



Country Report

JORDAN

D4.2 Interim Country Reports

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Executive Summary

- Jordan is a key country in the international refugee system, hosting the second highest number of refugees per capita in the world. Jordan's population of approximately 10 million includes more than 2 million registered Palestinian refugees, and over 750,000 registered persons of concern to UNHCR.
- The vast majority of registered persons of concern to UNHCR are Syrians (at approximately 650,000), with a substantial Iraqi population, and notable populations of Sudanese and Yemeni protection seekers. In total, Jordan hosts registered people of concern to UNHCR of 57 nationalities, although those who are not Iraqi, Sudanese, Syrian or Yemeni make up around 0.3% of the total - approximately 2,200 people (UNHCR, 2020).
- This report focuses on those populations that are potentially of concern to UNHCR, and is based on desk-based work and interviews with a range of humanitarian, NGO and civil society actors in Jordan. It explores the interrelated questions of status, vulnerability and working rights for those seeking international protection in Jordan.
- Jordan is not a signatory to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol. It has nevertheless signed a 1998 Memorandum of Understanding (MoU) with UNHCR, which facilitates UNHCR's now large-scale presence in the country (Government of Jordan and UNHCR, 1998). The MoU incorporates significant aspects of the Refugee Convention, however the MoU is largely unenforced. It bears little relation to practices on the ground, especially in the wake of the large-scale movement of Iraqis and Syrians to Jordan.
- In practice, refugee recognition processes differ for different nationalities of protection seekers, based on a combination of changing UNHCR and government policies. While a *de facto prima facie* recognition system is in place for Syrians in Jordan, other nationalities, notably Iraqis, have been subject to an array of changing laws and regulations. In recent years government policies have progressively narrowed the space available for those who are not from Syria to seek international protection in Jordan. Like in many areas of the refugee response in Jordan, the precise regulations governing refugee recognition are often opaque, and their implementation varied.



- Humanitarian organisations and NGOs have increasingly relied upon assessments of ‘vulnerability’ in order to understand the needs of populations of concern, and to target their resources to those who are deemed ‘most vulnerable.’
- For Syrian refugees in non-camp settings, these efforts have been concentrated around the Vulnerability Assessment Framework (VAF), a large-scale population study. VAF is centred on a predicted expenditure welfare model, but also includes other factors such as coping strategies, education, food security, health, shelter and WASH (water, sanitation and hygiene). VAF ‘scores’ are used to determine eligibility for many programmes and humanitarian assistance, and as part of the process of finding eligible candidates for resettlement. Vulnerability assessments, often to some extent based on VAF, have been used for other national cohorts.
- While until recently VAF has focused exclusively on Syrian refugees living in non-camp settings, work has already begun to expand VAF to Syrians in camps, and to other nationalities of protection seekers in Jordan. The concept of ‘vulnerability’ is also increasingly used to describe the needs of Jordanian host populations. Nevertheless, as this report details, there remain unresolved questions about the precise meaning of vulnerability, and how it should be translated into Arabic, and thus communicated to protection seekers.
- Many protection seekers’ vulnerabilities are shaped by their (lack of) access to the labour market. In Jordan prior to 2016, it was technically possible, although in practice very rare, for protection seekers to obtain work permits. However the Jordan Compact, a 2016 high-level agreement between the Government of Jordan and its donors, opened the door to work permits for Syrian refugees (but not other nationalities) on a large scale (see Government of Jordan, 2016).
- The Compact has led to the issuing of over 215,000 work permits for Syrians (Ministry of Labour, 2021), and a range of reforms to Jordan’s labour market, and to the Rules of Origin that apply to Jordanian exports to the EU. Nevertheless, numerous challenges have faced the implementation of the Compact, including the exclusion of large numbers of professional sectors, the very low numbers of permits issued to Syrian women, and the exclusion of protection seekers who are not Syrian. While progressive reforms attempt to make it easier to access work permits, particularly for Syrians, Yemenis in Jordan have reportedly been forced to give up their Asylum Seeker Certificates if they seek to obtain a work permit.



- The COVID-19 pandemic has caused extensive damage to the Jordanian economy, including by increasing already high rates of unemployment, but nonetheless state aid appears to have offered a key incentive for Syrians to regularize their businesses, and for humanitarian and government actors to re-energise processes that can offer labour market access for protection seekers.
- This interim report highlights areas for future research, which will be undertaken as part of the ASILE project. Key points for further exploration include status for nationalities who are not subject to de facto *prima facie* recognition systems. How and why is the political context in Jordan narrowing the space for them to seek recognition, with what effects, and how are humanitarian actors responding to this? Furthermore, how are the ‘merged procedures’ of refugee status determination and resettlement, and the ‘strategic use’ of refugee status determination, being implemented on the ground?
- In terms of vulnerability, the expansion of the Vulnerability Assessment Framework, which coexists with ongoing debates about the meaning of vulnerability, mean that further research is required to understand how, and with what consequences for humanitarian agencies and protection seekers, these vulnerability assessments are being used and expanded. Secondly, this report highlights the need for further investigation into the consequences of the varied definitions of vulnerability, and their contested translations.
- The situation for working rights for protection seekers continue to evolve, particularly in the ongoing pandemic context. Yet considerable unclarity remains about how these regulations are being implemented, and how working in Jordan interacts with status as an asylum seeker. Further research will therefore be pursued to address these questions.
- This future work will incorporate the perspectives of governmental actors and protection seekers of different nationalities in Jordan, neither of which was possible in the initial online fieldwork on which this report is based. It will furthermore build on and expand the data collection from UN agencies, NGOs and civil society actors, particularly in terms of topics about which it was harder to secure interviews remotely.



