



Boston University School of Law



النهاية العربية للديمقراطية والتنمية
Arab Renaissance for Democracy & Development

THE CAMPAIGN TO END STATELESSNESS IN JORDAN

Introduction, Conclusions and Recommendations

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Support for this publication was provided by the Open Society Foundations.

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I. INTRODUCTION

Jordan is party to a number of international and regional treaties and agreements that address aspects of statelessness, and in recent years has taken steps to mitigate some of the main barriers to accessing citizenship and nationality in the Kingdom. However, Jordanian law, policy, and administrative practices currently fail to ensure the right to a nationality for hundreds of thousands of refugees and other displaced populations that are stateless, as well as to Jordanians with unperfected citizenship. These gaps in laws and policies are creating and perpetuating inter-generational communities of stateless persons in Jordan. Because the enjoyment of many human rights so often depends on citizenship or residency status, statelessness leaves thousands living in Jordan without basic rights including to education, healthcare, and access to employment, that Jordan is obliged to provide under international and regional law and, to some degree, Jordanian domestic law. Jordanian activists, non-governmental organizations (NGOs), international non-governmental organizations (INGOs), and United Nations (UN) organizations have increasingly mobilized around the issue of statelessness and have called on Jordan to implement legislative and policy changes in line with its international and regional legal obligations. The most critical reforms needed include ensuring a child's right to nationality, gender-equal nationality laws, and legal status for refugee and migrant populations.¹

Since the UN Refugee Agency (UNHCR)² launched the #iBelong Campaign in 2014 to End Statelessness by 2024, it has mobilized States and civil society around the issue of statelessness.³ In 2019, as part of the UNHCR Executive Committee's High-Level Segment on

¹ "Gender-equal nationality" law refers to women and men having the same access to citizenship rights.

Preventing and Reducing Statelessness: Good Practices in Promoting and Adopting Gender Equality in Nationality Laws, UNHCR 1, 1 (2014),

<https://www.unhcr.org/protection/statelessness/531a001c9/preventing-reducing-statelessness-good-practices-promoting-adopting-gender.html> ("International human rights law guarantees that women are to enjoy equal nationality rights as men.").

² UNHCR is the UN agency in charge of registering refugees (other than Palestinians), with the aim of providing them humanitarian assistance and protection, and promoting permanent solutions for refugees, including resettlement to a third country. Susan M. Akram, *The Search for Protection for Stateless Refugees in the Middle East: Palestinians and Kurds in Lebanon and Jordan*, 30 INT'L J. REFUGEE L. 406, 409-10 n.6 (2018).

³ *Global Action Plan to End Statelessness: 2014-2024*, UNHCR 1, 2 (2014), <https://www.unhcr.org/54621bf49.html> (last visited Feb. 1, 2021). The #iBelong Campaign to End

Statelessness, more than a third of all States made 252 specific pledges to further the iBelong Campaign's goals, including commitments to reform citizenship laws, change administrative policies, and introduce legislative amendments.⁴ Notably absent were stakeholders from the Middle East and North Africa (MENA) Region: Jordan, along with nearly every country and civil society organization in the MENA region, made no pledge to address statelessness.⁵

Indeed, MENA is the only region yet to establish a formal statelessness network despite the severity and protracted nature of the problem in the region and in Jordan, in particular.⁶ This Report focusing on Jordan is part of a region-wide project to support the development of a statelessness network in the MENA, and the second country report mapping issues of statelessness in the region. As the fieldwork and research conducted in Lebanon and Jordan illustrate, there are similarities in the issues and problems underlying statelessness across the region, but also significant differences reflecting unique circumstances in each country.

Based on research and fieldwork conducted over the course of a year and a half, this Report provides the domestic, international, and regional laws relevant to statelessness in Jordan. The research identifies gaps in the laws and in their implementation that are perpetuating statelessness, discusses the major consequences of statelessness, and highlights the work and strategies of various stakeholders and their achievements thus far in Jordan. The Report concludes with recommendations aimed at reducing barriers to legal status that would

Statelessness by 2024 encourages States: (i) to ensure that no child is born stateless, (ii) to remove gender-discriminatory nationality laws, (iii) to grant protection to stateless migrants and facilitate their naturalization, (iv) to issue nationality documentation, (v) to comply with UN conventions relating to statelessness, and (vi) to improve data on stateless populations. *Id.* at 2-3.

