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Beyond the work permit quotas: Corruption and other barriers to labour integration for Syrian refugees in Jordan

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In 2016, the Jordanian government began issuing work permits for Syrian refugees through the Ministry of Labor and cooperating labour associations. Despite its successes on some fronts, reliance on intermediaries and other aspects of the system have compromised access to meaningful work for segments of the Syrian refugee population. While nepotism, in particular, plays a functional role by matching employers and employees, weakened networks within the refugee population tend to lead to unevenly distributed benefits. Recommendations include policy adjustments to expand the types of work for which permits may be provided, strengthening the role of employment centres, and limiting the scope of control current employers exert over permit holders.

Main points

- Over time, there have been a flurry of policy changes that have sought to regularise Syrian refugee workers in Jordan through the issuance of work permits. These changes have lowered the regulatory and bureaucratic obstacles to Syrians' access to the Jordanian labour market.
- Nepotism plays a functional role for Syrian refugees and employers in Jordan. The need for efficiencies in various sectors and the pressures to meet global goals for permit issuance have created space for new forms of corrupt and perceived-to-be-corrupt practices in the IWPS.
- Obtaining a work permit does not guarantee employment, and it only gives the possibility of work in limited professional sectors that may be restricted through gender-based and nationality quotas.
- Syrians cite the exploitation of Syrian workers' precarity as the most corrupt practice they regularly experience.
- The Jordanian government has both historically and within the IWPS proven itself adept at adjusting policies to regularise otherwise corrupt practices.
- The functions of current practices could be fulfilled through other, formalised means, such as an enhanced role for job-matching services and policy adjustments to limit the scope of control that can be exerted by current employers.

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Abbreviations

ACE - Azraq Centre for Employment

CfW - Cash for Work

EIIP - Employment Intensive Investment Programme

ESC - Employment Services Centre

GFJTU - General Federation of Jordanian Trade Unions

ILO - International Labour Organization

JOD - Jordanian Dinars

JRP - Jordan Response Plan

MOI - Ministry of Interior

MOL - Ministry of Labour

MOPIC - Ministry of Planning and International Cooperation

UNHCR - United Nations High Commissioner for Refugees

SEZ - Special Economic Zone

ZOE - Zaatari Office for Employment

I. Background and motivation

In response to the Syrian refugee crisis, the Government of Jordan and the international community signed the Jordan Compact at the London Conference in February 2016. This agreement committed US\$1.8 billion to Jordan in grants and loans at concessionary rates, as well as favourable terms of trade with the EU. Following this, the World Bank and the Government of Jordan concluded an agreement that provides Jordan US\$300 million when it achieves a series of targets, including targets related to the number of work permits issued to Syrian refugees. As part of the Jordanian government's commitment to the international community as part of the Jordan Compact, it has now begun the issuance of work permits for Syrian refugees. This is directly tied to financing through programs with the World Bank and the European Union, as the World Bank Program For Results Loan needed a mechanism for measuring progress towards 200,000 work opportunities. This agreement reflects an increased emphasis at the international level to support development opportunities in refugee host-country states as a 'win-win' solution in protracted crises. The agreement also promotes legalised access to formal work in a refugee hosting population as a way to enhance refugee self-reliance, deflate refugees' interest in onward migration, protect refugees from the exploitation and corruption that occurs without their regularisation in the labour market,¹ and avoid a future scenario in which Syrian refugees in Jordan are limited in humanitarian support and unable to support themselves.

The issuance of work permits for Syrians (IWPS) overseen by the Jordanian government and administered by the International Labor Organization (ILO) and other organisations, target especially urban (non-camped) Syrian refugees who have not gained access to the highly-sought after jobs in refugee camps through the Cash For Work programme.² Because of these efforts, Syrians can now apply for work in certain sectors and professions pre-approved for foreign workers, including agriculture, construction, textiles/garment manufacturing, and food service. The Ministry of Labor (MOL) issues regulations and circulated decisions ('circulars') governing the programme as temporary policies to reach the growth targets. With the IWPS, Jordan became the first (and thus far only) country in the region to support labour market

1. The UN Global Compact for Refugees includes support to host states and increasing refugee self-reliance as two of its four thematic areas of focus. Academics and practitioners in the field of refugee response have also advocated job creation opportunities that equally serve local communities.

2. The Cash-For-Work programme allows Syrian refugees to 'volunteer' their labour within the camps with a sponsoring NGO on a competitive basis for between 1 JOD and 2 JODs (11.7NOK and 23.4NOK) per hour for 6 hours/day up to 3 months.

integration by waiving fees for work permits and loosening bureaucratic and administrative requirements.³

Work permits for migrant workers and Syrian refugees

The 1970s in Jordan brought greater wealth to the country and introduced more migrant labour into the economy, especially for low-wage jobs. The greatest impacts were a decrease in equilibrium wages and nearly US\$1.5 billion that left Jordan in the form of remittances. Migrant labour is thus a major part of the labour market and Jordan's domestic economy.

Egyptians have historically accounted for approximately two-thirds of migrant workers there, with more recent growth amongst migrant workers from South Asia (including Bangladesh), China, and the Philippines. Furthermore, 96% of migrant labourers are men who are typically without their families. They receive their work permits via their employers, often through the 'sponsorship' or *kafala* system.

Prior to the Syrian crisis in 2011, Syrian migrant labourers had a limited presence in Jordan's labour market. For example, as recently as 2015 (prior to the dedicated IWPS) there were less than 6,000 Syrian workers registered with the Ministry of Labour. The number of Syrians now in Jordan is estimated by the Jordanian government at over one million, just over half of whom have registered with the UNHCR and are qualified to receive humanitarian assistance. Estimates of how many Syrians are working in Jordan range from 85,000 to 330,829.

The Jordanian government now largely applies the same policies to Syrians as it does to migrant workers, despite their typical differences in residency intentions, family presence and attendant needs, and internationally-recognised legal status.⁴ However, the Government of Jordan has taken several steps to make it easier for Syrian refugees to qualify for work permits. These include:

- Expanding eligibility for a work permit to include Syrians who entered Jordan without crossing through official borders. This is explained in further detail below.
- Allowing a Ministry of the Interior ID card to be used in lieu of a passport, since many Syrians fled to Jordan without such documents on their person.
- Temporarily restricting the recruitment of new migrant workers from outside Jordan

3. Lebanon has introduced a similar project, however it is largely underdeveloped thus far.

4. Technically, either Syrians are registered as 'asylum seekers' with UNHCR or are living in Jordan as unregistered 'guests.'

- to encourage businesses to hire from the pool of labour already inside the country.
- Temporarily reducing the cost of work permits for Syrian refugees (discussed in detail below).
 - Temporarily suspending the practice of ‘deporting’ Syrians caught without a work permit to the Azraq camp.
 - Establishing a mechanism through which agriculture workers can obtain a work permit using cooperatives of farmers as a sponsor, to allow workers the freedom to shift among a variety of short-term jobs. This is also discussed in detail below.

Rules of Origin agreement with the EU

Rules of Origin laws are in force around the world to define a single point of origin for goods, particularly for manufactured goods. These laws are important because they determine implementation of other trade policies such as trade preferences, quotas, anti-dumping measures, and countervailing duties. In July 2016, the European Union and the Government of Jordan reached an agreement that enhanced Jordan’s access to the European market by relaxing Rules of Origin. Under the 10-year agreement, manufacturers in Jordan are allowed to import up to 70% of the raw materials used in production and still label the finished products as ‘Made in Jordan,’ which enhances the country’s possible trade concessions. The agreement identified 18 developmental and industrial zones, applies to 50 product lines within specified economic zones, and stipulates a labour force that is composed of 25% Syrian refugees. The agreement exempts Jordanian exports in agricultural and food products. The 2016 agreement also stipulated that once the goal of 200,000 Syrian job opportunities in Jordan was met, the rules will be relaxed on products manufactured outside the economic zones as well. In 2018, the agreement was amended to add four more years and to reduce the Syrian quota from 25% to 15%. This policy is important when it comes to the Syrian labour quotas described below.

Corruption issues in the refugee response

While the international communities of governments and non-governmental organisations are closely observing the implementation of the work permits for Syrians (IWPS) in Jordan, there has been relatively little focus on how corruption affects the program’s implementation and impact. Corruption is a particular risk in humanitarian efforts, given the large sums of money, multiple governance regimes, and intercultural dynamics that typically come into play. The Syrian refugee crisis in Jordan is no exception. The original Jordanian administrator of aid to Syrians, Jordan Hashemite

Charity Organization (JHCO), came under early and strong scrutiny by Jordanian parliamentarians and leaders of other NGOs who had received complaints that the organisation had not dispensed all the aid donated. In some areas of Zaatari, self-appointed Syrian leaders pocketed an additional part of the aid distribution that they helped facilitate. Corrupt practices in the humanitarian response to the Syrian crisis have also been documented by governmental and non-governmental actors in Lebanon, Turkey, and within Europe.

Some corrupt practices, such as nepotism, are found amongst all labourers and play a functional role in matching employers with job seekers and, at least for Syrians, subsidising travel and other costs of refugee-seeking movements.

In efforts to extend work permits for Syrians (IWPS), unexpected challenges in formalising the positions of Syrians working illegally and in closed professions has compelled the Jordanian government to respond quickly with sometimes inconsistent and insufficient policies and regulations. The resulting gaps and duplications create both inefficiencies and opportunities for exploitation and corrupt behavior. Some corrupt practices, such as nepotism, are found country-wide amongst all labourers (Jordanians, migrants, and Syrian refugee guests) and play a functional role in matching employers with job seekers and, at least for Syrians, subsidising travel and other costs associated with refugee-seeking movements. Many Syrian refugees, however, cannot rely on kin-based forms of social capital (*wasta*) that are common in Jordan, as extended family and social networks have weakened or collapsed in the conflict. For people without connections, nepotism and other forms of favouritism pose a barrier to accessing job programmes, as do migrant-specific requirements of a work permit. For Syrians specifically, the creation of official and legal work permit ‘go-betweens’ such as the Agricultural Cooperatives and the General Federation of Jordanian Trade Unions (GFJTU) have engendered a culture of reliance on brokers and other go-betweens who may exploit the system and divert benefits for private gain in corrupt practices, as discussed below.

In this report, we define corruption in a broad sense as ‘an abuse of power for private gain.’ The study explores practices described as ‘corrupt’ (*fasaad*)⁵ by study participants, especially Syrians, even if they do not involve a breach of anyone’s formal

5. The Arabic term for “corrupt” or “corruption” is highly analogous to the English in colloquial usage. The Arabic root of the word signifies a transformation into compromised integrity in the form of rotting, such as fruit, demoralizing, or a state of depravity.

duty, which is a narrower and more common definition that is often found in the corruption literature. These resulting practices – whether related to potentially nefarious behavior or serving as a helpful fill-in for a gap in policy – are important to identify because they have similar consequences: they undermine trust and create inequalities of access in terms of benefits.