Introduction

This interim report explores status, vulnerability, and rights for people seeking international protection in the Hashemite Kingdom of Jordan. It examines how they become recognised as asylum seekers and refugees (or not), the role that vulnerability plays in asylum governance, and the extent to which people seeking international protection meaningfully have the right to work, a right that provides an important litmus test for protection standards. It is focused on Syrian, Iraqi, Sudanese and Yemeni protection seekers (i.e. the nationalities that potentially fall under UNHCR's mandate, and are present in Jordan in the largest numbers).

It will firstly outline how asylum and refugee status determination procedures are conducted, and the legal frameworks governing asylum in Jordan. It will highlight in particular the differing statuses and legal situations of protection seekers of different nationalities, restrictions on access to the asylum system, and how norms and practices around individualised refugee status determination procedures have developed in the Jordanian context. Subsequently, in exploring vulnerability, it will examine how vulnerability assessments are a key tool deployed by humanitarian actors to deal with a situation in which protection seekers have needs that vastly outstrip the resources available for organisations working with them. With a particular focus on UNHCR's Vulnerability Assessment Framework (VAF), it examines how large-scale quantitative tools are central to programmatic targeting, even though the underlying meaning of vulnerability is deeply contested among and between humanitarian actors.

Finally, it will examine working rights, with a focus on the Jordan Compact. The Compact is an agreement that came into force in early 2016, and which offered Syrian refugees (but only Syrian refugees) access to the formal labour market. It will examine the achievements, exclusions and challenges of the Compact, before turning to the effects of the COVID-19 pandemic on the Jordanian labour market, and on access to work and livelihoods opportunities for protection seekers. While the pandemic has had dire consequences for the Jordanian economy and for many protection seekers living in Jordan, it has also had some perhaps unexpected consequences in terms of livelihoods, for example by inadvertently encouraging Syrian refugees to formalise their businesses.



Methodology

This interim report is based on both desk-based research and 15 interviews with key informants working for a range of civil society organisations, NGOs, humanitarian organisations, and UN agencies in Jordan. The interviews took place between March and July 2021, and were all conducted online, due to the regulations and practical restrictions resulting from the COVID-19 pandemic.¹ The interviewees included people from a range of relevant civil society organisations, non-governmental organisations and UN agencies. They therefore included a mixture of Jordanian and international organizations, and 7 of the interviewees were Jordanian and 8 were non-Jordanian. 5 of the interviewees were men and 10 were women. These perspectives are important ones, but of course, like all perspectives, are partial. It has not been possible, due to the constraints of the COVID-19 pandemic, to conduct interviews with people seeking international protection in Jordan, or governmental actors for this interim report, and future research will seek to incorporate these important different perspectives.

The interviews were based on a common questionnaire that had been developed by the Work Package 4 (WP4) coordination team. This questionnaire was revised based on feedback from multiple colleagues and from the ASILE Civil Society Group, who were consulted about – for example – the topics, questions, and language used. This questionnaire was fully used in this report, and in the report for Bangladesh, the two in-depth case studies for the Work Package, and was fine-tuned and adapted in the instrument-focused case studies of Brazil, Canada, South Africa and Turkey. This approach was undertaken to ensure that all the country reports cover the key themes and research questions addressed in WP4.

The interviews for this report were conducted in English. Prior to agreeing to an interview, interviewees were provided with an information sheet explaining the ASILE Project, and an informed consent form, which explained the nature, benefits, and risks of their participation in the project, and which they were asked to sign and return electronically. A small number of interviewees requested to audio record their consent, rather than to sign the consent form, which was respected. In those instances, the key items of the

¹ See Annex 1 at the end of the Interim Report for further details on interviewees.



information sheet and consent form (which all interviewees had seen prior to the interview) were re-iterated verbally.

The ASILE Data Management Plan was followed to ensure the anonymity of all interviewees, and to ensure that the data was stored securely and safely and in line with all relevant regulations. The interviews were audio recorded with the permission of the interviewees, and the resultant audio files and word processor files containing interview notes and transcripts were stored on password protected work computers of the interviewer. Only the researcher who conducted the interviews has access to these files. Non-anonymised information is stored on password protected files, and in separate files to interview notes and transcripts. The files are all stored on an institutional 'cloud,' which is backed up daily to a backup facility based in the United Kingdom. This process is overseen by Newcastle University IT Department.

Status

Like many states in the Middle East, Jordan is not a signatory to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol (see Janmyr and Stevens, 2020). The Middle East, furthermore, lacks a regional refugee regime, and domestic law on the status and treatment of asylum seekers and refugees is “virtually non-existent” (Stevens, 2013: 2). UNHCR’s presence and work in the country is instead – at least formally – regulated by the 1998 Memorandum of Understanding (MoU) between the Government of Jordan and UNHCR (see Government of Jordan and UNHCR, 1998). The MoU incorporates the Convention definition of a refugee, and states that “asylum seekers and refugees should be treated in accordance with internationally accepted standards and that refugees should receive legal status” (Stevens, 2013: 8).