⁴ *Results of the High-Level Segment on Statelessness*, UNHCR, <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/> (last visited Feb. 1, 2021). The only country from the MENA region to make any pledge was Mauritania. *Id.*

⁵ *Id.*

⁶ For information on the European Network on Statelessness (ENS), *see* EUROPEAN NETWORK ON STATELESSNESS, www.statelessness.eu (last visited Feb. 1, 2021). For information on the Statelessness Network Asia Pacific (SNAP), *see* <https://namati.org/network/organization/statelessness-network-asia-pacific/> (last visited Feb. 8, 2021). For the Americas Network on Nationality and Statelessness, *Red de las Américas sobre Nacionalidad y Apatriadía*, (*Red ANA*), *see* THE AMERICAS NETWORK ON NATIONALITY AND STATELESSNESS, www.americasns.org (last visited Feb. 1, 2021). For the Citizenship Rights in Africa Initiative, *see* <http://citizenshiprightsafica.org/> (last visited Apr. 16, 2020). Although there is no region-wide statelessness network operating in the MENA region, organizations and individuals working on statelessness in the region have recently come together in an effort to support the development of a MENA-wide network.

significantly mitigate statelessness in Jordan. The Report's analysis seeks to contribute to deeper understanding of the issues faced in Jordan specifically, and to set out proposals for reform that also relate more broadly to statelessness across the region.

A. Problem Statement

Although Jordan is party to a number of important international treaties and regional agreements that guarantee rights related to nationality and citizenship, including the Convention on the Rights of the Child, the International Convention on Civil and Political Rights, and the Arab Charter on Human Rights, it is not a party to the international treaties governing stateless persons and refugees. Jordan is therefore not required to protect the rights that these international conventions would otherwise guarantee to persons falling in those categories. Jordan also lacks domestic legislation that ensures protections for stateless persons, persons at risk of statelessness, or refugees. Jordan's nationality legislation is inconsistent, however, with its obligations under international and regional law that would provide critical protections to populations vulnerable to statelessness. Jordan's lack of compliance with existing obligations, and failure to ratify relevant treaties contribute significantly to the main causes of statelessness in the country. These causes are Jordan's gender-discriminatory Nationality Law; barriers to access civil registration, particularly for refugees and migrant communities; and the lack of status determination processes for refugee and migrant populations.

The most vulnerable populations facing statelessness are: (1) Jordanian nationals with 'unperfected citizenship,' that is, persons whose parents could not complete the birth or marriage registration processes and remain officially un-registered with the Government; (2) children of Jordanian mothers and non-Jordanian, stateless, or unknown fathers; (3) Palestinian refugees or displaced Palestinians who hold varying types of documentation that do not confer citizenship status; (4) Syrian refugees, including those born in Jordan or Syria who were displaced and were not registered with the Syrian Government; (5) other refugee, displaced, or migrant populations, including Iraqis, Yemenis, Sudanese, and Somalis who lack effective citizenship in their home countries; and (6) certain Bedouin-related groups. Though the causes of statelessness for these six populations vary, they face common barriers

to effective citizenship, including gender discrimination in Jordan's Nationality Law, inability to complete birth registration, and lack of status determinations for displaced populations. Based on their lack of legal status, individuals in these categories are often deprived of basic human rights, including access to education, employment, and healthcare, as well as freedom of movement, and access to basic benefits or humanitarian assistance.

B. Methodology

The International Human Rights Clinic (IHRC) at Boston University School of Law, in partnership with the Arab Renaissance for Democracy and Development (ARDD), a Jordanian NGO, researched and wrote this Report. The Report relies on legal and factual research on the issue of statelessness in Jordan conducted over the course of a year and a half. The fieldwork and desk research included interviews in Jordan and extensive review of the relevant laws and policies, and reports and studies from NGOs, INGOs, intergovernmental organizations (IGOs), and academics.

