



HAL
open science

Protection, mobility and livelihood challenges of displaced Iraqis in urban settings in Jordan

Géraldine Chatelard, Oroub El-Abed, Kate Washington

► To cite this version:

Géraldine Chatelard, Oroub El-Abed, Kate Washington. Protection, mobility and livelihood challenges of displaced Iraqis in urban settings in Jordan. [Contract] International Catholic Migration Commission. 2009. halshs-01964206

HAL Id: halshs-01964206

<https://shs.hal.science/halshs-01964206>

Submitted on 21 Dec 2018

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

Protection, mobility and livelihood challenges

of displaced Iraqis in urban
settings in Jordan



May 2009; with updates October 2009

Protection, mobility and livelihood challenges

of displaced Iraqis in urban
settings in Jordan

Principal author: **Géraldine CHATELARD, PhD.**

Together with: **Oroub EL-ABED and Kate WASHINGTON**

Editorial direction and support: **Alanna RYAN and John K. BINGHAM, ICMC**

This study has been prepared by the International Catholic Migration Commission, with the support of the Swiss Federal Department of Foreign Affairs. The views expressed do not necessarily reflect those of the Swiss Federal Department of Foreign Affairs.

Cover photo: © UNHCR/P.SANDS

Publication design and layout:  *messaggio studios* Alby sur Chéran, FRANCE

Printed by:  *natura print* Alby sur Chéran, FRANCE

Published by: International Catholic Migration Commission

1, rue de Varembé 1211
Geneva SWITZERLAND

+41 22 919 10 20

www.icmc.net

Copyright ©ICMC 2009



TABLE OF CONTENTS

Executive summary	2
Introduction	4
I. Key concepts: Definitions and challenges	6
Urban refugees	6
Protection and “guest” status: A regional perspective	6
Vulnerable Iraqis	9
II. Context	10
Human insecurity in Iraq	10
Family ties and the diaspora community	11
Legal categorisations in Jordan	13
Loss of human capital	14
Impeded mobility	15
III. Approaches to assistance and protection	16
The human security approach	16
The refugee approach	17
The development approach	18
The national security approach	19
IV. Unmet protection needs	20
Profiles in need of specific protection	20
Limited access to social services and education	21
Limited support for victims of violence and trauma	22
V. Laying a foundation for durable solutions:	
Essential elements and practical recommendations	24
Acknowledging complexity, durability and the cyclical nature of movements	24
Seeing human security as complementary to national security	25
Weighing opportunities and obstacles for refugees in urban settings	26
Addressing vulnerabilities posed by temporary “guest” status	27
Practical recommendations for promoting durable solutions	28
1. Restore mobility	
2. Restore families and communities	
3. Restore livelihoods	
4. Prepare preconditions for return	
Appendix: Methodology and contacts	30

EXECUTIVE SUMMARY

This is a study of Iraqis displaced in Jordan, taking particular note of the urban settings in which the largest number of Iraqis have settled and of their specific status as “guests.”

It aims to inform near- and long-term planning regarding—and necessarily involving—Iraqis throughout the region, as well as to contribute a case study on this particular group of displaced persons to the development by UNHCR and other actors of policies that might be broadly applicable regarding refugees and other persons of concern in urban settings.

That the great majority of Iraqis in Jordan choose to live in its cities is clear. What also is clear is that for most of those displaced, whether a function of their individual thinking or of government policy, the choice to stay in Amman or some other city is not, or manifestly cannot be, permanent. Indeed, only a few have been able to obtain long-term residency or immigrant status; only a relatively small number are even registered as refugees or asylum seekers.

Regardless of where they are living, their legal status or the timeframe they might envision for their stay in Jordan, most of the displaced Iraqis face difficulties and traumas often multiple in nature, dealing with the loss of their former lives, homes, jobs and communities inside Iraq and the death, brutalisation or scattering of members of the family and household. For large numbers of Iraqis in Jordan, each new day deepens the anxiety of diminishing resources—and prospects—even in a country generous with refuge.

The study was prepared by the International Catholic Migration Commission (ICMC) with the support of the Swiss Department of Foreign Affairs. It examines the motivations, current context and effects of both the Iraqi displacement and this conspicuous urban preference, framing central issues and approaches to assistance and protection for the Iraqis during their displacement and beyond. Moreover, given that not only the governments in the region and international community but also the Iraqis themselves recognise the need for—and difficulty of crafting—durable solutions, the paper develops a coherence between human and national security and development perspectives, between particular obstacles and opportunities that arise for refugees and others displaced in urban settings, and among status-related vulnerabilities.

Concluding that short-term humanitarian approaches focused on relief, are, by nature, insufficient for addressing the long-term challenges posed by this particular displacement situation, an alternative approach is suggested. This new approach offers an effective foundation upon which the continuum of short and long-term relief and development programs can build, actively engaging each of the actors concerned, including those who are themselves displaced.



The result is a set of four practical recommendations that can help to lay the foundation for durable solutions, recommendations to:

1. RESTORE MOBILITY

Restoring the mobility of Iraqis is a key to improving their capacity to access existing social services, ensure contact with separated family members and maintain ties with Iraq. Rather than reopening borders between Jordan and Iraq, a legal status such as “temporary resident” would be highly appropriate. This temporary residency would need to secure the right of re-entry to Jordan, be it from Iraq or any other country. A limited regularisation of irregular Iraqis in Jordan could be carried out based on the model of previous campaigns for migrant workers, waiving overstay fines and without distinguishing between those who arrived in Jordan before or after the April 2003 regime change.

2. RESTORE FAMILIES AND COMMUNITIES

Restoring family unity and integrity, especially through facilitating cross-border reunification, should be a first priority—particularly considering that community formation will be difficult to achieve without first ensuring that families have been reunited. In a medium-term perspective, legal stability is required for restoring communities, followed by the right to form, at a minimum, non-political associations. Within this framework, the extensive capacities of the Iraqi exile community in Jordan must be mobilised through the establishment of Iraqi-run community-based organisations that would open social, educational, recreational and other activities on a non-discriminatory basis, to Iraqis and Jordanians alike.

3. RESTORE LIVELIHOODS

Iraqis should be systematically granted the possibility to earn their livelihoods through initiatives operated within Jordan, with a view however, to rebuilding the economy and society in Iraq. In fact, most local economic initiatives by Iraqis in Jordan are thought of in relation to Iraq (import/export in particular), or to other Iraqis in Jordan or in other countries of emigration and, in this sense, do not threaten the economic security of Jordanians. Continued international aid to Jordan will allow for an expanded capacity to include Iraqi migrants in the country’s development efforts.

4. PREPARE PRECONDITIONS FOR RETURN

Return should be envisioned as a process to be comprehensively prepared over time and one which will entail several voluntary steps, including preliminary return visits, which may concern only some members of a household, while others will opt to stay in Jordan or settle elsewhere. Refugees and displaced persons need not only to be able to gauge for themselves the level of security available at home, but also to be able to return or withdraw to a safe host country.

Concerned institutional actors, including the governments of Jordan and Iraq, should facilitate the endeavours of those who will want to go back to Iraq and make individual assessments prior to making decisions regarding return. Not only are such initiatives critical to inform those displaced of the legal, institutional and security contexts relevant for their reinstallation in Iraq, cross-border mobility and enhanced possibilities to concurrently maintain livelihoods and education opportunities in Jordan are instrumental preconditions to durable return to Iraq in the future.

INTRODUCTION

The recent situation of Iraqis in neighbouring host countries, including Jordan, has been the prominent subject of numerous reports and studies over the course of the last thirty months.

While many have been prepared by international organisations for advocacy purposes¹, others have attempted to analyse the impact that the arrival of large numbers of Iraqis has had on the Jordanian economy and political stability²; still others have been prepared by non-governmental organisations (NGOs) and international organisations for internal policy and operational purposes³.

Most all of these studies concur that Iraqi migrants within Jordan predominantly originate from urban areas in central Iraq (primarily from Baghdad) and belong, in their overwhelming majority, to the educated middle-class. Entire families have emigrated out of Iraq, many later becoming de-unified and modified in structure as family members scatter among numerous countries and female-headed households become more prevalent—a phenomenon particularly salient in Jordan, where Iraqis have largely settled in several neighbourhoods within Amman. Most lack recognition under a formal legal status that would permit them to temporarily or permanently reside or work within the host country.

International organisations and NGOs have strongly emphasised the growing humanitarian and protection needs of this latter population, whose particular vulnerabilities leave them especially exposed, and whose livelihood and security conditions are affected by a complex number of factors. While some have argued that the urban settings within which many displaced Iraqis are found impede the delivery of needed services and access to the most vulnerable, exacerbating, or at times creating, specific sets of vulnerabilities (especially for women and children), careful analysis proves that urban settings may nonetheless be the preferred situation for many displaced Iraqis who are, in their vast majority, educated middle-class urbanites.

Even for those who have neither been legally recognised as refugees nor granted a residency permit, urban settings in Jordan are facilitating opportunities to: (re)establish social relations with fellow Iraqis, as well as Jordanians; secure housing and informal jobs; avail themselves of UNHCR registration procedures; access social services and relief

1 See, for example, Amnesty International “Rhetoric and reality: the Iraqi refugee crisis” (2008); Human Rights Watch “The Silent Treatment: Fleeing Iraq, surviving in Jordan” (2006); International Rescue Committee “Five years later: A hidden crisis” (2008); Women’s Commission for Refugee Women and Children “Iraqi refugees in Jordan: Desperate and alone, humanitarian needs dire, US and International Community must act now” (2007).

2 Alissa, S. “Rethinking economic reform in Jordan: Confronting socioeconomic realities”, Carnegie Endowment for International Peace (2007); Fagen, P. W. “Iraqi refugees: Seeking stability in Syria and Jordan”, Institute for the Study of International Migration at Georgetown University and Center for International and Regional Studies at Georgetown University School of Foreign Service in Qatar (2007); Hodson, N. “Iraqi refugees in Jordan: Cause of concern in a pivotal State”, The Washington Institute for Near East Policy (2008); International Crisis Group “Failed responsibility: Iraqi refugees in Syria, Jordan and Lebanon” (2008); Saif, I. & M. DeBartolo, D. “The Iraq war’s impact on growth and inflation in Jordan”, Center for Strategic Studies, University of Jordan (2007).



