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State Policies on Migration and Refugees in Jordan

**By
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Discussion Paper

State Policies on Migration and Refugees in Jordan

I. Introduction

Jordan has historically acted as a regional cross-road for migration. This role can be attributed to regional political instability forcing migrants to the country, as much as due to Jordan's policy of openness to Arab migrants, an openness which has sustained the pan-Arabist claims of the ruling Hashemite dynasty.

In recent years, however, Jordan has progressively restrained its open-door policy. The country is hosting today some 900,000 work migrants of various nationalities, some 750,000 Iraqi refugees and numerous Syrians, Lebanese, West Bank Palestinians, while an estimated 50% of the population is descendent of the naturalised Palestinian refugees of 1948 and 1967' displaced people. Therefore, the State finds itself forced to address popular worries regarding persisting high levels of unemployment, the distribution of scarce resources and security in an extremely volatile regional context. At the same time, however, Jordan is under pressure by the USA, foreign donors and international agencies to, first, implement liberalisation of its economy and opening of capital, which imply increasing mobility and globalisation of manpower, as well as attracting foreign investments. Secondly, Jordan is under pressure to allow for the settlement of some Iraqis in the country, even though the issue of the right of return for Palestinian refugees remains Jordan's biggest political stake to date.

This paper will review the new measures implemented regarding immigration of labourers and refugees to Jordan, as well as emigration of the country's citizens. We will resituate these measures within their specific economic, social and political contexts in order to emphasize the way they contribute to defining national population, citizenship

and borders and, at the same time, allowing Jordan to join the globalised economy and politics.

II. A History Built on Migration Movements: New Stakes for the 21st Century

As stated before, flows of migrants have arrived in Jordan due to regional wars and political instability and due to Jordan's policy of openness to Arab migrants. At the onset of the establishment of the Emirate of Transjordan in 1921, the substratum of migrants included Bedouin, sometimes nomadic populations, Arab and Circassian villagers aggregated with traders, artisans, bureaucrats and soldiers from Hedjaz, Syria and Palestine. Unending regional crises-channelled waves of forced migrants: the Palestinian refugees in 1948 and 1967, Gulf War returnees from Kuwait in 1991, as well as refugees from other conflicts, that of Lebanon after 1975 and of Iraq since 1991. Labor migration to Jordan, mainly from Egypt and South East Asia, enhanced the status of Jordanians through a job-ladder effect. Emigration of Jordanian citizens, compensating for their eviction from the capital redistribution process, also played a determinant role in the country's wealth accumulation¹ and contributed to make Jordan a "rentier" or "semi-rentier State" (Beblawi, 1987) or "rentier economy" (Brand, 1994). Jordan's open-door policies regarding migration have thus determined the country's demographic, economic and political existence, influence and resilience.

Two sets of factors, however, have pushed for a reform of migration policies concerning labour migrants, on the one hand, and refugees, on the other. The collapse of the Jordanian rentier State, which began in the mid-1980's,² drove the country to drastically reform its economy. This reform process was supported by a series of agreements with

¹ Private funds, the remittances sent by some 300 000 Jordanian workers expatriated in the Gulf (approximately one third of its labour force), as well as on public funds, the important amounts of aid granted by oil-producing countries to Jordan. These external revenues amounted to 50% of GDP around 1980.

² After a decrease of oil prices, Arab aid started declining, while Arab workers were to be progressively replaced by Asians in the Gulf countries in the early 1980's. Their progressive return to the country dried out remittances. Jordan resorted to borrowing to keep up the strong public sector, charity-State system of redistribution and the newly acquired standard of living and consumerist habits of its population, until it had no choice but to open negotiations with the IMF, towards debt rescheduling.

the International Monetary Fund and the World Bank. Signed in 1989, 1992, 1995 and 1999, they called for far-reaching reform measures such as trade liberalisation, financial deregulation and privatisation. The reform process may encounter complications, however, as the economy struggles against low productivity and strives for fighting high unemployment rates.³ These complications are coupled by the fact that a whole range of professions are looked down upon and renounced by most Jordanian workers as dirty, dangerous, difficult and badly paid, thus socially unrewarding. Such professions include the domestic services, cleaning, construction sectors and the emerging manufacturing sector (one of the spearheads of economic-political reform.)⁴ Thus, even though immigrants are now seen as competing with local workers, local and foreign business owners and investors condition their input to the possibility of importing manpower, officially until Jordanians are trained and skilled.

As far as refugees are concerned, two agreements, the Oslo agreement and the Wadi Araba Accords signed in 1994 between Jordan and Israel, raise the fear in some sectors of Jordan's population, that large numbers of Palestinian refugees will be re-settled within the country.⁵ The sparking of the second Intifadah in September 2000, the deepening of the Israeli-Palestinian conflict, the growing instability in Lebanon and Syria and, most of all, the war raging in Iraq at Jordan's borders, also change the stakes and perceptions of openness to refugees of the region. Beyond the promotion of pan-Arabism and the welcoming of foreign capital (even though mainly to banks and consumption channels),

³ Estimates range from 14 (officially) to (at least) 30% of the work force.

