. UNHCR reported that this backlog could be as long as one year in 2012, and it took until late 2013 to clear the backlog entirely. The efficiency of the refugee regime for smaller populations of asylum seekers and refugees is hindered by the long waiting times that many from smaller national cohorts experience in their attempts to be recognised as refugees.¹⁹³ As detailed above in the section on ‘Modes of Recognition,’ some applicants have reported waiting as long as 18 months to receive an initial asylum interview with UNHCR.¹⁹⁴

Numerous ‘outreach’ efforts have been made in terms of attempting to ensure clear and regular communication. UNHCR operates a 24-hour telephone helpline, which is available in both Arabic and English. It is operated by an interactive voice response system, although within working hours callers may be transferred to a helpline operator. This helpline is for asylum seekers and refugees to “ask any questions or to file complaints related to being a refugee in Jordan.”¹⁹⁵ It appears to be well-used, receiving, for example, over 310,000 calls in May 2019 alone.¹⁹⁶ Callers can also update certain information that UNHCR holds on them, such as their telephone number, to ensure that they receive text messages from UNHCR, which is a further method of communication that the agency uses to communicate with those registered with it. UNHCR has also, on an ad hoc basis, held town hall meetings in different localities across the country.

iv. Biometrics, Accuracy and Efficiency

According to UNHCR, the efficiency of refugee recognition processes in Jordan has been enhanced by several factors. These include new, larger facilities allocated to RSD, and crucially the introduction of faster equipment, including the use of biometric iris scans, to which UNHCR attributes its ability to clear the aforementioned backlog for Syrian registrations.¹⁹⁷ “UNHCR Jordan was among the first UNHCR operations” to use iris-scans as part of refugee registration,¹⁹⁸ and over the past few years, this biometric data has become “a critical component of UNHCR’s identity management system.”¹⁹⁹ In Jordan, UNHCR takes biometrics

¹⁹² UNHCR (n 3)

¹⁹³ Johnston et al (n 26); Mixed Migration Platform, *Displaced Minorities: Part I* (n 19)

¹⁹⁴ Mixed Migration Platform, *Displaced Minorities: Part I* (n 19)

¹⁹⁵ UNHCR Jordan, ‘UNHCR Helpline’ (UNHCR n.d.) <<https://help.unhcr.org/jordan/en/unhcr-helpline/>> accessed 10 December 2020

¹⁹⁶ UNHCR Jordan, ‘UNHCR Operational Update June 2019’ (UNHCR 2019)

<<https://reliefweb.int/sites/reliefweb.int/files/resources/70160.pdf>> accessed 12 January 2021

¹⁹⁷ Reem Alsalem and Frauke Riller, ‘UNHCR Slashes Waiting Time, Clears Backlog of Syrian Registrations in Jordan’ (UNHCR, 3 October 2013) <<https://www.unhcr.org/news/makingdifference/2013/10/524d5e4b6/unhcr-slashes-waiting-time-clears-backlog-syrian-registrations-jordan.html>> accessed 10 December 2020

¹⁹⁸ UNHCR Jordan (n 1) 2

¹⁹⁹ UNHCR, ‘Refugee Registration and Profiling in Jordan’ (UNHCR, n.d.)

<<https://reliefweb.int/sites/reliefweb.int/files/resources/73834.pdf>> accessed 9 December 2020 2

(iris scans) for all individuals aged five and above.²⁰⁰ The agency claims that its benefits include reducing the likelihood of fraud or misrepresentation, giving a unique identity to each registered person, protecting confidentiality, and that it “anchors and ensures continuity of an individual’s digital identity over time.”²⁰¹ It has enabled UNHCR Jordan to introduce a “self-renewal process” at its registration centres, where refugees are able use their biometric data to review and update their information, which is then checked by a caseworker. UNHCR has the “long-term objective” of enabling refugees to update their data remotely.²⁰² The improved accuracy that can be obtained through biometric data might enable better and faster coordination among different partners in the refugee response, for example through organizations being able “to ‘validate’ or authenticate identities of refugees registered with UNHCR.”²⁰³ There are other, further, uses to which biometric data is put; for example, biometric data gathered upon registration is also used in the dispersal of cash assistance to refugees.²⁰⁴

Despite the positive, even glowing, language that is used to discuss the (potential) benefits of biometric data, it is important to note that numerous scholars and observers have highlighted the dangers with which such technologies are fraught, and the perils of the wider ‘humanitarian innovation’ agenda within which they sit. Concerns include the volume of data that is collected, the inability of people to opt-out if they wish to seek international protection, and the implications for refugees’ privacy and for UNHCR’s “ability to enact its role as the guarantor of refugee protection.”²⁰⁵ Indeed, as Kristin Sandvik has argued, new technologies being deployed by humanitarians can not only reinforce and modify “traditional threats to the humanitarian space,” but have created “a new set of threats,” including around privacy, information sharing, and cyber (in)security.²⁰⁶

v. **Fairness**

Fairness in the refugee recognition regime in Jordan is much harder to assess within the context of this working paper, in particular given its methodology. But this is also due to the “opacity” of UNHCR,²⁰⁷ as well as the absence of - for example - a significant role for the Jordanian courts in the refugee recognition regime, which in some contexts can provide oversight of refugee recognition processes and decisions. Furthermore, there is an absence of an articulated framework in the national legislative or constitutional system, which again might in other contexts outline conceptions of fairness that the refugee recognition regime might be expected to follow. It is important to note in this regard, however, that there are appeals for those whose claims for refugee status are rejected (while recognising that outright rejections now happen less often because of the previously discussed merged procedure for RSD and resettlement and

²⁰⁰ UNHCR Jordan, ‘Registration’ (n 110)

²⁰¹ *Ibid*

²⁰² *Ibid*

²⁰³ UNHCR Jordan (n 1)

²⁰⁴ See Ali Al Ababneh, *Humanitarian Aid and Exploring Efficiency of Service Delivery in the Age of Communication and Technology: Jordan as a Case Study* (2018) University of Malmo Masters Thesis.

²⁰⁵ Katja Lindskov Jacobsen, ‘Experimentation in Humanitarian Locations: UNHCR and Biometric Registration of Afghan Refugees’ (2015) 46 *Security Dialogue* 159; see also Mark Duffield ‘The Resilience of the Ruins: Towards a Critique of Digital Humanitarianism’ (2016) 4 *Resilience* 147; Kristin Bergtora Sandvik and Katja Lindskov Jacobsen, *UNHCR and the Struggle for Accountability: Technology, Law and Results-Based Management* (Routledge 2016)

²⁰⁶ Kristin Bergtora Sandvik, ‘The Humanitarian Cyberspace: Shrinking Space or an Expanding Frontier’ (2016)

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²⁰⁷ Costello et al (n 5) 6

the strategic use of RSD).²⁰⁸ As is discussed in the earlier section on accessibility, statistics for UNHCR (see Appendix B) demonstrate that some people do get recognised on appeal, and indeed sometimes concerning high proportions of appeals are successful. Nevertheless, this information - on its own - provides very little clarity about the nature or fairness of the appeals procedures.²⁰⁹

There is also important - albeit limited - literature on the broader lack of trust between UNHCR on the one hand, and in particular Sudanese and Yemeni communities on the other hand, which was closely related to perceptions about the unfairness of their treatment. For example, asylum seekers and refugees have argued that UNHCR has failed to follow up on urgent protection issues, that there are unacceptable delays in refugee status determination leaving people without secure legal status, and that resettlement opportunities are unfairly allocated.²¹⁰ More widely, in our previous experiences and research, long waiting times can lead to a lack of trust in the system and in the institutions involved. Furthermore, there is often a perception that smaller national cohorts in Jordan lose out relative to Syrian refugees, who receive much more attention and funding. Accusations of racism and unfair treatment at the hands of both UNHCR and the Jordanian government were also some of the key factors behind the large-scale protests by Sudanese in Jordan, which preceded the mass deportations of December 2015.²¹¹

VIII. Quality of Protection

In what follows, we assess the quality of protection available to asylum seekers and refugees from Syria, Iraq, Yemen, and Sudan. While recognising the complexity and varied deployment of the concept of ‘protection,’²¹² we assess this using a simplified set of indicators, which are all widely recognised as important aspects of refugee protection, and/or are of specific importance in the Jordanian context. These are: protection against *refoulement*, security of residence, freedom of movement, the right to work, the right to education, and the right to healthcare. Again, there are important differences in the rights and treatment of Syrian and non-Syrian asylum seekers and refugees. It is important to note that the responsibility for these discrepancies in the quality of protection does not lie solely with the Jordanian government. Many donors and resettlement states also place restrictions on the funding and/or resettlement places that they offer,²¹³ and thus also carry significant levels of responsibility for the ranging quality of protection that asylum seekers and refugees experience.

i. Protection Against Refoulement

The right to *non-refoulement* has been violated for many of the asylum seekers and refugees who have sought international protection in Jordan. Indeed, according to UNHCR, not respecting the right to *non-refoulement* is one of the most serious of Jordan’s legal violations.²¹⁴ This is notwithstanding Jordan’s apparent commitment – through its access to international human rights law - to upholding the right to *non-refoulement*.²¹⁵

²⁰⁸ See Fisher (n 112)

²⁰⁹ See Costello et al (n 5) and Kagan (n 40) on questions of UNHCR and accountability.