3 See, for example, Chatelard, G., Washington, K. & El-Abed, O. "An assessment of services provided for Iraqis in Jordan" Austcare (2008); Duncan, J., Schiesher, D. & Khalil, A. "Iraqi asylum seekers in Jordan, a report of the International Catholic Migration Commission (ICMC)-United States Conference of Catholic Bishops (USCCB) mission to assess the protection needs of Iraqi asylum seekers in Jordan", ICMC (2007); International Medical Corps "Iraqi and Jordanian patient needs and perceptions survey report" (2008); Schinina, G., Bartoloni, E. & Nuri, R. "Assessment on psychosocial needs of Iraqis displaced in Jordan and Lebanon survey report", International Organization for Migration (2008).

4 This is not to suggest that registration with UNHCR in and of itself addresses or reduces all vulnerability, but rather to emphasise the additional vulnerability implied (if not widely appreciated) from non- or expired registration with UNHCR where no domestic legal status pertains. Indeed, at least one 2007-08 mission to Jordan observed that "the protection benefits derived from registration appear not to be well understood". "Evaluation of extended outreach, identification and referral of non-registered Iraqi refugee fragile families in Jordan: A joint UNHCR-ICMC mission" Final report, September 2008, p. 7.

5 Except for the Palestinians, whose particular case stems from the absence of a Palestine state. See further section 1.2 of this paper.

assistance; more readily communicate with and transfer money between family and other contacts in Iraq and in the diaspora; and, importantly, enjoy a degree of desired anonymity. The indisputable—and in many cases, increasing—vulnerabilities of many displaced Iraqis may therefore not be so much a consequence of urban settings as once thought, but rather more of a legal gap into which a significant number of individuals who are neither recognised under the mandate of the United Nations High Commissioner for Refugees (UNHCR), nor under current domestic migration regimes in Jordan have fallen⁴.

In the same way that the dynamics of Iraqi migration to Jordan may not be fully understood without a comprehensive analysis of the role and impact of urban settings, so too, must the importance and context of inter-Arab relations be taken into careful consideration. Iraqi migration to Jordan, even if largely driven by the enduring context of human insecurity in Iraq, takes place in the specific regional set-up of inter-Arab migration in which neither individual states, nor the Arab league—nor argu-

ably individuals themselves—conceive of other Arab nationals as "refugees"⁵. Rather, individuals displaced from other Arab states are broadly perceived as Arab brethren to whom the same type of rights as those accorded to nationals should be granted, with the exception of nationality. This approach has been translated into domestic migration laws in a number of Arab countries, which recognise foreign Arab nationals as a special category of individuals with explicit social rights and the systematic right of entry, residency and, at times, work. Differences between *de jure* rights and those enjoyed *de facto*, however, frequently differ, leaving individuals in varying degrees of vulnerability, and raising concerns among international organisations and NGOs.

KEY CONCEPTS: DEFINITIONS AND CHALLENGES

URBAN REFUGEES

In recent years, and particularly in developing countries, the number of refugees found in urban areas worldwide has increased considerably as compared to those hosted in camps or specific settlements, making them the object of great attention from UNHCR and from a growing number of scholars, whose methodologies, findings and analyses underpin this paper⁶.

“Urban refugees” have been defined by UNHCR and others in a number of ways, yet most all characterise urban refugees as generally more highly educated, from urban backgrounds and self-settled in urban areas⁷. Because of their background, the aspirations and expectations of this population frequently differ from those of rural refugees, and many find that urban settings offer better livelihood, social and self-sufficiency opportunities than rural or camp settings might.

Urban refugees are often not granted a legal status under international or domestic migration regimes and are intermixed among the population of the host country, rendering the identification of needs and the provision of assistance especially difficult, in addition to creating a specific set of protection challenges. Differentiated from irregular or undocumented migrants because of their inability to durably return to their home country due to conflict, general insecurity or violence experienced before flight, many urban refugees none-

theless find themselves in situations of vulnerability comparable to that of other irregular or undocumented migrants, living and working in potentially exploitative informal sectors. Various authors have stressed that urban refugees could be a tremendous asset to regional economies if legal avenues were opened to allow them to pursue productive lives within formal frameworks. As argued in this paper, this is precisely the case for a large portion of the several hundred thousand Iraqis who fled to Jordan before and after the 2003 Iraqi regime change and who cannot re-establish themselves in Iraq under the prevailing security conditions.

PROTECTION AND “GUEST” STATUS: A REGIONAL PERSPECTIVE

Not every Iraqi national in Jordan is necessarily a refugee. Alongside those who fled persecution from Iraqi regimes during previous periods, and those who have more recently escaped widespread insecurity in the country, Iraqi migration to Jordan is—and has been for decades—a mixed migration, originally of members of the urban elite, and, more recently, of the urban middle class. For a large number of Iraqis, it is less appropriate to talk of unidirectional migration than of a circular migration that may entail stays of several months in Jordan before returning again to Iraq. The dynamics of Iraqi migration to Jordan must be understood within two specific contexts.

⁶ For some of the most recent studies see: special issues of *Journal of Refugee Studies* (Vol. 19, No. 3, 2006) and of *Refugee* (Vol. 24, No. 1, 2007), Grabska (2005; 2006), Jacobsen (2001; 2006), Kibreab (1989), Sperl (2001), Fabos & Kibreab (2007).

⁷ See, for example, the definition proposed in “Policy and Practice regarding Urban Refugees, a discussion paper”, UNHCR, 1995 <http://www.unhcr.org/research/RESEARCH/3bd4254e7.html>.



8 Such a study may also be impossible to produce, due to the highly political nature of the phenomenon.

9 See Center for International Governance Innovation (CIGI) "Special Report, Minorities in Iraq: The Other Victims", p.6. <http://www.cigionline.org/publications/2009/1/minorities-iraq-other-victims>.

10 It is beyond the scope of this paper to enter into a discussion as to the legal meaning of protection. Suffice to say, the latter half of the twentieth century witnessed the unprecedented development and codification of international legal standards for the protection of individuals and included numerous universal and regional human rights instruments, the 1949 Geneva Conventions and their Additional Protocols of 1977 and the various instruments of refugee law (such as the 1951 Convention/1967 Protocol). Despite this indispensable step forward in the *de jure* protection of the individual, individuals—and refugees in particular—continue to suffer from both individual and group persecution, often in situations of armed conflict.

11 Owen, "R. State, Power and Politics in the making of the modern Middle East", New York: Routledge, p.71 (2004)

12 Shami, S. "Transnationalism and Refugee Studies: Rethinking forced migration and identity in the Middle East", *Journal of Refugee Studies*, Vol. 9, No. 1, p. 4 (1996)..

On the one hand, the economies of the two countries have been inter-dependent since the 1990-1991 Gulf War. On the other hand, human (in)security is unevenly distributed inside Iraqi territory. For many upper- and middle-class Iraqis, in particular residents of Baghdad, Amman represents an accessible urban centre with a number of services (health care, higher education, leisure, commercial outlets, etc.), which are unavailable or dangerous to access at home depending on where one resides. In addition, circular migrants come to Jordan to carry out economic transactions or part of their professional activities, to receive training, or for private, professional or political meetings, including with members of the Iraqi diaspora. These activities would be impossible or unsafe in several parts of Iraq.

Although it may be challenging to disaggregate categories and evaluate precise numbers in the absence of a comprehensive demographic study of the concerned population⁸, it remains important for specialised agencies to differentiate among:

- circular migrants who move back and forth between Jordan and Iraq and enter Jordan on a visa;
- those with a residency status that affords them legal protection under Jordanian migration law;
- those who are afforded protection through registration with UNHCR as asylum seekers or refugees;
- rejected asylum seekers who are therefore not granted protection under UNHCR's mandate;
- those who may be in need of protection because of gaps in Jordanian migration law, but who do not face livelihood challenges;
- those who need both protection and assistance.

Within these broad typologies, it is critical for specialised agencies to further differentiate the identification of and protection responses and/or assistance to:

- those who left Iraq under threat and violence and/or who may be less inclined to consider return an option;
- those who left Iraq, not because of the security situation, but because they were afforded the possibility to travel after years of seclusion inside their country and may be less opposed to the idea of return;
- those who have family or other connections to transnational networks in the diaspora and whose stay in Jordan is temporary, pending secondary migration (particularly when they do not have family members left behind in Iraq, which is also the case for many Christians and Mandeans)⁹.

Differentiation may further be made with regard to regional conceptions of protection and nationality. While protection remains an international, legally enshrined precept¹⁰, it also carries a particular understanding within inter-Arab political settings given that "*Arab states interact in a way that is unusual on account of their close ties of language, region and culture*"¹¹. Prominent in the allocation of mutual responsibility¹², these regional linkages shape both regional and Jordanian approaches, and affect the operations of international assistance providers and agencies whose mandate is protection.

The perspective of Jordan with regard to the protection of the Iraqis hosted within the country is inseparable from particular regional characteristics, namely, Arab nationalism or Pan-Arabism as a political ideology, or "Arabness" as a sense of common identity. However instrumentalised for narrow domestic interests, this

supra-national identity shapes inter-Arab relations and is balanced by individual Arab states' concerns for their sovereignty, which is officially recognised in the charter of the League of Arab States. The Arab League asserts that Arab states should conduct their relations primarily on notions of brotherhood rather than protocol¹³, yet, in terms of actual practice, *Realpolitik* has greatly influenced the principles of Arab unity in domestic policies throughout the region. In Jordan, the principles of Arab brotherhood are adhered to insofar as most Arab nationals are allowed entry without a visa, yet they are denied automatic residency and access to the labour market, except under specific bi-lateral agreements (such as an existing one with Egypt)¹⁴.

Moreover, the Palestinian experience has deeply affected the region on multiple levels, with one result being that the notion of "refugee" has come to be inseparable from the Palestinian context, identifying only individuals who have been denied national existence. Attempting to apply the refugee label to other groups of displaced people would therefore not only run against regional public opinion and Arab governments, which continue to be judged by their citizens in terms of their commitment to the Palestinian cause and to the "right of return" for Palestinian refugees, but would also amount to a statement of foreign policy vis-à-vis the government of the refugees' country of origin by constituting a claim that this country is unable to protect its own citizens. Instead, non-Palestinian asylum seekers and displaced people are widely conceived of—and generally conceive of themselves—as migrants or exiles, by which they express a continuing link to an existing state.

Considering that only some 55,000 of the 500,000 Iraqis estimated by the host government to be present in Jordan¹⁵ were registered with UNHCR at the time of writing

(a rather stable figure as new registrations balance those who leave for resettlement), it is important to acknowledge that the adoption of a legal definition of refugee or asylum seeker based on the mandate of UNHCR would be to narrow the categories of persons of concern to this paper. Paradoxical in regard to refugee law, for instance, Iraqis who have taken refuge in Jordan (and in a number of other Arab countries) are frequently found to turn to Iraqi diplomatic representation in the country of refuge for minimum standards of diplomatic protection, collecting pensions and for obtaining or renewing identity documents, despite having fled their country because of the government's failure to maintain domestic security. In Amman, many retired civil servants who have also fled insecurity collect their pensions from the local branches of the Iraqi government-owned Al-Rafidayn Bank. Moreover, even in cases in which they may qualify for asylum, some individuals may not wish to be identified as refugees, or they may wish to avoid contact with officialdom. This is a typical feature of urban refugees in other parts of the world, and appears to be the case with a large number of Iraqis in Jordan.