⁴ Mainly in the Qualifying Industrial Zones (QIZs), export-processing zones set up in Jordan in the aftermath of the peace process with Israel, of Jordan's entry in the WTO (2000) and the signing of a Free Trade Agreement between the US and Jordan in September 2001. It introduced export-led, labour intensive industrial plants, mainly in the sector of textile and garment. Within this agreement, QIZs offer duty- and quota-free access to the United States market for products manufactured by "qualifying" enterprises located in those enclaves, which must meet certain criteria regarding foreign participation to qualify under the program.

⁵ By recognizing the State of Israel in Oslo and Wadi Araba Agreements, Palestinian authorities and Jordan implicitly acknowledge as impossible a return of the 1948' refugees to territories admittedly belonging to Israel. Also, as the creation of a Palestinian State is endlessly postponed and as Israel keeps control of occupied lands in the West Bank, the Palestinians hold a political identity without a territorial one. The question of the political representation of the diaspora's members, in the Palestinian institutions as well as in the host countries (they are full citizens in Jordan since 1950) is raised, along with fears of double allegiance.

lays growing inflation, pressure on scarce local resources and housing markets, and, most of all, fears of an extension of regional conflicts to Jordan.

Due to these combined sets of contextual factors, the challenges in managing migration are: attracting foreign capital, keeping a political role in regional events, abiding by the demands of donors and the US in terms of political-economic reform, while simultaneously protecting domestic stability and security.

III. Labour Immigration

In an effort to address the claims of the Jordanian population and in order to “Jordanize” the country’s workforce, Jordan authorities have enforced drastic measures toward controlling more tightly the entry, stay and employment patterns of foreigners. Migration to Jordan has thus been made temporary and work-oriented; a real decrease of foreign workers, however, does not seem to truly be on the agenda of the authorities.

Measures taken throughout the 1990s included giving incentives to employers to hire locals and enacting the 1996 Labor Law, whereby progressive restrictions were placed on foreigners, which prohibited their employment in almost all economic sectors, except in the building sector, in domestic services, in cleaning and in agriculture. As early as 1984, moreover, it became mandatory for Egyptians to hold residency permits and for all migrant workers in Jordan to have valid work permits, for which they were required to pay an annual fee or risk deportation.⁶ Over the last five years, furthermore, in order to discourage business owners from employing foreign workers and in an effort to provide funds for the training of Jordanians, Jordanian authorities have increased the fees levied on foreign workers significantly.⁷

⁶ Until then, Arab workers enjoyed quasi-free access to Jordan, as well as to the Jordanian work market. In the name of panarabism, existing regulations were left non-enforced for Arabs, especially Egyptians, the biggest community of Arab expatriates in the country.

⁷ A government project unveiled mid-2006 was to raise the fees for non-Arabs from 450 US\$ to between US \$900 and 1300 and the fees for Arab workers from US \$200 to between US \$500 and 700 (quoted in

Currently, the mechanisms used to import manpower are increasingly monitored by the highest political authorities in Jordan. Decision making processes regarding immigration and employment are monitored by the King and the government ministries (the Labour Ministry coordinates with other public sector institutions⁸ for the implementation of the process, as well as with semi-public investment promotion corporations, investors and business owners). Regular bilateral agreements, furthermore, govern the entry of each nationality into the Jordanian labour market, design employment conditions and minimum salaries, among other things. For instance, since 1999, work contracts must be obtained before departure from the Jordanian diplomatic and economic representations in the country of origin. These measures, on the one hand, aim at linking new immigration flows to job offers; on the other hand, they involve sending countries in Jordanian immigration policies so as to better control immigration flows for increased security and better management. Efforts are also made by the ministries involved in the design and control of immigration patterns and policies (Ministry of Interior and Ministry of Labour) to provide estimates pertaining to the actual figures and location of foreign workers, legal and illegal, and to enforce work permits' fees collection and, most importantly, to regularize illegal workers. For instance, in order for the Egyptian Embassy in Amman to help Egyptian illegal workers settle their situation,⁹ an agreement was passed between Egyptian and Jordanian Labour ministers in July 2007.

Jordan has also begun to protect the human rights of migrants due to international pressure. Labour unions have been advocating for an amendment of the Jordanian Labour code, in order to allow the migrant workers to join the unions and to be organised in the Jordanian labour movement.¹⁰ The sectors where these labourers are most numerous (agriculture and domestic services) stopped being barred from the provisions of 1996's

Jordan Times, May 25th, 2006). Increases actually did not reach such high levels: the fee for Egyptians, for instance, was 285\$ mid-2007.

⁸ Even though the *kafala* system enforced in Jordan, like in Gulf countries, still imposes on each foreign worker to depend on a local guarantor.

⁹ Mayton, J. "Egyptians flocking to Jordan for work", *The Star*, July 12, 2007.

¹⁰ A claim which as of today (September 2008) has remained unsuccessful, due to opposition from the Parliament.