²¹⁰ Johnston et al (n 26); Mixed Migration Platform *Displaced Minorities: Part I* (n 19) 6-7

²¹¹ Davis et al (n 14); Verduijn and Al Majali (n 34)

²¹² Stevens (n 7)

²¹³ Johnston et al (n 26)

²¹⁴ Akram et al (n 15) 63

²¹⁵ See Janmyr and Stevens (n 38)

It is very hard to obtain reliable figures on deportations, but numerous reports and investigations demonstrate that the forcible removal from Jordanian territory of those seeking international protection is a not infrequent occurrence. Firstly, deportations are common on ‘security grounds.’ As Akram et al document, the Jordanian government’s interpretation of what constitutes a security issue is broad, and in practice includes “commercial sex work; smuggling (of weapons, guns or people) across the border; and illegal work.”²¹⁶ Fears of deportation for working without a permit are pervasive across numerous communities of asylum seekers and refugees in Jordan, particularly for men, who are more likely to be conducting paid work in the informal labour market outside of the home, and who are more liable to be seen as a ‘security threat.’²¹⁷ If arrested for working without a permit, the detained person is liable to be asked to swear an oath that the offence will not be repeated and to secure a Jordanian sponsor who pays a bond (that will be forfeited if a second offence occurs). They are liable to be deported if a third offence occurs. UNHCR claims, however, that it is “routinely informed about detainees and those threatened with deportation,” that it is often able to intervene in cases that are related to working without a permit, and that the threats of deportation are in many cases not followed through on.²¹⁸

These claims notwithstanding, UNHCR, in 2018, noted that deportations “have in recent years been carried out without access to appeal or review.”²¹⁹ Furthermore, it is important to note both the threat and widespread fear of deportation,²²⁰ and the extensive evidence of the large scale at which deportations have been carried out. For example, according to an investigation by Human Rights Watch, “in the first five months of 2017, Jordanian authorities were deporting about 400 registered Syrian refugees per month.”²²¹ The extent of deportations appears to vary over time and returns appear to often increase in number in the aftermath of armed attacks in the country, or as a result of wider increases in security regulations that often follow such attacks. These include, for example, attacks both within Jordan, and attacks at its borders that were claimed by ISIS in 2016.²²² As Human Rights Watch has documented, these deportations, which included deportations of whole nuclear families, proceeded without due process, and often returned Syrians to situations where they could have - and indeed did - face clear harms and threats.²²³ While decisions on deportations can be challenged in Jordanian courts, the role of the court is “limited to ensuring that procedural requirements have been met,” and there is no obligation for authorities to declare the reasons for the deportation (although their legality and adequacy can be assessed if those decisions are provided). On occasion, Jordanian legal aid providers have been able to get deportation orders rescinded, for example for breaches of the Residency and Foreigners’ Affairs law.²²⁴

Iraqis have also been subject to deportations from Jordan, especially in the period after the Amman hotel bombings of 2005, which were claimed by Al-Qaida in Iraq. The US Committee for Refugees and Immigrants produced a very concerning report in 2007 on this issue.²²⁵ It

²¹⁶ Akram et al (n 15) 64

²¹⁷ Johnston et al (n 26); Mixed Migration Platform *Displaced Minorities: Part I* (n 19)

²¹⁸ Akram et al (n 15) 65; Johnston et al (n 26); see also Stevens (n 7)

²¹⁹ UNHCR (n 79)

²²⁰ Frangieh (n 45) 40

²²¹ Human Rights Watch, *‘I Have No Idea Why They Sent Us Back’: Jordanian Deportations and Expulsions of Syrian Refugees* (Human Rights Watch 2017) 1

²²² Human Rights Watch (n 62); *ibid.*

²²³ Human Rights Watch (n 62)

²²⁴ Clutterbuck et al (n 46) 54

²²⁵ United States Committee for Refugees and Immigrants, ‘Refugee Survey 2007 - Jordan’ (*US Committee for Refugees and Immigrants World Survey*, 11 July 2007) <<https://www.refworld.org/cgi->

claimed that as many as 100 Iraqis were being deported every month, and that Shi'a Iraqis were being particularly targeted for deportation. UNHCR was reportedly unable to screen those slated for deportation, although "if UNHCR was aware of a recognized refugee among the deportees, Jordan would delay the deportation until UNHCR found a resettlement country willing to accept the deportee," and it was told to do so within a 24-hour period.²²⁶

Sudanese asylum seekers have also been subject to *refoulement*, including many from areas of Sudan such as Darfur. In a particularly high-profile incident, in December 2015 several hundred Sudanese - perhaps as many as 800 - were deported *en masse*.²²⁷ This followed a large-scale protest encampment that had been staged by Sudanese outside UNHCR's main offices in the country, protesting what they perceived to be unfair treatment and discrimination at the hands of both the Jordanian government and UNHCR. The government claimed that the people it was deporting had entered Jordan under the false pretext of seeking medical attention (and obtaining specific medical visas), but many observers argued that it was a clear response to the protest movement that the Sudanese in Jordan had formed: a "crackdown on non-violence refugee protest," as Rochelle Davis et al argued.²²⁸ These deportations took place without any due process, and over the strong objections of UNHCR.²²⁹ Many were separated from their families through the deportations, and many were deported without their official documents.²³⁰ UNHCR's 2006 guidance on Sudanese asylum seekers from Darfur outlines the clear risks facing those who are forcibly returned to the country. The guidance states that "[f]orced returns to Sudan entail risks for certain categories of Sudanese... includ[ing] young men of fighting age who are regularly singled out for detention and interrogation,"²³¹ a profile that describes many of those deported from Jordan. Less than three months after these deportations occurred, there were reports that around 145 Sudanese who had been deported from Jordan in December 2015 had already fled Sudan again, this time to Cairo, because of the persecution they faced in Sudan.²³² Abdel Mouti was among the deportees from Jordan, and was killed by a car shortly after his return to his native Darfur; according to his family, the Janjaweed were responsible for his death. Nour a-Daim left Sudan a second time, this time attempting to reach Europe, but drowned in the Mediterranean.²³³ These instances clearly demonstrate the danger that can face those deported from Jordan.

In their 2019 report, Johnston et al argue that "registered Sudanese and Yemeni appear to have been protected from deportation" in the period since the mass expulsions of December 2015, although fear of deportation was widespread in these and other communities.²³⁴ Subsequent to that report being published, however, evidence has come to light that this is no longer the case.

bin/texis/vtx/rwmain?page=country&docid=4696388423&skip=0&coi=JOR&querysi=1997%20MOU&searchin=fulltext&sort=date> accessed 30 November 2020

²²⁶ *Ibid*

²²⁷ BBC News, 'Jordan deports hundreds of Sudanese asylum seekers' (BBC News, 18 December 2015) <<https://www.bbc.co.uk/news/world-africa-35130797>> accessed 12 February 2021

²²⁸ Murphy et al (n 34)

²²⁹ Michael Pizzi, 'Jordan Deporting 800 Refugees Back to Sudan After Protest' (*Al Jazeera America*, 18 December 2015) <<http://america.aljazeera.com/articles/2015/12/18/jordan-deporting-800-refugees-back-to-sudan.html>> accessed 15 December 2020

²³⁰ Dana Gibreel, 'After the Deportation: How Jordan Left Sudanese Refugees to Death and Separation' (*7iber*, 19 September 2017) <<https://www.7iber.com/politics-economics/after-the-deportation/>> accessed 3 January 2021

²³¹ UNHCR, 'UNHCR's Position on Sudanese Asylum-Seekers From Darfur' (UNHCR, 2006) <<https://www.refworld.org/docid/43f5dea84.html>> accessed 14 April 2021: 1

²³² Mixed Migration Platform *Displaced Minorities: Part 1* (n 19) 7

²³³ Gibreel (n 230)

²³⁴ Johnston et al (n 26); see also *Ibid*

A Human Rights Watch investigation revealed the deportation of Yemenis from Jordan, including those who were registered with UNHCR. At least 4 were deported between November 2020 and March 2021. In 8 cases, Yemenis reported that the deportation orders against them (some of which are still pending) appeared to have been issued after they applied for work permits, and the Yemenis who applied for work permits “said that they were asked by the MoI to give up their asylum seeker certificate to apply for a work permit.”²³⁵ Many of those affected by these policies are or were being held in detention centres, unless they can find Jordanian citizens to sponsor them. Their UNHCR-issued ASCs did not prevent the deportations from taking place, even when these were presented to the authorities.²³⁶ In response to the report by Human Rights Watch, UNHCR stated that while it was aware of deportation orders against Yemeni nationals because of labour or residency law violations, it could not confirm whether deportations of Yemeni nationals had taken place. According to a report in the Jordan Times, UNHCR claimed that it had “not been alerted in the context of the alleged cases,” as it typically would be in cases of imminent deportations of “individuals concerned or members of their community.”²³⁷

Furthermore, as UNHCR has made clear on multiple occasions, for example in its 1997 *Note on the Principle of Non-Refoulement*, because the “principle of *non-refoulement* is to ensure that refugees are protected against forcible return to situation of danger it applies both within a State’s territory *and to rejection at its borders*.”²³⁸ As noted above in the section on the accessibility of the refugee regime in Jordan, many people seeking international protection have been turned away at Jordan’s borders arbitrarily and without due process, often on alleged security grounds. This was the case not only at Jordan’s Syrian border over the past decade, but also - as documented by Human Rights Watch - at its Iraqi border.²³⁹

ii. Security of Residence

Asylum seekers’ and refugees’ security of residence can vary considerably depending not only on their nationality, but also the circumstances in which they entered Jordan. According to regulations that were brought in in 2014, Syrian living in Jordan, in addition to the Asylum Seeker Certificate that they can receive from UNHCR, need to get a government-issued ‘Service Card’ (also referred to as ‘MoI card’ or sometimes ‘White Card’). According to Ali, this requirement was applied to all Syrians in the country, even if they were not registered with UNHCR and had been in the country since long before the Syrian Uprising.²⁴⁰ Like the ASC, the Service Card is valid for one year at a time and requires renewal. While holding a Service Card does not correspond to or entitle Syrians to any specific immigration status in Jordanian law, for Syrian refugees this card and an ASC together “facilitate access to public services such

²³⁵ Human Rights Watch, ‘Jordan: Yemeni Asylum Seekers Deported’ (*Human Rights Watch*, 30 March 2021) <<https://www.hrw.org/news/2021/03/30/jordan-yemeni-asylum-seekers-deported>> accessed 31 March 2021.

²³⁶ Ibid.

²³⁷ Jordan Times, ‘UNHCR says Jordan ‘generously hosting’ refugees, cannot confirm deportation of Yemeni nationals’ (Jordan Times, 1 April 2021) <<http://jordantimes.com/news/local/unhcr-says-jordan-%E2%80%98generously-hosting%E2%80%99-refugees-cannot-confirm-deportation-yemeni>> accessed 6 April 2021.

²³⁸ UNHCR, ‘UNHCR Note on the Principle of Non-Refoulement’ (*UNHCR*, November 1997) <<https://www.refworld.org/docid/438c6d972.html>> accessed 15 December 2020. Emphasis added.