In any event, registration with UNHCR neither offers better access to the formal labour market under Jordanian law nor allows Iraqis to leave the country and re-enter without requesting a visa. Nor is registration needed to access services provided by Jordanian public institutions or assistance provided to vulnerable cases by the non-governmental sector. Together with the fact that the Jordanian authorities rarely expel irregular Iraqis back to Iraq, it is possible to see why large numbers of Iraqis who have come to Jordan in search of security have not registered with UNHCR, a result that allows the Jordanian government—and others—to argue that a majority of Iraqis in Jordan are not refugees but irregular labour migrants.

13 Owen (2004: 71); *op.cit.* footnote 11.

14 See De Bel-Air, F. (2007) "State Policies on Migration and Refugees in Jordan". <http://www.aucegypt.edu/ResearchatAUC/rc/cmrs/reports/Documents/francoise%20de%20Belair.pdf>.

15 For developments, see Olwan, M (2007). "The Legal Framework of Forced Migration and Refugee Movements in Jordan". <http://www.aucegypt.edu/ResearchatAUC/rc/cmrs/Documents/MohamedOlwan.pdf>.



It is within this context that the government of Jordan applies an Arab customary (but non-legally binding) framework of “hosts-and-guests” relations to all Iraqis who are not under a migration regime and have overstayed their visas, including those registered with UNHCR. This approach bestows a number of responsibilities of protection upon the host and, in the view of many Arab governments, makes a formal refugee framework unnecessary. In theory, Arab guests should be granted protection together with social and economic rights equal to nationals. *De facto* and *de jure*, however, this protection is partial, given that public opinion in the Middle East—including that of Iraqi nationals and host country citizens—remains broadly attached to the idea and ideals of Arab nationalism.

Indeed, the Jordanian government has been generous in welcoming large numbers of displaced Iraqis as Arab guests, generally refraining from *refoulement* and, over time, broadening access to education and healthcare. According to figures provided by the Ministry of Interior however, residency rights have to date been granted to only about 25,000 Iraqis, as investors, students or foreign workers under the Jordanian Law of Residence and Foreign Affairs; only the foreign workers—less than 1600 individuals—have legal access to the formal labour market. Others, including those registered as asylum seekers or recognised as refugees by the UNHCR, fall under the provisions of the 1998 Memorandum of Understanding (MoU) between the Jordanian Ministry of Interior and the UNHCR.¹⁶ The MoU states that asylum seekers and refugees fall under the provisions of the Jordanian Labour Law like any other foreigners.

VULNERABLE IRAQIS

The overarching hosts and guests framework clearly implies that the stay of Iraqi “guests” is temporary, pending resettle-

ment or return to Iraq when the situation permits. And while refugee and other migration regimes ordinarily vary in nature, imply certain differences in entitlements and do not equally address social and economic vulnerabilities, the absence of any defined legal status is of particular concern to Iraqi “guests”¹⁷.

Increasing their potential or real vulnerabilities, the lack of status beyond “guest” is proving to be a significant exclusionary obstacle impeding, if not preventing, access to social and economic resources while in Jordan. On the one hand, Iraqi “guests,” like other foreigners in Jordan, retain the possibility to look for a work contract, which is a pre-condition for being granted a work permit from the Ministry of Labour and a one-year residence under the labour regime. But Jordanian Labour Law, like that of many other countries, gives priority to nationals, and few jobs in the formal economy are open to foreigners whatever their nationality. At present, only some 1,500 Iraqis, mostly professionals, are under work contracts. Moreover, “guest” status does not guarantee the possibility of returning to Jordan for those who would like to take short visits to Iraq in order to evaluate their possibilities for eventual return.

The resulting difficulties in reuniting with family members scattered among several countries of the Middle East, maintaining ties and assets within Iraq, continuing education and accessing the labour market in Jordan are dramatically impairing displaced Iraqis’ capacity to plan for the future. Recognising that Iraqi “guests” in Jordan face the same vulnerabilities regardless of whether they left Iraq prior to or following 2003 (and may be equally at risk if they returned to Iraq), the date of departure from Iraq does not appear to be a valid element for categorising Iraqis facing protection challenges.

16 Under this MoU, UNHCR conducts refugee status determination and the Jordanian government grants limited protection to asylum seekers and refugees, in particular non-*refoulement*.

17 As argued by Jordanian legal expert M. Olwan (2007) “The legal framework of forced migration and refugee movements in Jordan”, paper prepared for the Meeting on Migration and Refugee Movements in the Middle East and North Africa. The American Migration in Cairo, Forced Migration and Refugee Studies Program, October 23-25. [<http://www.auc-egypt.edu/Research/AUC/rc/cmrs/Documents/MohamedOlwan.pdf>].

CONTEXT

Migration, and what is commonly characterised as forced migration, has been a recurrent pattern in contemporary Iraqi history, with accelerations under the Ba'athist regime, and further amplification over the course of the last six years.

However large in scale, the population movements out of Iraq that have taken place since the 2003 regime change—up to two million according to UNHCR—cannot be viewed in isolation from the previous trends, within which they are geographically, socially and politically embedded. Moreover, it may be argued that recent movements to Jordan (between 450,000 and 750,000 since 2003 according to the Jordanian Government) are a continuation of previous trends that have long taken trans-regional and global scopes.

The reality of migration from Iraq calls into question the cut-and-dried distinction that is often made between economic migrants and refugees, traditional approaches to refugee management and the prospects of large scale return of Iraqis in Jordan and elsewhere.

HUMAN INSECURITY IN IRAQ

War and post-war crises and internal conflicts have been prevalent in Iraq for nearly three decades. As a result, a general environment of insecurity has flourished, provoking refugee movements and emigration of Iraqis fleeing for complex reasons, ranging from direct political repression and human

rights abuses, to economic deprivation during the sanction years (1991-2003)¹⁸ and, especially for professionals and intellectuals within the middle class, an extended sense of social insecurity stemming from the absence of prospects for political integration and freedom of expression¹⁹.

It is important to recall that the Ba'athist regime governed in family patterns, extending patronage and entitlements to entire family and kinship groups (such as clans or tribes) and, conversely, holding similar social groups responsible for the actions or opinions of one of their members²⁰. Blurring categories such as “economic migrant” and “refugee”, the economic reasons frequently given for emigration were often a mere cover up for emigration whose basis was actually founded in abuses suffered because of the nature of the Iraqi political regime. Repression for overt or suspected political opposition (such as membership in, or inclination towards, Sunni and Shi'ite Islamic ideologies, leftist parties, or Kurdish nationalism) was not limited to the individual suspected, but rather was broadened to their entire extended family, who were subsequently harassed and, in some cases, terrorised by state agents²¹.

18 Human Rights Watch “Iraqi Refugees, Asylum Seekers and Displaced Persons, Current Conditions and Concerns in the event of War” (2003), <http://www.hrw.org/background/mena/iraq021203/iraq-bck021203.pdf>.

19 Preliminary results of a multi-site research project on determinants of displacement among Iraqi migrants and refugees being conducted by the French Institute for the Near East (IFPO) and the Refugee Studies Centre (RSC), University of Oxford (henceforth referred as Project IFPO/RSC) through in-depth interviews with 180 Iraqis displaced before and after 2003 and currently in Amman, Damascus, Cairo, Istanbul and the Kurdish region of Iraq.

20 See presentation by Dina R. Khoury “The 1991 Intifada in three keys”, Paper presented to the colloquium «Writing the History of Iraq: Historiographical and Political Challenges», Graduate Institute, Geneva 6-8 Nov. 2008

21 Ibid.



As opposed to state institutions in either pre- or post-2003 Iraq, the domestic unit—and occasionally broader units of solidarity and trust—have been the primary providers of social, economic and cultural safety nets for individuals and families in a large number of urban contexts. These restricted circles became important protective agents in the face of state violence towards nationals (pre-2003) and the incapacity of the state to police the society (post-2003); outside of them, mistrust and fear have prevailed²². Neither the United Nations (UN) nor other international institutions have been exempt from this mistrust; most Iraqis believe that the UN system has failed them on several major occasions over the last two decades, and other international institutions—including NGOs—are often viewed as part and parcel of the same system.

Still today, individuals feel threatened even as members of restricted or extended social groups, and exit strategies to escape from violence must be conceived as collective endeavours within which the family, and at times, broader social units, are central. Within this context, migratory patterns and decisions—and particularly challenges affecting vulnerability and/or livelihoods in urban settings such as Jordan—should be considered on a family level, in the same way that persecution exerted on other members of a family and/or a religious or ethnic group should be the basis upon which individual asylum claims are considered.

FAMILY TIES AND THE DIASPORA COMMUNITY

A large number of those Iraqis who have left their country since 2003 are embedded in the dynamics of chain migration that is based on social networks spanning several countries in the Middle East, Europe, North America, and to a lesser extent, Australia. While human insecurity can be identified as a principal push factor prompting people to leave Iraq, and the search for security as the main pull factor towards asylum countries, another important migration dynamic is the previous existence of large Iraqi exile communities²³. These communities play an important facilitating role in migration, financially supporting the migration of others and fuelling the secondary migration of Iraqis out of Jordan for those who do not find sufficient guarantees for human security within the current institutional approach to the reception of Iraqi migrants.

In Iraq, as well as in migration patterns more globally, the family constitutes the foundation of network and support-system formation and continues to lie at the heart of migration projects and strategies²⁴. Nonetheless, both violence at home and migratory displacement have disarticulated social relations: families have been fragmented by their displacement, their integrity has been shattered by the death, kidnapping and maiming of its members, and the possibility to reunite through broader social units such as tribes

22 See contributions in Abdul-Jabar, F. & Dawod, H. (eds.) "Tribes and Power: Nationalism and Ethnicity in the Middle East", London: Saqi (2002).

23 See Didem Danis « Attendre au purgatoire: les réseaux religieux de migrants chrétiens d'Irak en transit à Istanbul », *Revue européenne des migrations internationales*, V. 22 (3), pp. 109-134, 2007; Mohamed Kamel Dorai "Iraqi refugees in Syria" http://hal.archivesouvertes.fr/docs/00/33/35/95/PDF/M.K.Dorai_AUC.pdf; Geraldine Chatelard "Keynote lecture. A quest for family protection: the fragmented social organisation of transnational Iraqi migration", http://hal.archivesouvertes.fr/docs/00/33/84/06/PDF/British_Academy_final.pdf.