Research Questions

The research questions are as follows:

1. How has the issuance of work permits for Syrians (IWPS) evolved over time to regularise participation by Syrian refugee workers (both men and women)? What challenges remain, and why?
2. What issues, including corrupt practices, affect work permit uptake and regularised labour market participation? What can explain corrupt behaviors?
3. What measures might be taken to address the identified problems in Jordan?

II. Design and evolution of the IWPS

Stages of programme development

Pre-Syrian crisis labour force status for Syrians and the closing of opportunities 2012-2016

As indicated by many of the focus group participants, before the war Syrians workers were able to move freely between borders and work easily within Jordan. The northern parts of Jordan, especially Irbid and Mafraq, and the southern parts of Syria, such as Dar`a, were integrated markets and communities with a relatively free flow of goods and people. Many Syrian workers would travel into Jordan for the day to work in construction, for example, and return to their homes in Syria in the evenings. Syrians depended heavily on jobs related to driving and transportation of goods or passengers between the borders. Jordanians did not at that time tend to view Syrian workers negatively; Jordanians did not typically accuse them of ‘stealing’ Jordanian jobs. In fact, Syrians were well-regarded for skills in plastering, painting, and decorating (‘hand-crafts,’ as our interviewees referred to them) and easily found legal employment in these fields in Jordan.

This changed after the Syrian crisis in 2012. While Syrians were able to obtain work permits as they had before the crisis, many of the newly arrived Syrians were not given work permits because they had entered Jordan through unofficial borders and did not have the required documentation indicating that they had entered the country legally, such as passports and Ministry of Interior documentation, which were necessary to obtain a work permit. Technically, either Syrians were registered as ‘asylum seekers’ with UNHCR, or they were living in Jordan as unregistered ‘guests,’ and if they did not have the proper paperwork would be denied a work permit. Furthermore, the cost of a work permit far exceeded what a Syrian or employer would be able or willing to pay (as explained in detail below). This is particularly true when, by comparison, a Jordanian national did not need a work permit, and the barriers to labour force participation were much lower. Refugee camp residents were effectively shut out from labour force participation outside the camp with extensive mobility and transportation restrictions. As a result, many Syrians turned to working under irregular status ‘under the table’ in jobs that were previously much more easily accessible and regularised. They also turned to working in night shifts where they believed they would have less likelihood of being seen and caught and to sending their children to labour instead, believing that the Jordanian government would be more lenient on children.

Early stages of IWPS

In 2016, the Hashemite government began facilitating Syrian labour force participation in a formal and regularised manner by relaxing some of the requirements for the issuing of work permits for them. Immediately, the price of work permits emerged as a primary challenge that deterred many Jordanian employers from hiring Syrians.⁶ The bureaucracy, in issuing work permits and in setting their price relatively high, opened new possibilities for corruption and exploitation of Syrians in the labour market. Jordanian labour laws dictate that employers are responsible for paying the work permit fees for any non-Jordanian workers in their labour force. Work permit fees range from 500 JOD⁷ to over 800 JOD depending on the profession of the workers. Many Jordanian employers, mainly in the agriculture and construction sectors, did not have the capacity to pay the amounts required for the work permits, and instead hired Jordanian nationals who did not need a work permit or worked with an agency that would organize the

6. According to our interviewees, the costs for the work permits were largely not an issue prior to 2012 for Syrians, as the work was overwhelmingly short-term and occupied by undocumented single, male labourers in the agriculture and construction sectors, able to move easily between Syria and Jordan without scrutiny or security interference. In 2008, the official number of foreign workers in Jordan was 303,325. 300,000 of them were undocumented, and historically more than 90% of them were Egyptian and South Asia workers. After 2012, Syrian workers were refugees in need of protection in Jordan, traveling with their families, in need of longer-term employment with more favourable wages, and – as full-time residents in the country – much more visible to the Jordanian security apparatus.

7. 1 Jordanian Dinar (JOD) = \$1.41 United States Dollar (US\$)

hiring and transport of other migrants labourers, such as Egyptians. However, repercussions for employer-violators were minimal. The risks and costs to the employers of not paying the fees were lower than formalising and regularising Syrian employment. As a result, many employers were not incentivised to pay for Syrians, and the employers preferred either not to hire them at all or to continue to hire them irregularly and without a permit.

For Syrian workers, the possibility of obtaining a work permit presented them with the ability to work legally and regularly and with the attendant protections necessary to provide for themselves and their families in Jordan. However, the high cost of permits and reluctance of Jordanian employers to obtain permits on the Syrians' behalf created channels for exploitation. When workplace inspections occurred, it was frequently the Syrians who were punished. Syrian workers who were caught working illegally by the MOL's labour inspectors were detained and sent to Azraq refugee camp, and, in some cases, they were deported back to Syria. The Syrian employees faced higher risks than Jordanian employers when working informally. Thus, Syrian workers had higher incentives to try to obtain a work permit, primary among them was to feel safe and secure when being visited by a labour inspector at the workplace or when stopped at a checkpoint or by security personnel outside of work. This prompted many Syrians to seek out permits from a broker (discussed below) to better ensure their safety from Jordanian enforcement. It also prompted many Syrians to agitate for verifiable and legitimate work permits from their employers. In response, many Jordanian employers agreed to sponsor the workers' applications for permits, but only if the Syrians would pay for them. This is despite the fact that Jordan's Labour Laws stipulate that the employer must cover the costs of the work permits for their non-Jordanian workers (also discussed below).

Syrian workers generally reported that working with an employer informally and without a permit results in unfair and exploitative work conditions including low wages, long hours, and a lack of social security.⁸ Because they were working informally, the Syrians generally did not feel safe reporting these work conditions and violations, due to the fears of ending up in Azraq refugee camp or being deported back to Syria. This created a market for work permits from brokers (discussed below).

8. Social Security in Jordan is a national savings scheme that requires employees and employers to contribute a total of 21% of the employees' wages (14.25% from the employer above regular wage payments and 7.5% from the employees' wages) to a savings account, from which the employee may withdraw the money at an increasing rate over time (e.g. 10% is available after 10 years of employment; 15% after 18 years of employment). Employees must work 19 days before their social security is processed and available for withdrawal.

A waiving of the permit fees was an explicit condition of the World Bank loan, and thus the Ministry of Labour put forth a new regulation waiving the 500-800 JOD fees for the work permits for Syrian workers for the period April-October 2016. This first six-month work permit fee waiver period aimed to assist both Syrian workers and Jordanian employers to formalise the working status of Syrians by issuing them permits. The MOL only required that employers pay 10 JOD at the labour directorates when applying for the permits as a ‘processing fee’ during the six-month ‘grace period’ (discussed in further detail below). Consequently, both Jordanian employers and Syrian workers found higher incentives and reduced costs for work permits, which prompted a rush of issuances. Due to the successful results of this policy change, the MOL continued to extend this grace period every six months for the next two years, where the latest grace period was issued in May 2018 for the remainder of the year (discussed below). However, even though this policy change has resulted in a dramatic increase in the number of work permits issued, Jordan is still below the number anticipated in the agreement, and there are other challenges that are a liability to Syrians when issuing a work permit.

Continuing dilemmas

One challenge in terms of broadening access to meaningful work is that the permits stipulate an employee is tied to a single, named employer. This prohibits workers from moving from one position to another with different employers for the duration of the permit term, which is usually one-year long.

In the agriculture and construction sectors specifically, this creates unique challenges due to the nature of the work. Jobs in agriculture are seasonal, while work in the construction sector is project-based. This means that workers hired in these two sectors are only employed for the duration of the season or project, which is usually no more than 6 months and is oftentimes less. Being tied to a single employer in these two sectors is thus restraining for the worker who may desire multiple short-term contracts from different employers at peak season. It is challenging for the Jordanian employer as well, as they are typically not able to provide a year’s worth of work for their employees. Understandably, workers in these sectors thus prefer to be self-employed and to find their own jobs by moving from one employer to another, working on daily/seasonal/project wages. The nature of the labour markets in the agricultural and construction sectors increases the number of workers labouring without permits as well as the potential for exploitation.

Another dilemma common to all sectors is that having a work permit does not guarantee employment. Many Syrian workers who are able to obtain their work permits through the MOL’s facilitated processes described below are finding difficulties in securing

decent work.⁹ This situation is complicated by the fact that the economic benefits predicted by the concessional terms of the Jordan Compact, which one Jordanian official called ‘increasing the size of the economic pie for all,’ has not yet manifested itself; Jordanians too are struggling to find meaningful labour and greater economic opportunities. Additionally, many employers who are interested in and are looking to hire Syrians as part of their labour force have indicated that they have difficulty finding enough Syrian jobseekers or cannot find workers with the proper skills or experience to work for them. Even with the growing field of employment services and service centres among international organisations, such as the ILO’s Employment Services Centres (ESC), the lack of coordination among organisations providing these services are causing a duplication of efforts, providing short-term solutions and impacts rather than long-term sustainable possibilities, and are focusing on the number of work permits issued as an indicator of success rather than looking at full, meaningful employment and retained jobs.

Current processes for obtaining a work permit

Agriculture sector

At the end of 2016, agricultural cooperatives (a self-organized group of up to a dozen employers in the agricultural sector) were granted the authority to issue non-employer specific permits. The International Labour Organization (ILO) implemented the government’s directive and assisted in identifying and supporting the suitable cooperatives. These permits are now issued through the cooperatives, with the particular issuing cooperative listed in the permit rather than a single, specific employer. This means that Syrian workers in agriculture would no longer be tied to a single employer but free to work for any of the agricultural companies in the cooperative. These permits also allow workers to travel from one region to another in Jordan in search of job opportunities, which was repeatedly reported by Syrians as a primary benefit of the IWPS.

As a result of the changes to the permit issuance through agricultural cooperatives in 2016, Syrian workers now only have to go to one of the identified agricultural cooperatives, present their MOI card, a personal photo, and pay 13 JOD (10 for work permit ‘processing fee’ + 3 for the cooperative’s ‘operational costs’) to apply for a work permit. The cooperative then takes the application (and the ‘processing fee’ of 10 JOD per application already paid by the Syrian applicant) to the related MOL Directorate to be processed. Once the permit is issued by the Labour Directorate, the cooperative

9. This also raises questions as to why work permit issuance is considered a valid marker of ‘employment.’

passes it on to the worker. This entire process takes an average of 2 weeks from the time of application to permit receipt.

Construction sector

An impact assessment conducted by the ILO in early 2017 indicated that the majority of workers in the construction sector worked without permits, because they did not believe their employers would be willing to sponsor them, nor did they have the non-employer-specific option in the agricultural sector. A work permit in the construction sector was a challenge for a Syrian, as it would potentially lock them into one employer for the validity term of the permit (one-year) and prevent them from seeking other work, even if the employer did not have a year's worth of work. Having access to a large pool of labour, including Syrians and other migrant workers, employers had no incentive to fulfill the regulations that required them to apply for and pay for employees' work permits. Part of the reason for this is that the employers did not want to offer the one-year contract and payments to social security that the regulations stipulated. This deterred both Syrians and other migrant labourers in the construction sector from obtaining work permits.