²³⁹ Human Rights Watch (n 62); United States Committee for Refugees and Immigrants (n 207)

²⁴⁰ Ali (n 84)

as free education and subsidized healthcare.”²⁴¹ Refugees in camps also have Services Cards, although in practice tend to not need these to access services.²⁴²

Multiple groups of Syrians, however, were not in a position to readily obtain the MoI card, due to a range of factors that typically revolved around paperwork. For example, many were unable to bring their identity documentation with them from Syria, some had previously used forged documentation, or the documentation of relatives when dealing with authorities.²⁴³ In a particularly concerning situation, between 2011 and 2013, the identity papers of approximately 220,000 Syrians were taken by Jordanian security forces when Syrians were entering and/or registering in the country. These papers included passports, ID cards, family books (sometimes referred to as family logs) and drivers licences, and was justified by SRAD on security grounds. This practice, conducted in violation of the 1998 MoU and international standards (although SRAD disputed this), unsurprisingly led to “the emergence of a black market for the sale of identification documents.”²⁴⁴ Many of these documents were not returned until 2015 and 2016, when Jordanian authorities conducted an ‘urban verification exercise’ for Syrian refugees, which was conducted as part of the roll out of the Service Cards.²⁴⁵ Such exercises can be understood, according to Frangieh, as part of an attempt by the government to “[increase] their involvement in the responsibilities that were transferred to UNHCR by the MoUs.”²⁴⁶

A further group of Syrians who have faced particular challenges in terms of security of residence are those who left Za‘tari camp informally: that is, without the official ‘bailout’ paperwork that was required in the earlier years of the camp’s existence. The MoI estimated that around 54,000 people left the camp by being ‘smuggled’ out. This could cost them as much as 300 USD for a family, but did not provide them the paperwork to legally live outside of the camp. A number of Jordanian security personnel have been disciplined for taking part in this ‘smuggling,’ although the exact numbers are not publicly known.²⁴⁷ In 2018-2019, there was a campaign that attempted to rectify the legal status of Syrian refugees in Jordan, including those who left the camps without permission prior to 1st July 2017, and those who had entered the country after that date either informally or with false documents and who were not registered with UNHCR. This campaign regularized the status of 24,257 Syrians, although, as research by the Jordanian NGO Arab Renaissance for Democracy and Development (ARDD) highlighted, there were numerous cases in which Syrians were not able to regularize their status, because their situations were deemed to fall outside of the purview of the campaign.²⁴⁸ It is not clear if, or how, these Syrians will be able to rectify their legal status.

²⁴¹ Alexander C Burlin and Ruba Ahmad, ‘Recognition Beyond RSD: Civil and Legal Documentation for Syrian Refugees in Jordan’ (*Refugee Law Initiative*, 25 September 2020)

<<https://rli.blogs.sas.ac.uk/2020/09/25/recognition-beyond-rsd-civil-and-legal-documentation-for-syrian-refugees-in-jordan/>> accessed 4 October 2020

²⁴² Akram et al (n 15) 63

²⁴³ Burlin and Ahmad (n 241)

²⁴⁴ Hazm Al-Mazouni and Hanan Khandaji, ‘Confiscated Syrian ID Papers and the Emergence of a Black Market in Jordan’ (*Amman Net*, 9 September 2014) <<https://ammannet.net/english/confiscated-syrian-id-papers-and-emergence-black-market-jordan>> accessed 22 November 2020

²⁴⁵ Francis (n 6); Ali (n 84)

²⁴⁶ Frangieh (n 45) 41

²⁴⁷ Hanan Khandaji and Musab Shawabkeh, ‘Jordan: 54,000 Syrians Smuggled out of Za‘tari Camp through Bribery and Black Market’ (*Arab Reporters for Investigate Journalism*, 7 January 2014)

<<http://en.arij.net/report/54000-syrians-smuggled-out-of-zaatari-camp-through-bribery-and-black-market/>> (accessed 14 March 2018)

²⁴⁸ ARDD, *Documentation for Syrian Refugees in Jordan: Good Practices and Challenges* (ARDD, 2020)

It is also important to highlight the range of other challenges that Syrians have experienced with regards to their broader civil documentation, such as birth certificates, marriage certificates and divorce certificates. These are conducted by the Sharia Courts in Jordan, which also offer mediation for custody and divorce disputes. The aforementioned research by ARDD, one of the organisations offering legal support to asylum seekers and refugees in Jordan, highlighted that a large number of Syrians are lacking the correct paperwork.²⁴⁹ For example, marriages are often conducted informally by religious authorities, but not registered with the state (which can be expensive to rectify). In order to obtain a birth certificate, a marriage certificate of the parents is required, making it difficult to register a child with the relevant authorities. If this is not done within a year of their birth, it is administratively complex to resolve. As ARDD's report points out, even though "UNHCR does not require this documentation to register persons of concern, this civil status documentation is essential for securing the legal identity of individuals and families, preventing statelessness and protecting a range of human rights."²⁵⁰ It furthermore points out that women are often in particularly difficult situations, especially in cases of divorce, because the paperwork required by UNHCR to register them separately is often difficult to obtain from Jordanian authorities, leaving women dependent on men for their documentation and access to resources.²⁵¹ While the government, through the Supreme Judge Department and Sharia Courts, has introduced grace periods for marriage registration and opened branches of the Sharia Courts in Za'tari and Azraq camps,²⁵² many still lack the correct paperwork.²⁵³ The COVID-19 pandemic has the potential to further exacerbate many of these paperwork issues.²⁵⁴

In response to the COVID-19 pandemic, the Government of Jordan announced (reportedly following advocacy by UNHCR) that it would extend the validity of all expired service cards and ASCs through to the end of 2020, which meant that Syrians' access to services could continue, even if they were unable to renew their documentation.²⁵⁵ It was subsequently announced that this would be further extended until 31 December 2021, in light of the ongoing epidemiological situation in the country.²⁵⁶

The legal residence of 'non-Syrian' asylum seekers and refugees operates under a different system. Although in recent history Iraqis (prior to 2006) were allowed to enter Jordan without a visa, this is no longer the case, and Sudanese similarly require pre-approved visas to enter. Yemenis residing in Yemen were able to enter Jordan without a visa prior to late 2015, although in December 2015 Yemenis began to require a pre-approved visa to enter.²⁵⁷ In 2018, the entry of Yemeni men aged 18-49 into Jordan was suspended, except for those seeking medical treatment.²⁵⁸ From their point of entry into Jordan, their residency falls under the purview of

²⁴⁹ Ibid; see also Burlin and Ahmad (n 241)

²⁵⁰ ARDD (n 248) 5

²⁵¹ Ibid

²⁵² Ali (n 84) 13

²⁵³ ARDD (n 248); Burlin and Ahmad (n 241)

²⁵⁴ Burlin and Ahmad (n 241)

²⁵⁵ UNHCR Jordan, 'UNHCR Operational Update July 2020' (UNHCR, 17 August 2020)

<https://reliefweb.int/report/jordan/jordan-unhcr-operational-update-july-2020> accessed 23 November 2020

²⁵⁶ UNHCR Jordan, 'COVID-19: Services, Info & Resources' (UNHCR, n.d.)

<https://help.unhcr.org/jordan/en/covid19-coronavirus-services/> accessed 24 September 2021

²⁵⁷ Khetam Malkawi, 'Visa Requirement Re-imposed on Yemenis' (Jordan Times, 7 December 2015)

<http://www.jordantimes.com/news/local/visa-requirement-re-imposed-yemenis> accessed 12 December 2020

²⁵⁸ Johnston et al (n 26) 15

the Law on Residence and Foreigners' Affairs, which dictates that foreigners may stay in Jordan up to six months (if they are granted the requisite extensions once within Jordan).²⁵⁹

Beyond this period, foreigners (in this case Iraqis, Sudanese and Yemenis) are obliged to obtain a one-year residency permit, and if they do not do so they are liable to accrue fines of 1.5 Jordanian dinars (a little over 2 US\$) per day. Foreigners without this residency permit are not "legally present" in Jordan, and those who are not "legally present in Jordan can be arrested and legally deported unless they are registered with UNHCR as an asylum seeker or refugee."²⁶⁰ Those registered with UNHCR and in possession of an ASC should similarly, according to the MoU, be exempt from these fines, but such fines (and a subsequent ban on re-entering Jordan for five years) are nevertheless often imposed. Obtaining a one-year residency permit is challenging: it is issued at the discretion of the MoI, and typically only for "studies, work, investment, or marriage to a Jordanian citizen."²⁶¹ All residency permits carry a fee of 30 Jordanian dinars,²⁶² but more prohibitively enrolling in University is very expensive, work permits can require payments (that vary by sector) of several hundred dinars that employers often require employees to pay, while investment visas require at least 10,000 dinars in a bank account.²⁶³ Research by Johnston et al indicated that Yemenis who secured work permits were sometimes able to secure residency, while Sudanese in Jordan typically did not apply for residency permits.²⁶⁴

iii. Freedom of Movement

For many asylum seekers and refugees in Jordan, their freedom of movement within Jordanian territory is widely respected. The vast majority of people seeking international protection live in Jordan's 'host communities' - that is, the villages, towns, farms, deserts and (primarily) cities of Jordan. For those who do not live in camps (whose situation will be discussed below), if they have the requisite paperwork required to validate their presence in Jordan, they are - in a legal sense - free to choose where within Jordanian territory they wish to live. Such choices may in practice of course be limited by financial constraints, and/or by (often exploitative) relationships with employers, who may be providing specific accommodation, or allowing tents to be pitched on their land in exchange for labour. Freedom of movement is also more limited for those who do not have the right paperwork to be in Jordan (meaning in practice an ASC for non-Syrians, and an ASC and Service Card for Syrians), as many fear being found by the police without the right documentation, and thus risking imprisonment or deportation.²⁶⁵

Many Syrian refugees, however - those who live in camps - have much more limited freedom of movement. When Za'tari camp was established (in mid-2012), all Syrians who arrived in Jordan were initially taken to the camp. Syrians only had formal permission to leave if they could find a sponsor who was able to 'bail them out.' This sponsor, on paper, had to be "over 35 years of age, married, with a suitable job, no police record, and in a direct family relation to

²⁵⁹ Ibid

²⁶⁰ Ibid

²⁶¹ Ibid

²⁶² Public Security Directorate, 'Issuance of an Annual Residency Permit for the First Time' [Arabic] (*Public Security Directorate*, n.d.) <<https://psd.gov.jo/index.php/ar/2015-08-10-08-00-28/908-2015-07-22-08-18-18>> accessed 12 February 2021.