24 Corroborated by the findings of the Project IFPO/RSC; op.cit., footnote 21.

or religious communities is not necessarily available to all migrants in the absence of such communities in the host countries. Moreover, some individuals have taken actions (such as working with the American administration or private companies in Iraq) that are reprehensible in the eyes of their families or the broader communities, with the result being that they can no longer avail themselves of their social protection. These and other factors threaten the integrity of Iraqi families:

- Collective survival and livelihood strategies (e.g., breadwinners go to find resources abroad and send remittances or, conversely, breadwinners remain in Iraq where economic resources are located, supporting other family members who have migrated);
- Legal access strategies (e.g., wife and/or under-age child migrate first, in an attempt to improve chances of being able to follow legal avenues by launching an asylum claim as female head of household or unaccompanied minor);
- Conditions of migration (e.g., too old or too frail to follow safely);
- Access and reception policies that do not comply with the principle of family unity and do not allow entry or re-entry to family members.

For Iraqis migrating out of concern for their family members, their first priority lies in assuring that each family member reaches a safe location, or several safe locations—even if they may be geographically distant from one another. Iraqi migrants have sought to be reunited in Jordan, Syria or elsewhere through intermediary, non-state institutions (professional associations, cooptation into artistic, intellectual or academic circles, patronage from members of previous generations of Iraqi exiles, relatives and friends with a legal status,

Christian religious institutions, Sunni tribal sheikhs in Jordan and Syria, or Shi'ite institutions in Syria), rather than through universal, state-driven mechanisms of incorporation. In most situations, coping strategies consist of using the different statuses at their disposal, shifting from one to another in order to maximise the possibilities of protection.

With family members spread across any number of countries in the immediate region, including Egypt, Jordan and Syria, and/or split across different continents, subsequent efforts to rebuild the deeply affected integrity of the family comes at a second stage. The choice of a place to regroup is often the result of a compromise between both the safety options offered to Iraqi migrants in host countries, and the capacity of family members to access those countries. Related strategies have proven particularly complex in the face of changing entry regulations in host countries near Iraq and, in the event that finding family security in a single location does not seem possible, family unity may again take priority over security concerns.

While some individuals return to unsafe locations in Iraq in order to reunite with family members who have been unable to reach neighbouring countries, other individuals and families may remain scattered across numerous host countries for extended periods of time rather than return to Iraq. This family fragmentation carries serious implications for the overall well-being of individuals, who may find themselves facing an absence of family support for those who have been traumatised, an absence of support for single women from male relatives, an absence of parental support for unaccompanied children, an absence of community for Mandeans or devout Shi'ites in Jordan, and/or a direct threat to life for those deemed “collabo-



rators”. Evidence suggests that those who are unable to reunite with their family and community structures are the most vulnerable among Iraqis displaced in the region.

LEGAL CATEGORISATIONS IN JORDAN

Following the outbreak of the current conflict in Iraq, UNHCR declared a Temporary Protection Regime for displaced Iraqis. The regime, however, was not accepted by Jordan even after the April 2007 UN Conference on Displaced Iraqis, held in Geneva. Originally, Iraqi nationals presenting themselves at the border were given three-month tourist visas, with the possibility of a three-month extension. In order to obtain a new tourist visa, Iraqis were required to exit and re-enter the country; those who failed to do so and instead remained in Jordan lost their legal status and became subject to daily overstay fines. After a small group of Iraqi nationals perpetrated terrorist attacks on hotels in Amman in November 2005, however, the renewal of tourist visas issued to Iraqis became less systematic, and Jordanian authorities began denying entry at the borders, especially to men between the ages of seventeen and thirty-five.

As of 2007, the Jordanian authorities have requested that Iraqis present the new G-series passport issued by the Iraqi government for entry or renewal of residency. In late 2007, borders were declared closed to new Iraqi arrivals with limited exceptions, pending the implementation of an advanced visa procedure requested by the Iraqi government. Having taken effect in May 2008, the new visa requirements grant eligibility to only select categories of individuals—in particular business people, government officials, students, those in need of medical treatment and others who

have an institutional guarantor in Iraq or Jordan, with the result that the visa system discriminates on the basis of income, class and social relations. These visa procedures entail a lengthy, costly and difficult application procedure to be undertaken in advance and from Iraq. The procedures were eased as of February 2009, however only for businesspeople and diplomats, to whom visas can now be granted immediately at borders upon presentation of relevant documents. Residency status is otherwise linked to a work permit that is granted by the Ministry of Labour only upon presentation of a work contract showing that a Jordanian cannot be employed for that position, normally in designated sectors of the economy where there is demonstrated shortage of national manpower. Alternatively, residency without a work permit may be obtained through proof, initially, of a USD 150,000 deposit (recently decreased to USD 50,000) in a Jordanian bank or the acquisition of real-estate properties whose value amount at least to that sum, or as a student at one of the private universities.

Despite the fact that the majority of Iraqis who were in Jordan at the time when the entry regime was modified had initially entered the country through legally recognised channels, most have been unable to renew their required paperwork, remaining in the country as irregular overstayers liable to fines of JD 1,5 per day of overstay upon exit. Among the 500,000 Iraqis currently estimated by the Jordanian government to be present in the country at any time, humanitarian and advocacy organisations generally believe that a significant number, if not the majority of those who are not visiting, are irregular overstayers²⁵. It is this population that the government has categorised as “guests”, and who remain vulnerable under current legal provisions even when they are registered

25 Such observations are consistently emphasised, for example, in the reports noted in footnotes 1–3. For a discussion of the difficulty in evaluating irregular migration to Jordan, including that of Iraqis, see Arouri (2008) *op. cit.* footnote 18 and Chatelard, G. (2009) “What visibility conceals. Re-embedding refugee migration from Iraq”, http://halshs.archives-ouvertes.fr/docs/00/37/09/80/fr/docs/00/37/09/80/PDF/Chatelard_British_Academy.pdf.

with UNHCR as asylum seekers or recognised refugees. The remaining individuals who remain in the country long-term hold either a short-term visa (and are thereby potential overstayers) or a one-year residency (which is not always renewed).²⁶ Because of the difficulty in disentangling those who are circulating between Jordan and neighbouring countries, and those who are staying in Jordan long-term, it is impossible to evaluate the number of those who fall under “guest” status.

Rather than favour local integration within Jordan as a durable solution for Iraqi “guests” who do not hold residency permits, the Jordanian government has pointed explicitly towards either resettlement, through UNHCR and other programmes operated directly by a few industrialised countries, or repatriation, once security is re-established in Iraq. As one official interviewed in January 2008 has been cited as stating, “*The solution is in Iraq. We refuse to accept that the solution will be outside Iraq.... Everything we do towards the Iraqis is temporary, simply to make their lives easier. We cannot make it [Jordan] a natural place to stay*”²⁷.

LOSS OF HUMAN CAPITAL

Many middle class Iraqis initially arrived in Jordan believing that the violence in their home country would be over in a few months and that they would soon be able to return. Others believed that Jordan would be only an intermediary stop on their way to a third country. For the most part, those who took advantage of the opportunity to exit Iraq immediately after the regime change following years of seclusion also believed they would be able to return to Iraq in a matter of a few months. As time has worn on, families have been left stranded, unable to go back

because of widespread insecurity, burning through their savings and facing painful new prospects and realities: social downfall, isolation, poverty, lack of resources to meet basic and less-basic needs, the need to look for alternative means of livelihoods, family break-up or separation, constantly changing plans for the future, etc.

In the same way that Jordanians have been facing increasing inflation rates and a significant rise of prices for staple items since the beginning of 2008, so too, have Iraqis living among them. While the Jordanian government has made efforts to cushion the blow, through the application of public sector wage increases and the establishment of a social safety net, these initiatives will not benefit “guest status” Iraqis. Meanwhile, personal financial resources are becoming exhausted, increasing the number of people who are, for the first time, looking to UNHCR and other humanitarian organisations for assistance. For those who were relying on savings, and particularly for female-headed households, the situation has become critical. Due to continued insecurity and the sharp rise in prices, the flow of income from Iraq—whether from businesses, properties or remittances from relatives—is increasingly coming to a halt. Consequently, many Iraqis are becoming more and more reliant on the informal economy, engaging in the labour market without legal protection and at high risk of exploitation.

For many, daily subsistence is now shouldered by the whole family, including children. Some Iraqi women are working as domestic workers despite the fact that their irregular status leaves them vulnerable to physical and/or sexual abuse and non-payment, and anecdotal reports indicate women being forced into sex labour. Similarly, Iraqi men working as day labourers in the construction sector have reported non-payment and exploitation.

26 IRIN (the humanitarian news and analysis network of the UN Office for the Coordination of Humanitarian Affairs), 21 February 2008.

27 Quoted in Sassoon, J. (2008: Chap.2) *The Iraqi refugees: The new crisis in the Middle East*. London: I.B. Tauris.



Iraqis are also insecure in their housing arrangements, causing people to move from one area to another in search of cheaper accommodation and anonymity. This, in turn, limits accessibility to potential basic services in the area such as food distribution, which, due to increasing difficulties with food security, is only provided through community centres and requires prior needs evaluation and pre-registration.

IMPEDED MOBILITY

Reports by numerous agencies have suggested that the nature of urban contexts impedes the identification of Iraqis scattered throughout various neighbourhoods and among the greater Jordanian population. In fact, many displaced Iraqis who neither have been formally recognised as refugees nor hold a legal residency permit have precisely *sought* such anonymity, in order to be less visible to Jordanian authorities. Because the physical and social mobility of many undocumented resident Iraqi “guests” in Jordan is currently restricted (e.g. inability to freely travel between Iraq and Jordan in order to evaluate current situations, etc., or to access the labour market except when certain criteria are met), access to services is seriously hindered, anxieties about sending children to school are exacerbated and tendencies towards potentially more exploitative informal labour markets are increased. Indeed, this suggests that the delivery of services is obstructed by the implications of domestic policies towards displaced Iraqis that inhibit physical and social mobility and the latter’s perception of insecurity, rather than by the urban context *per se*.²⁸

Despite its significant relevance and long-term consequences, however, *cross-border* mobility seems to have largely escaped analysis²⁹. Because of various entry procedures put in place since late 2005, as well as

the fines that “overstayers” are required to pay in order to exit the country, many Iraqis have found themselves confined in Jordan, unable to make return visits to their home country without jeopardizing their situation in Jordan. For families who became scattered across several countries in the region, impediments to mobility have, at times, rendered reunification in an Arab country close to home nearly impossible, leading some families to look at resettlement schemes and other avenues (legal and irregular) for emigration to Western countries, where they hope to be able to benefit from family reunification programmes.