The MoU essentially frames Jordan as a transit country, in that it mentions only two of the three ‘durable solutions’: voluntary return and resettlement to a third country (Government of Jordan and UNHCR, 1998). UNHCR is designated to undertake refugee status determination, and the MoU allows the agency one month (later amended to 90 days) to examine asylum claims, and six months (later amended to one year) for resettlement to take place (Malkawi, 2014; Stevens, 2013). Despite historically offering most Palestinian refugees in Jordan citizenship, Jordan has in recent decades consistently rejected the possibility of permanent integration for non-Palestinian refugees (Içduygu and



Nimer, 2020), a commitment which continues to shape asylum policy and practice in the country.²

The MoU, however, which is “unenforceable and [has] little legal weight” (Clutterbuck et al., 2021: 52), in practice offers a poor representation of the refugee recognition regime in Jordan. It was agreed at a time when Jordan was hosting only around 5,000 registered asylum seekers and refugees (in contrast to around 750,000 in 2021), and appeared neither to envisage, nor be written for, contexts of mass displacement (Kagan, 2012). While the existence of a formal timeframe on asylum seekers’ and refugees’ presence in Jordan serves the function of establishing the principle that their stay is temporary (Stevens, 2013), Jordan has now hosted hundreds of thousands of Syrian refugees for almost a decade, and tens of thousands of Iraqis for even longer.

In the context of non-accession to the 1951 Convention, no regional refugee regime, no specific domestic legislation focused on asylum seekers and refugees, and an MoU that offers little guide to practice on the ground, the government’s refugee policy is “remarkably underarticulated” (Francis, 2015). The legal status of those seeking international protection in Jordan is therefore very worthy of in-depth investigation, yet too little attention has been paid to this issue, both in Jordan and more broadly (Costello et al., 2020; Qumri and Turner, 2022).

Like many aspects of asylum governance in the country, the status of protection seekers is heavily shaped – indeed, dependent on – the nationality of the person seeking protection. I will therefore first address the largest cohort under discussion in this paper – Syrians – before detailing the situation for Iraqi, Sudanese and Yemeni protection seekers.

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 protection, fulfilling the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention” (UNHCR, 2017: 5). As Janmyr (2018) has argued, while the legal meaning of a “refugee movement” is unclear, in the context of Syrians in the states neighbouring Syria it appears to function as a de facto *prima facie* refugee recognition regime, although it is important to note that no such regime has formally been declared. Syrians who approach

² Interview JO12



UNHCR in Jordan are registered as 'persons of concern' to the agency, and upon completion of that process are given a (renewable) asylum seeker certificate that – at least prior to the pandemic – was valid for one year (Qumri and Turner, 2022). Jordan, however, effectively closed its borders to the vast majority of Syrians seeking asylum in 2015. Palestinians from Syria who seek protection in Jordan fall under UNRWA's mandate, and if they are registered with UNRWA in Syria, UNRWA in Jordan records (rather than re-registers) them in Jordan (Akram et al., 2015: 61).

For protection seekers from countries other than Syria, the situation is more complex. As is documented by Dallal Stevens, over the course of the 2000s, Iraqis were subject to individualised refugee status determination, a temporary protection regime (the scope of which was disputed by the government) and then a *prima facie* regime (Stevens, 2013). This latter regime was established in January 2007 for Iraqis from south and central Iraq, in a period of time which Iraqis were subject to increasing visa and border restrictions (Stevens, 2013). But it was lifted in September 2012, at the time of a rapid increase in the number of Syrians entering Jordan to seek international protection. To direct capacity to the Syria crisis, the registration of Iraqis with UNHCR in Jordan was even suspended for five months in 2012, and when it resumed, Iraqis arriving in Jordan were again subject to an individualised refugee status determination process (UNHCR, 2012). Individual refugee status determination processes were also in place for other nationalities seeking protection in Jordan, such as Sudanese and Yemenis.

In the context of the Iraqi crisis, UNHCR's attempts to find protection mechanisms other than those outlined in the MoU were in part an attempt to reduce the reliance on the resource-intensive individual refugee status determination processes, which also carried a risk of rejection (Stevens, 2013). In a sense therefore, it foreshadowed the wider shift in UNHCR policy, decided in March 2015, which was to “conduct RSD only for cases designated as urgent or emergency, a designation which is made on the basis of vulnerability” (Mennonite Central Committee, 2017: 9). Many Iraqi, Sudanese and Yemenis in Jordan who were seeking protection would henceforth be registered as asylum seekers but would not gain official refugee status, unless they were, for example, going through the process of resettlement to a third state (Mennonite Central Committee, 2017).

January 2019 brought a further important shift in the legal status of those seeking protection in Jordan, upon the announcement of Resolution 2713A (Human Rights Watch, 2019). In a move that UNHCR described as a “major shift in government policy,” the



Jordanian government “requested UNHCR to suspend registration” of those who had arrived in Jordan on visas for medical care, work, tourism, or study (UNHCR, 2021a). Given that for many people there are very few legal avenues to reach Jordan from – for example – Sudan or Yemen without having one of the aforementioned visas, this legislation is very concerning from the viewpoint of refugee protection.