²⁶³ For more details, see Ammon 'The Ministry of Interior Issues Instructions Related to Facilities for Iraqis' [Arabic] (*Ammonnews*, 19 February 2009) <<https://www.ammonnews.net/article/34427>> accessed 4 February 2021.

²⁶⁴ Johnston et al (n 26) 15

²⁶⁵ Johnston et al (n 26); Katharina Lenner and Lewis Turner, 'Making Refugees Work: The Politics of Integrating Syrian Refugees into the Labor Market in Jordan' (2019) 28 *Middle East Critique* 65

the applicant.”²⁶⁶ Nevertheless, a large number of Syrians were able to gain the paperwork to be ‘bailed out’ (‘كفالة’ in Arabic), without their sponsor meeting all of the criteria, often by paying for Jordanians to act as sponsors for them.²⁶⁷ As noted above, many others left without gaining the formal paperwork that was needed, which caused them problems when attempting to secure their residence and access services. In subsequent years, the ‘bailout’ system was replaced by a series of ‘leave permits,’ which gave Syrians a 14-day period in which they could come and go from the camp, for example. Furthermore, from 2016 onwards (see section below) some Syrians in Za’tari were able to access work permits. Without such permissions, camp residents are legally obliged to stay within the camp.

The freedom of movement restrictions on other encampments are even more severe. For example, several hundred people who fled Syria (mostly Palestinians from Syria) have been housed in a complex known as ‘Cyber City,’ in an industrial estate in northern Jordan. The possibility of being ‘bailed out’ from Cyber City was stopped in 2012 - meaning the only option to leave the ‘camp’ has been to return to Syria.²⁶⁸ According to the Global Detention Project, Cyber City “resembles a detention facility.”²⁶⁹ In 2014, Jordanian authorities and UNHCR opened Azraq camp, a geographically very large camp in the eastern Jordanian desert. Once Azraq was opened, new Syrian arrivals to Jordan were directed there (as opposed to Za’tari), and many refugees living in host communities who were found either without the right paperwork, or who were found working without a permit, were sent to Azraq camp too. While systems for leave permits and work permits were put in place, Azraq is known to be a highly securitised and geographically very isolated environment, that severely limits camp residents’ freedom of movement.²⁷⁰ Furthermore, some camp residents’ movement is highly restricted even within Azraq. Many Syrians who were living at an area known as ‘the Berm’, in the no-man’s-land between Syria and Jordan, were accepted by Jordan on the condition that they be placed into a separate, fenced off ‘village’ in Azraq. The government has attempted to justify this on security grounds, arguing that it was necessary because many of those trying to enter came from or through ISIS-controlled areas. Yet, several years later, many are still in this restricted ‘Village 5,’ with no ability to freely leave this area of the camp, let alone the camp itself.²⁷¹ The history (and present) of encampment in Jordan,²⁷² demonstrates that, even in the absence of a clearly articulated legal framework for hosting asylum seekers and refugees, there are many ways in which Jordanian policy, and the broader Jordanian socio-political context, has a strong influence on both the refugee recognition regime and the quality of protection available.

iv. The Right to Work

The right to work for asylum seekers and refugees in Jordan has been highly contested. Because of the absence of specific legislation for asylum seekers and refugees, prior to 2016, all asylum seekers and refugees needed a work permit to gain formal access to the labour market. These

²⁶⁶ Luigi Achilli (n 11) 6

²⁶⁷ Crisp et al (n 174) 10

²⁶⁸ Akram et al (n 15) 66

²⁶⁹ Global Detention Project, *Country Report: Immigration Detention in Jordan: Detained by Employers, Locked Inside Refugee Camps, Pushed Back into Conflict Zones* (Global Detention Project 2020) 8

²⁷⁰ Ayham Dalal et al, ‘Planning the Ideal Refugee Camp? A Critical Interrogation of Recent Planning Innovations in Jordan and Germany’ (2018) 3 *Urban Planning* 64; Melissa Gatter, ‘Rethinking the Lessons from Za’atari Refugee Camp’ (2018) 57 *Forced Migration Review* 22; Hoffman (n 103)

²⁷¹ Melissa Gatter, ‘Preserving Order: Narrating Resilience as Threat in Jordan’s Azraq Refugee Camp’ (2021) *Territory, Politics, Governance* online first

²⁷² Turner (n 11)

work permits tied an employee to a specific employer, often involved prohibitive costs, and were only possible for those sections of the labour market that were not reserved for Jordanians only. These so-called closed sectors include engineering, teaching and medicine, as well as many service sector jobs, even though many non-Jordanians work in these sectors informally. In practice, prior to 2016, this meant that very few asylum seekers and refugees were able to access the formal labour market in Jordan, and those who could were typically economically better-off, or sometimes were able to be recognised as ‘investors’ in Jordan.²⁷³ This policy restricting asylum seekers’ and refugees’ access to the labour market was in line with Jordan’s rejection of integration as a ‘durable solution,’ and work permits for refugees were long resisted in part because they were seen to be a potential gateway to permanent integration.²⁷⁴

For Syrian refugees, this changed significantly in 2016. In February 2016, at the London Donors Conference for Syria and the Region, a landmark deal - named the Jordan Compact - was struck between the Government of Jordan and its donors.²⁷⁵ In this compact, the government committed to allowing as many as 200,000 Syrians to obtain work permits in Jordan in the coming years. This led to the government, other states, and humanitarian and civil society actors becoming extensively engaged in the attempts to facilitate Syrians accessing the formal labour market. These efforts included reforms to work permit regimes in agriculture and construction, partnerships with the textile production sector, and a renegotiated Rules of Origin deal between Jordan and the EU.²⁷⁶

As Katharina Lenner and Lewis Turner have explored in detail,²⁷⁷ the attempts to facilitate work permits ran into numerous problems, in part because of failures to understand the nature of the Jordanian labour market, and to sufficiently consult relevant stakeholders - most glaringly, Syrian refugees themselves. Nevertheless, between January 2016 and August 2020, a little over 200,000 work permits were issued to Syrians,²⁷⁸ which is a notable achievement, particularly in comparison to refugees’ right to work in many other states. Many Syrian refugees valued the work permit not because it improved their rights at work, or the quality of their working conditions, but because it was perceived to reduce the chance of them being imprisoned or even deported for working without a permit.²⁷⁹ Syrian unemployment also appears to have dropped significantly.²⁸⁰ However, the figure of 200,000 can be misleading, because it represents the total number of work permits issued, including multiple (e.g.

²⁷³ See Lenner and Turner (n 244); Turner (n 11)

²⁷⁴ Ibid

²⁷⁵ Government of Jordan, ‘The Jordan Compact: A New Holistic Approach between the Hashemite Kingdom of Jordan and the International Community to deal with the Syrian Refugee Crisis’ (7 February 2016)

<<https://reliefweb.int/report/jordan/jordan-compact-new-holistic-approach-between-hashemite-kingdom-jordan-and>> accessed 6 January 2020.

²⁷⁶ See Lewis Turner, ‘Internal Solidarity, External Migration Management: The EU Pact and Migration Policy Towards Jordan’ in Sergio Carrera and Andrew Geddes (eds) *The EU Pact on Migration and Asylum in Light of the United Nations Global Compact on Refugees: International Experiences on Containment and Mobility and their Impacts on Trust and Rights* (European University Institute 2021)

²⁷⁷ Lenner and Turner (n 265); Katharina Lenner and Lewis Turner, ‘Learning from The Jordan Compact’ (2018) 57 *Forced Migration Review* 48

²⁷⁸ UNHCR Jordan, ‘Syrian Refugee Unit Work Permit Progress Report as of 24 Aug 2020’ (UNHCR, 24 August 2020) <<https://data2.unhcr.org/en/documents/details/78645>> accessed 7 January 2021

²⁷⁹ International Labour Organization *Work Permits and Employment of Syrian Refugees in Jordan: Towards Formalising the Work of Syrian Refugees* (ILO 2017)

²⁸⁰ Åge A. Tiltnes, Huafeng Zhang and Jon Pedersen, *The living conditions of Syrian refugees in Jordan* (Fao and MOPIC, 2019)

renewable annual) permits issued to one person. While it is more difficult to ascertain how many permits are valid at any one time, this was quoted as around 45,000 in mid-2019.²⁸¹

Crucially, however, the Jordan Compact did not include Iraqi, Sudanese, Yemeni, and other nationalities of asylum seekers and refugees in Jordan, who remained under the regular provisions for non-Jordanian workers. As noted above, these are in practice very restrictive. Nevertheless, according to the legal aid charity ARDD, Iraqis, Sudanese and Yemeni asylum seekers and refugees were eligible to benefit from some of the reforms that were implemented as a result of the Jordan Compact, although the costs involved generally make these benefits impossible to access. In particular, in September 2019, the government opened up access to a particular kind of work permit for all nationalities.²⁸² These work permits - so called 'free permits' - are available in construction, agriculture and "loading and unloading." Unlike construction and agriculture, "loading and unloading" is not a specific sector, but rather a category of work that can be done in contexts such as bakeries, factories and construction sites.²⁸³ Unlike the permits that existed at the start of the Jordan Compact, and which were tied to a specific employer, these permits enable employees to move between employers within a sector, and can therefore be used by 'day labourers.' These 'free permits' (التصريح الحر) are also cost-free for Syrians, due to an exemption that has been continually renewed within the framework of the Jordan Compact, most recently until mid-December 2021.²⁸⁴ In December 2020, to give one example, these free permits in agriculture and construction accounted for over half of the permits issued to Syrians.²⁸⁵ They are not, however, cost-free for other nationalities, because the worker is essentially sponsoring themselves, rather than an employer doing it on their behalf, and the cost is prohibitively expensive for the overwhelming majority of those who might be eligible. For example, in agriculture the annual fees are 1,500 JD (approximately 2,100 USD) and in construction and "loading and unloading" they are 2,000 JD (approximately 2,800 USD).²⁸⁶ Furthermore, as was noted above, Yemenis who applied for work permits reported that they were asked to give up their asylum seeker certificates in order to apply for work permits.²⁸⁷ The apparent underlying assumption would appear to be that one can either be an asylum seeker/refugee or an economic migrant, but not both at the same time, although this logic does not appear to apply to Syrian refugees.