Fieldwork interviews and a workshop were conducted in Amman, Jordan, in November 2019 with key NGOs, INGOS, and UN organizations, followed by online interviews.⁷ Interviews were conducted with organizations that provide legal aid to, and/or advocate for: stateless persons and refugees; Jordanians with unperfected citizenship; denationalized persons; gender equality in nationality laws; and humanitarian aid delivery to vulnerable populations in Jordan. The workshop, co-hosted by IHRC, ARDD and the Boston Consortium for Arab Region Studies (BCARS), brought together stakeholders for a day-long discussion addressing: (1) populations in Jordan that are stateless or at risk of statelessness; (2) gender discrimination in Jordan's Nationality Law; (3) the child's right to a nationality under international and regional law, and access to civil registration; and (4) next steps proposed by stakeholders to establish a statelessness network in the MENA.

⁷ The organizations the IHRC team interviewed included: Arab Renaissance for Democracy and Development, Arab Women Organization of Jordan, Caritas, Justice Center for Legal Aid, French Institute of the Near East, International Labor Organization, Islamic Relief Worldwide, Norwegian Refugee Council, and United Nations High Commissioner for Refugees. Some organizations requested the identities of their organizations or staff remain anonymous, which is indicated in the source citations.

Part II of the Report provides the relevant legal and historical context relating to statelessness in Jordan today. Part III outlines: (1) Jordan's domestic laws concerning nationality, naturalization, and residency, and (2) Jordan's international and regional legal obligations to protect against statelessness by guaranteeing (a) the child's right to a nationality, (b) gender-equal nationality rights, and (c) protections for refugee, migrant, and displaced populations. Part IV analyzes the gaps in Jordanian law and gaps in implementation of the law, specifically regarding children's access to a nationality and protections for adult refugees and migrants. Part V discusses the negative and positive consequences of gaps in the legal framework, specifically the lack of access to basic rights and services, and stakeholders' achievements, including those by the Jordanian Government, NGOs, and UN organizations, to initiate reforms. Part VI concludes with recommendations to reduce and prevent further statelessness in the country.

II. CONCLUSIONS AND RECOMMENDATIONS

There has been increased attention recently by Arab governments in the MENA region on statelessness and refugees, focusing both on children's nationality rights and on gender discrimination in nationality laws. A series of initiatives on refugees and stateless persons has been led by the LAS, which has placed renewed emphasis on the relevant provisions in the Arab Charter that have been discussed in this Report. In 2017, the LAS convened a conference in Cairo on Good Practices to Strengthen Women's Nationality Rights, bringing both government and civil society representatives together. The conference resulted in a Declaration that re-affirmed principles in the Arab Charter, CRC and CEDAW, and called on all Arab states to "reform their nationality laws or to give a clear commitment to reform to grant equal nationality rights for women and men."⁸

⁸ The First Arab Conference on Good Practices and Regional Opportunities to Strengthen Women's Nationality Rights, League of Arab States Secretariat General, 1-2 October 2017 Final Declaration, 2, available at: <http://equalnationalityrights.org/images/zdocs/Final-Declaration-of-the-Arab-Conference-on-Nationality-English.pdf>.

In February 2018, the LAS and UNHCR co-hosted a Ministerial Conference on Belonging and Identity in Tunisia, culminating in a Declaration affirming ‘the importance of strengthening women’s nationality rights and gender equality in nationality according to Member States’ national laws and international human rights treaties that Member States have ratified.’⁹ Similar to the 2017 Declaration, the Tunis Declaration underscored the Arab Charter, CEDAW, and CRC provisions, and called for a regional conference on displaced children, child refugees, and asylum-seekers to focus on identification documents, legal and civil status, nationality, and family unity. One major commitment was for the LAS to enact an Arab Consultative Law to ensure that displaced and refugee children secure nationality at birth. The Declaration also called for Member States to ensure that Palestinian refugees in their territories receive social and economic rights on par with citizens. These commitments are in line with all the Arab states’ signing on to both the Global Compact on Refugees and the Global Compact on Migrants.