In the light of these findings, in mid-2017 the MOL signed a Memorandum of Understanding with the General Federation of Jordanian Trade Unions (GFJTU) to be the only and official entity in Jordan to begin issuing non-employer, non-professions-specific work permits in the construction sector for Syrian workers. The requirements for workers to obtain such a work permit are that they pay the regular 10 JOD processing fee, a 2 JOD fee to the GFJTU and an additional 45 JOD for an insurance policy.¹⁰

In addition, workers were initially required to submit a Recognition of Prior Learning (RPL) certificate, which is a training programme provided through the Jordanian Construction Contractors Association (JCCA) and certified through the Centre for Accreditation and Quality Assurance (CAQA) in Jordan. These courses were provided to both Jordanians and Syrians, where trainees were given a month-long training, in addition to being visited by the examiner in their workplace as part of their test. RPL training included several aspects, such as training in specific construction professions like plastering or tiling. It also included Occupational Health and Safety (OSH) measurements, where participants who successfully complete the course can then obtain a skilled or semi-skilled certificate indicating their level of experience in the field. However, just a few months later, in October 2017, the MOL waived the RPL certificate

10. This insurance policy was a substitute for the workers' coverage under social security. The social security regulations in Jordan require the presence of an employer where a worker cannot register him- or herself as well as on-the-job accident and death benefit insurance.

requirement, as it was deemed too onerous and bureaucratic. The waiver served to again increase the number of work permits issued, helping the government get closer to its targets more quickly.

Inside Zaatari refugee camp

In mid-2017, the Ministry of Labour issued a new decree allowing Syrians residing in refugee camps to be issued work permits and obtain job opportunities outside the camps. The Zaatari Office for Employment (ZOE) was inaugurated in August of 2017. At the Centre, there are representatives from both the ILO and UNHCR. Job seekers can access the same services of the agricultural and construction sectors through ZOE, and they need not leave the camp to do so. Once ZOE issues permits for workers (typically within a few weeks), Syrians then register their work permits with the UNHCR representative in order to obtain permissions to leave the camp for up to one month at a time for employment. Permissions are typically granted quickly with a security screening by the UN and the Jordanian government.

Once the permits became available to Syrians inside the camp through this mechanism, the overall number of permits issued increased dramatically. With these work permits, Syrians are now able to leave the camp continuously for up to one month for employment purposes. As indicated previously however, work permits do not necessarily lead to meaningful work opportunities. Research findings and interviews with officials have shown that a primary reason for the increase in uptake of work permits in Zaatari is due to the fact that a work permit quickly provides its holder with the chance to legally leave the camp for up to one month, which is not otherwise allowed by UNHCR.¹¹ This possibility for swiftly-granted and increased mobility served a positive function for Syrians who were keen to leave the camp for personal reasons, such as visiting family or friends, attending weddings, or going on *hajj* or other religious pilgrimage.

For Azraq refugee camp

In Azraq camp, the situation is quite different from that within Zaatari. The major definitional character of the camp plays an important role in determining access to work permits: Azraq camp has served as a detention area where many Syrians would be sent if found in legal violation of Jordanian laws. As of February 2018, UNHCR has stated that the active population of Azraq camp has reached 35,800 Syrians (JIF 2018). Azraq also hosts village 5, which served as a temporary, highly secure transitional area for

11. Permissions to leave Zaatari camp are granted depending on the applicants' security clearance and application circumstances. Permissions are typically only granted for a few days for a specific purpose such as attending a wedding or funeral of a family member.

Syrian refugees who have left ISIS-controlled areas of Syria and require a more extensive security clearance from the Jordanian authorities. As of January 2018, there are 9,133 residents in village 5 (JIF 2018). Because of their security status, residents there do not have the same privileges, freedom of movement within the camp, and access to some services as other camp residents until they are fully cleared. Residents of village 5 who have been cleared are then moved to village 2, or what is known colloquially as ‘ex-village 5.’ Many governmental and NGO officials we interviewed reported to us that residents of ex-village 5 still face severe stigma and procedural difficulties even though the government has officially cleared them.

In February 2018, the Azraq Centre for Employment (ACE) was officially launched, even though services began prior to the inauguration. Due to the long and difficult security clearance procedures at Azraq camp, as of the time of writing this report none of the workers who applied for and obtained their work permits had yet been fully processed and given security clearance to leave the camp for employment purposes. The ILO hosted two job fairs at Azraq on the same day as the official opening of ACE in villages 2 and 3, and many employers who were reached through the Centre had indicated a high level of interest in hiring Syrian workers because the QIZ factories in need of Syrian employees were located close to Azraq camp. However, none of the workers with permits were able to leave the camp to access promised jobs, as they all waited, and continue to wait, for their security clearances to come through.

III. Corruption and anti-corruption in Jordan

As mentioned above, this paper adopts a broad definition of corruption as ‘an abuse of power for private gain.’ This permits us to discuss corruption from a variety of viewpoints, covering not only public officials, but also private actors such as companies and individuals who have a duty to protect the interests of others. Thus, the concept of corruption covers practices commonly considered corrupt, like nepotism and cronyism, as well as the exploitation of Syrian workers, since this involves an abuse of the employer’s power vis-à-vis people in a precarious situation.

Before looking at specific patterns of corruption related to the IWPS, insights into the Jordanian context in terms of corruption and anti-corruption can help frame the challenge.

Types of corruption in Jordan

According to a 2013 USAID report on ‘Jordan Rule of Law and Anti-Corruption Assessment,’ one of the main challenges of conducting research on the topic of corruption in Jordan is that sound empirical research on the topic simply does not exist, with the exception of national public opinion surveys done by International Republican Institute. These surveys indicate that the Jordanian public believes that corruption is one of the country’s most serious problems. Despite King Abdullah’s vocal commitments to combat corruption since the Arab Spring in 2011, corruption remains entrenched in most sectors of society, including the public sector, political parties, civil society, the media, executive authority, and legislative authority.

In 2012, Freedom House identified Jordan as one of the strategically important ‘countries at the crossroads’ in terms of democratic transition. It scores very low for accountability and public voice (2.19 out of 7); civil liberties (3.18 out of 7); rule of law (3.16 out of 7); and anti-corruption and transparency (2.75 out of 7). In addition, ‘petty corruption’ amongst public servants appears to be a persistent problem. Durable corruption problems in investment include the investment benchmarks and investors’ feedback, which can be held up or altered due to requests for bribes. Indeed, public dissatisfaction with corruption is high and triggered large protests in June 2018 (Aziza 2018). Public corruption is often associated with *wasta*, the system of utilising kin-based forms of social capital and nepotism or favouritism for obtaining resources of various political and economic types.

The functional role corruption plays to bridge inefficiencies in the programme administration and implementation is seen as acceptable, often necessary, and even occasionally admirable and reflective of innovation and hard work.

Curiously, there have not been any widespread reports by Syrians that aid distribution and employment mechanisms are plagued by the same problems, nor was it widely reported amongst the Syrians we interviewed. When asked what the most common form of corruption is experienced by Syrians in the labour market entry and participation, nearly all our respondents indicated that ‘exploitation of Syrian workers’ by employers (rather than governmental entities) was the most common. The Syrians we interviewed identified long hours, poor pay, and insufficient working conditions as the main methods of exploitation. Some mentioned the practices described in the next section. None mentioned, interestingly, bribery – which is a type of corruption they faced on a

widespread scale in Syria. Informed by our interviewees' perspectives, we conclude that the functional role that corruption plays to bridge inefficiencies in the programme administration and implementation is seen as acceptable, oftentimes necessary, and even occasionally admirable and reflective of innovation and hard work.¹² Furthermore, the Jordanian government has proven to be adept at identifying the functionality of corrupt practices and adjusting policies to coopt and legalise them. Syrians come from different socio-cultural, economic, and political/national milieus with varying expectations and understandings of corruption at the interface of the state and government, and the confluence of these experiences and expectations plays an important role in how they understand and thus identify various overt forms of corruption (as corruption).

Jordanian government has proven to be adept at identifying the functionality of corrupt practices and adjusting policies to coopt and legalise these mechanisms

The widely-practiced social custom of using special connections (especially kin-based and justified as 'tribal tradition') for favouritism is called *wasta*. Literally from the Arabic word for 'connections,' *wasta* is a primary means of attaining and achieving necessary ends in social and political resource provisions. While the practice is common, it is both condemned and seen as necessary in the context of Jordan. *Wasta* is 'birthed by necessity because of inefficient, unfair and corrupt governance and lack of adherence to the rule of law.'

For example, due to the poor natural resource endowment of Jordan, high levels of international aid, coupled with the prevalence of non-transparent government institutions, *wasta* provides a point of entry into otherwise obscure or impenetrable offices that dole out benefits. The prevalence of *wasta*-based practices for small-scale benefits replicates and 'lends tacit support to the practice of grand corruption at the highest levels of government and society,' where grand corruption, financial bribery, and embezzlement is believed to be a widespread problem, according to the same USAID report.

In pre-war Syria, *wasta* played an important – but slightly different – role from that in Jordan. *Wasta* was used in Syria by those with political connections. For those without such valuable connections, payments were exacted in the form of money or material goods for non-routine services in the public sector, such as a building permit or export

12. For more on the 'functional role' of corruption, see Marquette, H. and Peiffer, C. 2018.

license. The ‘opportunity-structure’ for these prevalent forms of corruption, most notably for bribery, increased during the 1990s, when the relative poverty of public employees became more visible as the private sector saw more and more economically-thriving individuals willing to do ‘whatever it took’ to get a job done. Interactions with the state were often guided by public sector employees who demanded gifts for work to ameliorate their low-paying positions. After Bashar al-Assad took over in 2001, the hopes ran high that public-sector pay would increase and put an end to the petty bribery; unfortunately, it did not. *Wasta* is thus recognised as a region-wide phenomenon with both positive and negative functions.

Understanding more in-depth the cross-cultural experiences of Syrians in Jordan with regard to all types of corruption provides better context for the ways in which brokers, *shawish*, subcontracting employment opportunities, and nepotism are often seen, like *wasta*, as both necessary and important, even at times as having positive functions. In fact, we heard of instances in which Syrians had tried to use bribery as a means to obtain information, advantages, or beneficial judgements from Jordanian governmental officials, only to be denied. Paying small bribes to Jordanian officials, at least in the issuance of work permits, for example, seems to be ineffectual. What would have been standard practices in Syria, they reported, were disallowed and ‘frowned upon’ in Jordan.

These kinds of cross-cultural differences are important to understand when studying corruption in the context of migration, where one national context and normative cultural practice comes into interaction and articulation with another. These differences are also relevant, as discussed in the conclusions, to understanding how Syrians view the viability and sustainability of returning to Syria.

How has the Jordanian government addressed corruption?