Labour Law in 2003. The same year, Jordan's Labour Ministry, in cooperation with UNIFEM, endorsed the "Special Working Contract for Non-Jordanian Domestic Workers," a new standard work contract guarantying every migrant worker rights to life insurance, medical care, rest days, and repatriation upon the expiration of the contract. Limitations and controls over the recruiting agencies' registration patterns and practices towards workers were also implemented.¹¹

This policy of tightening control over the immigrants' movements and better management of their employment and conditions of sojourn should not hide a parallel practice, if not policy: closing eyes on abuses and non-respect of the Labour laws.¹² This practice is keeping a share of the manpower in illegality. As a matter of facts, migrants are employed for their professional skills and flexibility; their availability on the market and their docility thus become a value added for Jordan as an investment location, which constitutes a political and economic priority in the current context of liberalisation of economy. In QIZs for example, even if disrespects of the Labour Law' provisions by factory managers and, in many cases, human rights abuses towards the foreign labourers have regularly been reported, it took the publication of a report by a New York-based human rights protection movement¹³ for some action to be taken by MoL.¹⁴

Illegal migrants, furthermore, remain in huge numbers as they are thought to reach approximately half a million people in 2006.¹⁵ Iraqis, for instance, make most of the illegal workforce in menial jobs, as many stay in Jordan without residency and, if they are acknowledged refugees, are not entitled to work (as Jordan did not sign the Geneva Convention on Refugees). They receive much lower salaries than other workers, if they

¹¹ Solidarity Center. *Justice for all. A struggle for workers' rights in Jordan*, Washington: American Centre for workers' rights solidarity, dec. 2005, p. 35.

¹² Ranging from frequent overtime, bad housing and working conditions, to default of payments, physical abuse, etc. see for example Glanz, 2003 on QIZs.

¹³ Kernaghan, C.. *U.S.-Jordan Free Trade Agreement Descends into Human Trafficking & Involuntary Servitude*, New York: National Labour Committee, May 25th, 2006.

¹⁴ See De Bel-Air, F. "Jordan: the socio-political dimension of migration", in: CARIM. *Annual Migration Report Update*, 2008.

¹⁵ Quoted in IRIN. "Government Aims to 'Jordanize' labour Force", *Jordan Times*, May 25th, 2006.

get paid, and suffer many abuses which they cannot report, for fear of being deported back to Iraq. Such a situation benefits employers. Also, by being lenient about keeping a share of the work force in illegality, thus implicitly closing eyes on abuses, Jordan's regime enhances the social contract by recreating a segmentation between local and foreign workers, between protected and unprotected worker, thus enhancing the social capital of the first.

Instruments of rent-seeking (attraction of fees and of FDI's), of domestic stabilisation, of bilateral and international politics, policies applied to so-called labour migrants are, also, policies of manipulation of their numbers, of partial integration into the world market and, in some cases of extreme abuses, policies of organised slavery.

IV. Forced Migrants¹⁶

Today, Jordan is said to have one of the highest ratios of refugees to total population of any country in the world.¹⁷ In addition to Palestinian refugees registered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which are officially acknowledged as comprising about 30 percent of Jordan's population, the second Intifadah in 2000 and the collapse of Saddam Hussein's regime in Spring 2003 brought to Jordan Iraqi refugees and West Bank Palestinians. Also, anticipating and following the Syrian-Lebanese crisis after Rafiq Al-Hariri's assassination in February 2005, some Syrians started depositing investments in Jordan. Gulf countries' citizens, moreover, increasingly invest in Jordan and pay long term visits in the country for leisure purposes. The last "wave" of immigrants arrived in Jordan in Summer 2006, after war

¹⁶ "Refugee" as defined under the 1951 United Nations Convention Relating to the Status of Refugees, is a person who is outside his or her country and who is unable or unwilling to return because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Jordan is not a signatory of the 1951' Geneva Convention and only takes as refugees the Palestinians registered as such by UNRWA. Other immigrants, wherever they are from and the circumstances of their arrival, are considered temporary visitors. Here, the term "refugee" is not used in its legal meaning.

¹⁷ http://www.refugees.org/data/wrs/06/docs/ratios_of_refugees_to_host_country_populations.pdf (accessed September 2008).

broke out between Hezbollah and Israel (estimated to a mere 30,000 persons, of whom a majority finally returned to Lebanon).

However, a policy of entry denial was applied to the Palestinian residents of the West Bank¹⁸ who were trying to cross over to the East Bank. From June 2001 onward, these measures retained up to 40,000 persons a day at Sheikh Hussein's bridge,¹⁹ for several weeks in some cases. Palestinians were imposed to get a permit from Jordanian authorities to cross the Jordan River. Moreover, they had to deposit a financial bond of 7,000 dinars (later brought down to 2,000 JD, or \$2,400) to guarantee that they would leave within the time allowed (a mere 48 hours for green card holders). Those who did not leave by their deadline were deported and had their bonds confiscated.

Officially, the authorization was intended for the green card holders (residents on the West Bank), and not for the yellow card holders (permanent residents on the East Bank), the holders of five-years passports, sick people, students enrolled in Jordanian universities, for instance, as well as officials from the PNA.²⁰ During Summer 2002, Jordanian government authorized the entry of some 1,000 persons a day, but conditions toughened again during the Fall. Even though immigration from the West Bank was far from comparable with the previous waves,²¹ the data on immigration was concealed by authorities.²²

The incoming of Palestinian families was indeed considered a threat for security, possibly leading to an exodus similar to that of 1948, 1967, as well as that of the 1991' Palestinian returnees from Kuwait. Even though Jordan and Israel mutually acknowledge each

¹⁸ Green cards, yellow cards, two-years and five-years passports.