As this Report has described in detail, Jordan has significant numbers of long-term residents, refugees, and other populations facing statelessness due to policies and gaps in its legal framework. As with Lebanon, with the huge numbers of refugees that have entered and remain in Jordan, particularly since the two Gulf Wars, the Syrian and Yemen conflicts, refugees facing statelessness may well number close to a million people. But the causes of statelessness do not only affect refugees in Jordan: the gender-discriminatory nationality and related laws on civil status affect Jordanian nationals as well who cannot perfect their citizenship. Civil society, non-governmental organizations and even government officials and entities have been taking steps to address the main barriers to perfecting citizenship and preventing statelessness. But much more is needed to combat this growing problem and the marginalization and desperation that it creates for adults and children alike. Based on research and interviews with stakeholders, the following recommendations should be urgently taken up to address the complex issues creating and prolonging statelessness, and

⁹ Arab Declaration on ‘Belonging and Legal Identity’ Under the Patronage of his Excellency President of the Republic of Tunisia (2018), available at <http://equalnationalityrights.org/images/zdocs/Final-Ministerial-Conference-Declaration-on-Belonging-and-Identity--English.pdf>.

to fully conform Jordan's laws with its international and domestic legal obligations and commitments.

A. Reforming Jordan's Nationality Law

Jordan's Nationality Law does not conform to its obligations under CEDAW, CRC, ICCPR, the CRCI, or the Arab Charter. First, Jordan must remove its reservation to Article 9(2) of CEDAW and legislate gender-equal nationality rights. CEDAW requires that State Parties guarantee complete gender equality in nationality laws. The Arab Charter guarantees the right to a nationality and calls for States Parties to allow women to pass nationality to their children, when it is in the best interests of the child and in accordance with domestic law. The CEDAW Committee has repeatedly called on Jordan to remove its reservation, and stakeholders working and advocating on gender equality agree that Jordan must conform to CEDAW and allow women to pass nationality to their children and spouses.

Although there are clearly political considerations that make amending Jordan's Nationality Law to be gender-equal difficult, particularly concerning Palestinians, these are not sufficient to override Jordan's obligations to conform to its treaty commitments. Moreover, discrimination on the basis of gender in nationality or in any other sphere is prohibited in all the treaties to which Jordan is a State Party. Discrimination on the basis of Palestinian nationality can also no longer be justified in light of Jordan's ratification of the Casablanca Protocol, addressed below.

Second, the gender-discriminatory nationality law, gender-discriminatory naturalization law, and the civil registration process for marriages and births seriously impinge on Jordan's obligations to protect the rights of children born or permanently residing in Jordan. The Nationality Law and civil registration process fail to conform to the CRC, the Arab Charter, and the CRCI, that require Jordan to ensure that every child be immediately registered at birth with a name and nationality. The language of the provisions make clear that the obligation is on the state where the child is born to provide birth registration and *guarantee* the child Jordanian nationality if the child does not automatically have another nationality.

This means that children of Bedouin-related “bidoon,” for example, must be afforded Jordanian nationality. Jordan’s Nationality Law is inadequate in its language, and coupled with the birth registration process, fails to guarantee nationality to all children born in Jordan who would otherwise be stateless.

B. Simplifying Civil Registration

Jordan’s current civil registration processes lack consistency, accessibility, and adequate implementation, and require several reforms. First, a national campaign by the Jordanian Government to raise awareness about the current process would help parents who are unfamiliar with the birth registration process and whose unfamiliarity leads to missed deadlines, higher costs, or not registering a birth at all. The campaign should involve television advertisements, social network messages, widely-distributed brochures, and other media distribution to make parents aware of deadlines, costs and fines, the procedures of the three processes, changes in legislation, and available resources.

Second, Jordan should increase the one-year deadline for birth registration to three years without penalty so few parents would need to navigate the Magistrate Courts and pay extra costs. It is clear that fines deter vulnerable groups, including refugees, from registration. Third, the birth registration process should be simplified so parents do not need legal assistance to register their child, and costs should be reduced or only a nominal fee required. For many parents, especially refugee parents, financial resources are extremely limited, and the costs associated with filing a lawsuit, even without an attorney, are prohibitive. Fourth, courts must regularize the steps for marriage registration by instituting a standard and transparent process, with limited judicial discretion in exceptional cases, and publicize all requirements. Fifth, for refugees and for Bedouin-related “bidoon” without all required documents, a range of alternative evidence and witness affidavits should be accepted in lieu of the basic documents. The process for Bedouin-related “bidoon” to register births and to perfect citizenship must also be clear, transparent, simple, and well-publicized. All Bedouin-related “bidoon” who seek Jordanian citizenship should be entitled to obtain it, regardless of the claim that they have access to citizenship in another country.