Jordan was the first Arab country to ratify the UN Anti-Corruption Convention in 2005 and derives its definitions and laws from it. Since then, Jordan has committed to developing national legislation in line with anti-corruption efforts and reviewing it regularly. The Jordanian government took a few notable steps towards combating corruption, particularly in the form of institutional creation. The Anti-Corruption Commission (ACC) was established in 2007 with a broad anti-corruption mandate, including investigations, preventions, and public awareness, and comprises six members and a chairman appointed by the King. However, the ACC’s effectiveness was profoundly hampered by a lack of independence and prosecutorial capacity.

Following the Arab Spring of 2011, the government instituted numerous reforms that many had hoped would help to curb corruption. A Royal Commission was created to amend the constitution in ways that would bring more balance between legislative and executive authorities. The judiciary was granted greater autonomy. Most notably, the Independent Election Commission was established to oversee and run electoral processes in Jordan. However, the hopes that many had invested in these reforms have yet to materialise. In 2016 the ineffective ACC merged with the Bureau of Ombudsman. The new Jordan Integrity and Anti-Corruption Commission (JIACC) is intended to remedy the failings of the ACC. The JIACC can investigate and prosecute any corrupt act, and offers enhanced protection for witnesses and whistleblowers.

Cooptation and regularisation as an anti-corruption strategy

In addition to these explicit anti-corruption measures, the Jordanian government applies a range of legitimisation strategies, including ‘cooptation,’ which it uses to deal with opposition in the form of political parties, movements such as the Arab Spring, and actors. Visually, these processes of cooptation have been articulated as a series of concentric circles in which the elites are positioned in the innermost circles. With each outward-passing circle, the proximity to the powerful elites is diminished, yet simultaneously each circle becomes drawn into the powerful center, thus strengthening the center elites and reproducing the next ‘wave’ of circle creation.

This ‘ever-enveloping umbrella’ of political power has important implications for corruption. As oppositional or non-endorsed positions and players grow in importance and legitimacy for non-state activity, the state draws them under their power and influence in order to encompass and coopt such forces. These forces then lose their power in opposition or non-state action and become a further support for state legitimisation. Corrupt practices become subject to state oversight, legal ramifications, and utilised in the service of the state.

These strategies are conducted in two primary ways. The Hashemites have employed strategies that support 1) ‘strategic cooperation,’ and 2) they have furthered the empirical evidence *en force* for the ‘inclusion-moderation thesis.’ In one important study of otherwise banned or controversial Islamist political groups in Jordan, Clark finds that ‘strategic cooperation’ is the method by which the government incentivises certain, select behaviors, which leads to Islamist cooperation with the state and then ideological moderation, at least in some areas and even amongst those with some ‘redline,’ unalterable ideological opposition. In the case of Jordan, Schwedler has

written on the inclusion-moderation thesis, arguing that political inclusion of the political arm of the Muslim Brotherhood routinely cooperated with its opposition, and collectively decided on the terms of engagement and experienced some forms of ideological moderation, thereby helping bring the party under the umbrella of the Hashemite regime. The guiding assumption is frequently that political participation and ‘inclusion’ brings about moderation and – by extension – at least some level of cooptation into the state, while exclusion and repression prompt further entrenchment and radicalisation. Thus, the Hashemite regime is well-known as a nation of ‘stability and security’ even as it is fraught with economic woes, political uncertainty, and demographic upheavals through substantial global refugee and migrant flows.

Most discussions of the practices of cooptation, strategic cooperation, and inclusion-moderation in the context of migration and forced displacement are described as ‘regularisation.’ ‘Regularisation’ refers to practices that enable a migrant population to authorise and legitimate their status: these include ‘amnesty’, ‘normalisation’ and ‘legalisation’. Such practices are often seen as a way for a state to collect increased tax revenues, incorporate and regulate the labour market, and establish a base for future immigration policies and enforcement.

The use of regularisation practices for cooptation of irregular employment as an anti-corruption strategy is important, if underdeveloped in the literature. In one example, regular and irregular gold miners in Ghana have come under corrupt law enforcement practices, which the author recommends remedying through regularisation of the small-scale mining sector. In another example, the company Siemens instituted a series of anti-corruption strategies through formalisation that were relatively successful, ‘but that does not solve the problem of how to adapt the system to a changing environment, or how to react to contradictory expectations from non-members.’ In another example, in the late 19th and early 20th century the payment of civil servants through the bribe-like *sportler* practice was the norm, whereby payments were made for services or documents that should have been provided for free, and this practice was often accompanied by extortion and demands for bribes. The reason for the practice, Sundell argues, was the lack of administrative capacity. As a result, a gradual process of formalisation and regulation of the civil service sector curbed the practice. ‘Such regularisation allows the standardisation, accountability, and regulation of such practices, making them a formal fee rather than a bribe.’ The promise of regularisation and formalisation of employment practices is increasingly recognised as a promising avenue for anti-corruption reforms. ‘Successful policies of formalisation are based on bargaining, not repression,’ and this strategy of strategic cooperation and inclusion-moderation has defined the ways that the Hashemite Kingdom of Jordan has long dealt with political and economic opposition.

Jordan's case represents an instance of a government utilising national strategies of cooptation and regularisation in an economic development effort with a refugee population to limit actual corruption as well as perceptions of it.

The case of Jordan thus represents a distinct instance of a government utilising national strategies of cooptation and regularisation in an economic development effort with a refugee population to limit actual practices of corruption as well as perceptions of it. We have not yet found another example of this strategy, and given the singular features of the Jordan Compact, there might not yet be another.

The Council of Europe maintains a country-specific digest of anti-corruption news. This digest serves as an important go-to of all national interest stories on the topic of corruption, including governmental statements supporting anti-corruption, reports of high profile cases of graft, and updates on laws for money laundering. In its digest on anti-corruption news in Jordan, the Council of Europe highlighted a very recent and important case of graft that has captured the attention of Jordanians: in mid-2018, the JIACC seized the assets of the former Director of the Income and Sales Tax office, imposed a travel ban, and charged him (and other suspects in the case) with abuse of public office for illegally reducing a national company's tax burden from 6 million dinars to 1.5 million. This case serves as an important public statement that the Jordanian government is at least willing to take important steps towards combatting corruption in the current government and at the highest levels.

IV. Corruption and employment in Jordan

Nepotism/cronyism in recruitment and hiring

The most common forms of corruption affecting Jordanian workers as well as migrant workers and Syrians are nepotism and cronyism in recruitment and hiring practices. Within the Jordanian labour market, nepotism and cronyism influence who applies for jobs. In other words, there is a degree of self-selection into and out of the Jordanian national applicant pools due to the applicants' belief as to whether or not they have the 'right' connections or *wasta* for the position. Without it, many will self-select not to apply. Furthermore, nearly 40% of the Jordanian national workforce is employed in the public sector, which contributes to an environment of competitive hiring and patronage

networks within which individuals tend to secure access to governmental positions and hiring through nepotism and cronyism. In one 2014 report, 83% of Jordanians responded that they believed *wasta* is a form of corruption, however 65% think it is necessary to get a job. This has become problematic to such a degree that the Anti-Corruption law N.62 specifically criminalises nepotism as a crime of corruption.

The most common forms of corruption affecting Jordanian workers as well as migrant workers and Syrians are nepotism and cronyism in recruitment and hiring practices.

In a 2017 report, Jordanians identified five specific issues as particularly important in their impact on Jordanians' willingness and eagerness to work, regardless of the job or sector. They include on-time payment of wages, reimbursement for overtime, working hours that are predictable and sustainable, production methods that emphasise skill rather than manual labour, and recognition of effort. The first two are explicitly required under Jordanian Labour Law. However, the fact that these issues affect Jordanians' willingness and eagerness to work in the way they do tends to put Jordanians at a competitive disadvantage with other migrant labour groups who experience a violation of these five issues as the norm. While Jordanian national labourers are in a highly competitive position when it comes to not only seeking and finding employment based on nepotism, when Jordanians they seek labour outside of *wasta*, they must then compete with other migrant groups who are often able and willing to accept suboptimal working conditions as a part of the migrant labour experience, which can often include working without a permit. As a result, the pressures on nepotism amongst Jordanian nationals in the labour market also contribute to the exploitative working conditions of migrant workers in Jordan more generally. Among other pressures, nepotism and favouritism contribute to as few as 17% of non-Jordanians holding a work permit that matches their actual employer and occupation.

For Syrians specifically, when we asked workers and employers about recruitment methodology and how workers were selected for positions, the two main answers were 1) Syrian workers heard about the job through advertisements, and 2) the remaining majority of workers were found or applied for the job through word of mouth and with the recommendation of families or relatives. One of our focus groups consisted of women who had worked for a single Jordanian employer in Mafraq. Nearly all the women were related to each other, and the women heard about the job opportunities from family members with whom they would apply for the work. This was a common experience.

When Jordanian employers were asked about this, many indicated that it was normal for them to hire relatives of their workers. They reported that it is a much simpler means for them to find the number of needed workers, especially with big projects that require over 100 workers at a time. Additionally, two of the Jordanian employers indicated that they prefer hiring relatives and acquaintances of workers because the employees then get along much better and create a more positive working environment.

In the agricultural sector in Jordan, especially in remote farming areas, one of the most commonly-used methods of recruiting workers is hiring entire groups of families or related workers at the same time. Many workers indicated that they only agree to be hired as long as they are recruited with their entire family or groups, and employers opt for this practice so that they can more quickly and easily find the number of workers they need. This is especially true in harvesting seasons, where the picking of fruit may have a short duration but requires several hundred workers hired simultaneously. This makes the hiring more prone to nepotistic ‘quick fixes.’

In the Cash for Work program, the policy permits only one family member to work at a time. The intention is to enable more families to benefit from these positions which are highly sought after for their close location to one’s home (very frequently in Zaatari or Azraq camps), short working hours, and preferential employers known for being ethical and upright in their hiring and labour practices - typically international and national NGOs engaging in humanitarian work. One of the focus groups reported that even in CfW in Zaatari, Syrian families facilitated the hiring of other family members. In doing so, they would take a portion of the family member’s pay from them for bringing their job to them. As one member of the focus group said, ‘Maybe this is a form of exploitation to facilitate the hiring of the family members and take a cut from other family members’ pay. This is like an informal [unwritten] contract [without social security]. It’s not *wasta* [using one’s connections] to do this, but of course people are trying to [get people hired for their own benefit]. Everyone is working, and the charities sometimes have a hard time to find people.’

In one focus group with formerly employed Syrian men in the construction sector in Mafrq, the hiring practices were very much focused on bringing in family members and close neighbors first. One of the reported advantages of working with their employer, according to the Syrian respondents, was that the Jordanian employer was willing to prioritise not only employing those family members recommended by current employees, but also those that were over the age of 30. This was considered a very preferential hiring move, and one that brought great benefit to the families. Ageist policies are discussed in detail below.