¹⁹ Otherwise called Allenby Bridge on the Jordan, one of the two passages points between Israel, the West Bank and Jordan.

²⁰ Ayyoub, T. "Gov't limits entry of West Bankers", *Jordan Times*, 12/6/2001.

²¹ 50 000 since the beginning of Intifadah in Rubinstein, D." In Jordan's nightmare, the Palestinians arrive in waves", *Haaretz*, 28/10/2002. Jordan acknowledged the settlement of some PNA officials' families, owning properties on the East Bank (Ma'aita, S. *Al Arab Al Yaum*, 13/6/2001).

²² Who emphasized that West Bankers were mainly transiting through the country, and that entries were amounting to no more than 11 000 during the first year of the Intifadah, for 13 000 returns (see Awadat, I. *The Star*, 8/8/2002). However, nationalist columnist Fahd Al-Fanek was claiming in the *Al-Ra'i* Newspaper that mid-2002 some 40 000 Palestinians were waiting to cross the border (*Al-Ra'i*, 15/7/2002).

other's borders since the signing of the Wadi Araba Peace Accords, the advent of a massive wave of Palestinian migrants to the East Bank sparked fears that Jordan, as history has shown, could become the alternative homeland for Palestinians promoted by some Israeli politicians, as the birth of a Palestinian State is drifting away. Also, sectors of the East Bank population expressed concerns towards the increase of the share of Palestinians in the population. Therefore, publicizing border closings to West Bankers, differentiation of refugees according to place of residence, contributes to undermine not only the size, but also the cohesion of the group targeted by the policy.

The entry of other Arab forced migrants was subject to less constraint, especially that of Iraqis after April 2003. The numbers of Iraqis fleeing to Jordan began to rise throughout the 1990s, after Saddam Hussein brutally repressed Shi'ites in the South of Iraq. By the start of the war in April 2003, Jordan was estimated to host between 250,000 and 300,000 refugees. The 2003 war and its continuing aftermath brought new waves of Iraqis to Jordan, former allies of Saddam Hussein's regime and, more recently, families fleeing the civil war and clashes with the American troops. Their numbers doubled at least until 2006, to reach some 750,000 according to some UNHCR's tallies.²³ The settlement of Iraqi nationals on the Jordanian territory, in particular, was made relatively easy. Even though Iraqis are not considered refugees but temporary visitors, measures were regularly taken to facilitate border-crossing procedures,²⁴ allow purchase of lands and housing, business partnership, investment, etc. Rich Iraqis could get legal residency permits by depositing between \$70,000 to \$150,000 in a Jordanian bank and investing or buying property. Purchase of Jordanian limited-duration passports has even been made possible. Moreover, visa overstayers were mostly left unattended; as expressed by a Human Rights Watch Report, "Until November 2005 the Jordanian government and Jordanian law

²³ This figure is now contested, as a survey on Iraqi refugees in Jordan is conducted by FAFO, a Norwegian think tank. See *infra*.

²⁴ When an Iraqi enters Jordan, he is granted two weeks stay. Then, he applies at the Jordanian Interior Ministry and gets another month of temporary residency from the Directorate of Residency and Borders. Temporary residency can then be extended to 2 months.

enforcement officials had demonstrated considerable leniency in enforcing immigration laws, usually deporting Iraqis only if they violated other laws."²⁵

As a result of this open-door policy to forced migrants, since 2000, Arabs' bank deposits, mainly attributed to Iraqis, have generated a boom "not seen since the 1991 Gulf War when hundreds of thousands of Palestinians fled Kuwait for sanctuary". Purchase of consumer goods sky-rocketed, as well as of real estate properties; foreigners' real estate purchases had reached 44.7 millions of Jordanian Dinars in mid-2004 and 82.8 by mid-2005.²⁶ The attraction of foreign capital through opening borders to displaced Iraqis thus proved successful. Perhaps, it also signalled a re-awakening of the Hashemites' pan-Arab ambition.²⁷

However, an end was put to the relatively uncontrolled access and sojourn of Iraqis to Jordan after the terrorist attacks of November 9th, 2005 on hotels in Amman, when three Iraqis killed 60 people by setting off bombs in four hotels in the town. Following that event, perception of Iraqis in Jordan shifted drastically and several measures were taken. However, they were not widely publicized and even denied in official speeches.

The first measure, taken on January 2, 2006, prohibited vehicles with Iraqi license plates from entering the country.²⁸ The second, promulgated in February, forced Iraqis to hold a new model of electronically-readable passports ("G" series, instead of the old "S" series passports) made available in Iraq only two months before, thus difficult to obtain. Moreover, Jordan started denying entry to increasing numbers of Iraqis at the border at al-Karama, the only land crossing between Iraq and Jordan, according to unofficial

²⁵ Human Rights Watch. *"The Silent Treatment" Fleeing Iraq, Surviving in Jordan*, November 2006, Volume 18, No. 10(E), chap. III.

²⁶ Data released by the Land and Survey Department (quoted in *Al Arab Al Yaum*, 19/9/2005).

²⁷ An ambition which seemed abandoned since the severing of legal and administrative ties between the two Banks, decided upon by King Hussein in July 1988. This ambition is also manifested in operations conducted in Iraq by Jordanian forces, presented and justified as "preventive" against the spreading of terrorism and chaos from Iraq to Jordan, of Shi'ite / Iranian influence in this country and in Palestine (for ex. Sabbagh-Gargour, R. "Volatile Borders", *Jordan Business*, June 2006, pp. 54-56).