C. Fully Implementing Jordan's Naturalization Law, and Creating a Non-Discriminatory Path from Residency to Citizenship

Jordan's Nationality Law provides three ways for non-Jordanians to obtain citizenship other than through marriage. Two of these are specific to certain "Arabs" and one all-inclusive category for any non-Jordanian. Article 4 of the Law allows an Arab citizen of any Arab country to obtain Jordanian nationality after residing in Jordan for at least fifteen years upon renouncing his/her original citizenship. The process for naturalization involves a decision by the Minister of Internal Affairs and approval of the Council of Ministers. Article 12 allows any non-Jordanian to naturalize after residing in Jordan for four years and can prove the intent to remain among other conditions. This process also requires a decision by the Council of Ministers. Both Article 4 and Article 5 include a number of conditions aside from residency. The third provision under Article 5 provides for an entirely discretionary grant of Jordanian nationality by decision of the King to "any emigrant" – that is, "every Arab born in [Jordan] or in the occupied section of Palestine and immigrated from or emigrated from the country." All three of these pathways appear to require the non-Jordanian to forfeit his/her previous nationality.

Finally, Jordan's new citizenship by investment program approved by the Cabinet in 2018 represents a fourth pathway to citizenship, yet it is inaccessible except to wealthy individuals and their families. It has been suggested that individuals obtaining citizenship through this program may not be required to give up their previous nationality, unlike the other pathways.

As noted, none of these paths appears to be readily accessible and, aside from the citizenship by investment program, none is being implemented, at least as far as publicly available information indicates. However, Article 4 and Article 12 provisions establish the legal avenues for a naturalization procedure that Jordan should implement and make widely accessible through a non-discriminatory application process. Providing viable access to citizenship through naturalization would be critical to addressing statelessness in Jordan,

including for segments of the Bedouin-related “bidoon,” population, for example, those with an undetermined nationality. For those Bedouin residing in Jordan who lack Jordanian nationality and may not wish to obtain it, they should be afforded documentation and legal status.

To the extent that there are varying requirements that could be discriminatory and/or run counter to Jordan’s international law obligations, these provisions need to be reviewed and possibly set aside. This includes any differences in lengths of residency requirements for certain groups which may be overly burdensome: a 4-year residency requirement should be standardized for all applicants. In addition, the requirement that an applicant seeking Jordanian citizenship shows that he or she is of “sound mind and not suffer from a disability that makes [the person] a burden on society” (under both Articles 4 and 12) needs to be reviewed; the condition can be interpreted as being at odds with Jordan’s obligations under Article 18 of the Convention on the Rights of Persons with Disabilities, which provides that persons with disabilities are to have on an equal basis with others the right to acquire and change a nationality.

The additional requirement of renunciation of citizenship provides a sufficiently onerous barrier that will likely deter a flood of applications. This requirement may in part explain why the naturalization provisions are rarely used, given an understandable reluctance of an individual to give up his/her original nationality in case s/he also loses Jordanian citizenship for whatever reason. That said, the fact that an applicant must prove that his previous nationality has been forfeited in order to obtain a certificate of naturalization may present an insurmountable obstacle for stateless persons and merits special consideration (and highlights too the potential need for status determinations, discussed below). Although ultimately, states, in particular, all Arab states, should consider extending the option of dual citizenship among their nationals—for both citizens by birth and naturalized citizens—Jordan can take a significant step in reducing its stateless population by simply standardizing the period of residency required and implementing a simplified naturalization procedure for eligible Arab state nationals, without granting dual citizenship.