It is clear that corruption and illegal recruitment and hiring practices in the form of nepotism, favouritism, and cronyism amongst Syrians are mirroring those found in Jordan at large: connections through *wasta* and preferential recruitment and hiring of family members and friends are seen as necessary, even fulfilling an important positive function as a ‘short-cut’ or ‘quick-fix’ to fill an immediate and large employment need amongst refugee families in conditions of great precarity. The functional quality of these practices is important and highlights the immense precarity under which many are living within the country, especially given the considerable possibilities of exploitation and poor working conditions, which are largely considered the norm for migrant labourers in Jordan more generally.

V. Corruption and migrant workers in Jordan

Brokers in recruitment and hiring

Jordanian law requires that all non-Jordanians working in the country have work permits. Given that only an estimated 17% of migrant labourers in Jordan are working with permits that match their employment and employer, the question arises: how are the other migrant labourers able to obtain work permits that do not actually match their employment and employer? One primary method is through a broker or, as has been articulated in other studies of migrant labour in general in Jordan, a ‘black market sponsor’ or *kafeel* (the Arabic word for ‘sponsor,’ which is highly associated with labour market arrangements in the *kafala* system). In these instances, labourers purchase a work permit to maintain their formal migrant status, often paying as much as 1,000 JOD/year, the majority of which is the sponsor’s profit and the remainder goes to paying the permit fees. The sponsor acts as an employer in the application process and in the final documentation, however he is not actually providing any actual employment. With the work permit, the migrant is able to be protected from deportation and potentially to improve their working conditions through a position of better bargaining with other employers. Nevertheless, black market sponsors hold considerable power over migrant workers, as they are able to control those migrant workers’ mobility and are able to extort those migrants by holding their passports (both of which are illegal but common practices with migrant workers). This is a particular strain on non-Syrian migrant labourers because their residency status is tied to their work permits.

In the case of Syrians, we found that the need to increase the number of work permits issued exacerbated an already difficult situation for migrants and further facilitated the black market for (especially Jordanian national) brokers, who took this as an

opportunity to demand high fees from Syrian workers in return for providing them with work permits recognised as an official, legitimate document by the Jordanian government. In the case of Syrians, a broker, who is generally a Jordanian national, would create a fake ‘employer’ in the work permit applications. The broker collects a large fee from Syrians and submits the applications to the Labour Directorate to issue the work permits, claiming to be working on behalf of the employer. Syrian workers who obtained their work permits through brokers resolved their short-term interests in feeling safe outside of the work environment: the forged documents enabled them to travel freely and without fear of any negative repercussions of deportation to Azraq refugee camp or even back to Syria.¹³ This mirrors the situation for non-Syrian migrant labourers as well. Amongst those we interviewed, this was seen as an important function of the brokers.

However, broker-initiated work permits create longer-term challenges for Syrians, such as the absence of the actual employer mentioned in the work permit. This means that when a Syrian attempts to find the previous employer in order to obtain a valid work permit through a new employer, they are unable to do so. The Syrians we interviewed who had obtained a permit through a broker were often frustrated that they were ‘locked into’ a situation that had negative repercussions for their employment prospects with other employers. However, some were able to work on their old, brokered permits with a new employer.

Syrian workers continue to encounter new difficulties if their work permits were attached to non-present/non-existent employers. Many Syrian workers took the new non-employer-specific work permits as an opportunity to correct their working status and situation to become regularised in their labour sector. With brokered documents, the employers specified are not available to assist them in legal matters such as being exempted from their current permits and terminating their ‘employment’ before their expiration date. This caused many Syrians keen to obtain the non-employer-specific work permits to have their applications be put ‘on hold’ while waiting for their permits to either expire or for their (nonexistent) employers to show up and allow them to terminate their obligations and move to other employers in order to process their new permits. Currently, there are no clear or direct solutions to this problem in the system,

13. Syrian refugees may have temporary residency status granted through the Jordanian government, unlike other migrants. However, their in-country mobility is severely limited without a work permit. The cases of those Syrians sent to Azraq or deported to Syria are few in number and not necessarily related to traveling without a work permit. However, the fear of this punishment was enough to push many Syrians into alternative means of accessing a work permit or adjusting their working lives so as to avoid detection. This likely demonstrates that Syrians were more frequently facing localised harassment and invasive security searches for traveling without a work permit than a likely deportation.

where many workers are still working irregularly or with incorrect work permits while awaiting to be ‘released’ from their previous permits, which were issued by brokers.

VI. Corruption and Syrian workers in Jordan

We found a number of corrupt practices that relate to the specificity of the Syrian situation in Jordan. These were not necessarily found amongst Jordanian labourers or other migrant labourers, but may, consonant with our findings above, mirror and reproduce the practices already followed in Jordan. The following issues were identified by our Syrian interviewees: the use of middlemen/‘*shawish*’, subcontracting employment opportunities, charging Syrians for work permits, and exploitation of Syrian workers,

Middleman/‘*shawish*’ in recruitment and hiring

One means by which corrupt practices infiltrate the hiring process is through the use of middlemen or, in Arabic, ‘*shawish*.’ While the Syrians we interviewed used the word ‘*shawish*,’ the Jordanians used the word ‘*simsar*.’ The word ‘*shawish*’ is also a military term for a general, or something akin to ‘El Jefe’ in Spanish.

The *shawish* differs from a broker by serving as a facilitator between the employer and the workers, whereas a broker interfaces with the Jordanian government. If an employer needs, say, 20 workers for one month at 8 hours per day, the *shawish* may be contracted by the employer to find the workers. The *shawish* gathers the workers and ‘vouches’ for them to the employer. In turn, the *shawish* also guarantees that the workers get paid. In exchange for these tasks, the *shawish* will take a portion of the employees’ wages, reported at between .15 Jordanian cents (*qirsh*) per hour per worker to 1 JOD per day per worker. Furthermore, the employees are then locked into this particular *shawish* for the term of the work; they are unable to leave their jobs. Issues of additional working hours, tasks, and safety conditions are outside of the *shawish*’s purview and subject to the employer’s demands. The practices of the *shawish* are not monitored by the Jordanian government. The *shawish* system is believed to be a new one that developed under the IWPS.

In Jordan, most of the *shawish* are reported to be operating in the agricultural sector, particularly with the high demand of seasonal labour. By one interviewee’s estimate, 50% of the work opportunities are through *shawish*. Another interviewee indicated that 95% of the work available to Syrians in the agricultural sector is through middlemen,

who are important for Syrians because they make it easier to locate favourable agricultural sector jobs. *Shawish* may be Syrian or Jordanian; neither nationality was a given.

The *shawish* system, then, illustrates the functional role of corruption in a context rife with inefficiencies. As in the case of brokers, which gave Syrians the benefit of a permit, the *shawish* not only guarantee wages but also sometimes housing and electricity. Indeed, the reliance on intermediaries is so normalised that some of the interviewees did not consider reliance on either *shawish* or brokers as ‘corrupt’ per se. Given that many Syrians had experienced non-payment for work, the guarantee that they would receive wages and in a straightforward way without hidden fees was a step in the right direction. Some protections, they ventured, were better than none.

Jordanian employers that we interviewed, on the other hand, were reportedly unwilling to take on the risk that the *shawish* would not come through for them, that the *shawish* would utilise coercive methods to ensure the workers show up and complete the tasks, and that *shawish* also wanted to supervise their workers. These employers did not wish to give up so much control of their workers to an unknown third party. There was also concern amongst the Jordanian employers that the *shawish* system enabled Syrians to work on multiple projects simultaneously, working fewer than the recorded number of hours under the supervision of the *shawish* (rather than under that of the employer). This was particularly so in the case of day labourers, who meet a *shawish* in the morning and then are brought from project to project to work some hours and collect their pay. By one Jordanians employer’s estimate 20-30% of the Syrian workers they had were working on multiple projects simultaneously.

As one Jordanian employer indicated, ‘When I hear “*shawish*,” I think of exploitation. There are Syrians who are living outside [the camps] and have free will, and they choose to work with a *shawish*. That’s ok. But if they’re stuck [in the camps] and in need, and they have to work with a *shawish*? No. That’s not ok.’ Compulsion in labour through a *shawish* was widely seen as a corrupt practice amongst those we interviewed.

The impact of *shawish* and their practices are still vague and not very well understood in Jordan. Further research is needed, and it is anticipated that the Jordanian government and NGOs are moving to incorporate and formalise the *shawish* into the employment recruiting systems by training them on labour laws and fair working conditions. *De facto*, this would render the *shawish* a legitimate part of recruitment and hiring practices (and no longer a corrupt one), as exhibited by the pattern of cooptation and regularisation of corrupt practices by the Jordanian government discussed earlier. We revisit this last point in the recommendations section of the report.

Subcontracting employment opportunities

Subcontracting employment opportunities is another type of practice described as corrupt by the Syrians and Jordanians we interviewed. In subcontracting employment, worker A accepts a work contract or agreement for say, 15 JOD for 8 hours of work for 4 weeks. Worker A then finds another person, worker B, who will actually do the work and fulfill the terms for 10 JOD. Worker A shows up at the end of the workday and collects the 15 JOD for the labour, and he gives 10 JOD to Worker B. Worker A presumably has some legal position that worker B does not (for example, being locked into a permit with a fake employer through a brokered permit), and is able to take 5 JOD for the arrangement, while Worker B receives 10 JOD for actually completing the labour when he is otherwise unable to obtain the work contract directly. This ‘subcontracting’ of labour is found especially in large agricultural areas where identities of very temporary or short-term labourers can be more easily hidden, though it was also reported in construction and generally with employers who do not check identification. The arrangement was also referred to by our interviewees as ‘indirect employment.’

The case of subcontracting employment brought to the fore many of the latent tensions that are being felt between the Egyptians and the Syrians as they compete for migrant labour opportunities. Most who knew of subcontracting employment cited either Egyptians as the employer and the Syrians as the workers or vice versa. Egyptians have been coming to Jordan to work as migrant labourers, especially in construction, for a number of years. The influx of cheaper labour in the form of Syrians (who also have different needs, for example as refugees with their families, rather than as larger groups of men residing and working together) has resulted in reportedly some Egyptians attempting to capitalise on the moment and informally employ Syrians.

The Syrians we spoke with found this a corrupt practice because the subcontractor would benefit without doing any of the contracted labour, which exploited the precarious position of some Syrians, who had some legal position that would otherwise keep them from obtaining work more directly. It also seemed to us that some of the complaints about the practice and claims of corruption were about a larger ‘cultural complaint’ about the jockeying for position and power currently going on between different groups competing on somewhat different terms in the labour market. The practice of subcontracting labour puts Syrians at the bottom of a power hierarchy, which felt to some to be ‘adding insult to injury.’ It was offensive to Syrians because it violated the sense of pride about their work and what they saw as their so-called ‘rightful place’ in Jordanian society as refugees, deserving of dignified labour and a chance to rebuild.