²⁸ Unless the owner deposits funds into a trust equal to the value of the car (mentioned in Sinner, J. "Iraqis find travel to Jordan increasingly frustrating", *Washington Post*, January 17, 2007).

accounts from travellers. Similar measures were also conducted at Queen Alia Airport, where candidates were turned away or imposed endless waiting and procedures before entering Jordan. Starting from barring entry to men between 18 and 35 years of age, the measure also touched families, and was said by witnesses to depend solely on the will of the customs officers. However, the containment of Iraqis was denied until recently by officials.²⁹ In early 2007, furthermore, measures were discussed to impose border-crossers to hold visas obtained before departure to Jordan, a measure strongly fought by UNHCR. As of today, since May 1st, 2008, international courier TNT Post has been granted accreditation to centralise visa applications from Iraqi citizens through its 13 offices (in each of Iraq's governorates), process them and forward them to the Jordanian ministry of Interior for decision.³⁰ The agreement is said to include special directives on dealing with humanitarian cases and expediting application processing.³¹

After the bombings, Jordan appears to have increasingly begun deporting visa "overstayers" back to Iraq. (HRW, 2006) Barred from renewing their residency papers, many Iraqis are thus slipping in masses into clandestinity.³² In some cases however, the persons facing deportation were offered to go to Syria or Yemen, which did not require visas from Arabs at the time.³³

Later, Iraqis were withdrawn the right to purchase land and housing properties.³⁴ More importantly, resisting the pressures of the UN Agencies which seek a solution to allow victims of the ongoing war and sectarian strives to find a shelter, Jordan until now refuses

²⁹ See speeches by Naser Judeh, speaker of the government.

³⁰ The company charges 15 000 Iraqi dinars (12,5\$) for each applicant, who should receive a receipt, the application's registration number and a date to check on the result for the application he or she made from the company ("New system to aid visa processing for Iraqis", *Jordan Times*, April 10th, 2008).

³¹ Among documents requested, however, is a nationality proof, which seems difficult to obtain from state-institutions split along sectarian affiliations.

³² Here again, authorities first publicly denied any change in the accommodation of Iraqis in Jordan (Abu Sbih, M. "Ministry of Interior: No changes in the sojourn of Iraqis in Jordan", *Al-Ghad*, 07/02/07).

³³ On October 1st, 2007, Syria also started limiting drastically the entry of Iraqi refugees on its territory by imposing visas.

³⁴ Mentioned in Mahdi, O. "Jordan stops the entry of Iraqis and will prevent their owning of properties", *Elaph*, 21/03/2007.

adamantly to consider Iraqis on its soil as "refugees."³⁵ Emphasizing the variety of profiles dividing them, in April 2007 it commissioned FAFO, a Norwegian think tank, to conduct a survey in order to evaluate the real number, personal characteristics and statuses of Iraqis in Jordan. Officially, the necessity for a better management and response to the various needs of Iraqis is the motivation for the operation. What seems surprising, however, is that the released figures are much lower than UNHCR's and finally stand at 450 to 500,000 persons,³⁶ which seems in contradiction with the usual policy of "rent-seeking" practised by Jordan.

Indeed, part of Jordan's policy towards Iraqis seems now to be driven as a bargain with the international agencies and Western countries, as it started emphasizing the cost of accommodating refugees,³⁷ while before the bombings, the official discourse was mainly displaying the benefits of their arrival, in terms of trade and foreign investments. The necessity to grant financial assistance to the countries hosting Iraqis was campaigned for by UNHCR, which doubled to 123 million dollars in its annual appeal for funding and urged the international community to grant help to countries sheltering Iraqis in great numbers, mainly Syria and Jordan.³⁸ However, by spreading rumors about their weaker-than-expected figures, by emphasizing (through FAFO's survey results) their diversity of status, dates and conditions of settlement in Jordan, the regime can be seen to deny Iraqis in the country to form a homogeneous community. This can be seen as a message addressed to the Jordanian population, which fears another massive exodus from its

³⁵ Mahasneh, S. "Judeh: Government refuses to abide by the decisions of the "commission" on the recognition of Iraqis as refugees"; *Al-Arab Al-Yaum*, 13/03/2007; Nimri, N. "Jordan maintains its refusal to consider Iraqis in the Kingdom as refugees", *Al-Ghad*, 15/4/2007.

At the international conference of countries neighbouring Iraq held in Amman on July 26th, 2007 Jordan only pledged to admit Iraqi schoolchildren this year, regardless of their residency status.

³⁶ FAFO/ HKJ/ UNFPA. *Iraqis in Jordan: Their Numbers and Characteristics*, 2007, after figures of "less than half of the 750,000 commonly estimated to be in Jordan" were leaked (see Tavernise, S. "Well-Off Fleeing Iraq Find Poverty and Pain in Jordan", *New York Times*, August 10th, 2007. http://www.nytimes.com/2007/08/10/world/middleeast/10refugees.html?_r=1&ex=1187928000&en=41339f53daa13ee0&ei=5070&oref=slogin) (accessed September 2008).