Directly related to an accessible, non-discriminatory application process for all non-Jordanians, is a simplified path from Jordan's current legal residency procedure to naturalization. Jordan should add a provision to the Residency and Foreign Affairs law that permits long-term residents of Jordan, including children born in Jordan who are not automatically considered Jordanian nationals, to easily apply for naturalization. Jordan should establish a procedure that allows individuals who have been long-term legal residents, paid taxes, remained in legal status for at least five years, and provided evidence of intent to remain in Jordan permanently to apply for naturalization. Due consideration should be made to ensure that preconditions to naturalization do not create a catch-22 situation (for example, requiring proof of tax payment for stateless persons who do not have access to legal employment). Jordan currently allows for five-year residence permits (with possible extension to ten years). Simply implementing a procedure that allows for a naturalization application at the end of the five-year period, will significantly improve the implementation of Jordan's existing law (both the Nationality and the Residency Laws), and be a major step in addressing statelessness in the Kingdom.

D. Recognizing the Status and Rights of Stateless Persons and Refugee Populations at Risk of Statelessness

Stateless persons and stateless refugees must be entitled to a status determination with guaranteed rights. This obligation is shared by the Government of Jordan and the United Nations agencies mandated to protect refugees, refugees who are also stateless, and non-refugee stateless persons. The Government of Jordan agreed to consider the establishment of a nationwide refugee status determination (RSD) process as part of its MOU with UNHCR in 1998.¹⁰ Jordan has demonstrated a commitment to codifying refugee law, and the MOI has indicated there has been serious consideration given to drafting refugee legislation. The Jordanian Government has taken initial steps to draft a refugee law, but efforts have been suspended due to fears that the timing is not right to pass such a law in the midst of the current ongoing Syrian crisis. Some within the MOI have expressed the need for greater

¹⁰ Memorandum of Understanding Between the Government of Jordan and UNHCR, art. 14 (Apr. 5, 1998).

expertise and education in the field before refugee legislation can be drafted.¹¹ Rather than view the Syrian crisis as a reason to put this effort in abeyance, it is precisely this crisis that calls for enacting legislation to address refugees and stateless persons on an urgent basis.

Until Jordan establishes a legal framework that recognizes rights and protections for stateless persons and stateless refugees, UNHCR and UNRWA must coordinate efforts to specifically incorporate into their mandates a definition and status determination for stateless persons and stateless refugees (including stateless Palestinians) in Jordan.

First, UNHCR should specifically incorporate a stateless status determination process into its MOU with Jordan. This would allow both refugees and non-refugees who are stateless to have access to an internationally-recognized status that triggers the Agency's obligation to seek a durable solution for them, whether in Jordan or in other countries. It also would trigger the obligation of states to *provide* a durable solution under their own legal frameworks that recognize stateless persons as requiring temporary or permanent status. In Jordan, such a determination would trigger, at minimum, the obligations under the CRC, CRCI, and Arab Charter, to provide recognized stateless children with Jordanian nationality.

Second, until it passes a comprehensive law on refugees, we urge Jordan to institute a formal temporary protection program for all refugees, including Syrians and Palestinians. Jordan should consider granting all Palestinian refugees who do not have Jordanian citizenship in the country temporary protection status, grounded in the rights Jordan has committed to under the Casablanca Protocol. In response to UNHCR's longstanding request that Jordan codify into domestic law a refugee framework, Jordan should codify its current *de facto* informal policy of temporary protection towards Syrians and expand it to all refugees in the Kingdom. The IHRC has elsewhere described the MENA regional temporary protection framework, and called on Jordan and all Arab host states to the Syrian crisis to institute a formal temporary protection program and criteria for asylum and resettlement based on

¹¹ Interview with Saleh Al-Kilani, head of the Refugee Affairs Coordination Office at the Jordanian Ministry of Interior, cited in PROTECTING SYRIAN REFUGEES, *supra* note 74.

Turkey's temporary protection law.¹² In the absence of a formal law on refugee and stateless status, Jordan should also consider implementing such a temporary protection program for its other longstanding refugee populations, particularly Iraqis, Sudanese, and Yemenis, who are unable to return due to ongoing civil conflict and widespread violations of human rights. There would be no need for a formal RSD registration for refugees to be eligible for temporary protection; recording of temporary protection status would be sufficient for access to MOI Service cards or other forms of documentation proving eligibility for basic benefits.