The relative lack of protection for protection seekers from these states must be understood as part of a broader context. Firstly, it arguably represents the wider marginalization of these communities within asylum policy and humanitarian practice in Jordan (see Johnston et al., 2019), who have been “forgotten” by the international community.³ Many donors restrict their financial support to Syrian and Jordanian communities (or at least heavily prioritise those groups), although the US Bureau of Population, Refugees and Migration (BPRM) was independently mentioned by multiple interviewees as a rare and welcome exception to this policy.⁴ Secondly, one interviewee diplomatically proffered that there is a “broader conversation” among the government, donors, and humanitarian sector, about the “origins of some people and what it means to be an asylum seeker or refugee in Jordan.”⁵ The government’s policy implies that one can either be an asylum seeker/refugee or a labour migrant, medical tourist or student. Such a proposition, which fails to reflect the complex reality of displacement (Crawley and Skleparis, 2018), also appears in government policy towards work permits, as will be discussed later on. There is increasing (although still relatively limited) advocacy on behalf of these communities, and for the adoption of a ‘one refugee approach’ (i.e. for the same treatment regardless of nationality), but progress towards actualising this approach has been very slow.⁶

In this context, it is the ability to register with UNHCR, and to receive an asylum seeker certificate, rather than refugee status itself, that is central to protection seekers’ status in Jordan, as well as their (albeit varied for different nationalities) security of residency, ability to work, access to healthcare, and a range of other services (see Qumri and Turner, 2022). When asylum seekers are being considered for resettlement, the process of refugee status

³ Interview JO8; Interview JO12.

⁴ Interview JO8; Interview JO10.

⁵ Interview JO8.

⁶ Interview JO13; Interview JO12.



determination is again different for Syrian refugees specifically. UNHCR's designation of Syrians as – in one interviewee's words – a “refugee-like” population enables a “more streamlined approach,”⁷ known as the merged procedure (see Fisher, 2020; Janmyr, 2018). The resettlement team attempts to select those with the highest chances of being resettled, while sending those whose cases might generate exclusion concerns (so-called “depro profiles”) to the RSD team, who assess whether their case can move forward. For those without “depro profiles,” formal individualised refugee status (often a precondition of resettlement for resettlement states) can be conferred by the resettlement team, rather than being referred to, or investigated by, the RSD team. As has been explored in an ASILE Working Paper, these developing interconnections between refugee registration, refugee status and refugee resettlement have been underexplored and merit further research. Much of the existing literature on refugee recognition is focused on formal, individualized RSD conducted by governments in the Global North, rather than on contexts like Jordan (Costello et al., 2022).

Vulnerability

Vulnerability has become a “key word” in humanitarian work with protection seekers in Jordan.⁸ In a context of protracted crises, limited funds, and overwhelming humanitarian need, finding the ‘most vulnerable’ has become the central discursive way of understanding how to undertake humanitarian targeting. While the search for the ‘most vulnerable’ has been noted in a range of contexts (e.g. see Janmyr and Mourad, 2018; Sözer, 2019; Turner, 2021b), the Jordanian context has been a key site for developing new structures and methods for identifying and targeting the ‘most vulnerable’ refugees.

Central to these efforts is the Vulnerability Assessment Framework (VAF), which was developed with the support of the World Bank and introduced in 2014 specifically for Syrians living in non-camp settings. It was introduced in response to both the inadequacies of the ‘group approach’ to vulnerability (that designates those falling into a specific demographic as vulnerable) and because many organisations were using different tools to collect and analyse data about refugee vulnerability (Khogali et al., 2014; UNHCR, 2015).

⁷ Interview JO14.

⁸ Interview JO3.



VAF is centred on a predicted expenditure welfare model, but takes into account a range of factors including coping strategies, education, food security, health, shelter, and WASH (see UNHCR, 2019). While until now VAF has only been for Syrian refugees, the next iteration of VAF, for which the fieldwork began in summer 2021, will include Syrians living in camps and “non-Syrian” refugees living in host communities.⁹

VAF is based on both population studies and home visits. Population studies are large scale surveys conducted on a regular basis (e.g. after two years) to understand the dynamics of vulnerability within Jordan via a representative sample, taking into account factors such as and case size and region within Jordan. These population studies can track how vulnerability is changing over time. Secondly, VAF home visits, of which UNHCR typically conducts over 5,000 a month,¹⁰ are used to collect data on a specific case, which is then assessed relative to the models developed from the household survey. This analysis produces ‘VAF scores,’ or ‘VAF indicators,’ which are categorised into one of four levels: 1) low vulnerability, 2) moderate vulnerability, 3) high vulnerability and 4) severe vulnerability. VAF therefore both monitors vulnerability in the overall population, while enabling targeting for services and referral pathways.¹¹

Multiple interviewees emphasised that the scale of needs among the Syrian refugee population vastly outstrips the funds and support that is available for them. This was true before the COVID-19 pandemic and has increased significantly since March 2020.¹² VAF – and the VAF scores given to ‘cases’ – are therefore used in the targeting of assistance. For example, in UNHCR’s cash assistance programme, which supports over 30,000 Syrian refugee families (and 3,000 families of other nationalities), receiving one of the highest VAF scores is a necessary – but not sufficient – criteria for being eligible for cash assistance. The depth of data that VAF provides, one interviewee said, furthermore helps to ensure that those who need the assistance the most are not being ‘missed.’¹³

⁹ Interview JO13.

¹⁰ Interview JO13.

¹¹ Interview JO11.

¹² Interview JO8; Interview JO11; Interview JO13; Interview JO15.

¹³ Interview JO13.