Some Iraqis, Sudanese and Yemenis were able to access work permits even before these changes: in 2015 for example, 883 Iraqis, 380 Sudanese and 2,943 Yemenis were issued work permits in Jordan.²⁸⁸ More recently, in 2019, Ministry of Labour figures indicate that 817 Iraqis, 686 Sudanese and 8371 Yemenis were issued work permits.²⁸⁹ Crucially, however, it is unclear how many of these are also registered with UNHCR. Despite the copious detailed data on the number of Syrians who have received work permits in Jordan, which is broken down by gender, governorate, sector, and type of permit, we could not find any parallel data for the number of

²⁸¹ Jennifer Gordon, *Refugees and Decent Work: Lessons Learned from Recent Refugee Jobs Compacts* (ILO, 2019)

²⁸² ARDD, Non-Jordanian Work Permits Fee Regulation 2019 (ARDD, September 2019)

²⁸³ See UNHCR, 'List of Occupations Allowed to Non-Jordanian Workers by Economic Activity' (UNHCR, 2021) <<https://data2.unhcr.org/en/documents/details/85785>> accessed 6 April 2021.

²⁸⁴ Ministry of Labour Syrian Refugee Unit 'Syrian Refugee Unit - Work Permits Progress Report December and annual 2020' (*Ministry of Labour*, 2021) <https://reliefweb.int/sites/reliefweb.int/files/resources/Monthly%20Report-December%202020_0.pdf> accessed 1 April 2021.

²⁸⁵ Ibid

²⁸⁶ ARDD (n282)

²⁸⁷ Human Rights Watch (n 235)

²⁸⁸ Mennonite Central Committee (n 18) 16

²⁸⁹ Ministry of Labour 'The National Labour Market Figures 2015-2019' (Ministry of Labour, 2020)

Iraqis, Sudanese or Yemenis who have been issued permits in recent years, and this data does not appear to be available on the Ministry of Labour's 'Open Data' portal.²⁹⁰

v. **The Right to Education**

Over 130,000 asylum seeker and refugee children were enrolled in Jordanian schools in 2019.²⁹¹ While this is a significant number, access to schooling varies significantly for different groups of asylum seekers and refugees living in Jordan. Over the past two decades, and even in the past few years, there have been frequent changes in government policies that regulate children's access to education. Like in so many other areas of refugee policy, these changes have often differentiated between national groups, while financial, social and bureaucratic barriers also prevent some children attending school.

Some of the greatest challenges in accessing education are faced by Iraqis, Sudanese and Yemenis. Officially, a residency permit is required for non-Syrian foreign children to access schools in Jordan. In practice, some report being able to use an Asylum Seeker Certificate in lieu of a residency permit, although this appears to be implemented unevenly, and can therefore vary from school to school.²⁹² In the 2017-2018 school year, Jordanian authorities announced that all children in the country, regardless of nationality or residency status, could access schooling, in the following year (2018-2019) this was only extended for Syrian children, although implementation was reportedly uneven, and it was not extended in the subsequent 2019-2020 year.²⁹³ Non-Syrian foreigners in Jordan must also pay 40 Jordanian dinars (approximately \$56 US) in annual school fees. While UNHCR has covered this fee for some asylum seekers and refugees, costs - including transport and school material costs - can still be prohibitive. Palestinian refugees from Syria children are able to access UNRWA schools.

Access to Jordanian schools for Syrian children has been a particular topic of focus the past few years, in light of the commitment outlined in the Jordan Compact for every child in Jordan to attend school.²⁹⁴ The Jordan INGO Forum reports that significant progress has been made towards achieving this goal, with 99% of Syrian children under the age of 11 being enrolled in school, as of October 2019.²⁹⁵ Nevertheless, beyond the age of 11, the figures are significantly worse, dropping to only 15% of 16 year old Syrians being enrolled in school, and leaving an estimated over 80,000 Syrian children out of formal and non-formal education.²⁹⁶

Numerous other barriers to education are also relevant. For many asylum seekers and refugees, the opportunity cost of going to school, especially for older children, rather than being sent to work, forms a barrier that prevents many children from accessing education. Sudanese and Yemenis also report face discrimination on the ground of race and/or nationality when

²⁹⁰ Ministry of Labour 'Open Data' (Ministry of Labour n.d.)

<<https://portal.jordan.gov.jo/wps/portal/Home/OpenDataMain/OpenDataUser/?lang=en&isFromLangChange=yes#/manageDataSets>> accessed 6 April 2021.

²⁹¹ Jordan INGO Forum and Jonuf, 'Walk the Talk for the Jordan Compact June 2020' (JIF, June 2020) <<http://jordaningoforum.org/testsite/wp-content/uploads/Walk-the-Talk-June-2020.pdf>> accessed 3 December 2020

²⁹² Johnston et al (n 26) 30

²⁹³ Jordan INGO Forum and Jonuf (n 291)

²⁹⁴ Government of Jordan (n 275)

²⁹⁵ Jordan INGO Forum and Jonuf, 'Walk the Talk for the Jordan Compact October 2019' (JIF, October 2019) <http://jordaningoforum.org/testsite/wp-content/uploads/Walk-The-Talk-Oct2019_FinalVersion.pdf> accessed 3 December 2020

²⁹⁶ Ibid; see also Human Rights Watch, '*I Want to Continue to Study*' Barriers to Secondary Education for Syrian Refugee Children in Jordan (Human Rights Watch 2020)

attempting to access schooling for their children, as well as racist treatment of their children which can lead to students failing to attend school. It can also be difficult to enrol in a Jordanian school if a child has not attended school for more than three years, although Johnston et al again note that this policy does not apply to Syrians.²⁹⁷ Some children, including those who have been out of school for more than three years, may be able to gain access to an certified ‘non-formal education,’ which was for example provided to over 17,000 asylum seekers and refugees in 2018.²⁹⁸ According to Jordan Labor Watch, there has been a significant increase in children working during the pandemic, in a context of increased unemployment, increased poverty, and 30 percent of children being unable to access online distance learning.²⁹⁹

While Syrians, Iraqis, Yemenis and Sudanese are in principle able to attend Jordanian universities, access to a university education is in practice heavily restricted by the cost of University for non-citizens in Jordan, as well as by the opportunity cost of not doing paid work in the labour market. There are a small number of scholarships for refugees to attend higher education in Jordan, however they are mostly targeted specifically at Syrian students.³⁰⁰

vi. The Right to Health

As multiple reports on the issue attest,³⁰¹ access to healthcare for asylum seekers and refugees in Jordan has been a complex policy area, with frequent changes in regulations, which often differentiated along national lines, with Syrians receiving different (and often preferential) access to healthcare compared to non-Syrian refugees and asylum seekers. When asylum seekers and refugees were unable to access the Jordanian healthcare system, there were some limited services available from NGOs.³⁰² Some relied on cheaper alternatives to the formal healthcare system such as herbal cures, or seeking free advice from a pharmacist³⁰³ Furthermore, in some instances UNHCR was able to cover healthcare fees, or to provide free services through partners such as Jordan Health Aid Society (JHAS). Yet in those instances, awareness of these options was patchy, take-up inconsistent, and the quality of services provided often deemed unsatisfactory.³⁰⁴

However, there has recently been a simplification of the policy landscape, which has the potential to widen access to healthcare in Jordan. In July 2020, the Ministry of Health announced that all asylum seekers and refugees with an asylum seeker certificate can access healthcare at the rate that is paid by non-insured Jordanians,³⁰⁵ which is 35-60% lower than the ‘foreigner’ rate.³⁰⁶ This policy change was funded by a group of donors, including the World Bank, USAID, Canada, Qatar and Denmark, through their support to the Ministry of Health.

²⁹⁷ Johnston et al (n 26) 30

²⁹⁸ Jordan INGO Forum and Jonuf (n 291)

²⁹⁹ Phenix Center ‘Jordan Labor Watch Denounces Increase in Child Labor’ (Phenix Center, 19 November 2020) <<https://en.phenixcenter.net/jlw-position-paper-sheds-light-on-child-labour/>> accessed 12 April 2021.

³⁰⁰ Johnston et al (n 26) 36

³⁰¹ For example see Dajani Consulting, *Health Access and Utilization Survey: Access to Healthcare Services Among Syrian Refugees in Jordan* (Dajani Consulting, December 2018)

³⁰² Reva Dhingra, ‘Refugees at Risk in Jordan’s Response to COVID-19’ (*Middle East Research and Information Project*, 8 April 2020) <<https://merip.org/2020/04/refugees-at-risk-in-jordans-response-to-covid-19/>> accessed 23 November 2020

³⁰³ World Food Programme, *Comprehensive Food Security and Vulnerability Assessment 2018* (World Food Programme and REACH 2019).

³⁰⁴ Johnston et al (n 26)

³⁰⁵ UNHCR Jordan (n 1)

³⁰⁶ Amnesty International, *Living on the Margins: Syrian Refugees in Jordan Struggle to Access Health Care* (Amnesty International 2016)

Prior to this announcement, Syrian refugees in Jordan were eligible to access the rate for non-insured Jordanians, but other nationalities or asylum seekers and refugees were not. Nevertheless, accessing healthcare at the rate paid by non-insured Jordanians will still represent a significant cost for many asylum seekers and refugees.³⁰⁷ Syrian refugees living in Za'tari and Azraq refugee camps do receive access to free healthcare from the numerous clinics that have been set up in camps. Nevertheless, this healthcare, which prioritises urgent cases and emergency care, is reported to be inadequate to meet the wide-ranging and long-term health needs of camp-based refugees.³⁰⁸

In terms of access to healthcare in the context of the COVID-19 pandemic, it should be noted that, in a positive step, the Government of Jordan included refugees in the National Health Response Plan. Furthermore, UNHCR reported that after its “direct advocacy efforts, has confirmed that refugees will also be included in the national COVID-19 vaccination plan.”³⁰⁹ In January 2021, Jordan made headlines as one of the first countries in the world to begin vaccinating refugees registered with UNHCR.³¹⁰

IX. Conclusion

This working paper has explored the refugee recognition regime in Jordan, one of the most important countries in the international refugee system. With a focus on four key national ‘cohorts’ (Iraqis, Sudanese, Syrians and Yemenis), and looking at a time span of just over 20 years (from 1998 to 2020), it has outlined the key norms and legal arrangements that govern refugee recognition, and the institutions involved in different aspects of recognition processes. Exploring this time period, and the approaches taken toward different nationalities, allowed for an examination of the range of policies and practices that have (and continue) to constitute the refugee recognition regime. The accessibility, efficiency, accuracy, and fairness of the processes were discussed, followed by an exploration of the quality of protection, using a range of common indicators including security of residence, protection from *refoulement*, and access to education, healthcare and the labour market.