Third, in addition to the Jordan Compact, which only benefits Syrian refugees, the Government of Jordan should facilitate legal work opportunities for refugees by issuing work permits as provided for in article 8 of the MOU. Moreover, the Government should encourage refugees to continue to work in various labor fields in order to fill a void in the Jordanian economy, as many Jordanian nationals do not wish to fill these positions.¹³ Jordan should lift the restrictions on the many fields of work currently open only to Jordanian nationals and allow all refugees under a temporary protection program to have greater work opportunities and reduce the livelihood barriers that face persons with no status suffering the economic consequences of statelessness. Many have claimed that Jordan is benefiting from the huge influx of humanitarian aid into its economy. Using the resources of the dozens of international organizations working with refugees in Jordan, the Government should be able to enhance development of the country for the benefit of both the refugee and Jordanian communities. Joint development projects will improve social relations between Jordanians and Syrian refugees, as well as enhance Jordan's economy and develop its infrastructure.

E. Ensuring Palestinian Rights as Stateless Nationals and Dual Citizens

¹² PROTECTING SYRIAN REFUGEES, *supra* note 74, at 53, 74-75, 93-94, 116-17. *See also* Law on Foreigners and International Protection (LFIP), Republic of Turkey, English translation available at: <https://www.refworld.org/docid/5167fbb20.html>.

¹³ This would help address the perceived fear that refugees are displacing employment opportunities of Jordanians.

The complex political and legal issues of Palestinians in Jordan are not insurmountable, and Jordan has committed itself to instruments that require it to improve the stateless status and particular vulnerabilities of Palestinian refugees. First, Jordan must fully implement the Casablanca Protocol to ensure basic rights for Palestinians who do not have Jordanian citizenship. The problem of Palestinian statelessness has proven highly contentious. Nevertheless, many stakeholders agree that the status of Palestinians as refugees and as stateless persons must be addressed, as an urgent matter, as it contributes to the acute and growing crisis of rights-deprivation for this population. Moreover, Jordan ratified the Casablanca Protocol with no reservations, and remains bound to provide the protections and benefits to Palestinians that it incorporates. The Casablanca Protocol requires Jordan to guarantee to Palestinians the same rights as nationals with regard to: employment; the right to leave and return to Jordan; freedom of movement between Jordan and any other LAS Member State; and the obligation to issue and renew valid travel documents without delay.¹⁴ Jordan's ban on entry to PRS or to Palestinians from any other LAS country contravenes Jordan's obligations under the Casablanca Protocol. Palestinian advocates in Jordan urgently need to launch a campaign to ensure that Jordan fulfills the obligations towards Palestinians that it committed to by ratifying the Protocol.

Second, UNHCR and UNRWA must also define their positions on the status of Palestinian refugees as *stateless nationals* of Palestine and cooperate to provide rights guaranteed by that status. Currently, Jordan's official position is that there are no Palestinian refugees, as Palestinians are either Jordanian nationals or foreigners.¹⁵ This position is, however, inconsistent with the presence of UNRWA and UNRWA's categories of Palestinian refugees, which Jordan recognizes and supports through its MOU with UNRWA. The fear that granting more Palestinians Jordanian citizenship would eviscerate their right to return to historic Palestine is, although a politically defensible position, not supported in law. From an international legal perspective, Palestinian nationality has remained intact since 1924, despite their stateless status: they are *stateless nationals* of Palestine. All Arab states where

¹⁴ Casablanca Protocol, *supra* note 206, at arts. 1-5.

¹⁵ Interview with Omar Kilani and Gaby Daw, Caritas Jordan in Amman (Nov. 25, 2019).

Palestinians reside should come to agreement about the implications of Palestinians as stateless nationals, in terms of implementing their rights as such.