Perhaps surprisingly, given its aforementioned focus on socio-economic vulnerability, VAF also plays a role in the identification of refugees for possible resettlement from Jordan.¹⁴ While those who are resettled from Jordan must meet at least one of the seven criteria outlined by UNHCR for resettlement (legal and/or physical protection needs, survivors of violence and/or torture, medical needs, women and girls at risk, family reunification, children and adolescents at risk, lack of foreseeable alternative durable solutions - (see UNHCR, 2011)), VAF has become the starting point through which those cases are identified. According to one interviewee, the team looks at those with the highest VAF score, which they described as “the highest poverty rating,” in order to create “a very initial pool” of people with high socio-economic needs. They explained that “while that’s not a criteria for resettlement itself, typically when you bring those cases into interview and talk to them about their situation you find that there is a legal and physical protection need, woman at risk, child at risk as a result.”¹⁵

UNHCR, however, is far from the only actor to undertake large scale vulnerability assessments in Jordan. The World Food Programme (WFP), for example, which runs a large-scale food assistance programme, published the Comprehensive Food Security and Vulnerability Assessment in 2019 (see World Food Programme, 2019), which was one of a series of similar assessments it has conducted since the beginning of the Syria crisis. This assessment serves multiple purposes. Not only does it attempt to allow the agency to present data to its donors (in a challenging context of ‘donor fatigue’) but it also serves to improve the agency’s understanding of the landscape in Jordan, and how food security and vulnerability to food security are developing.¹⁶

The concept of vulnerability has also become an increasingly popular and important way to express the needs of Jordanian populations (Lenner and Turner, 2021). The Jordanian government requires that organisations working with asylum seekers and refugees also include ‘vulnerable Jordanians’ as a proportion of their beneficiaries. The ways that the vulnerability of Jordanian populations is assessed, however, is often different when compared to refugees. For example, in the aforementioned WFP Comprehensive Food Security and Vulnerability Assessment, ‘vulnerable Jordanians’ were defined as those who

¹⁴ Interview JO14.

¹⁵ Interview JO14.

¹⁶ Interview JO3.



are provided aid through the National Aid Fund, an autonomous institution operating within the Ministry of Social Development, and the ministry's main poverty reduction programme (World Food Programme, 2019: xv–xvi). The vulnerability criteria in this assessment were therefore – in practice – delegated to the Jordanian government. In other contexts where organisations are working with both Syrians and Jordanians, or with protection seekers of other nationalities, the vulnerability assessments are sometimes done through simplified versions of the vulnerability assessments undertaken for Syrians.¹⁷

Yet, despite the centrality of vulnerability and vulnerability assessments to asylum governance in Jordan, central questions about the meaning of the term vulnerability remain unanswered, and the term is heavily contested among and between humanitarian actors. VAF defines vulnerability as “[t]he risk of exposure of Syrian refugee households to harm, primarily in relation to protection threats, inability to meet Basic Needs, limited access basic services [sic], and food insecurity, and the ability of the population to cope with the consequences of this harm” (UNHCR, 2015: 65). While VAF does therefore provide a definition of vulnerability, the original VAF baseline survey itself notes the tendency of humanitarian actors to conflate ‘vulnerability’ with ‘poverty’ (UNHCR, 2015), and multiple interviewees acknowledged that the word was both hard to define, and used in a range of ways by different actors.¹⁸

Furthermore, while “vulnerability” is a very widely-used term in the humanitarian response *in English*, there is no straightforward vernacular translation of the term in Arabic.¹⁹ Indeed, one interviewee stated that they even had difficulty explaining their work in Arabic (their native language) because of the absence of a straightforward translation of the term.²⁰ Two terms that are sometimes used are al-d‘uf (الضعف), which would more commonly be translated to ‘weakness,’ or hashashat al-awda (هشاشة الاوضاع), which might be translated as ‘fragility of the situation.’²¹ Immediately the two definitions have, at the very least, a different emphasis, with the former arguably directing attention towards people, and the latter towards the circumstances in which people are in. Furthermore, both arguably offer

¹⁷ Interview JO2.

¹⁸ Interview JO2; Interview JO13; Interview JO15

¹⁹ Interview JO3; Interview JO4; Interview JO9

²⁰ Interview JO4.

²¹ Interview JO4.



ideas that are conceptually distinct from prevailing humanitarian notions of vulnerability (in English). Furthermore, the association of the term al-d'uf with 'weakness,' rather than 'vulnerability' has caused problems when working with beneficiaries, with one interviewee reporting that the potential beneficiaries were offended when they understood that they were 'accused' of being 'weak.'²²

These questions of translation, which are typically unmentioned in policy reports, raise a number of important questions. Firstly, they demonstrate the continued dominance of the English language, and its concepts, in humanitarian settings where English is not the predominant language of the host population or the refugee population. Is the dominance of English compatible with the "localization" agenda in humanitarianism, which has occupied an increasing central place in humanitarian discussions in recent years? It also arguably demonstrates a "disconnect" between humanitarian actors and the populations they serve: the challenges of the latter are discussed and evaluated in the language and conceptual frameworks of the former. Furthermore, 'vulnerability' is only one of the terms that is both very popular in the humanitarian lexicon and that presents this kind of challenge.²³ The ways in which this potential 'disconnect' shapes and influences asylum governance and humanitarian work with protection seekers will be the subject of further investigation.