This paper has demonstrated that the shape of the refugee recognition regime in Jordan has been, and remains, varied according to the nationality of the person applying for international protection. Major influxes of protection-seekers have led to the reinvention of the refugee recognition regime for that nationality, with geopolitical considerations often having a key influence on the ways in which it is reinvented. While, as part of the 1998 MoU, the Jordanian government “agreed to consider the establishment of a nationwide refugee status determination process,”³¹¹ there has been very little tangible progress towards that goal, and Jordan’s overall

³⁰⁷ UNHCR Jordan, ‘Covering the Cost of Healthcare Remains a Struggle for Refugees In Jordan’ (*UNHCR*, 4 August 2020) <<https://jordan.un.org/en/86561-covering-cost-healthcare-remains-struggle-refugees-jordan>> accessed 4 January 2021

³⁰⁸ Wireen Dator, Hamzeh Abunab and Norenia Dao-ayen, ‘Health Challenges and Access to Health Care Among Syrian Refugees in Jordan: A Review’ 24 *Eastern Mediterranean Health Journal* 680; Aditya Mittal, ‘Healthcare for Syrian Refugees in Jordan: The Shift from Primary to Secondary Healthcare’ (*Humanity in Action*, February 2020) <https://www.humanityinaction.org/knowledge_detail/article-usa-healthcare-for-syrian-refugees-in-jordan-the-shift-from-primary-to-secondary-healthcare/> accessed 24 November 2020

³⁰⁹ UNHCR Jordan, ‘UNHCR Operational Update November-December 2020’ (*UNHCR*, 18 December 2020) <<https://reliefweb.int/report/jordan/jordan-unhcr-operational-update-november-december-2020>> accessed 7 January 2021

³¹⁰ Jordan Times, ‘First Refugee COVID-19 Vaccinations Commence in Jordan’ (*Jordan Times* 14 January 2021) <<https://www.jordantimes.com/news/local/first-refugee-covid-19-vaccinations-commence-jordan>> accessed 15 January 2021

³¹¹ Akram et al (n 15) 74

refugee policies remain “underarticulated.”³¹² The result is something of a patchwork: policies, practices, labels and statuses that vary over time and by nationality, often producing an unclear and confusing picture, and precarious statuses. As in other contexts, recognition as a refugee does “not only (or sometimes at all)” depend on the strength of their claim.³¹³ The quality of protection is similarly varied. While Jordan has justifiably gained a reputation as an important host state for refugees, and in some ways (especially for Syrians) has demonstrated a willingness to include them in its broader frameworks and institutions, grave violations of refugee rights, most notably *refoulement*, are longstanding practices.

Crucially, much research on the refugee recognition regime remains to be done. While in some areas there is extensive information and research on which a desk-based study such as this one can draw, in other areas both data and analysis are lacking. This is a reflection not only of the oft-occurring difficulty of obtaining clear, unambiguous, and written policies about refugee recognition in Jordan, but also of the “opacity” of UNHCR³¹⁴ (and in this case the Jordanian government), and the broader lack of research on refugee recognition practices, to which we have drawn attention throughout this paper. In particular, much research remains to be done regarding how refugee recognition processes - such as the merged procedure - are implemented ‘on the ground,’ as well as the accuracy and fairness of those processes. How these processes are experienced by those seeking international protection is another under-researched area, as is the issue of rejected asylum seekers and those whose files are closed. We hope that this working paper will be a valuable contribution to this wider ongoing research agenda.

³¹² Francis (n 6)

³¹³ Costello et al (n 5) 4

³¹⁴ Ibid 6

X. Appendices

Appendix A: Memorandum of Understanding

This Appendix contains a copy of the 1998 MoU in Arabic with an unofficial English translation, produced by the Adaleh Center for Human Rights Studies. To the best of our knowledge, there is no official version available publicly. This unofficial translation, furthermore, does not attempt to translate the MoU word for word, but contains clauses that state, for example, that “The definition of refugee as appeared in article (1) of the 1951 Convention was reproduced without the geographic and time limitations.” There is no publicly available version of the MoU, as amended in 2014.

مذكرة تفاهم بين الاردن و المفوضية السامية للامم المتحدة لشؤون اللاجئين لسنة 1998

المنشورة على الصفحة 1463 من عدد الجريدة الرسمية رقم 4277 بتاريخ 1998/5/3

Memorandum of understanding between the Governm المقدمة Jordan and UNHCR 5 April 1998

حيث ان مكتب المفوضية السامية للامم المتحدة لشؤون اللاجئين قد انشئ بموجب قرار الجمعية العامة للامم المتحدة 319 (د-4) في 3 كانون الاول 1 ديسمبر 1949 . وحيث ان النظام الاساسي للمفوضية السامية للامم المتحدة لشؤون اللاجئين الذي اعتمدهت الجمعية العامة للامم المتحدة بقرارها 428 (د-5) في 14 كانون الاول / ديسمبر 1950 ينص ضمن امور اخرى على ان تتولى المفوضية السامية للامم المتحدة لشؤون اللاجئين تحت سلطة الجمعية العامة مهمة تامين حماية دولية تحت رعاية الامم المتحدة للاجئين الذي يشملهم احكام النظام الاساسي والبحث عن حلول دائمة لمشكلة اللاجئين بمساعدة الحكومات وكذلك الهيئات الخاصة اذا وافقت على ذلك الحكومات المعنية على تسهيل اعادة هؤلاء اللاجئين الى اوطانهم بمحض اختيارهم او استيعابهم في مجتمعات وطنية جديدة . وحيث ان حكومة المملكة الاردنية الهاشمية والمفوضية السامية للامم المتحدة لشؤون اللاجئين قد وقعا على اتفاقية تعاون فيما بينهما في 30/تموز/يوليو 1997 . وحيث ان الاتفاق قد نص ضمن جملة امور على تمكين المفوضية من مباشرة انشطتها المتعلقة بالحماية الدولية والمساعدة الانسانية لصالح اللاجئين وكذلك الاشخاص الاخرين المشمولين بعنايتها في المملكة الاردنية الهاشمية ما عدا اللاجئين الفلسطينيين . ورغبة من حكومة المملكة الاردنية الهاشمية ومكتب المفوضية السامية للامم المتحدة لشؤون اللاجئين بوضع آلية يتم بموجبها التعامل مع الامور المتعلقة باللاجئين وكذلك الاشخاص المشمولين بعناية المفوضية . لذلك اتفقت حكومة المملكة الاردنية الهاشمية ومكتب المفوضية السامية للامم المتحدة لشؤون اللاجئين وفي روح من التعاون الودي على المسائل والامور المتضمنة في مذكرة التفاهم التالية .

المادة 1

لاغراض مذكرة التفاهم يكون تعريف اللاجئ كالاتي :

اللاجئ هو شخص بسبب خوف له ما يبرره من التعرض للاضطهاد بسبب عرقه او دينه او جنسيته او انتمائه الى فئة اجتماعية معينة او آرائه السياسية خارج البلد التي يحمل جنسيته ولا يستطيع او لا يرغب في حماية ذلك البلد بسبب ذلك الخوف او كل من لا جنسية له وهو خارج بلد اقامته السابقة ولا يستطيع او لا يرغب بسبب ذلك الخوف في العودة الى ذلك البلد .

المادة 2

بغية تعزيز مؤسسة اللجوء في المملكة الاردنية الهاشمية وتمكين المفوضية السامية للامم المتحدة لشؤون اللاجئين من القيام بواجباتها في تقديم الحماية الدولية للاشخاص الواقعين تحت ولايتها اتفق الطرفان :
أ . على وجوب احترام مبدأ عدم طرد او رد اي لاجئ يطلب اللجوء في المملكة الاردنية الهاشمية باي صورة الى الحدود او الاقاليم حيث تكون حياته او حريته مهددتان بسبب عرقه او دينه او جنسيته او انتمائه الى فئة اجتماعية معينة او بسبب آرائه السياسية .
ب . على ان لا يشمل ذلك الاشخاص الذين يتم رفض طلباتهم من قبل مكتب المفوضية .

اتفق الطرفان على السماح لمكتب المفوضية بمقابلة ملتزمي اللجوء الذين يتم حجزهم بواسطة ا
لامنية المختصة بسبب دخولهم اراضي المملكة الاردنية الهاشمية بطريقة غير مشروعة على ان ية
لمفوضية بتحديد موقفه منهم بالقبول او الرفض خلال مدة لا تتجاوز سبعة ايام ما عدا الحالات الا
لتي تستدعي اجراءات اخرى ولمدة لا تتجاوز الشهر .

لمادة 4

ترتب على ملتزمي اللجوء واللاجئين المعترف بهم واجبات نحو المملكة الاردنية الهاشمية خاصة
تتها بالتزامهم بالقوانين والانظمة والتدابير المتخذة للمحافظة على النظام العام وعلى ملتزمي
اللاجئين المعترف بهم عدم القيام باية نشاطات تخل بالامن او تسبب الاحراج في العلاقات بين
الدول الاخرى والادلاء باية احاديث لوسائل الاعلام وفي حال مخالفتهم ذلك يعمل مكتب المفوض
امين دخولهم لدولة ثالثة .

لمادة 5

ن منح اللجوء هو عمل انساني وسلمي في المقام الاول وعليه اتفق الطرفان على ضمان معاملة
للجوء واللاجئين وفق المعايير الدولية المعترف بها واعطاء اللاجئ مركزاً قانونياً وفقاً للآتي :
يقوم مكتب المفوضية بالعمل على ايجاد حل دائم للاجئ المعترف به اما بالعودة الطوعية لبلد
بإعادة توظيفه في بلد ثالث على ان لا تزيد الإقامة المؤقتة عن ستة اشهر .