Palestinians who are covered by the terms of the 1924 Lausanne Treaty are nationals of Palestine with unbroken connection to their territory. This perspective has been strengthened by the recognition of Palestine statehood by the UN General Assembly by overwhelming vote in 2012. Moreover, today the state of Palestine has bilateral diplomatic relations with 137 of the 193 member states of the UN.¹⁶ In light of this, Palestinians must resolve the tension between their own and the Arab states' objections to define them as stateless, and their status as stateless persons under customary international law. The PLO could issue a formal position that all Palestinians have a recognized nationality and can maintain that status while receiving temporary residence or citizenship in any other state, including the LAS member states. This is consistent with the PLO's current position that an individual Palestinian who secures resettlement does not relinquish the collective Palestinian refugee/national population's right to return.¹⁷

Jordan's obligations under the Casablanca Protocol include the recognition that Palestinians retain their Palestinian nationality while they reside in the Kingdom. Jordan can take the lead to advocate for this position with the other Arab host states. Palestinian nationality did not preclude the LAS states from codifying this provision in the Protocol. Following the entry into force of the Protocol, the LAS passed Resolution 2600, which underscored this position by resolving that all member states allow Palestinians to acquire dual citizenship, exempting them from Resolution 776, which prohibited LAS member states from granting dual citizenship to other Arab state citizens.¹⁸

¹⁶ G.A. Res. 67/19, Status of Palestine in the United Nations, U.N. Doc. A/RES/67/19 (Dec. 4, 2012).

¹⁷ See PROTECTING SYRIAN REFUGEES, *supra* note 74, at p. 69. Note that Israel recognizes dual nationality for Jews all over the world and at the same time has incorporated a Jewish 'right of return' to all Jews regardless of their citizenship to Israel. Palestinian dual citizenship/nationality that insists on right of return is a consistent position for Palestinians to take from a political perspective.

¹⁸ See LAS Res 2600 (11 March 1970); LAS Res 776 (5 April 1954), reprinted, with English translation, in Shibliak, *The League of Arab States and Palestinian Refugees' Residency rights, The Palestinian Diaspora and Refugee Centre* (SHAMI, Palestinian Diaspora and Refugee Centre 1998).

F. Providing Non-Discriminatory Humanitarian Assistance to all Displaced and Vulnerable Populations to Reduce Consequences of Statelessness

Almost all the NGOs and INGOs in Jordan consulted for the Report noted their discomfort with the policies that require discriminatory distribution of humanitarian assistance, and the current priority given to Syrian refugees. Although all recognized the urgent and overwhelming needs of the massive displaced and stateless populations from Syria, they expressed concern that all forcibly displaced persons, refugees and others, have similar vulnerabilities, and that aid distribution should not depend on nationality or any other discriminatory basis. Only a few organizations, however, have the flexibility to provide aid without discrimination, with Islamic Relief a particularly good example of an agency refusing to consider national, residence, religious or other status as a basis of eligibility for aid. CARE-Jordan and NRC noted that they were in the process of trying to implement a 'one-refugee' approach, which would give them flexibility to provide assistance to all refugees on a non-discriminatory basis. However, since most humanitarian assistance organizations working with refugees and stateless persons in Jordan operate through implementing partner contracts with UNHCR, they are bound by the Government of Jordan's policies towards aid recipients.

In line with the recommendations for Jordan to implement a temporary protection regime for all its major refugee populations, Jordan should also implement a non-discriminatory approach to distribution of humanitarian assistance. Whether or not Jordan does so, UNHCR should insist during the current negotiations on its MOU with Jordan to include provisions requiring international humanitarian assistance to be distributed based on need and vulnerability, and not on national origin or any other protected status. All INGOs receiving international aid and national NGOs implementing international contracts should urgently put a 'one-refugee' policy in place. Although this would not address statelessness per se, it would ameliorate much of the deep poverty and marginalization faced by stateless and at-risk adults and children in the Kingdom.

Finally, national and international NGOs should continue to address the issue of statelessness in Jordan generally by continuing to conduct 'know your rights' campaigns, both on the national and international level, to educate individuals about their rights regarding citizenship and to mobilize grassroots movements, with a view toward reaching a wider audience. Civil society mobilization should be geared towards ensuring that populations of concern have access to legal aid in order to successfully navigate the civil registration process. It is important to increase communication and engagement on the issue of statelessness, including between NGOs and UN organizations, the Jordanian Government and NGOs; the Jordanian Government and UN organizations; and among and between NGOs themselves.