³⁷ Nimri, N. "Iraqis in Jordan cost the national economy a billion dollar a year", *Al-Ghad*, 18/4/2007.

³⁸ Hattar, M. "Iraq's neighbours grapples with war refugee influx", *Middle East Online*, 26/07/2007, <http://www.Middle-east-online.com/English/?id=21557>.

eastern side and the emergence of shifts in the cultural identity and political sovereignty patterns.³⁹

Jordan's discourse on openness to fellow Arabs, and its tradition of hosting refugees entered in confrontation with its acts, in an attempt to address, at the same time, growing popular worries regarding security and sovereignty, and international pressures to accommodate more Iraqis. Indeed, acknowledging Iraqis as refugees would take away Jordan's power to stop them at the border, for humanitarian reasons, or to keep the upper hand on the policies applied to them. It would also create a precedent which Jordan may fear could be extended to West Bank Palestinians, justifying officially a settlement of all refugees on its soil, thus raising hostile reactions from part of the population regarding the demographic minority of so-called East Bankers. More generally, Jordan fears Iraqis could become, like the Palestinians, a permanent refugee population that will import its sectarian and political strife into the host countries. By applying similar policies to West Bank Palestinians and to Iraqis, Jordan reaffirms itself as an actor not to be ignored on regional and international stages, which tries to monitor the consequences of international pressures for its benefit. To the Arab opinion, the regime appears as defending Resolution 192 on Palestinian refugees' rights of return, as well as helping to prevent another "nakbah," be it from the eastern or from the western border. Also, as the regime struggles to keep domestic stability, it addresses to its population messages undermining the dimension of refugees' populations in the country and reaffirming control over Jordan's sovereignty.

Therefore, it can be said that State policies towards forced migrants, here again instruments of rent-seeking and domestic, regional and international politics, are not only that of entry denial, but also manipulation of numbers. State policies engineer a fission of migrant communities, breaking up the Palestinians between various categories (refugees, displaced, returnees from the Gulf War, between nationality holders and non nationality holders, between East Bank and West Bank residents) and the Iraqis between date,

³⁹ Widely expressed in the opinion and the press. For example: Faouri, H. "Jordan at the crossroads", *The Star*, 15/02/2007.

circumstances of arrival, personal characteristics, economic level, etc., instead of putting them all together under the blanket category of "refugees." This last state policy appears to be an attempt aimed at monitoring the social dynamics within migrant populations. In the same spirit, a policy of "segmented assimilation" (assimilation of the migrant to a sub-group within the host population) seems to be occurring, as the rich migrants from Palestine, Iraq and elsewhere continue to be welcome, thus composing a transversal, globalised elite, involved in consumption and select leisure infrastructure: a sort of "gated community."

V. Emigration: "Open-door Policy" vs Brain Drain

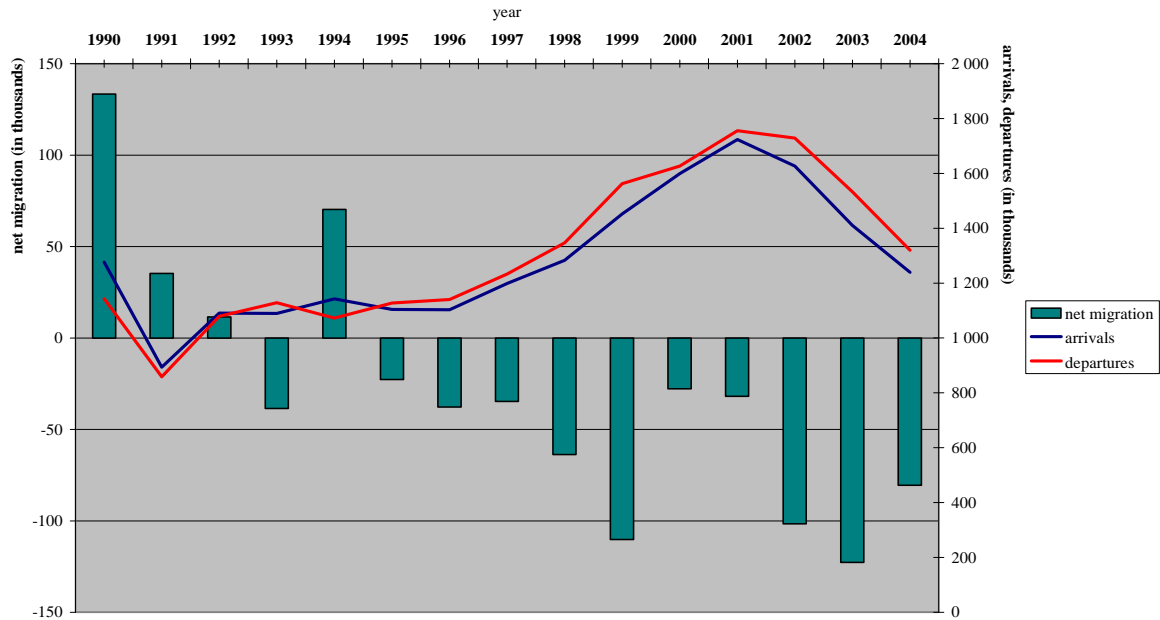
As for emigration, its view by the public institutions differs greatly from that of immigration. The policy towards emigration of Jordanian nationals is characterised as "open-door." As said above, the period of the mid-1980's saw the gradual return of Jordanian migrants from the Gulf countries, before the 1990-1991 Gulf War which forced back to Jordan some 300,000 national expatriates. This movement started reversing as early as 1995, just after the signing of the peace process between Jordan and Israel. Since then, it hasn't stopped increasing, as shown in Chart 1.⁴⁰ The officially acknowledged amount of Jordanians abroad nowadays is estimated at 750-800,000,⁴¹ which is a guesstimate as Jordan does not keep a record of its expatriates, their profiles and destination.⁴²

⁴⁰ Public Security Directorate' data , i.e. net migration calculated from entries and exits by nationality.