Charging Syrians for work permits

As is discussed above, in the processes for obtaining a work permit, the cost for a non-employer-specific agricultural permit is 13 JOD (10 for work permit ‘processing fee’ + 3 for the cooperative’s ‘operational costs’). For a non-employer, non-profession-specific construction permit, the fee is 57 JOD (10 JOD ‘processing fee,’ a 2 JOD fee to the GFJTU and an additional 45 JOD for an insurance policy).

According to the terms of Jordan Compact and the agreement between the World Bank and the Jordanian government, as well as in accordance with Jordan’s MOL laws, employers are to pay for the work permits of their employees. Furthermore, ILO has provided financial assistance to the agricultural cooperatives and the GFJTU to support their new role as a certified and legal middleman of sorts. However, through a ‘gentleman’s agreement’ between the MOL, GFJTU, and nearly one-dozen certified agricultural cooperatives, the ‘processing fees’ for the permits are charged to Syrians applying for work permits. This is effectively charging Syrians for the work permits, rather than the employers.

As one of our interviewees described, technically speaking, this form of cost-shifting is illegal: calling it a ‘processing fee’ or a ‘cost’ still pushes the financial burden for the permit issuance onto the shoulders of the Syrians, even within the context of the grace period. Such cost-shifting violates the law that stipulates that the employer pays for the work permit. The practice of charging Syrians for the work permits was part of the initial process, which ultimately paved the way for the practice to grow more widespread. The Jordanian government had contemplated with the World Bank extending free permits for two years, since charging Syrians like this – however small the sum – is not consistent with the agreement. Furthermore, these sums are not considered small for Syrians who are seeking labour and simultaneously supporting large families. However, the Jordanian government explains away the practice by claiming that it is a cost of doing the business – a ‘processing fee’, not a ‘permit cost.’ In writing, however, it is the cost of the permit, because according to the terms with the World Bank, they are not allowed to charge fees. Due to the complaints received, the Jordanian government has agreed that Syrians should incur no additional ‘costs’ in the permit issuance process; however, the authors have not yet seen evidence of policy or practice change.

This practice constitutes the primary form of corruption enacted by the Jordanian government in the IWPS system, as reported to us by our interviewees at a number of NGOs and UN agencies. The Jordanian government has now institutionalised the practice of charging Syrians for their work permits, despite changing the language to

one of ‘processing fees’ rather than a ‘permit cost.’ The Jordanian government benefits from the revenue generation and is violating the spirit and the law both domestically and internationally.

Exploitation of Syrian workers

When we inquired directly about which practices are considered most corrupt, the most common response from both Syrians and Jordanians was about the treatment of Syrians in their employment, which was seen as an exploitation of their precarious position and desperate need for cash. Syrians routinely self-reported and were reported by Jordanian employers as working longer hours for less pay than Jordanians or other migrant labourers such as Egyptians. This is a practice that is not illegal; regulations in Jordan have a lower minimum wage for non-Jordanians than for Jordanians. However, Syrians are asked regularly to take on additional tasks that are not related to their work and are outside their contract. The Syrians we spoke to also routinely cited verbal abuse as well as other forms of abuse on the job.¹⁴

The context here matters: Syrian workers have been displaced and have been forced to flee the horrors falling upon their country and have consequently become refugees in a country that is already resource-constrained and has high unemployment rates. Due to that, many employers have taken advantage of the Syrians seeking work by offering them employment opportunities in very specific and small professions, with longer hours of work, and extremely low wages, knowing that Syrian workers are willing to accept the lowest of working conditions and remuneration in order to generate any income. Not only are these conditions typically unacceptable for Jordanian workers, they are also often in types of work that Jordanian nationals find unattractive. The reality is that even if Syrians did not become refugees in Jordan, Jordanian job seekers would likely still not take on these jobs and certainly not under the same conditions.

Many Syrian workers have indicated that they feel exploited by employers who provide them with no other choice but to accept these undesirable working conditions, as they do not feel safe reporting work violations to the Ministry of Labour. This is particularly true when the Syrian is working without a permit. One case was reported to us during a focus group discussion in Ramtha by a female participant who indicated that her under-aged son worked for a Jordanian employer doing minor tasks in various professions such as fixing cars and running business errands, yet he was never paid at the end of the verbal contract. The mother continued to describe how her son felt heartbroken and

14. They also cited instances of physical abuse, employers withholding their pay, and arbitrary firings; they did not report any sexual abuse to us, however.

depressed following that incident, as his simplest wish was to save enough money from working to be able to buy new clothes for Eid Al-Adha. Another male participant indicated his shock and disappointment when he too was not paid for his labour when working for a Sheikh at the local mosque. When we asked why he did not report this to the authorities, the Syrian participant stated that when he tried to confront his employer, his employer threatened to report him to the authorities, whom he feared would deport him back to Syria. Even with the continuous facilitation provided by the MOL to ease the access of Syrian workers into the Jordanian labour market, the lack of information and awareness of labour laws and rights by both employers and employees has led to the exploitation of many Syrians at work.

The greatest challenge to countering this problem does not reside in the legal sphere. That is, formalising the Syrian labour force and providing some legal protections are not sufficient to bringing an end to the practices of exploitation of Syrian labour. Rather, the great challenge is to change the widespread perceptions that Syrians are harder workers than Jordanians, will take lower wages than Egyptians, are ‘naturally’ good at working with their hands, and are better entrepreneurs. These culturally laden perceptions serve to normalise the idea that Syrians can, should be, and will be abused in their employment, and that this is an expected and anticipated occurrence. These stereotypes were often naturalised as ‘part of their upbringing’ and ‘part of their culture.’ It is these stereotypes of the hard-working and poor, but dignified, Syrian worker that make the substandard treatment of Syrian employees frustrating for many Syrians who see themselves as deserving of a corruption-free, fair, and honest work experience.

Timing of renewal fee waivers

Work permits are issued on a rolling basis with no more than 12 months’ validity, and they can either be left to expire or be renewed after the maximum one-year period. Syrians can apply for renewal within the final month of the permits’ validity, and the renewals have been, at least according to a few reports, quite expensive, ranging between 60 JOD and 180 JOD. Recently the rates have been reported to have increased to 500 JOD.

The Jordanian government has periodically offered to waive the new work permit application and renewal fees for Syrians, which is a specific condition of the World Bank loan. The grace periods for fee waivers also change the cost of renewal to the same rate as that of applying for a new permit – 10 JOD ‘processing fee’ that Syrians are charged (discussed above). The fees were waived for the first time in April 2016 for a six-month period. This six-month grace period has been extended multiple times

since. Each time the fee waiver is announced, there is a surge of new applications, with the single largest surge occurring in April 2016, where the applications increased by over 2,000 in that month (in contrast to the 50-150 per month prior).

While there are important policy implications for removing regulatory impediments to work permit applicants for this, the fact remains that Syrians apply because of the fee waivers. Syrians reported a fear of having to pay high fees for new or renewal applications after the grace period ends and are keen to take advantage of only having to pay 10 JOD rather than upwards of 800 JOD.

Of particular note is that Syrians delay their renewal applications until the final and third month in the waiver period. This signals that Syrians do not tend to seek work permits immediately after a waiver period is announced, but rather just before the waiver period expires and prior to the announcement of another waiver period.

Some NGO employees we spoke with saw the extensions of the grace period as a particularly manipulative and corrupt action by the government of Jordan. They saw that the Syrians were keen to take advantage of the fee waiver period and were also keeping an eye on dates of expiration, acting in concert with the waiver period. However, the NGO employees we spoke with indicated that the sense of insecurity amongst the Syrians that this move both encourages and takes advantage of was particularly egregious. The NGO employees viewed it as a way to manipulate the increase of the permit applications to reach the targeted numbers more quickly.

VII. Other barriers to inclusive labour integration of Syrian refugees

Ageist policies and practices

At times, employers in the agricultural sector hire large groups of people at a time, especially family groups via nepotistic practices, as described above. Thus, there is a higher risk for child labour as many family groups would include a number of children who are 15 or younger, where the legal working age in Jordan is 16, and the age of majority is typically considered to be 18. These children are coming from small villages and remote areas with their parents or relatives, are working full time like regular workers, and are being paid for their labour.

On the other end of the spectrum, preferential hiring of young and fit employees also frequently eliminated those over the age of 30 from consideration for employment. The elimination of 17 and 31 year-olds from the workforce puts some families in very difficult positions: 17 year-olds are frequently considered head of households who need to work to provide for fatherless families, and 31 year-old men and women often still have family obligations that require that they provide income for children who are too young to work and/or aging parents who are too old to work. While many employers target the younger workers (18-30 year olds) because they are willing and physically able to work harder, they do so at the expense of eligible younger workers (even part-time between the ages of 16 and 18 so as to balance with demands for schooling) and older workers with extensive family obligations. Such a practice substantially limits the Jordanian government's ability to support the Syrians.

While not corrupt per se, Syrians we spoke with regarded these policies as unethical because they violate what they articulated as their localised norms and cultural practices when it comes to family. Refugees are often residing with families in Jordan in precarious situations, and this often requires that extended families pool resources. To eliminate from consideration for employment a generation or more who are in need of work to sustain themselves was referred to as a particularly offensive action. It was often interpreted as a way of denying the whole family unit, rather than just the individual, the labour and its benefits.

Gender quotas

One focus group discussion we conducted was of nine women in the governorate of Mafraq. These women were employed by a Jordanian contractor, who was required to hire a certain percentage of women (both Jordanian and Syrian) in order to qualify for an additional company benefit, the EIIP. When interviewing the employer (separate from the women's focus group), it seemed that even though he had hired 150 women in total for an agricultural job cleaning the roads, the hiring was primarily for the purpose of fulfilling the EIIP requirements and not about providing an actually productive employment opportunity. Women were generally given minor tasks of little importance or value. The employer would choose a much quieter side road for the women to work on, for example, where they gathered in small groups of five to work together. Additionally, even though the women were technically given the same amount of work as the men, they were only expected to do some of it, and then the men would continue the work on their behalf. Other times, most of the women indicated that they would just sit around the office or bring with them their own picnic and tea and sit at the side of the road, while occasionally sharing their picnic with the men as well. The EIIP program,

while providing necessary money for women and fulfilling international gender empowerment and labour force goals, was only achievable if the women did not actually work much; in fact, there was very little for them to do.

Some of the Syrian men with whom we spoke saw this as an unjust practice. In particular, they complained the gender quotas required hiring women *instead* of men. They view policies that ensured women occupied a certain portion of the number of jobs available were also actually guaranteeing the exclusion of males. The men we interviewed who were over the age of 40 and had been refused employment opportunities due to their age were particularly upset. They found themselves denied employment because they were deemed not youthful enough for the difficult physical labour, and then saw women engaging in non-physically challenging labour in their place. While gender quotas aimed to help increase female participation in the labour force, the men we interviewed ultimately viewed those quotas as occurring at their expense.