Many displaced Iraqis have left family and/or businesses and assets behind in Iraq, however, and the majority continue to maintain regular contact with family and colleagues at home who may be sending money, temporarily caring for their homes or businesses or, as is the case for some academics, journalists and other professionals, maintaining employer-employee communications for continuing desk-based work in Jordan. Iraqis abroad also send remittance money back to family members remaining in the country, and often use contacts at home as a source of news for following the latest developments and gauging next steps.

While many displaced Iraqis would like to be able to keep one foot in Iraq as well as in Jordan—accessing their personal and professional resources in Iraq whenever the security situation permits, and retreating to Jordan in response to security crises, current policies towards Iraqis do not allow for this kind of mobility. As a result, individuals who would otherwise be inclined to take active steps to re-establish themselves in Iraq are increasingly looking at avenues for secondary emigration to Western countries, potentially fuelling a brain drain from Iraq with enormous consequences for the future of the country.

28 A number of interviews conducted in early 2009 corroborate this proposition even as perceptions of insecurity linked to unclear guest status evolve. That is, as increasing numbers of Iraqi “guests” have concluded that their presence is tolerated by the authorities—provided that they keep a low profile and do not engage in paid labour that is punishable by imprisonment, they have demonstrated that, within the limits of these constraints, they are ready to go out of their house and neighbourhoods to access services provided by NGOs.

29 The importance of cross-border mobility is based on interviews currently conducted within the framework of the IFPO/RSC Project; *op. cit.* footnote 21. For further implications, see Chatelard (2009) *op. cit.* footnote 27.

APPROACHES TO ASSISTANCE AND PROTECTION

In an effort to provide and/or advocate for improved assistance and protection to Iraqis in Jordan, institutional actors and agencies have generally taken four main approaches, framed in terms of “human security”, “refugee rights”, “development” and “national security”.

These approaches have overlapped or shifted at times and it may be argued that the Jordanian government has recently imposed its own development *cum* security approach upon all involved agencies. In fact, even as this framework holds great potential as a durable solution, the approach—in its present state—poses immediate challenges to the well-being and security of undocumented resident “guest” Iraqis within the urban context.

THE HUMAN SECURITY APPROACH³⁰

The human security perspective was initially adopted by the majority of international NGOs (INGOs) with programmes specifically aimed at meeting the assistance and protection needs of Iraqis. Based on an underlying commitment to the principles of universal human rights (sometimes within a religious ethos), their programmes have largely been framed by a concern for the vulnerability of Iraqis as individuals, regardless of the legal category within which they have been placed, either by the host state or by Iraqi authorities.

Working in partnership with local NGOs and as implementing partners of UNHCR-funded projects, as well as independently, these INGOs have aimed to extend their assistance to the entire range of vulnerable individuals—including recognised refugees and asylum seekers, undocumented resident “guest” Iraqis and authorised short-term Iraqi visitors or long-term residents—based on an assessment of needs and vulnerabilities³¹. From previous assessments of services available, it seems that most *conventional* areas of protection and assistance are offered by national and international NGOs, yet some agencies believe that coordination between the various actors in the field could be improved. While some have focused their efforts on short-term relief for primary needs such as food, cash or primary health care, others have been more focused on longer-term needs, including education, overall health status and psychosocial care. In several instances, INGOs have pursued a two-track approach, supporting both short-term relief and longer-term development needs. The latter, however, has been constrained by legal limitations on work opportunities for Iraqis.

³⁰ For further details on this approach, see Chatelard, G., Washington, K. & El-Abed, O. *op.cit.* footnote 3.

³¹ Beyond the Iraqis themselves, most NGOs have also included vulnerable Jordanians in their projects—originally some 20% of their beneficiaries, but which has recently increased to 50% in most cases.



A number of local churches, Muslim and Christian charities and local NGOs also provide assistance to vulnerable Iraqis that includes the distribution of food and clothes, financial or medical assistance, rent support, educational and vocational training, and legal and psychosocial counselling. Although some of these are independent initiatives, many local NGOs are now working as implementing partners of international agencies, allowing local agencies to expand their capacity while providing international agencies with a greater level of community access. Utilising funding available for the support of Iraqis in Jordan, some local NGOs have been able to expand their activities to further assist members of their own Jordanian communities. Sustainability of funding, however, remains a challenge for these programmes.

Organisations have identified limitations to service provision that may be attributed to Jordanian legislation, erratic funding in the face of growing demand for assistance, limited institutional capacities, short-term programming, fragmentation and overlap in the provision of assistance, difficulties in reaching out to more beneficiaries within urban settings, and what they identify as the “fear factor” and “lack of community formation” amongst Iraqis. Gaps also persist in the geographical distribution of services; certain neighbourhoods of Amman, secondary cities (Irbid, Zarqa, etc.), small towns in rural areas (such as Azraq) where Iraqi families are known to have settled, are less well covered.

THE REFUGEE APPROACH

In accordance with the agency’s mandate, UNHCR has been the principal institution pursuing a refugee approach. Until early 2007, UNHCR advocated for a Temporary

Protection Regime (TPR) on a *prima facie* basis for all Iraqis in Jordan similar to that which was implemented in Syria, simultaneously working with other UN agencies, and local and international NGO implementing partners in particular, to put into place a series of relief and assistance programmes for its registered case-load. This approach proved to alienate the Jordanian government, which did not recognise the TPR and, given the limited number of Iraqis that had approached the agency, UNHCR programmes were necessarily limited in scope. In any event, only limited quotas were available for resettlement to third countries, and UNHCR was obligated to suspend refugee status determination since, under its Memorandum of Understanding (MOU) with Jordan, the agency had committed to finding resettlement solutions for recognised refugees within one year.

Beginning in the second half of 2007, the UN refugee agency shifted its approach towards one that instead combines elements of human security (for all vulnerable Iraqis, regardless of their legal status), overall development objectives within a national Jordanian context and a continued protection mandate for registered refugees and asylum seekers, however strictly constrained by the ongoing obligation to resettle the former, as defined in the MOU. Despite continuous funding challenges and the rising costs of basic goods and services on the Jordanian market, the agency has broadened its operations to ensure that, within a short-term relief framework (financial, food and emergency assistance, non-formal and informal education, and limited recreational activities) not only are unregistered Iraqis included but also that at least twenty percent of the beneficiaries are vulnerable members of the host community.

Additionally, a decentralised system was introduced in an attempt to ensure that all the services being provided by UNHCR's implementing partners would be available in several designated geographical locations within the environs of Amman. This system may also be used for NGOs to access greater numbers of beneficiaries more efficiently. Furthermore, UNHCR allocated funds from its budget to the Ministries of Education and Health (roughly USD 11 million each in 2008) to improve the capacity of those ministries to serve vulnerable sectors of the population in Jordan, including access for Iraqis. Importantly, this shift in approach has resulted in improved relations with the Jordanian government³².

The main challenge to this new approach, however, is dwindling funding in the face of growing inflation in Jordan. Rising fuel and food prices are cutting into the funds of humanitarian aid organisations including UNHCR, which, in 2008, received less than half of the USD 44 million sought from donors for operations in Jordan. In a May 2007 press release, a UNHCR representative in Jordan stated that, *“the devastating effect is simple; on one hand the funds available buy dramatically less when compared to a few months ago. On the other hand, we are being faced with larger numbers of vulnerable people, as their impoverishment is accelerated due to these rising costs”*. Meanwhile, the financial assistance that the UNHCR provided at that time to 2,200 families—between 70 and 140 Jordanian dinars (USD 100 – USD 200) per month—became insufficient to cover basic necessities, including shelter, because of the rising prices. The situation has since worsened.

A number of INGOs with an advocacy brief initially upheld a strict refugee approach. Like UNHCR, however, most have recently shifted in this thinking and now urge Jordan and other host states to adopt a

position that combines elements of a refugee approach with those based on human security needs, including the re-opening of borders, commitment to *non-refoulement* and improved legal status in host countries, particularly greater opportunities to access the legal labour market.

THE DEVELOPMENT APPROACH

For nearly two decades, the Jordanian government refrained from reformulating national policies in such a way that the large numbers of Iraqi nationals who have sought security in Jordan were taken into account. In April 2007, however, at a UN conference in Geneva on displaced Iraqis, the government publicly spelt out a new policy on undocumented resident Iraqi “guests”, which has since been fully articulated in a policy document communicated to donors³³ and UN agencies, and further manifested both in the funding appeals submitted to international donors by the Jordanian Ministry of Planning and International Cooperation and in constraints imposed upon the operational work of UNHCR and INGOs.

Recalling that 13 percent of the Jordanian population lives below the poverty line, at least 14.5 percent is unemployed, inflation has been chronically high and water and energy resources scarce, the Jordanian government has clearly expressed in the policy document that it opposes the idea of a parallel system for Iraqis in Jordan. Working under the assumption that Iraqis comprise 10 percent of the population in Jordan, costing the government USD 1.6 billion a year, Jordan called for international support in several publicly subsidised areas—health, education, infrastructure, water, energy and security—in order to alleviate what was described as a burden on the national economy and resources. Having been generous in opening public schools

³² Interview with Giorgi Sandikidze of UNHCR, Amman, May 2008.

³³ It was presented to a member of the research team during an interview with Ms. Feda Faleh Gharaibeh, Director of the Committee for the Reconstruction of Iraq, Ministry of Planning and International Cooperation (22 April 2008).



to large numbers of Iraqis under the same conditions as for its own nationals, and the public health system on the same paying basis as uninsured Jordanians, additional funding would go to improving existing facilities, building new ones and expanding services to all vulnerable sectors of the population. As of late May 2008, the government had received USD 58.3 million in assistance within this development framework (mainly from the EU, UN and USA).

The Jordanian Ministry of Social Development, the official registration body for INGOs, has further imposed conditions requiring that at least twenty to twenty five percent of the beneficiaries of INGO operations be vulnerable Jordanians. INGOs have therefore been planning their projects on the basis of a geographical approach, targeting locations within the main urban centres where poor Iraqis are concentrated alongside Jordanians. Other INGOs, who work with other types of registrations, also generally open their programmes to vulnerable Jordanians. Similarly, and as previously mentioned, UNHCR has reframed its operations to take into account the demands of the Jordanian government and offers direct assistance to vulnerable Jordanians alongside various categories of Iraqis.