⁴¹ Interview, Department of Statistics, Amman.

⁴² The 2004' census does not allow for the drawing of a clear picture of Jordanian migrants abroad, as data are collected from their household members remaining in Jordan, and only take into account the migrants away for less than one year, if for work purposes or accompaniment. On the contrary, migrant students, people treated in hospitals abroad, members of the Jordanian contingent to the UN forces, for instance, are counted whatever their duration of stay abroad (HKJ / DoS, main results, Population and Housing Census 2004, vol. 4., 2006, p.18).

Arrivals, departures and net migration of Jordanians (1990-2004)



Source: Public Security Department
Chart 1.

First, Jordanian migrants turned their back to the Gulf countries which was their main destination during the 1970's, and were massively choosing north America (Canada and the US), as well as Australia as a destination.⁴³ After September 9/11, which made emigration to Western countries increasingly difficult, Gulf countries were again chosen as a favourite destination by Jordanians, this time not Kuwait, but mainly Saudi Arabia and the UAE (De Bel-Air, 2003), all the more since the increase in oil prices led to a considerable amount of investments in all sorts of projects in the Gulf region, which increased the need for workers in numerous sectors of activity: in the Army, in construction, in education, in services, etc.

The first open policies towards emigration took the shape of yearly conferences, between 1985 and 1989, organised by the Labour Ministry in order to encourage investment of capital by expatriates in Jordan. In 2001, this resumed with a conference organised at the

⁴³ Estimates give 50% of Jordanian migrants in North America at the end of the 1990's. Between 1995 and 2002, the request for emigration visas to Canada had been trebling, and the emigration to the US also increased notably, while becoming increasingly illegal.

highest political level, by the Royal Court, involving King Abdallah himself. Wanting to tap resources of Jordanians abroad can be considered a positive outlook and encouragement of the phenomenon. However, emigration is not openly encouraged as such, in the sense that no specific voluntary actions are taken or that few public institutions or specialised bodies act as facilitators.⁴⁴ Field experience suggests that all sorts of information sources and mechanisms are mobilised by migrants in order to leave Jordan, overwhelmingly to the Gulf markets: word of mouth, recruiting agencies collecting CVs or hiring specific professionals, spontaneous applications to companies abroad, secondments from Jordanian private sector companies operating abroad, or even, at the occasion of a bilateral agreement, from the Jordanian public sector to their counterparts in the country of destination. In contrary to many countries, no intermediate specialised bodies, public and private, seem to be involved in the organisation of expatriations. All sectors are concerned: media, engineering, financial and banking sector, teaching and research, the Army, intelligence services, etc.⁴⁵

We propose here the hypothesis that emigration allowed, like in the 1970's after Black September, for political stabilisation in Jordan. First, this continuous emigration can be seen as an opportunity for Jordan, as it provides an "exit" for citizens who feel evicted from the redistribution process, due to the looming economic crisis and the post-rentier economic transition (De Bel-Air, 2003). The new upsurge of emigration alleviates the high rates of unemployment which increases as privatisation goes on. It allows young people to find access to economic capital outside of the country, at least during the process of adjustment of the economy. This is especially crucial for highly educated young people, male and female: the rate of unemployment for holders of university

⁴⁴ Jordanian embassies abroad, however, opened economic branches and commercial offices, aiming at linking offer and demands between Jordan and various countries, mainly in the Gulf. The Labour ministry also offers some information services on agencies recruiting Jordanians abroad. Some bilateral meetings also increasingly aim at alleviating the high unemployment rates plaguing Jordan's economy (see for instance: <http://www.mol.gov.jo/news/ArticleEdit.aspx?id=386>, consulted September 2008).

⁴⁵ The Bahraini Army, as well as the public sector and intelligence services, hired Jordanian soldiers, sometimes retired. The Qatar-based TV channel Al-Jazeera, as well as the emergent UAE various private and public TV and press groups, heavily relied on Jordanian professionals. The recent development of some Emirates like Sharjah or Al-Ain, for instance, owes also a lot to a regular flow of Jordanian university teachers and professionals. Saudi Arabia, for its part, seems rather to offer technical and support positions to Jordanian expatriates.

degrees (bachelors and above) is the highest, standing at 18%, for an average proportion of 15%.⁴⁶

Also, average standard of living has declined regularly since the end of the 1980's, salaries are low and do not allow access to social capital in the country (start a family life, access independent housing, leisure, etc.). "Exit" compensates for the lack of opportunities in the country as well as of public expression ("voice"). It conveniently allows for the exit of potential opponents, thus alleviates the risk of political destabilisation by these frustrated "would-be middle classes."