Working Rights

The right to work is not consistently given to asylum seekers and refugees in Jordan, and the issue has been very politically contested. All asylum seekers and refugees in Jordan who wish to work legally in the formal labour market (in the sectors not reserved for Jordanians (see Ministry of Labour, 2016)) must acquire a work permit, and until 2016 these were only rarely given to any nationality of asylum seekers and refugees. The permits were not only often prohibitively expensive, but also tied an individual to a specific employer for a period of a year, which often reflected neither protection seekers' preferences, nor the reality of working relationships 'on the ground' (Lenner and Turner 2019). Prior to 2016,

²² Interview JO4.

²³ Interview JO9.



therefore, these permits were typically obtained by those who were economically better-off, or who could gain a status of an ‘investor’ in Jordan (Turner, 2015).

For Syrian refugees, however, this changed significantly in 2016 with the introduction of the Jordan Compact (Government of Jordan, 2016), a new instrument that sought to facilitate access to the formal labour market for Syrians in Jordan. In the Compact – essentially an agreement between the Jordanian government and its donors and partners - the government committed to allowing as many as 200,000 Syrians to obtain work permits in the coming years, with donors committing to offer significant financial aid to support the initiative (see Lenner and Turner, 2019). In the intervening years, this has led to a wide range of reforms: amendments to work permit regulations, especially in agriculture and construction; new kinds of work permits; partnerships with the textile sector; and multiple renegotiations of the EU-Jordanian Rules of Origin, under which Jordanian businesses can export to the EU (Turner, 2021a).

Further reforms to allow for greater flexibility were being discussed at the time of fieldwork.²⁴ For example, as a result of a funding agreement with the World Bank, in mid-2021 flexible work permits (i.e. permits for a specific job within a sector, but not tied to a specific employer) began to be issued for service and sales workers, skilled agricultural, forestry and fishery workers, and craft workers, among others (see UNHCR, 2021b). This means that ‘flexible’ work permits are now available beyond agriculture and construction, in which they had been being issued for some time. Interviewees also discussed the hope that the government may eventually allow permits enabling a permit holder to do the same job for any employer within any sector.²⁵ Nevertheless, there was some unclarity about the details and especially the timeframe of proposed reforms,²⁶ which perhaps in part reflects the broader opacity that surrounds much of Jordan’s asylum governance (see Qumri and Turner, 2022).

In the period from the beginning of January 2016 to the end of December 2020, more than 215,000 work permits were issued to Syrians (Ministry of Labour, 2021), which is a notable achievement. Syrian unemployment, furthermore, appears to have dropped significantly

²⁴ Interview JO6; Interview JO8.

²⁵ Interview JO8.

²⁶ Interview JO6; Interview JO8.



since the Compact (Tiltnes et al., 2019). Nevertheless, these apparently impressive numbers do not tell the whole story. Firstly, the headline figure of over 215,000 work permits can be misleading, because this figure includes all of the permits issued, even if several were issued to one person (e.g. if they were changing sectors, or renewing a permit). It is much more challenging to find data that clearly shows how many permits are valid at any one point, although in mid-2019 it was quoted as being only 45,000 (Gordon, 2019). Furthermore, multiple reforms to work permit regulations took place, largely in an effort to increase the number of work permits issued, which had become a key donor metric. These reforms included some work permits being issued for much shorter periods of time, including for ‘cash for work’ projects, which many NGOs do not consider to be jobs, or even to fall under the remit of livelihoods work, but rather short-term protection interventions.²⁷ Nevertheless, some ‘cash for work’ projects could issue short-term work permits, which counted towards the numbers quoted above.

Therefore, in many important ways, the Compact has failed to achieve its vision (even as it met some formal targets). Importantly, a key part of the impetus for the formalisation of Syrian labour in Jordan was the idea that formal labour would lead to Syrians taking part in (at least more) *decent* work. In practice, however, in line with the overall structure of the Jordanian economy, lots of the work that is plausibly available to Syrians is precarious, badly paid, and short-term (Lenner and Turner, 2019).²⁸ Work permits, therefore, are in many cases tied to work that could not be considered decent work, or to work that in practice mirrors the informal sector.²⁹ Indeed, the 2019 population study of the Vulnerability Assessment Framework found that while “the presence of work permits increases expenditure per capita and income per capita...average income from employment falls below... the level of expenditure necessary in order to meet basic needs” (UNHCR, 2019: 79–80). This latter statistic was applicable, it states “[f]or all sectors of the economy” (UNHCR, 2019: 80). This might raise questions over the extent to which holding a work permits enables refugees in Jordan to access sustainable livelihoods, given the nature of the work available to them within the broader Jordanian labour market.

²⁷ Interview JO2.

²⁸ Interview JO7.

²⁹ Interview JO2.



In part, the challenges of the Compact are due the fact that many stakeholders – most glaringly Syrian refugees themselves – were not meaningfully or sufficiently consulted about the shape of the Compact or, for example, about the kinds of sectors in which they might want to work (Lenner and Turner, 2018).³⁰ But while work permits do not typically appear to have brought decent work, as it was hoped they would, according to the International Labour Organisation many Syrians holding work permits reported that they felt the chances of being imprisoned or deported (for working without a permit) had reduced, even if the permit had not improved their rights or conditions at work specifically (International Labour Organization, 2017). Such security is of course very valuable, given the large numbers of Syrians who have been deported by Jordanian authorities over the past decade (e.g. see Human Rights Watch, 2017).