THE NATIONAL SECURITY APPROACH

On the domestic stage, the government's policy vis-à-vis Iraqis in Jordan continues to be expressed in terms of concerns for national security in the face of terrorism, crime and other forms of potential threats that could spill over from Iraq with the presence of exiles. Other aspects of national security include the protection of the economic and social well-being of Jordanian nationals at a time when inflation is rising and the purchasing power of the traditional middle-class is plummeting.

In this approach, Iraqis are presented by the authorities and widely perceived by the Jordanian public as a destabilising factor, competing with nationals for scarce resources.

Studies dealing with the impact of the large number of Iraqis on the Jordanian economy contradict the perception that this impact is negative and provide evidence that rising inflation has been the result of global hikes in the price of foodstuffs and oil.³⁴ For instance, the Center for Strategic Studies of the University of Jordan concluded in one study that “... it is important to emphasise that the Iraqis in Jordan are not responsible for most of the economic challenges that Jordanians are currently facing, and their return to Iraq would do little to alleviate inflation in Jordan”³⁵. In fact, Iraqi capital investment in Jordan since the war began in Iraq in 2003 has grown considerably; one prominent Jordanian economist estimated that the arrival of Iraqi families in 2004 and early 2005 pumped USD 2 billion into the Jordanian economy, “clearly contributing to accelerating the cycle of the economy”³⁶. Additionally, the growth in NGO activities targeted at vulnerable Iraqis has created considerable employment opportunities for Jordanians and numerous Iraqis, while Iraqi nationals also fill employment niches that are disregarded by Jordanians.

Notwithstanding these contributions on the part of Iraqi nationals, the government of Jordan has emphasised to international donors that it considers their presence temporary, favouring voluntary return to Iraq within the shortest possible timeframe. Additionally, the government has insisted that specific security and precautionary measures be incorporated into all international support efforts. This perspective suggests the extent to which the national security approach influences and limits development planning in Jordan, which is currently done on a one-year basis only.

34 Saif and DeBartolo (2007) and Alissa (2004); *op. cit.* footnote 2; also Sassoon (2008) *op. cit.* footnote 29.

35 Saif and DeBartolo, *ibid.*

36 Yusuf Mansur (prominent Jordanian economist), *The Jordanian Times* (14 March 2005).

UNMET PROTECTION NEEDS

PROFILES IN NEED OF SPECIFIC PROTECTION

Several segments of the Iraqi population have been identified in previous studies³⁷ as being in distinct need of special protection:

- **Unaccompanied and separated children, adolescents and children-at-risk** some of whom, due to a lack of viable alternatives, are living in basements and garages with minimal supervision. Adolescents are being pressured to leave school in order to help support their families by working. Many are taking on some of the family management tasks that their parents would ordinarily perform, in no small part because children and adolescents are perceived to be less at risk of detention by Jordanian police than are adult men/fathers. Other categories of children-at-risk include those who are disabled, medically fragile and slow learners;
- **Men and boys at risk** who face a set of problems due to their confinement, loss of income, loss of identity and shifted role within the family. All of these contribute to a sense of frustration, low self-esteem and loss of control, which may be further exacerbated by the frequent bullying and discrimination against Iraqi children and youth at Jordanian schools³⁸. Male youth are perceived as potential instigators of extremism and crime, regardless of their real intentions; schools and the police complain of increasingly difficult behaviours observed in young and idle Iraqi youth.

Men are considered at-risk because they are usually the ones who most fear detention or deportation. While the official position of the authorities is that deportations are conducted only for criminal behaviour, the fear persists among male Iraqis, creating an oppressive atmosphere and resulting in stress that affects all members of their families. It was emphasised to the ICMC-USCCB mission that there is an increase in domestic violence, sexual harassment and rape of women, adding to the number of cases of women at risk or in distinct need of protection;

- **Women and girls at risk.** In a 2008 study of 794 cases (3,172 people) in Amman and four other Jordanian cities, women at risk were the most frequently identified category of high risk³⁹. The Norwegian Research Institute Fafo reports that twenty-two percent of the Iraqi households surveyed are headed by a single woman⁴⁰. Female headed households are typically poorer than male-headed households, and the level of stress and other psychosocial factors are more pronounced. Although the extent is unknown, prostitution and sexual exploitation are present in Jordan; it remains further difficult to assess the numbers of Iraqi women concerned due to the fact that most prostitution does not occur in public⁴¹;
- **Elderly individuals alone or raising families without support**, and finding themselves living in conditions of financial and social poverty. Only extremely limited possibilities for referral of the eld-

37 See, for example, "Comparison of the Iraqi refugee situation in Syria and Jordan", in the report of the International Catholic Migration Commission (ICMC)—United States Conference of Catholic Bishops (USCCB) mission to assess the protection of Iraqi refugees in Syria, ICMC (2007), Annex B, p. 20.

38 Ibid, p. 19.

39 Report of the joint UNHCR-ICMC mission to Jordan, September 2008, p. 16, op. cit., footnote 4.

40 Neither was the full extent or nature of human trafficking well documented at the time that this paper was written. As noted in the December 2007 Report of the ICMC-USCCB mission to Jordan (p.14, op. cit., footnote 3), however, a number of reports from concerned governments and NGOs have asserted that Iraqi women and girls are trafficked internally and internationally for sexual exploitation.

41 Fafo. "Iraqis in Jordan 2007: Their number and characteristics".



erly to service providers exist, as larger-scale programs for the elderly displaced have not yet been established. Indeed, in several cases, older persons have been separated from family members being resettled, finding themselves alone and without support or access to services of UNHCR and NGOs available outside of their homes;

- **Persons who are chronically ill.**

Following observations from a 2007 mission regarding the high incidence of chronic disease among displaced Iraqis in Jordan, a joint UNHCR-ICMC mission to Jordan in 2008 established that fully one third of the 794 assessed cases included at least one family member suffering from a chronic disease. That same year, an ICMC project serving Extremely Vulnerable Individuals saw a marked increase in the number of Iraqis seeking urgent medical assistance with diabetes-related complications requiring inpatient procedures. And yet, no service providers were consistently able to support the medication needs of patients suffering from chronic disease, including for a significant number of children suffering from epilepsy who were unable to secure regular support for medications that would otherwise prevent life-threatening seizures;

- **Disabled persons** who are particularly vulnerable because of the lack of adequate services and structures;

- **Individuals traumatised by violence.**

Almost all Iraqis have known someone

—and usually within their own family—who has been killed, wounded or kidnapped in the conflict. Most survivors of such trauma and violence need a supportive community and family, which provide a powerful method of therapy. Instead, many Iraqis are actually re-traumatised due to the obstacles and difficulty in finding treatment for severe psychological and medical problems.

LIMITED ACCESS TO SOCIAL SERVICES AND EDUCATION

Notwithstanding improved international support and assistance through NGOs, and the generosity demonstrated by the Jordanian government (e.g. in making health care available to all Iraqis, regardless of status or registration, at the same costs as uninsured Jordanians and formally authorising the children of unregistered Iraqis to attend public schools), only a fraction of Iraqis in Jordan without a residence permit avail themselves of social services.

Educational trends are particularly disconcerting, considering that the number of Iraqi children in public and private schools during the 2007-2008 academic year reached only 24,000 students, according to the Jordanian Ministry of Education. Human Rights Watch contends that an inconsistent mix of policies and signals from authorities “has left Iraqis without residence permits confused and apprehensive about their children’s rights”⁴². Several reports concur that Jordanian policies, in particular as they pertain to the right to education, have

⁴² Human Rights Watch (2006: 58), *op. cit.* footnote 1.

been ambiguous and public declarations “too late, too vague, and poorly publicised to inform parents”⁴³.

Several additional reasons factor into the low number of Iraqi children registered in schools. Despite the fact that only a small annual contribution is required to enrol in public schools, many increasingly cash-strapped families are opting to send some or all of their children out to work. Other field-based research points to equally challenging elements, including a lack of financial means to cover the expenses of registration, cost of books, transportation; generalised fears (parents are reluctant to provide schools with information requested for registration, such as addresses and other personal details); teachers’ inexperience in dealing with war-traumatised children; children frequently moving as families relocate; widespread discrimination against Iraqi youth and children in Jordanian schools; long-term school drop out, sometimes predating 2003; difficulty sending children to school on empty stomachs, and differences between Iraqi and Jordanian educational curricula⁴⁴. Access to higher education has become all but impossible for many young adults due to economic stress (only private universities with high tuition fees are accessible to Iraqis in Jordan), raising the question as to whether, in the sense of the high value and levels of education seen in Iraqi society, there may soon be a “lost generation” of Iraqis for whom displacement has

effectively blocked education. As J. Sassoon notes “There is no doubt that the educational level of Iraqi children is below most of their parents’ which is indeed a major worry for Iraq’s future”⁴⁵.

LIMITED SUPPORT FOR VICTIMS OF VIOLENCE AND TRAUMA

According to a study carried out by Mercy Corps and the Community Development Centre - Sweileh⁴⁶, an overwhelming seventy-seven percent of Iraqis surveyed suffer from one or more psychological or emotional problems, including anxiety and depression, emotional pressure (stress) due to economic and social conditions, sadness and emotional instability, fear, insecurity and isolation. Whereas women tend to suffer from anxiety, depression, emotional pressure, sadness and emotional instability, men seem to be more prone to suffer from fear and a sense of insecurity.

Additionally, one in five people surveyed report having been a victim of torture, while twenty percent report having experienced a personal traumatic event. Of the Iraqi children surveyed by WCRWC in Amman, forty-three percent reported witnessing violence in Iraq and thirty-nine percent say they lost someone close through violence⁴⁷.

Families, in particular, appear to be suffering greatly under the stress of the situation. An increased prevalence of domestic

43 Saif and DeBartolo. (2007: 35), *op. cit.* footnote 2.

44 See, for example, Nick Seeley “Breaking into School” *JO Magazine*, Sept. 2007.

45 Sassoon (2008: Chap. 2), *op. cit.* footnote 27.

46 Community Development Centre-Sweileh and Mercy Corps “East Amman survey of Iraqis” (September 2007).

47 Women’s Refugee Commission. “Iraqi Refugee Women and Youth in Jordan: Reproductive health findings” (2007).



violence has been linked to the inability of traditional heads of households to provide for the family through employment generally accessible only to those with legal residency, resulting in a loss of role and identity for traditional heads of households. Within the study, men represented eighty percent of these heads of households, suffering from depression, frustration and anger as a consequence of the inability to fulfil their traditional roles within the family. Because familiar, functioning, stable community networks have been weakened, much of this anger is unleashed within the family, where women and children bear the brunt of the repercussions of a husband and father who has not received psycho-social support and has lost both his hope and role as provider.