Second, remittances are now reaching levels comparable to the ones experienced at the beginning of the eighties (Chart 2) and have been smoothing the effects of the socio-political transition in Jordan. Remittances are private assets; this means that they assist in the level of access to infrastructures and with the level of goods' consumption which was characteristic of the period of the rentier state. These combined profits explain that emigration is not the subject of official policies,⁴⁷ or, like before in Jordanian history, is governed by an "open door policy."

However, a number of concerns towards this continuous exodus of skilled manpower are expressed by the government' ministries and technocrats directly involved in the economic reform agenda, under the pressure of the King himself who leads and embodies the process. Even if, for political reasons explained above, leaving the door opened to emigration is an essential asset for political stabilisation in the country and compensation for lagging average incomes, the economic reform process, aiming at attracting FDI's, also targets the promotion of Jordan as a regional hub for technology. The development of the IT sector, especially, is one of the priorities in the reform' agenda. Therefore, the issue of brain drain is sometimes mentioned in public discourses as a handicap for the

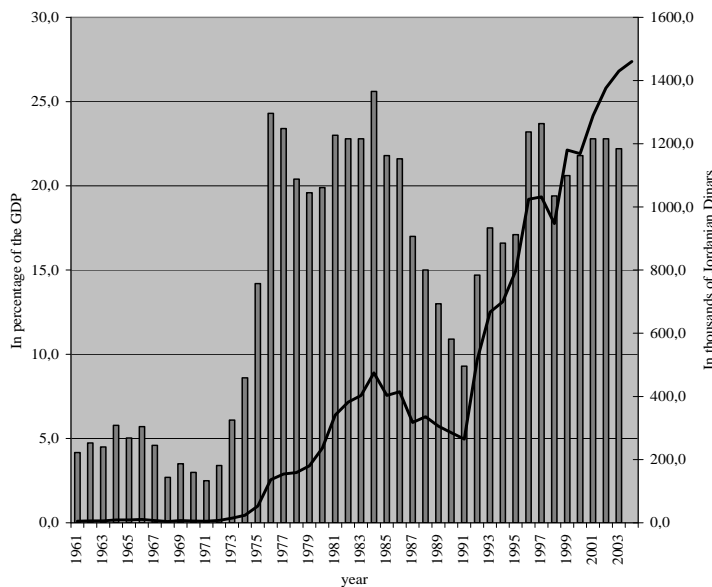
⁴⁶ Unemployment rates of Jordanians aged 15+, by sex and educational level (Jordan Employment and Unemployment Survey 2005)

⁴⁷ Except for the case of secondments from the public sector as mentioned above, which do not seem very massive. No data on the frequency of such contracts could be gathered, from the Education, Health ministries which were known to perform such monitored emigration movements in the 1980's, or from the Army.

achievement of this aim, especially when it comes to Jordanian students involved in high-level scientific institutions abroad who hesitate coming back for lack of opportunities offered to them in Jordan.⁴⁸ However, if the issue of brain drain is (quite discretely) mentioned by technocrats, is it not tackled by explicit policies, for the political reasons mentioned above. Moreover, no general, public debate is opened on the subject, as households need the supplementary income generated by expatriation, and because the authorities enjoy political stability in a politically uncertain regional environment.

Policy applied to emigration from Jordan, the open-door policy, is here again an instrument of rent-seeking and domestic political stabilisation.

Remittances of expatriate Jordanians (1961-2004)



VI. Conclusion

Beyond partial to total closure in the case of immigration, or "open-door" in the case of emigration, a range of less clear-cut policies are applied to migrants: manipulation of numbers, segmentation between local and foreign labour, breaking up of migrant communities in diverse categories and segmented assimilation. In Jordan indeed, like

⁴⁸ See for example King Abdullah's speeches at the occasion of Dead Sea World Economic Forums, as well as during ICT Forums held regularly in the country since 2001.

anywhere else, [m]igrants "affect the nature of the "social contract" (i.e., the core principles of society and the ways in which these are implemented) and the State system (i.e. the structures and functions through which a society is governed)" (Choucri, 2002: 118) and "[s]ocial contract, the link between individual, State and nation depends greatly on the capacity of the State to control its borders and define its citizens. [..]It is not surprising that migration crisis be defined in terms of crisis of nation State, of civil society [..], and explosion of national models." (Hollifield, 1997: 9).⁴⁹ However, in as much as migration policies conducted by States try to address these stakes, they also have to take into account domestic, regional and international pressures. Moreover, as we have shown, the definition of migration policies also acts upon the issues of security and sovereignty, of national populations', citizenship' and borders' definition process. Therefore, in as much as migration policies are influenced by political issues, they are also powerful political instruments. Therefore, as today's Middle Eastern context remains very volatile, migration policies, as well as debates they stimulate, interestingly contribute to shedding new lights on the evolution of politics and of political, economic and social dynamics in the region.

⁴⁹ Respectively: CHOUCRI, N. "Migration and Security: Some Key Linkages", *Journal of International Affairs*, Fall 2002, vol. 56, n°1, pp. 97-122 and HOLLIFIELD, J. *L'immigration et l'Etat-Nation à la recherche d'un modèle national*, Paris/ Montréal : L'Harmattan, 1997.