لمادة 6

تفق الطرفان وحيثما ما كان ذلك ممكناً على معاملة اللاجئين معاملة لا تقل عن تلك الممنوحة لمو
حيث ممارسة الشعائر الدينية والتربية الدينية لاولادهم وبلغى ان لا يكون هنالك تمييز بين اللاجئين
حيث العرق او الدين او الوطن وبما لا يتعارض مع احكام الدستور الاردني وعلى ان لا تكون ها
مخالفة للقوانين والانظمة المرعية والآداب العامة .

المادة 7

للاجئ حق التقاضي امام كافة المحاكم القائمة وفي سبيل التمتع في هذه المعاملة يكون حق
والمعونة القضائية كل ما كان ذلك ممكناً وفق نفس المعاملة التي يتمتع بها المواطن .

المادة 8

ولكي ما يتمكن اللاجئ من توفير الحياة الكريمة لاسرته اتفق الطرفان على منح اللاجئ الموجود
شرعية في المملكة الاردنية الهاشمية حق العمل لحسابه اذا كانت القوانين واللوائح المعمول بها
بذلك .

المادة 9

يمكن كذلك للاجئين الحاملين لشهادات معترف بها من قبل السلطات الاردنية المختصة والسرا
ممارسة مهنة حرة ممارسة تلك المهنة اذا كانت القوانين واللوائح تسمح بذلك .

بغية ايجاد الحلول الدائمة لمشاكل اللجوء وفي سبيل تسهيل العودة الطوعية او اعادة التوطين في بلد ثالث اتفق الطرفان على اعفاء اللاجئين من غرامات تجاوز الإقامة وكذلك ضريبة المغادرة .

المادة 11

ولغايات توفير الحماية الدولية والحياة الكريمة للاجئين المحتاجين اتفق الطرفان على ان يستمر مكتب المفوضية في توفير تكاليف المعيشة من سكن واماكن وعلاج وذلك وفقاً للاسس المعمول بها في المفوضية .

المادة 12

وللاستجابة لحالات الطوارئ عند حدوث تدفقات للاجئين على نطاق كبير يتعاون الطرفان على الاستجابة السريعة لحالات الطوارئ ويشمل هذا الاتفاق انشاء آلية مشتركة للطوارئ والتعاون فيما بين اجهزة الحكومة الاردنية المختلفة والمفوضية لتوفير الغذاء والمياه والصرف الصحي والماوى والرعاية الطبية وتعزيز الامن الحسدي للاجئين وملتمسي اللجوء .

المادة 13

اتفق الطرفان على ان يتم التعامل مع المشاكل المتعلقة باللجوء واللاجئين من خلال مكتب التنسيق لدى وزارة الداخلية ويتعهد مكتب المفوضية المسامية للامم المتحدة لشؤون اللاجئين بتزويد مكتب التنسيق بالطاقت اللازم والامكانيات الفنية اللازمة لعمله وعلى ان يلتزم مكتب المفوضية باخبار مكتب التنسيق عن جميع حالات طلب اللجوء وبان تتم المخاطبات بخصوص قضايا اللجوء الانساني مع الجهات الامنية الاردنية من خلال مكتب منسق شؤون اللاجئين لدى وزارة الداخلية .

المادة 14

ولغايات المحافظة على مؤسسة اللجوء تنظر حكومة المملكة الاردنية الهاشمية في امر قيام آلية وطنية لتنظر في طلبات اللجوء .

رابطات لما تقدم قام الممثلون الموقعون ادناه المعينون حسب الاصول من حكومة المملكة الاردنية الهاشمية والمفوضية المسامية للامم المتحدة لشؤون اللاجئين بالتوقيع نياية عن الطرفين .

Memorandum of Understanding between the Government of Jordan and UNHCR
5 April 1998

UNOFFICIAL TRANSLATION

Preamble:

The same preamble of the Cooperation Agreement was reproduced.

Article (1):

The definition of refugee as appeared in article (1) of the 1951 Convention was reproduced without the geographic and time limitations.

Article (2):

In order to safeguard the asylum institution in Jordan and to enable UNHCR to act within its mandate to provide international protection to persons falling within its mandate, it was agreed;

(1) that the principle of non-refoulement should be respected that no refugee seeking asylum in Jordan will be returned to a country where his life of freedom could be threatened because of his race, religion, nationality, membership of a particular social group or political opinion;

(2) above does not include persons whose applications for asylum were rejected by UNHCR.

Article (3):

It was agreed to allow UNHCR to interview asylum seekers who entered Jordan clandestinely and are being held by competent authorities UNHCR would make its determination within seven days except in exceptional cases requiring other procedure and the period should not exceed a month.

Article (4):

Asylum seekers and refugees are under a duty to Jordan and in particular they are required to observe laws, regulations and other arrangements required for public order.

Asylum seekers and refugees are under the duty not to take any activities violating security or embarrass government on its relations with other countries or giving interviews to the media. In the case of violation UNHCR would endeavour to resettle recognized refugees.

Article (5):

Asylum should be humanitarian and peaceful and therefore the two parties have agreed that asylum seekers and refugees should receive a treatment as per the international accepted standards. A refugee should receive legal status and UNHCR would endeavour to find recognized refugees a durable solution be it voluntary repatriation to the country of origin or resettlement in a third country. The sojourn of recognized refugees should not exceed six months.

Article (6):

It was agreed to accord refugees treatment as favourable as the accorded with respect to freedom to practice their religion and freedom as regards to religious education of

their children without discrimination as to race, religion or nationality and without contravening the constitution of Jordan provided that religious right are not contrary to the laws, regulations and public decency.

Article (7):

A refugee shall have free access to courts of law and in order to enjoy this treatment he has the right of litigation and legal assistance as accorded to the nationals wherever that is possible.

Article (8):

In order to enable a refugee to provide a living for his family it was agreed to accord refugee who is legally residing in Jordan to work for his own account whenever the laws and regulations permit.

Article (9):

Refugees holding degrees recognized by the competent Jordanian authorities could practice liberal professions if the laws and regulations permit.

Article (10):

In order to find durable solutions and to facilitate voluntary repatriation or resettlement in a third country it was agreed to exempt refugees from overstay fines and departure fees.

Article (11):

In order to provide international protection and assistance for needy refugees it was agreed that UNHCR would provide assistance in accordance with the regulations in force.

Article (12):

In order to respond to emergencies in the event of large influx it was agreed that the two parties will cooperate to provide quick response for emergencies including establishment of a joint emergency mechanism to make available food, water, sanitation, shelter and medical treatment and also to provide physical safety for refugees and asylum seekers.

Article (13):

It was agreed to deal with problems pertaining to asylum and refugees through the liaison office at the Ministry of Interior UNHCR Branch Office undertakes to provide the liaison office with required personnel and the technical facilities required for this work UNHCR B. O. undertakes to inform the liaison office of all asylum applications and all correspondences in respect of asylum should be through the liaison office at the Ministry of Interior.

Article (14):

In order to safeguard the asylum institution the Government of the Hashemite Kingdom of Jordan would consider the establishment of a national mechanism for status determination.

Appendix B: Asylum Applications and Refugee Status Determination in Jordan

This appendix includes information on asylum applications and refugee status determination in Jordan between the years 2000 and 2020, which were the years for which data was available. The data is taken from UNHCR Statistical Yearbooks, and from UNHCR's Refugees Data Finder. Nevertheless, there were several gaps in the available data, as is represented in the tables below (by the letters ND).

Key and acronyms:

Data refers to the number of cases (C) or persons (P):

L=Level: NA=New Applications; FI=First instance decisions; AR=Administrative Review decisions; RA=Repeat/reopened applications; BL=Backlog procedure

JR=Judicial Review; SP=Subsidiary protection; FA=First instance and appeal; TP=Temporary protection; TA=Temporary asylum.

IRQ=Iraq; SDN=Sudan; SRY=Syria, YEM=Yemen.

ND: No data available

Protection indicators (as per formulas used by UNHCR):

Refugee status recognition rate: $\text{Recognised} / (\text{Recognised} + \text{Other positive} + \text{Rejected}) * 100\%$.

Total recognition rate: $(\text{Recognised} + \text{Other positive}) / (\text{Recognised} + \text{Other positive} + \text{Rejected}) * 100\%$.

All data in what follows refers to number of persons (not cases), and to UNHCR recognition (rather than government).

Year	Origin Country	Stage of procedure	Cases Pending Year Start	Applications	Recognized decisions	Complementary protection	Rejected decisions	Otherwise closed	Total decisions	Recognition Rate (Refugee Status)	Recognition Rate (Total)
2000	IRQ	FI	ND	6623	1790	0	2911	5568	10269	38.1	38.1
2000	SDN	FI	ND	218	10	0	151	120	281	6.2	6.2
2000	SYR	FI	ND	106	0	0	65	26	91	0	0
2000	YEM	FI	ND	12	0	0	10	0	10	0	0
2001	IRQ	FI	ND	4096	1879	0	2442	2413	6734	43.5	43.5
2001	SDN	FI	ND	97	5	0	88	13	106	5.4	5.4
2001	SYR	FI	ND	93	0	0	12	29	41	0	0
2001	YEM	FI	ND	21	0	0	19	5	24	0	0
2002	IRQ	FI	ND	2324	654	0	1939	795	3388	25.2	25.2
2002	SDN	FI	ND	42	0	0	93	122	215	0	0
2002	SYR	FI	ND	27	5	0	64	53	122	7.2	7.2
2002	YEM	FI	ND	0	0	0	0	5	5	0	0
2003	IRQ	FI	ND	3345	247	0	117	75	439	67.9	67.9