For those who fled Iraq, past experiences within their home country have left enduring feelings of fear and mistrust, such that, even in host countries, children are not let outside to play for fear of being kidnapped, relief and other forms of assistance are identified with official institutions and are not sought, women are reluctant to go out in the street for fear of being abducted and raped, men for fear of being detained or deported back to Iraq. Counselling and support services that might otherwise serve to alleviate the psychological trauma suffered by Iraqis are extremely limited, partly because of the stigma surrounding mental health care in Jordanian and Iraqi societies.

Many of these fears and feelings of mistrust have been further exacerbated where, implicitly or explicitly, media reports suggest that the socio-economic deterioration of the poorest segments of the Jordanian population has been caused by the supposedly wealthy Iraqis, with Iraqis also broadly blamed for criminality in Jordan communities—though police reports do not corroborate a correlation between rising crime levels and Iraqis in Jordan. Negative perceptions are further fuelled by the dramatic rise in housing prices in Amman, stiffening competition for access to the job market, increased costs of staple commodities, fuel and electricity, and false assumptions regarding the general financial situation of displaced Iraqis. Little to no distinction is made by the public between those Iraqis who have come to Jordan for business reasons and/or with stable residency (who tend to maintain conspicuous consumption patterns), and the vast majority of those who are displaced and destitute. Misperceptions such as these, and the prevailing sense of mistrust between the Jordanian host community and Iraqi nationals, are increasingly rendering Iraqis in Jordan more vulnerable to violence, aggression and exploitation, including Iraqi children, who are proving to be more prone to bullying in schools.

LAYING A FOUNDATION FOR DURABLE SOLUTIONS: ESSENTIAL ELEMENTS AND PRACTICAL RECOMMENDATIONS

In light of the situation in their home country, Iraqis in Jordan today share a feeling of uncertainty about the future that has only been further reinforced by constraints and vulnerabilities directly related to the lack of secure status and rights during their displacement.

Reassurances regarding their rights and entitlements in host countries through policies that are clear, transparent and widely publicised are therefore greatly needed.

Short-term, relief-focused humanitarian approaches are inadequate for addressing the long-term challenges posed by the current displacement situation in Jordan. Instead, more diversified approaches, grounded in the restoration of mobility, families, communities and livelihoods, will serve to effectively frame a continuum between the relief and long-term development of all communities in Iraq, Jordan and the Iraqi diaspora. Such approaches will respond, not only to immediate, acute protection and assistance needs, but will also help to lay **foundations for durable solutions during the time of displacement—including voluntary repatriation.**

The way forward calls for a deeper appreciation of the following dynamics of current Iraqi displacement.

ACKNOWLEDGING COMPLEXITY, DURABILITY AND THE CYCLICAL NATURE OF MOVEMENTS

The complexity of the situation, the strategies developed by Iraqis seeking greater security, the regional history of migration and displacement and the scope and range of diaspora ties are of practical import for policy makers, government officials and other experts in international organisations, host countries and in the development aid field more broadly. Indeed, the dilemmas posed by undocumented resident Iraqi “guests” in Jordanian urban settings represent more than a temporary humanitarian challenge—they also highlight a long-term structural phenomenon requiring comprehensive approaches from a variety of angles.

While some Iraqis are durably stabilised in Jordan through residency and enjoy access to the labour market and freedom



of mobility between Jordan and other countries, including Iraq, if they so choose, many see their stay in Jordan as temporary and are mentally or actively engaged in securing the means for secondary migration. For some, secondary migration offers a way to reunite with family members who have already reached asylum countries in the West (including before 2003); for others, it is part of a planned process through which they may follow a family member who had left before them quite intentionally to make living and other arrangements in preparation for the migration of the remainder of the family. While many have already undertaken this secondary migration, either through regular avenues (such as refugee resettlement, educational schemes or migration regimes) or irregular avenues, many more are still balancing the pros and cons of secondary migration versus remaining in Jordan, a relatively secure haven close to Iraq, where they have assets and relatives. It is markedly clear, however, that without the means to become self-sufficient in Jordan and maintain ties in Iraq by moving freely across the border, displaced Iraqis are increasingly—albeit often unwillingly—pointing towards secondary migration.

The challenges posed—and faced—by undocumented resident Iraqi “guests” in Jordan can be viewed, neither in isolation from a number of migration trends in Iraq, Jordan and the Middle East more generally, nor apart from migration trends globally. As has been seen in other contexts, including Afghanistan and Sudan, post-conflict settlement is not a linear process; societies that have long been affected by conflict need time to recover, a process within which insecurity and conflict continue erupting and affecting populations in different ways. Faced with the erratic

nature of security, individuals adopt migration patterns that are reactive, adaptive and cyclical.

SEEING HUMAN SECURITY AS COMPLEMENTARY TO NATIONAL SECURITY

Thus far, the Jordanian government has succeeded in imposing upon international actors concerned with vulnerable Iraqi migrants (UN agencies, multi-lateral and bi-lateral donors and INGOs) an approach that allows scarce public services to be expanded to Iraqis, regardless of their status, while also meeting the government’s priority of alleviating the effects of economic reforms on the Jordanian population.

Reflective of the limited perspective afforded under a strict national security agenda, this approach falls short of sufficiently addressing the livelihoods and protection needs of displaced Iraqis. Moreover, it appears that neither mechanisms holding public institutions accountable for the equitable allocation of development aid to Iraqis, nor government policies that would improve conditions for vulnerable Iraqis, such as increased mobility and capacity to achieving self-sufficiency, have thus far proven sufficiently effective. International assistance in support of vulnerable Iraqis is yet further limited by key constraints including:

- current international and domestic policies that leave the Iraqi “guests” majority in a legal gap, increasing both their vulnerability and their apprehension about trying to access protection and assistance;
- the current culture of international organisations, which generally frames the situation primarily in terms of relief and one-time unidirectional movements;

- an insufficient appraisal of the reality of the experience, needs and capacities of Iraqis in the Jordanian urban context; and
- a lack of assessment of the long-term and global dimensions of the displaced Iraqi phenomenon.

The present vision of the Jordanian government, including policies that recognise the majority of Iraqi exiles only as temporary “guests”, thereby increasing their potential vulnerability, may result in the development of other types of security challenges: conflicts over resources; heavier reliance on socio-religious networks; rise in crime—particularly amongst unschooled youth, and continuous secondary emigration of those who have the greatest educational and/or financial capital and sufficient social ties with the large Iraqi diaspora in the West⁴⁸. Indeed, this migration pattern would be consistent with the pre-2003 trend, leading a growing number of Iraqis to Australia, Europe and North America⁴⁹. Those who remain in Jordan in the medium term will be, in their majority, the least likely to contribute productively to the Jordanian economy and society.

Moreover, the ability (or lack thereof) of displaced Iraqis to maintain ties with their home country is also of utmost importance for the future of Iraq. Should current trends continue, brain drain and the dissipation of the middle class through migration will leave Iraq with no critical social mass upon which to develop a non-sectarian civil society and a stable polity, ultimately bearing consequences not only for Iraq, but for all countries in the region.

Unless the Jordanian government recognises that its own security concerns may be better met by adopting measures that allow those who are unable to migrate to more distant countries of asylum to become

socio-economically stabilised in Jordan, and facilitate efforts to maintain ties with Iraq in view of possible return, improvements in the capacity of Iraqis to become self-sufficient (through legalisation of residence, access to the labour market and the right to non-political association) are bound to be extremely limited.

WEIGHING OPPORTUNITIES AND OBSTACLES FOR REFUGEES IN URBAN SETTINGS

Further to the notion of human security, it should be acknowledged that the urban settings in which many Iraqis in Jordan live have in fact been largely positive, particularly for those from urban, middle class and educated backgrounds in Iraq. Urban settings have allowed large numbers of Iraqis to take advantage of their support networks, access social and financial resources that may be found only in the cities, maintain contacts with the Iraqi embassy to renew documents, collect pensions at the Iraqi-owned AL-Rafidayn bank, participate actively in professional and art spheres in Amman and more generally, work. Not easily found in camp settings, such elements are crucial to pursuing or, at a minimum, preserving livelihood potentials.

Notwithstanding the fact that for large numbers of those displaced, urban settings may reduce vulnerabilities to an extent significantly greater than would be possible in non-urban contexts, urban settings also pose—and at times, exacerbate—serious challenges for those with special vulnerabilities. As underscored in both the ICMC-USCCB mission to Jordan in 2007⁵⁰ and the joint UNHCR-ICMC study in 2008⁵¹, the dispersal of individuals throughout cities makes the

48 For a similar analysis of the situation in Syria, see Leenders, R. (Dec. 2008) “Iraqi refugees to Syria: Causing a Spillover of the Iraqi Conflict?” in *Third World Quarterly*, 29 (8) 08.

49 For further information regarding pre-2003 forced migration patterns from Iraq, see Chatelard, G. (2009) “Migration from Iraq between the Gulf and Iraq wars (1990–2003): Historical and sociospatial dimensions”, <http://www.compas.ox.ac.uk/publications/working-papers/wp-09-68/#c221>.

50 Report of the ICMC-USCCB mission to Jordan, December 2007, ps.8, *op. cit.* footnote 3.

51 Report of the joint UNHCR-ICMC mission to Jordan, September 2008, *op. cit.*, footnote 4.



effective organisation of specific outreach and identification efforts critical for the provision of basic protection and assistance to refugees and other displaced persons who may be out of view or hidden. This is especially true in smaller or outlying cities, where individuals—including children, disabled people, the elderly, severely traumatised individuals, fragilised families and victims of human trafficking—may be unaware of what may be available to them, or whose particular circumstances render them unable to access needed services.

ADDRESSING VULNERABILITIES POSED BY TEMPORARY “GUEST” STATUS

The principal challenges for many Iraqis in Jordan arise from an inability to obtain either legal resident status or formal recognition as a refugee, with numerous consequences on their human security, namely:

- lack of access to the formal economy, together with depleted assets;
- reluctance to come forward for assistance from organisations;
- loss of human capital and educational opportunities that affect entire age cohorts and bear consequences for the future of Iraq;
- structural incapacity to organise themselves or actively participate in the formulation of assistance policies and/or claim their rights;
- restrictions on movements of people and capital between Iraq and Jordan;
- difficulty in maintaining the ties with Iraq needed in order to assess possibilities for return;
- impossibility of reuniting with scattered family members; and
- a push for secondary emigration.

In a regional context where customary systems of protection, however imperfect, already exist, and where the term “refugee” has come to exclusively describe the predicament of displaced, stateless Palestinians, a regime centered upon narrowly interpreted principles of international refugee law constitutes neither a realistic nor adequate protection framework for Iraqis displaced in Jordan.