Another key question of equity is gendered access to work permits. Since the outset of the Compact, the proportion of work permits allocated to Syrian women has remained very low. In the five-year period between the start of January 2016 and the end of December 2020, only around 5% of work permits issued to Syrians were given to Syrian women. There has been a very small amount of progress over time, for example with Syrian women being issued 6.8% of the work permits given to Syrians in the calendar year 2020, in comparison to 5.8% in 2019, but the inequalities remain vast (International Rescue Committee, 2021). The reasons for this low uptake, as explained by interviewees and numerous research papers, include non-Jordanians being excluded from multiple sectors in which women would prefer to work, the location of plausible workplaces and a lack of public transport to them, domestic and care work and a lack of childcare provision, the pre-existing very low rate of labour market participation by Jordanian women, as well as cultural considerations about mixing with men in workplaces (Barbelet et al., 2018; Lenner and Turner, 2019).³¹

One of the most glaring shortcomings in the Compact is its exclusive focus on Syrian refugees, rather than all asylum seekers and refugees in Jordan. All other nationalities remain under the general provisions for non-Jordanian workers, which are in practice very restrictive, in large part due to the high costs of the permits, and the fact that the stipulations

³⁰ Interview JO8.

³¹ Interview JO1; Interview JO6; Interview JO8.



of the permit regime (e.g. about length of employment, not moving between employers) did not reflect the reality of prevailing work practices in many sectors. While some of the reforms to work permits have been extended to all non-Jordanian workers (i.e. not just Syrians), the absence of fee waivers (which Syrians have) means that these permits remain practically inaccessible to many, and again there is significant unclarity about the wider applicability of these reforms (Qumri and Turner, 2022). Nevertheless, figures from the Ministry of Labour stated that in 2019 8371 Yemenis, 817 Iraqis and 686 Sudanese were given work permits (Ministry of Labour, 2020). It is very unclear, however, how many of those given work permits are registered with UNHCR. Further complicating the picture, while previous research has indicated that it is possible to hold both statuses at once (see Johnston et al., 2019; Mennonite Central Committee, 2017), recent investigations have indicated this is no longer the case. A Human Rights Watch investigation – the results of which were confirmed by multiple interviewees³² – detailed that (in this instance Yemeni) asylum seekers were being told that, if they wish to obtain a work permit, they must give up their Asylum Seeker Certificate, and thus status as an asylum seeker in Jordan (Human Rights Watch, 2021). According to a World Food Programme study, the biggest reason cited by Iraqi, Yemeni, Sudanese and Somali protection seekers for not working is fear of apprehension by the authorities for working without a permit (World Food Programme, 2019: 51–52).

This landscape was of course fundamentally altered by the course of the COVID-19 pandemic in Jordan. As the country entered an early and strict lockdown in March 2020, extensive restrictions were placed on the movement of camp residents, many sectors were temporarily shut down, and schools and universities were closed (Dhingra, 2020). In the period since Jordan has, like most countries, been subject to a range of regulations of varying strictness and effectiveness. While the details of those changing restrictions are beyond the scope of this paper, the overall effects of the pandemic on Jordan have been severe. Jordan has registered over 780,000 cases of coronavirus, with more than 10,300 deaths by August 2021 (Roya News, 2021). According to a World Bank/UNHCR study, poverty increased by 38 percentage points among Jordanians and 18 percentage points in Syrians over the course of 2020 (Jordan Times, 2020). Economically, the economy shrank by 1.6% (its first year recording negative growth in 30 years), public debt reached 88% of GDP at the end of 2020, and unemployment rose to record levels: 25% in the fourth quarter of 2020, with youth

³² Interview JO8; Interview JO12.



unemployment standing at 55% (see also International Labour Organization and Fafo, 2020; International Monetary Fund, 2021).

Perhaps unsurprisingly, interviewees highlighted that tens of thousands of Syrian refugees were at risk of falling into poverty, due to the shutdowns, deteriorating economic context and the lack of daily labour opportunities on which many relied.³³ Interestingly, another interviewee commented that the pandemic revealed that households they were working with, and had “regarded as having stable income generating opportunities very quickly depleted [their] savings and adopt[ed] negative coping mechanisms.”³⁴ The pandemic of course caused hardship and poverty, but also revealed that the pre-COVID context was perhaps more fragile for many families than previously recognised by organisations working with them.

However, according to interviewees, there have been a range of other consequences of the pandemic on access to work for protection seekers. One interviewee specifically cited the higher unemployment rate among Jordanians as a potential obstacle to making further progress on access to work for refugees.³⁵ This reflects a long-standing dynamic in which Syrians and Jordanians are perceived to be in competition for jobs, despite evidence suggesting that Syrians are overwhelmingly ‘competing’ with other non-Jordanians, particularly Egyptians (ILO and Fafo, 2015; Lenner and Turner, 2019). At the same time, however, one interviewee described how the pandemic, and in particular the economic damage it has caused to the Jordanian economy, triggered a concerted effort on behalf of multiple stakeholders (e.g. donors, development partners, the Jordanian government) to re-engage with questions of livelihoods and economic self-reliance. Although finding the necessary synergies is a slow process, the economic fallout from the pandemic “has brought everyone to the table in... a different way.”³⁶

Another noticeable result of the pandemic has been the acceleration of, or at the very least increased interest in, the regularization of Syrian businesses. Many actors had hoped that home-based businesses in particular would help to correct the gender imbalance in the work

³³ Interview JO12; Interview JO13.

³⁴ Interview JO2.