2003	IRQ	JR	ND	104	ND	ND	ND	ND	ND	ND	ND
Year	Origin Country	Stage of procedure	Cases Pending Year Start	Applications	Recognized decisions	Complementary protection	Rejected decisions	Otherwise closed	Total decisions	Recognition Rate (Refugee Status)	Recognition Rate (Total)
2003	SDN	FI	ND	28	37	0	22	39	98	62.7	62.7
2003	SDN	JR	ND	29	ND	ND	ND	ND	ND	ND	ND
2003	SYR	FI	ND	62	21	0	15	33	69	58.3	58.3
2003	SYR	JR	ND	10	ND	ND	ND	ND	ND	ND	ND
2003	YEM	FI	ND	5	0	0	5	0	5	0	0
2004	IRQ	FI	ND	6069	36	0	5	468	509	87.8	87.8
2004	SDN	FI	ND	79	0	0	15	5	20	0	0
2004	SYR	FI	ND	34	11	0	10	5	26	52.4	52.4
2004	YEM	FI	ND	0	0	0	0	5	5	0	0
2005	IRQ	FI	ND	5568	13	0	0	138	151	100	100
2005	SDN	FI	ND	50	0	0	12	5	17	0	0
2005	SYR	FI	ND	31	10	0	0	10	20	100	100

2005	YEM	FI	ND	5	ND	ND	ND	ND	ND	ND	ND
2006	IRQ	FI	16210	4689	121	0	314	1514	1949	27.8	27.8
2006	SDN	FI	ND	15	5	0	56	18	79	8.2	8.2
Year	Origin Country	Stage of procedure	Cases Pending Year Start	Applications	Recognized decisions	Complementary protection	Rejected decisions	Otherwise closed	Total decisions	Recognition Rate (Refugee Status)	Recognition Rate (Total)
2006	SYR	FI	ND	36	15	0	10	20	45	60	60
2006	YEM	FI	ND	5	ND	ND	ND	ND	ND	ND	ND
2007	IRQ	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
2007	SDN	FA	ND	61	14	0	5	5	24	73.7	73.7
2007	SYR	FA	ND	32	5	0	5	17	27	50	50
2007	YEM	FA	ND	ND	0	0	0	5	5	0	0
2008	IRQ	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
2008	SDN	FI	ND	57	20	0	30	5	55	40	40
2008	SDN	AR	ND	5	0	0	5	0	5	0	0
2008	SDN	RA	ND	26	0	0	5	0	5	0	0

2008	SYR	FI	60	139	21	0	5	62	88	80.8	80.8
2008	SYR	AR	ND	5	ND	ND	ND	ND	ND	ND	ND
2008	YEM	FI	ND	5	0	0	5	0	5	0	0
2009	IRQ	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
2009	SDN	FI	131	ND	92	0	53	35	180	63.4	63.4
Year	Origin Country	Stage of procedure	Cases Pending Year Start	Applications	Recognized decisions	Complementary protection	Rejected decisions	Otherwise closed	Total decisions	Recognition Rate (Refugee Status)	Recognition Rate (Total)
2009	SDN	AR	ND	41	14	0	24	0	38	36.8	36.8
2009	SDN	RA	ND	ND	32	0	10	0	42	76.2	76.2
2009	SYR	FI	111	ND	97	0	17	37	151	85.1	85.1
2009	SYR	AR	ND	12	5	0	0	0	5	100	100
2009	YEM	FI	ND	ND	5	0	0	0	5	100	100
2010	IRQ	FI	ND	2072	379	0	225	247	851	62.7	62.7
2010	IRQ	AR	ND	171	0	10	38	11	59	0	20.8
2010	IRQ	RA	ND	69	0	0	0	40	40	0	0

2010	SDN	FI	147	234	96	0	89	45	230	51.9	51.9
2010	SDN	AR	ND	92	10	5	38	0	53	18.9	28.3
2010	SDN	RA	ND	36	0	0	0	20	20	0	0
2010	SYR	FI	124	245	68	0	38	22	128	64.2	64.2
2010	SYR	AR	ND	39	5	0	19	0	24	20.8	20.8
2010	SYR	RA	ND	23	0	0	0	11	11	0	0
2010	YEM	FI	ND	25	0	0	15	14	29	0	0
Year	Origin Country	Stage of procedure	Cases Pending Year Start	Applications	Recognized decisions	Complementary protection	Rejected decisions	Otherwise closed	Total decisions	Recognition Rate (Refugee Status)	Recognition Rate (Total)
2010	YEM	AR	ND	10	0	0	0	10	10	0	0
2010	YEM	RA	ND	5	ND	ND	ND	ND	ND	ND	ND
2011	IRQ	FA	1360	1143	201	0	331	506	1038	36.4	36.4
2011	SDN	FA	225	400	99	0	54	113	266	64.7	64.7
2011	SYR	FA	287	2398	5	0	28	34	67	15.2	15.2
2011	YEM	FA	23	143	0	0	16	16	32	0	0

2012	IRQ	FA	1465	1680	680	0	420	461	1561	61.8	61.8
2012	SDN	FA	359	309	102	0	134	29	265	43.2	43.2
2012	SYR	FA	ND	ND	12	0	13	2102	2127	48	48
2012	YEM	FA	ND	81	5	0	108	5	118	4.4	4.4
2013	IRQ	FA	1584	4045	2117	0	277	800	3194	88.4	88.4
2013	SDN	FA	403	1216	129	0	52	126	307	71.3	71.3
2013	SYR	FA	491	800	800	0	0	491	1291	100	100
2013	YEM	FA	ND	67	0	0	28	38	66	0	0
2014	IRQ	FI	2360	20453	7440	0	44	61	7545	99.4	99.4
Year	Origin Country	Stage of procedure	Cases Pending Year Start	Applications	Recognized decisions	Complementary protection	Rejected decisions	Otherwise closed	Total decisions	Recognition Rate (Refugee Status)	Recognition Rate (Total)
2014	IRQ	AR	ND	ND	30	0	5	0	35	85.7	85.7
2014	IRQ	RA	ND	16	10	0	0	0	10	100	100
2014	SDN	FI	1263	1582	632	0	24	0	656	96.3	96.3
2014	SDN	AR	ND	ND	22	0	10	0	32	68.8	68.8

2014	SDN	RA	ND	ND	10	0	0	0	10	100	100
2014	SYR	FI	ND	6086	5400	0	5	659	6064	99.9	99.9
2014	YEM	FI	99	219	14	0	10	5	29	58.3	58.3
2015	IRQ	FI	15268	8628	4449	0	15	10	4474	99.7	99.7
2015	IRQ	AR	40	134	123	0	0	0	123	100	100
2015	IRQ	RA	ND	57	57	0	0	0	57	100	100
2015	SDN	FI	2189	167	1184	0	32	0	1216	97.4	97.4
2015	SDN	AR	ND	36	30	0	10	0	40	75	75
2015	SDN	RA	ND	14	11	0	0	0	11	100	100
2015	SYR	FI	ND	7413	7367	0	0	46	7413	100	100
2015	YEM	FI	292	2923	32	0	0	0	32	100	100
Year	Origin Country	Stage of procedure	Cases Pending Year Start	Applications	Recognized decisions	Complementary protection	Rejected decisions	Otherwise closed	Total decisions	Recognition Rate (Refugee Status)	Recognition Rate (Total)
2016	IRQ	FI	ND	8951	695	0	0	5	700	99.3	99.3
2016	IRQ	AR	ND	32	5	0	0	0	5	100	100

2016	IRQ	RA	ND	39	5	0	0	0	5	100	100
2016	SDN	FI	ND	298	397	0	35	0	432	91.9	91.9
2016	SDN	AR	ND	12	5	0	0	0	5	100	100
2016	SDN	RA	ND	26	11	0	0	0	11	100	100
2016	SYR	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
2016	YEM	FI	ND	2427	135	0	0	0	135	100	100
2016	YEM	AR	ND	10	ND	ND	ND	ND	ND	ND	ND
2016	YEM	RA	ND	37	ND	ND	ND	ND	ND	ND	ND
2017	IRQ	FI	ND	5700	1604	0	0	0	1604	100	100
2017	IRQ	AR	ND	ND	5	0	0	0	5	100	100
2017	IRQ	RA	ND	5	ND	ND	ND	ND	ND	ND	ND
2017	SDN	FI	ND	676	270	0	10	0	280	96.4	96.4
2017	SDN	AR	ND	12	10	0	0	0	10	100	100
Year	Origin Country	Stage of procedure	Cases Pending Year Start	Applications	Recognized decisions	Complementary protection	Rejected decisions	Otherwise closed	Total decisions	Recognition Rate (Refugee Status)	Recognition Rate (Total)

2017	SDN	RA	ND	30	ND	ND	ND	ND	ND	ND	ND
2017	YEM	FI	ND	3707	304	0	0	0	304	100	100
2017	YEM	RA	ND	24	ND	ND	ND	ND	ND	ND	ND
2018	IRQ	FI	ND	2713	1198	0	0	13	1211	100	100
2018	SDN	FI	ND	2234	182	0	63	0	245	74.3	74.3
2018	SDN	AR	ND	25	ND	ND	ND	ND	ND	ND	ND
2018	SYR	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
2018	YEM	FI	ND	5032	141	0	0	5	146	100	100
2019	IRQ	FI	ND	308	315	0	5	169	489	98.4	98.4
2019	IRQ	AR	ND	5	5	0	0	15	20	100	100
2019	SDN	FI	ND	205	335	0	65	94	494	83.8	83.8
2019	SDN	AR	ND	14	10	0	17	0	27	37	37
2019	SYR	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
2019	YEM	FI	ND	614	62	0	0	30	92	100	100
2019	YEM	AR	ND	ND	0	0	0	5	5	0	0
Year	Origin	Stage of procedure	Cases Pending	Applications	Recognized	Complementary	Rejected	Otherwise closed	Total decisions	Recognition Rate	Recognition Rate

	Country	re	Year Start		decisions	protection	decisions		ns	(Refugee Status)	(Total)
2020	SDN	RA	ND	ND	0	0	0	16	16	0	0
2020	YEM	FI	ND	ND	45	0	0	101	146	100	100
2020	IRQ	FI	ND	ND	103	0	5	328	436	95.4	95.4
2020	SDN	AR	ND	ND	0	0	0	15	15	0	0
2020	YEM	AR	ND	ND	0	0	0	10	10	0	0
2020	YEM	RA	ND	ND	0	0	0	26	26	0	0
2020	IRQ	RA	ND	ND	0	0	0	11	11	0	0
2020	SDN	FI	ND	ND	318	0	76	21	415	80.7	80.7

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