In order to minimise the vulnerability of Iraqis who are neither recognised by UNHCR nor in possession of a Jordanian residence permit, a realistic working framework would extend the inclusionary capacity of both the domestic migration and international refugee regimes.

As a first step within such a framework, legal arrangements could be made to grant all Iraqis currently in Jordan a *stable legal status*. Residence rights in particular would support the mobility essential to efforts by the Iraqi people to preserve or re-establish family unity, facilitate a degree of self-sufficiency and help them to prepare and plan for durable solutions, including resettlement and voluntary repatriation. To this end, Jordan might consider introducing regulatory changes to the existing Law of Residence and Foreign Affairs, Number 24, 1973 and its amendments, in line with the corpus of human-rights related international conventions the country has signed, while asylum countries in the West increase resettlement quotas for those categories of people who are eligible for refugee status under UNHCR’s mandate. Pointed efforts should be made to further facilitate family reunification and open or maintain additional avenues for legal emigration (scholarship schemes, humanitarian asylum, etc.), and the protection capacity of UNHCR in Jordan should be secured through adequate funding for its operations in favour of asylum seekers, and of recognised refugees pending resettlement.

PRACTICAL RECOMMENDATIONS FOR PROMOTING DURABLE SOLUTIONS

1. Restore mobility

Restoring the mobility of Iraqis who are confined within Jordan and/or within restricted social circles and neighbourhoods appears to be essential for improving their capacity to access existing social services, ensure contact with separated family members and maintain ties with Iraq.

A universal reopening of borders between Jordan and Iraq may not be a necessary prerequisite to do this; rather, a form of legal status such as “temporary resident” would be highly appropriate. This temporary residency would not necessarily need to be linked to the right to work in all cases, but would at a minimum need to secure the right of re-entry to Jordan, be it from Iraq or any other country. Toward this end, a regularisation of irregular Iraqis in Jordan could be carried out based on the model of previous campaigns for migrant workers, waiving overstay fines and making no distinction between those who arrived in Jordan before or after the April 2003 regime change⁵².

2. Restore families and communities

It bears repeating: evidence suggests that those who are unable to reunite with their family and community structures are broadly the most vulnerable among Iraqis displaced in the region.

Accordingly, a range of specific goals and measures are called for.

Unified families: Restoring family unity and integrity, especially through facilitating cross-border reunification, should be a first priority—particularly considering that community formation will be

difficult to achieve without first ensuring that families have been reunited.

Assistance programs: NGOs and future Iraqi CBOs’ assistance programmes should be conceived as a tool for accompanying migrants in their trajectory, for instance through programmes that help displaced Iraqis network amongst themselves in order to better share resources, capacities and information, or by supporting continuing education for professionals and the development of university-age youth.

Legal stability: In a medium-term perspective, legal stability is required first and foremost for restoring communities, followed by the right to form non-political associations. Within this framework, the extensive capacities of the Iraqi exile community in Jordan must be mobilised through the establishment of Iraqi-run CBOs that would open social, educational, recreational and other activities on a non-discriminatory basis, to Iraqis and Jordanians alike.

Allow Iraqis to speak for themselves: Because of the current representation structures and the general lack of organised communities, aid agencies and advocacy organisations have thus far been largely speaking in the name of displaced Iraqis, rather than allowing the Iraqis to speak for themselves. Restoring communities will allow for the emergence of Iraqi representatives within these processes, and would be expected to lead to a reframing of current conceptual and operational approaches to Iraqi migration.

3. Restore livelihoods

Initiatives that support the self-sufficiency of Iraqis (vocational training, micro-credit schemes, etc.) are currently underdeveloped or nonexistent due to the impossibility of legally accessing the labour market and of creating Iraqi CBOs. As several interviews

52 It should be noted that the recent (February 2009) policy introduced to facilitate the entry and stay of Iraqis in Jordan is aimed exclusively at businesspeople, diplomats and those who already benefit from residency in Jordan.



conducted by the authors of this study testify, most local economic initiatives by Iraqis in Jordan are thought of in relation to Iraq (import/export in particular), or to other Iraqis in Jordan or in other countries of emigration and, in this sense, do not threaten the economic security of Jordanians. Iraqis should be systematically granted the possibility to earn their livelihoods through initiatives operated within Jordan, with a view however, to rebuilding the economy and society in Iraq. Self-employment, in particular, should be facilitated by the government and supported by the assistance community. While limited actions by NGOs will not be sufficient to alleviate vulnerabilities that stem from and are exacerbated by the lack of an appropriate legal recognition, continued international aid to Jordan will allow for an expanded capacity to include Iraqi migrants in the country's development efforts.

4. Prepare preconditions for return

Since late 2008, and varying in correlation with perceptions of change in the security situation in Iraq, many of those currently displaced to Jordan have been interested in undertaking visits back home in order to see relatives and friends, check on businesses or evaluate the conditions of their properties or the situation in their neighbourhoods, often with a view towards planning for future return. These endeavours, however, have been impeded by the fact that they have no guarantee of being allowed back into Jordan and may be asked upon leaving to pay a substantial financial penalty for overstaying their visit permits.

Many others, who have the administrative and/or financial possibility of travelling back to Iraq, opt not to. Among other factors, they are prevented by concerns for their physical security stemming from individual status as formerly prominent Ba'athists or as former employees of entities related to

the occupying countries; traumatic experiences relating to violence, or a lack of trust in the fragile stability to which Baghdad and other areas of Iraq have presumably been restored. Still others simply have no interest in maintaining ties with Iraq.

Return should therefore be envisioned as a process to be comprehensively prepared over time and one which will entail several voluntary steps, including preliminary return visits, which may concern only some members of a household, while others will opt to stay in Jordan or settle elsewhere. Experience with protracted conflicts and refugees crises in other contexts has demonstrated that refugees and displaced persons not only need to be able to gauge for themselves the level of security available at home, but also to be able to return or withdraw to a safe host country. Whereas assisted return through international organisations such as UNHCR or IOM may arguably concern only a portion of the displaced Iraqi population (in 2003, for instance, only 50,000 out of 250,000 Iraqis who returned from Iran to Iraq were assisted by UNHCR), concerned institutional actors, including the government of Jordan and Iraq, should facilitate the endeavours of those who will want to go back to Iraq and make individual assessments prior to making decisions regarding return. Not only are such initiatives critical to inform those displaced of the legal, institutional and security contexts relevant for their reinstallation in Iraq, cross-border mobility and enhanced possibilities to concurrently maintain livelihoods and education opportunities in Jordan are instrumental preconditions to durable return to Iraq in the future.

APPENDIX: METHODOLOGY AND CONTACTS

METHODOLOGY

Part of this paper is based on interviews with major stakeholders involved in the provision of services and protection to Iraqis in Jordan (see list below). This includes national and international organisations (NGOs, CBOs, and UN bodies) that serve either individuals registered with UNHCR or a broader population of Iraqis. A literature review was done that covered available reports, statistics about beneficiaries from NGOs and UNHCR, relevant news articles, and scholarly literature. Unlike most expert reports tackling the recent displacement of Iraqi to Jordan, however, this paper is the result of the long-term engagement of the three authors with issues of forced-migration in the region, specifically, but not only, Iraqi refugees in Jordan.

In the course of the last ten years, **Dr. Géraldine Chatelard**, a social anthropologist, has been researching regional and world-wide trends of migration from Iraq, conducting field-work in over twelve countries, and conducting in-depth interviews with well over 500 Iraqi refugees and other migrants, in addition to many more group discussions and interviews with institutional actors. Since 2004, as a Research

Fellow with the French Institute for the Near East (IFPO) in Amman, she has continued her research with a focus on the most recent trend of war-induced migration from Iraq. Her published works form a large part of the background of this paper.

Additional input has been provided by **Kate Washington**, MSc in Development Studies, with several years experience doing research and working in Lebanon, Syria and Jordan among refugee communities and with development programmes, especially in the field of education. **Oroub El-Abed**, also MSc in Development Studies, has researched and published extensively on Palestinian refugees in the Middle East, especially in Egypt and Jordan. In addition to their experience as development practitioners, both are research associates with IFPO. For this paper and other expert reports, they have conducted a large number of interviews with institutional actors involved with Iraqi refugees in Jordan and attended NGO coordination meetings on a regular basis for over two years. Kate Washington has also conducted interviews with Iraqis in Jordan.



INSTITUTIONAL CONTACTS IN JORDAN

ANERA (American Near East Refugee Aid)
education and community service
provision

Arab Fund for Sustainable Development
community services

Care International
psychosocial community services

CARITAS
health focused

Center for Human Rights
Dr. Shaher Bak

Community Centers Association (CCA)
community services

Chaldean Church Community Services

Children and War Foundation
research

Hay Nazzal Community Center
community services

**ICMC (International Catholic
Migration Commission)**
education, health and psychosocial focused

**IOM (International Organization
for Migration)**
migrant and refugee issues

Iraqi Business Council, The
health and operations

Jordan - Women Union Counselling
sexual and gender-based violence

Jordanian Alliance Against Hunger
food distribution and
community-based studies

Jordanian Ministry of Education
Mr. Munther Asfour

Jordanian Ministry of the Interior
Mr. Mokhaimar Abu Jamous

Jordanian Ministry of Labor
Mr. Saleh Khrais, Assistant

Jordanian Ministry of Planning
Ms. Feda Faleh Gharaibeh

Jordanian Ministry of Public Health
Dr. Janait Merza

Jordanian Ministry of Social Development
Dr. Husain Abu Al-Ruz

Mercy Corps
disabled, food, education

MIZAN [sic] Law Group for Human Rights
counselling and legal support services

MPDL (El Movimiento por la Paz)
women and child focused

Princess Basma Centre, The
community services (under Save the
Children and Care)

Questscope
education and community services

Relief International
education and training

Save the Children
education focused

Tikeyet Um Ali
food distribution

UNHCR
Protection Unit: Giorgi Sanikidze
and Fadia Jbara

UNICEF
children and education; Jon Cunliffe

World Food Programme
food and research

World Vision
advocacy and education focused

**ZENID (the Queen Zein Al Sharaf
Institute for Development)**
training and community services

The International Catholic Migration Commission serves and protects uprooted people: refugees, internally displaced persons and migrants, regardless of faith, race, ethnicity or nationality.

With staff and programmes in over 40 countries, ICMC responds to the challenges of people on the move and their communities, implementing and advocating for rights-based policies and durable solutions through its worldwide membership of Catholic bishops conferences, and alongside government and non-governmental partners.



1, rue de Varembe
Case postale 96
1211 Geneva
Switzerland
Tel : +41 22 919 10 20
Email : info@icmc.net
www.icmc.net