Nationality quotas

In some contexts, Syrian workers are treated as refugees while in others Syrians are subsumed under the category of migrant workers. Policy changes and regulation of refugees and migrants in the labour force issued by the Ministry of Labour in recent years overwhelmingly targets Syrians and not other groups of refugees nor other migrant workers from other countries, including Egyptians, Somalis, Yemenis, and others. The framing of Syrians as ‘refugees’ can be mainly attributed to the internal and external pressures on the Jordanian government to provide long term, durable solutions to the Syrian refugee crisis, as formalised in the London Conference and the Jordan Compact. On the other hand, some regulations in the Jordanian labour laws, such as the ‘quota system,’ treat Syrian workers as migrant workers.

Migrant workers are often subject to national laws aimed at increasing employment of Jordanian nationals over migrant labourers, including the establishment of professions that are closed to migrants and quotas for Jordanian nationals. Jordan’s labour laws stipulate that companies and factories have a certain percentage allowed for them to hire migrant workers, which varies according to sector and profession. For example, the garment sector inside the Qualified Industrial Zones and Syrian investors operating inside the Industrial Areas are required to hire 30% Jordanians. Furthermore, the Rules of Origin stipulate that Jordanian businesses hire 15% Syrian refugees, which brings the maximum percentage of other (non-Syrian) migrant workers to 55% (for a maximum of 70% non-Jordanian workers), but only in certain factories that qualified for the relaxed

Rules of Origin production. As for the rest of Jordanian business in the open sectors, this quota system applies to all non-Jordanian workers, meaning that if any company of factory looks to hire more migrant workers, there is a maximum number that they are permitted to hire from each nationality. Because Syrian workers are then considered migrant workers in this context, companies and employers looking to hire Syrians into the labour force are not able to do so in many cases, as they have already reached their migrant quotas of Egyptians or South Asians, for example. One implication of this is that internal tensions between Syrians and Egyptians and other migrant workers became exacerbated by quota policies. Another implication is that we heard of many employers in the private sector showing great interest in hiring Syrian refugees as workers due to their unique circumstances as refugees, but were unable to do so once they realised Syrians are included as part of the migrant workers quota, which they had already filled. Additionally, some employers have reported that they are unable to fill the Jordanian national quotas and would like to hire Syrians to fill the available positions, but they are unable to do so due to the quota policies.

In mid-2017, the Ministry of Labour proposed a new plan for improving the Jordanian economy and developing its labour market. This project is a five-year long programme called the National Empowerment and Employment Programme (NEEP). NEEP's number one objective is to increase the employment of Jordanian nationals in jobs that are typically occupied by migrant workers in six different sectors: manufacturing, construction, agriculture, tourism, services (especially gas stations) and services (especially daycares). The programme is built on the idea that Jordanians would slowly succeed and gradually replace existing migrant workers. For that to be accomplished, employers in specified sectors were required to gradually decrease the number of migrant workers within their labour force over the five-year duration of the NEEP programme. Due to the strongly nationalist objectives of the programme, Syrian workers are considered migrant workers and subject to replacement by Jordanian nationals in the labour force.

When the MOL began circulating the new programme's regulations among concerned parties and the news media in Jordan, many international organisations began voicing their concerns that NEEP will force many Syrians out of their jobs. In response, the MOL issued a circular in late 2017 indicating that Syrian workers are exempt from the classification as 'migrant workers,' but only for the short-term. However, at the time of interviews, many Jordanian officials and employers did not know about this change.

The conflicting messages –on the one hand, that Syrians are migrant workers like Egyptians or South Asias, and, on the other hand, that Syrians are refugees with special circumstances that differ from those of other migrants – are further compounded by a

third message, which is that the labour market in Jordan is taking on new policies and practices that are aimed first and foremost at locating labour for Jordanian nationals. This policy protecting Jordanian nationals is not considered widely controversial when it excludes migrant groups such as Egyptians or South Asians. However, the place of Syrians comes into greater question in this context. Are Syrians temporary guests in Jordan only in need of short-term protection until the situation in Syria is resolved and they may return? Are Syrians asylum-seekers in need of long-term job prospects and transitions to a locally-sustained life and lifestyle? Or are Syrians in Jordan as they were prior to the crisis and to be treated as any other migrant group? The policies and practices of nationality quotas reveal this ambiguity. Jordanian employers we spoke with expressed frustration at the nationality quotas, particularly as they carried a very real cost for them in terms of production and profits. If they were unable to work as much or as long as they would like due to nationality-employment driven policies, they were more likely to see the quotas as a corrupt obstacle to successful business operation. Employers also saw the nationality quotas as invasive to their humanitarian interests: if they could and would like to hire more refugees and help promote ethical living with their Syrian neighbors, why shouldn't they be able to do so? In this sense, people not only experienced the nationality policies as practical exclusions, but also as ethical statements about deservedness.

VIII. Lessons learned and policy recommendations

Lessons learned

From January 1, 2016 to Oct 31, 2018, 122,224 work permits were issued to Syrians, bringing the Jordanian government closer to fulfilling its obligations and promises made through the Jordan Compact and the ensuing agreements, which included creating 200,000 job opportunities for its Syrian refugee population. Most of the efforts so far have focused on reaching the 200,000 promised job opportunities and regularising them through issuing work permits, which was believed to be the way to achieve the targets. However, Syrians still face challenges due to corruption, exclusion and exploitation that are yet to be addressed through new policies and labour regulations. Some prefer to work under irregular status, as it has provided them with other conditions that the new labour laws have not yet addressed, such as closed sectors.

Working conditions continue to be a major source of frustration and a locus of exploitation for Syrians in the labour force.

Additionally, work permits do not directly lead to meaningful work opportunities and favourable work conditions. Many Syrians who have obtained their work permits have yet to find employment opportunities in the labour market, jobs that are sustainable, or jobs with good working conditions in general. Working conditions continue to be a major source of frustration and a locus of exploitation for Syrians in the labour force: the ILO impact assessment of 2017 found that labour inspectors do not look at working conditions when inspecting the workplace; they typically only check for the work permits of non-Jordanian workers. Inspections also fail to take account of other aspects of favourable working environments and terms, such as OSHA-adherence, minimum wage, social security, and number of working hours per day.

Regardless, a number of Syrian workers have continuously indicated that having a work permit has provided them with the feeling of safety and security in general and with regard to their national mobility more specifically.

Regardless, a number of Syrian workers have continuously indicated that having a work permit has provided them with the feeling of safety and security in general and with regard to their national mobility more specifically. Some have further stated that working regularly has given them the security necessary to report to the Jordanian authorities cases of work violations against them. This is a course of action many Syrians feared pursuing previously (and some still do, as discussed above), even though Jordanian labour laws stipulate that work violations can and should be reported, as the law would protect workers even if they were working illegally.

In other cases, there are large information gaps regarding the new policy changes and regulations not just amongst Syrians, but also within government institutions and other related agencies as well. One of the most surprising findings during the data collection for this report occurred during a focus group discussion conducted in Ramtha, a northern city in Jordan at the Syrian border. Ramtha is a particularly important case, as it has hosted a large number of Syrian refugees since the earliest days of the refugee influx and Syrian crisis in 2011. When talking to the focus group participants, a majority of whom were unemployed Syrians, the discussion revealed that many had no

information about the work permits regulations and procedures, or the series of policies that the government issued about its implementation and availability. Participants were even surprised to hear that the MOL is now issuing non-employer-specific work permits in the construction sector through the GFJTU, which was a policy that came out one year prior to the focus group. In other focus group discussions in Mafraq, a similarly situated city in Northern Jordan, female participants were not aware of the ESC that was nearby and could assist them with job matching services to find work. It is clear that the knowledge gap and lack of available information has put limits on the potential that the Jordan Compact and ensuing agreements promised, while creating opportunities for corruption and exploitation against Syrian workers.

Policy recommendations

The following five recommendations address specific problems we found in the IWPS as well as more general issues that would be relevant for *any* labour integration programmes targeting mixed migrant/host populations. The Jordan Compact has already served as inspiration for Lebanon and Ethiopia, and it is the model that many other countries are looking to as a means to resolve their migrant anxieties and uncertainties, especially in the labour market and in their economic underpinnings. These anti-corruption recommendations aim to increase transparency and accountability, and to replace corruption's functional role with systems that distribute benefits in a fairer and more equitable manner.

1. Amplify the role and function of job-matching services

In order to fulfill the functional role that intermediaries currently play in a more transparent and fair manner, the Jordanian government and its partners could consider amplifying the role and function of job-matching services, especially in the Syrian refugee camps. If an employer were to ask an employment centre for, say, 100 workers for a large-scale and short-term agricultural project, the employment centre could have a ready list of those who qualify in an equitable, non-nepotistic manner.

One staff member we interviewed expressed some ambivalence about the current state of the employment centres. Some are doing well, such as the centre in Zaatari. Others, the staff member feared, were offering false promises or hope in situations in which Syrians would not be able to access meaningful work, such as that of Azraq camp or for those interested in work in closed sectors. Furthermore, and perhaps most importantly, the staff member indicated that Syrians did not have a cultural framework that could strongly support employment centres: such centres were not common in Syria. It is also important to note that Jordanian employers are not used to using employment centres to

find employees. Thus, other job-matching service mechanisms such as an online database with an app (given a large number of Syrians use smartphones – 70 phone connections per 100 people as of 2016) could work. Furthermore, an online-based service could benefit a larger number of Syrians in parts of Jordanian society who would otherwise find the IWPS largely inaccessible. This measure would stand-in for the functional work performed by many corrupt practices discussed in this report, and it would specifically help eliminate the corruption in nepotism, brokering, middlemen/ *'shawish'*, and subcontracting of employment opportunities.

Another way in which job matching services could curb corrupt practices in the IWPS is to devise standard pay scales for standard job opportunities. This could help promote fair and equitable access to jobs and hiring both between and within migrant workers more generally, and it would specifically give Syrians greater ability to respond to the swiftly changing labour force policies and practices in Jordan. This would create an environment of transparency, which is the first step towards countering the corrupt practices of Syrian labour and migrant labour exploitation.

2. Make all work permits non-employer specific

Work permits in the construction sector are already available as non-employer specific. The permits may be issued by the General Federation of Jordanian Trade Unions (GFJTU), which stipulates that the workers should be covered for employment-related injuries through private, approved insurance. The restrictions on employer-specific permits were removed for jobs in the construction sector largely because construction jobs are project-based and are usually less than three months long. The costs of issuing and re-issuing work permits for short-term contracts was considered too burdensome, and the current permits are available without regard for continuous employment from a single employer.

In the agriculture sector, employers are able to operate on a cooperative basis and apply for work permits on employees' behalf. Once the cooperatives could apply for work permits for Syrians in the agriculture sector, the number of work permits boomed.

Removing the linkages between Syrian work permits and specific employers - even into a cooperative or collection of employers instead - has helped increase the number of applications for work permits and helped Syrians secure work opportunities on terms with which they are comfortable. The ILO has also recommended de-linking work permits from specific employers. It should be acknowledged that the current system benefits some employers as well as brokers and recruitment agencies.

