

From: Sarah Abraham

To: Islamic Legal Studies Program

Re: J-Term Research Report

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During the January Term, my partner, Lauren Blodgett, and I traveled to Amman, Jordan. Our proposed travel was meant to supply us with information for our research on statelessness related to Syrian refugees. As this is an ongoing and recent topic, much of this research is not available online in news articles or other research databases. Our goal was to understand this issue in more depth, including specifically how this issue affects current and future Syrian refugees, what steps if any are being taken to address this issue, and how Jordan specifically deals with this issue as compared to countries in the region.

Our time in Jordan was spent conducting research and interviews. Several of our interviews led us to new groups to interview as well as new topics to research that have a related effect on this issue in particular. We interviewed the most prominent human rights and aid organizations in Amman, including the International Refugee Assistance Project (IRAP), Human Rights Watch (HRW), United Nations International Children's Emergency Fund (UNICEF), Justice Center for Legal Aid (JCLA), Arab Renaissance for Democracy and Development (ARDD), United Nations Relief Works Agency (UNRWA), and Norwegian Refugee Council (NRC). These organizations all had a range of viewpoints to offer, including policy, legal, academic research, and direct assistance perspectives.

We came prepared with a list of questions for interviews and adapted them for each organization's mandate. For example, ARDD and JCLA are both legal aid organizations with direct legal representation and contact with Syrian refugees. IRAP and UNICEF provide more

direct, immediate assistance to refugees. Finally, HRW gave information based on its research capacity. All perspectives were very essential to understanding in the most complete way the situation on the ground. HRW provided essential field research and information on the background context that was missing from our research, including newly amended laws that could eventually be a major development in the Jordanian legal system in terms of human rights. ARDD and JCLA, though both legal aid organizations, provided different insight on the situation in Jordan. ARDD asked that we keep the contents of our interview confidential and to request permission to cite their information before using it in our report. JCLA was outspokenly critical of the Jordanian government, namely its unconstitutional laws and shortfalls in dealing with of the refugee crisis. Through this interview, we were able to learn of specific cases of Syrian refugees and their treatment in the legal system related to issues of legal identity.

We were able to accomplish gaining an in depth understanding of the crisis, including the power dynamics at play, the steps taken to alleviate problems, and the serious impediments to human rights that are in place throughout society and the legal system in Jordan. Specifically, we learned more about the gendered nationality laws in which nationality can only be passed on through the father. Jordan recently passed a law in which children born in Jordan to a Jordanian mother would not require the father's documentation to access certain services. However, this has not truly been enforced in practice. Stricter enforcement of this law might be one partial remedy to the issue of statelessness. In a case where a Syrian refugee, without any legal or civil documents, marries a Jordanian woman and has children, the child will no longer be effectively stateless, if the Jordanian mother could pass on her nationality, or at least the ability to enjoy most of the benefits of Jordanian citizenship.

Further, we learned that the issue of civil and legal documentation is, in part, so prevalent as a result of the Jordanian government's confiscation of documents upon refugees entering the border. UNHCR has been working with the government to sort through these documents; however, the process has been on the whole disorganized and many refugees have not had their documents returned to them.

Another serious issue that was not brought to our attention until meeting with the organizations is the disparaging treatment of refugees based on ethnic origin. Specifically, Palestinian refugees from Syria are treated significantly worse than are refugees from Syria that are ethnically Syrian. IRAP, for example, shared a story about the mass deportation of Palestinian refugees by the Jordanian government, which took everyone by surprise, seeming both sudden and rash for no apparent reason.

There were many conflicting viewpoints on the hopefulness of the situation in Jordan. Some groups believed Jordan to be very receptive to international pressure, while others viewed Jordan as fixed on their treatment of these issues. Overall, however, there was almost consensus that Jordan, compared to other countries in the region, was doing the best in its treatment towards refugees. One example of this is that, according to HRW, Jordan does not impose curfews on refugees, as do other countries in the region.

Although there are immediate needs, which must be taken care of for the refugees, this does not preclude work on the long-term issues such as statelessness. This topic is very much among those at the forefront that these organizations are dealing with. As a result of little research and clarity, however, it seems that much more work must be done in this area for any real progress to materialize.

Some conclusions and recommendations that we came to included: improving the civil documentation system; allowing Syrians to work, and quelling fears among refugees in a way that will not make them feel discouraged to seek documentation because of risk of deportation. The civil documentation may be improved by more government organization and collaboration with aid organizations. It seems as though the guidelines and relevant legal rules surrounding documentation are vague to aid workers who might be in the process of assisting refugees. Better training might be one appropriate way to tackle this issue. Several of the aid organizations that we met with provide educational and legal awareness programs in delivering assistance to refugees. Including documentation and the rules that govern it might be the most effective way to achieve clarity among these issues for the Syrian refugee population. Thus, this should be an important part of the legal awareness campaigns and programs run by these organizations.

Although nationality is the main cause of statelessness, lack of citizenship also has more immediate effects, including lack of access to services, unemployment, and ultimately poverty. The Jordanian government has shown some flexibility in passing amendments to the gendered nationality laws. The Jordanian government should loosen the requirements for protected service sectors. Because of many occupations are protected so that only Jordanians can work in those sectors, Syrian refugees with the appropriate skills and experience are precluded from continuing their careers in Jordan because of such protections.

On the whole, there are several obstacles to registration resulting from lack of civil and legal documentation. Spreading information to achieve clarity, working more closely with the Jordanian government to ensure collaboration and transparency, as well as maintaining a support system for the refugees all appear to be viable options to alleviate these obstacles.