³⁵ Interview JO8.

³⁶ Interview JO8.



permit scheme. However, the bureaucratic, expensive, and time-consuming processes that were necessary to register a small or home-based business were off-putting for many, who understandably could not see regularization offering them sufficient benefits to justify going through the process.³⁷ Perhaps most importantly, registering a business would often cost more than one stood to gain.³⁸ During government lockdowns, however, government aid was provided to businesses that were formally registered. Perhaps for the first time, many saw a tangible benefit of registering their business, and the demand for registration and formalisation has increased significantly, which one interviewee attributed to the ways that aid that was given to such businesses in the pandemic.³⁹

Conclusion

Jordan's refugee policies are "remarkably underarticulated" (Francis, 2015). In that context, this paper has attempted to shed light on the complex and at times opaque situation for people seeking international protection in Jordan. It has demonstrated that seeking asylum seeker or refugee status in Jordan depends heavily on the nationality of the person seeking international protection. While Syrians who were able to reach Jordan have been subject to a *de facto prima facie* recognition regime, and are widely referred to as Syrian refugees, access to the asylum system has effectively been cut off since early 2019 for other nationalities such as Sudanese and Yemenis. For those who can register with UNHCR, the vast majority remain asylum seekers, unless they are being considered for resettlement, in which case a full Refugee Status Determination procedure is conducted.

Those who are able to register with UNHCR, and are recognised as asylum seekers, have needs that vastly outstrip the resources and in particular funding that is available to support them. This is true for all nationalities of protection seekers, but particularly true for Iraqis, Sudanese, and Yemenis. In this context of scarce resources and overwhelming need, humanitarian agencies regularly (and increasingly) deploy and draw upon different assessments of 'vulnerability' to understand the needs of the populations they work with, and to distribute

³⁷ Interview JO1; Interview JO6; Interview JO8.

³⁸ Interview JO2.

³⁹ Interview JO2.



funds and resources. Despite the increasingly centrality of both the concept of vulnerability and vulnerability assessments to asylum governance in Jordan, understandings of vulnerability remain varied and contested, and no clear vernacular equivalent to the term exists in Arabic. In particular, the socio-economic focus of many vulnerability assessments has led to (or perhaps reinforced) concerns about the conflation of vulnerability and poverty.

In this context of extreme need, the ability of Syrian refugees to apply for work permits under the Jordan Compact is undoubtedly a positive aspect of Jordan's asylum governance. The decision to open its formal labour market to Syrians stands in sharp contrast the decisions of many other governments hosting large numbers of protection seekers (in the region and elsewhere), and for that the government should be commended. Nevertheless, while in some ways the Compact has led to improvements in Syrians' legal status and material conditions, this paper has demonstrated the extensive challenges that the Compact has encountered. These include the focus on increasing work permit numbers (which can differ from those in work), the lack of access to *decent* work, the relative lack of permits issued to Syrian women, and the bureaucratic and costly procedures for registering businesses. The exclusion of other nationalities of protection seekers from the Compact furthermore remains one of its greatest flaws.

In providing this analysis, this interim report highlights areas for future research, which will be undertaken as part of the ASILE project. This future research will continue to focus on questions of status, vulnerability and working rights, and in particular on the interactions between these three areas. This further research will expand the data collection from key UN agencies, NGOs and civil society organisations, particularly in terms of areas where it was harder to obtain data through online interviews. Importantly, it will incorporate the perspectives of governmental actors and protection seekers of different nationalities in Jordan, neither of which was possible in the initial online fieldwork on which this report is based.

Specifically, this future research will seek to understand how and why the political context in Jordan is narrowing the space for some nationalities to seek protection. It will examine the effects of these policies, and how humanitarian actors are responding. Furthermore, it will seek to better understand how the 'merged procedures' of refugee status determination and resettlement, and the 'strategic use' of refugee status determination, are being implemented on the ground. In terms of vulnerability, the aforementioned expansion of the Vulnerability Assessment Framework to a wider range of nationalities and settings means that further



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research is required to understand the consequences of the expansion of these assessments. This will be done with attention to, as this interim report highlighted, the multiple and contrasting attempts to define, translate, and communicate the idea of vulnerability. The situation for working rights for protection seekers continues to evolve, particularly in the ongoing pandemic context. Yet considerable unclarity remains about how these changing regulations are being implemented, and how working in Jordan interacts with status as an asylum seeker, and these will both be topics of future research. It is hoped that both this interim report, and the future research to be done, will help to shed light on important developments in asylum governance in one of the world's major refugee hosting countries.



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Annex 1: Interviewees

No.	Interviewee	Organisation	Place	Date (2021)
1	JO1	Civil society organisation employee	Online	22 March
2	JO2	International organisation employee	Online	16 April
3	JO3	UN agency employee	Online	22 April
4	JO4	UN agency employee	Online	4 May
5	JO5	UN agency employee	Online	27 May
6	JO6	UN agency employee	Online	31 May
7	JO7	International organisation employee	Online	7 June
8	JO8	UN agency employee	Online	7 June
9	JO9	Civil society organisation employee	Online	10 June
10	JO10	International NGO employee	Online	10 June
11	JO11	International NGO employee	Online	11 June
12	JO12	Grassroots organisation representative	Online	15 June
13	JO13	UN agency employee	Online	16 June
14	JO14	UN agency employee	Online	17 June
15	JO15	International NGO employee	Online	22 July