As a result, this policy change would also help eliminate the function of the broker, who is often serving as an employer in order to obtain Syrians' work permits. If an employer need not be specified, then Syrians would not find a broker necessary. Furthermore, removing the requirement for an employer on the permit would enable more Syrians to directly find their own employment in qualifying sectors: QIZ jobs, food service jobs, and others could then involve a direct negotiation between the employer and employee.

At the time of writing this report, ILO and others have prepared materials on the *kafala* ('sponsorship') system and its alternatives, which are forthcoming in publication. These materials will prove to be important to anti-corruption efforts in the IWPS to come.

3. Remove the requirement for employer permission to leave employment

Generally, when issuing a work permit, the Syrian worker must find an employer in an approved sector willing to support their application for a work permit and employment for one year. The permits link the Syrian to the Jordanian employer for that period. During the employment period with employer-specific permits, the Syrian worker is not allowed to resign from their job, transfer employment, or leave the country without first obtaining explicit permission from their employer. The permissions come in the form of an agreement that is signed by both the employer and the employee, and it is then submitted to the Ministry of Labour.

This arrangement has been highly criticised, and it is similar to the conditions under which migrant workers in general are employed in Jordan. Syrians have reported concerns about being unable to leave an employer, being reported to Jordanian authorities for scrutiny (even if all of their papers were in proper order), or other punitive practices by employers in these arrangements in which the employers command such power over employees.

Releasing Syrians from this requirement will help protect Syrians who may be facing discrimination or mistreatment and abuse in the workplace. It would also enable Syrians to seek new employment when their jobs run out, especially if their permits are still valid. This policy would serve to limit the power of the middlemen/*shawish* and enable Syrians to be hired more quickly and easily with a series of short-term positions that may be available to them. It would encourage a more competitive labour force and job market opportunities, as Syrians could leave unfavourable employment. Such an approach would utilise the power of the market to improve the working conditions for Syrians in Jordan. Finally, it would undermine the power of the brokers and eliminate the function that they serve.

Some minor movement has been made on this front. In a Circular issued 13 November 2017, Syrians were allowed mobility from the agricultural, bakery, and support services sectors to other sectors upon expiration of existing work permits. This change enables Syrians with an expired work permit to change employers without permission from their previous employer.¹⁵

4. Open new sectors and professions for Syrian employment, including self-employment

At the time of this research, the sectors and professions open and available for legal and formalised work by Syrian refugees include the agriculture, construction, and manufacturing sectors. There is much talk about opening the service sector for Syrian employment. The service sector employment would include work in restaurants, daycares, shops and retail, salons and beauty centres, and this would profoundly improve the work prospects for women.

Additional sectors that could be opened include: banking and finance; business, consulting, and management; charity work (not already available through the Cash For Work program); creative arts and design; delivery and driving; energy and utilities; medical and healthcare; hospitality and event planning/management; IT; law enforcement; leisure and sports; media; public services and administration; retail and sales; HR; science and pharmaceuticals; transport and logistics; education; and tourism.

This recommendation has been made by others and is already contested and controversial in Jordan, as the laws about sector-based employment are designed to provide for Jordanian nationals before migrants.¹⁶ There is already a law in Jordan that if a closed profession was not able to find a suitable Jordanian to fill the job, the MOL can make an exception for a non-Jordanian to work it, which is the primary ‘short-cut’ the closed sectors policy is design to address. Outside of the closed sectors, the procedure to hire a non-Jordanian is usually time-consuming. The law is not applied as often as it should or could be, especially with Syrians. In general, there are three approaches taken when one is attempting to hire a non-Jordanian national in a closed sector:¹⁷ First, employers may hire workers irregularly, i.e. without a work permit.

15. Razzaz, Susan, Syrian Employment in the Formal Labor Market in Jordan: Constraints, Regulations and Alternatives. Report in author’s possession. For the Program Management Unit of the Jordan Ministry of Planning and Development Cooperation. 20, December 2018.

16. Razzaz, Susan, Syrian Employment in the Formal Labor Market in Jordan: Constraints, Regulations and Alternatives. Report in author’s possession. For the Program Management Unit of the Jordan Ministry of Planning and Development Cooperation. 20, December 2018.

17. Razzaz, Susan, Syrian Employment in the Formal Labor Market in Jordan: Constraints, Regulations and Alternatives. Report in author’s possession. For the Program Management Unit of the Jordan Ministry of Planning and Development Cooperation. 20, December 2018.

Second, employers may obtain permits for workers with an incorrect or inaccurate occupation listed. For example, a Syrian engineer may be officially listed as a construction labourer. Third, to evade quotas, employers may add Jordanian ‘ghost workers’ to their payroll. These practices, however, only serve to reinforce the idea that employers and Syrians alike get around the fact that sectors are closed when there is a functional demand for eligible Syrian workers. Opening all sectors would remove the need to pursue this law on the part of eligible Syrians and their employers. Furthermore, it would serve to coopt and legalise the otherwise illegal and corrupt practices occurring in this area.

According to IRC, ‘By end of 2017, 83,507 work permits had been issued, allowing Syrian refugees to work in specific sectors. This is a significant jump from the 37,000 work permits issued in the first year and demonstrates progress towards the Government’s promise of issuing 200,000 work permits.’ With only approximately 4% of those permits going to women, the need and interest in mobilising women’s employment is particularly acute. By opening up the remaining employment sectors, the goal of issuing the remaining 120,000 work permits can be met, more closely approximating gender equity in the process.

In particular, providing work permits for self-employment and home-based businesses will move the economic prospects for Syrians and especially Syrian women forward:

In October 2017, the Jordanian government released new regulations for Jordanian-owned home-based businesses. While these new regulations have created new pathways for the formalisation and legality for Jordanian-run home-based businesses, they have simultaneously created a legal framework that Syrian refugees are unable to comply with. Although the regulations technically allow Syrians to register for a business in the intellectual sector (e.g., mobile maintenance, interior design, and consulting), the Government still prohibits their registration. (Post 2018)

5. Invest in awareness raising and reporting mechanisms to prevent and respond to corrupt and exploitative practices

Corruption became a heated topic for discussion for the Jordanian public in 2018. A series of protests of a new income tax law were also protests of graft by public figures in Jordan. The new Prime Minister, Omar Razzar, was installed in mid-2018 with promises to implement economic and political reforms, with anti-corruption reforms getting special priority. The Jordanian government arrested a number of public officials and figures soon thereafter.

Thus, corruption and anti-corruption efforts in Jordan are very much at the forefront of people's minds. This is a key time to begin translating that interest into tangible results in the IWPS. The authors recommend three specific anti-corruption awareness-raising efforts that could be undertaken as part of a comprehensive campaign at this important time:

First, we recommend surveying refugees by gender, level of education and employment sector to learn more systematically about the scope and patterns of corrupt and unethical behaviour in the IWPS. Based on this information, a social media campaign could focus on the types of practices most common and harmful to inclusive access to dignified labour. Establishing a hotline or phone number for anonymous reporting could also be part of such a campaign, provided that it is sufficiently resourced and that clear procedures are in place to follow up.

To attune employers about their own responsibilities, codes of conduct could be required in each worksite. These should be publicly posted and an integral part of labour inspections.

Finally, civil society should be supported to push for transparency on the part of Jordanian public officials. Given the various ways corruption occurs in the general labour force, then mirrored amongst migrants and Syrians, the most effective anti-corruption efforts need to include the national leaders who are responsible for regulating these practices. While Prime Minister Razzaz has begun pushing for this in 2018, much work is yet to be done before the 'ripple effect' will be felt in the labour market and with migrants and Syrians. In order for this work to be effective, however, third-party information gathering and monitoring about programme implementation is essential. Academia and NGOs such as Rasheed for Integrity and Transparency have an untapped role to play here.

IX. Concluding reflections

Global discussions about refugee governance frequently reference the possibility for the Jordan Compact model and specifically a jobs-focused approach to hosting refugees to be exported to other countries. While governmental officials and civil society leaders in Jordan acknowledge that the IWPS is a singular arrangement, it also provides hope and excitement about the prospects of exportability and increasing the job prospects for refugees around the world. However, there are several different contextual factors that make the possibility of other compacts more or less subject to exploitation and corruption than the Jordan Compact. The case of Lebanon is a particularly important

comparative example. In the case of Lebanon, the stories of refugees are rife with claims of exploitation, claims that are much more commonly reported than in Jordan. According to at least one report, a third of Syrian refugees perceived INGOs as corrupt, and half perceived health care services and business persons and landlords as corrupt. Corruption perceptions were lower among the Lebanese, with a fifth of Lebanese nationals perceiving INGOs as corrupt, and half perceiving business persons and landlords as such. While claims of corruption amongst the Jordanian populace about the Jordanian government are high and responsible for the large protests of June 2018, the same claims by Syrians in Jordan of aid distribution and employment are largely absent.

Although it is not a direct ‘anti-corruption measure’ as such, research on the cross-cultural experiences of corruption among Syrians in Jordan would be a valuable contribution to future efforts to secure durable solutions for this population, both in Jordan and beyond. As described above, despite reports and perceptions of corruption in Jordan, members of our focus groups expressed surprise at how infrequently they were expected to pay bribes in return for services in their host communities. How Syrians experience corruption – or the lack thereof – in Jordan is an important subject of research in itself and could inform the ways that public life in Syria may (or may not) function in the future. To what degree will the transnational experiences of corruption influence the way that a future Syria is rebuilt and sustained? Research suggests that corruption in the country of origin can discourage return migration. If migrants have adapted to a less-corrupt society, they may have less tolerance for acts of corruption in their homeland, eg requests for bribes by border-control officials or by authorities involved in reestablishment of a business or settling property claims.

The challenges of implementing a jobs-based approach to remedying refugee-host country economic woes are substantial. However, the Jordanian case provides a unique window into the ways that the attempts may – even in ethical fits and starts – continue on in the hopes of improved livelihoods and futures together.

Methodology

This project has utilised two primary methods to answer the research questions. First, the authors conducted three weeks of intensive fieldwork in Jordan to interview individually and in focus groups Syrian refugees who are eligible for employment and can legally work in Jordan. We conducted six focus group discussions, interviewing 62 Syrians (45% male and 55% female) in two northern Jordanian cities (Ramtha and Mafraq). We interviewed programme administrators in UN agencies and organisations, prominent officials at the ILO and UNHCR, Rasheed TI (the Jordanian chapter of

Transparency International), and Jordanian government officials to assess perceptions and experience of corruption and exploitation in the Work Permits Programme. In total, we interviewed five international organisation employees or officials, two UNCHR officials, three Jordanian employers of Syrian refugees through this programme, three Jordanian institutions and three Jordanian governmental officials. Secondly, the research also included observations of interactions from the new employment services center in Zaatari, where work placements and support in issuing work permits are provided. Close attention was paid to the impact of corruption and other problems on women's participation in the programme, as well as on the Jordanian economy, as 50% of benefits are anticipated to accrue to the host country through interviewing Jordanian employers and other projects that hire both Jordanians and Syrians as part of their labour force.

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