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**WORKING REGULATIONS, CONDITIONS, AND OPPORTUNITIES OF
REFUGEES
(THE CASE OF JORDAN)
Doctoral (PhD) Dissertation**

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Table of Contents

1.	Introduction	1
2.	Methods	4
2.1	<i>Research Questions</i>	5
2.2	<i>Hypotheses</i>	5
2.3	<i>Data Collection</i>	6
3.	Findings	8
3.1.	<i>Changes of Labour Regulations Concerning Refugees</i>	8
3.2.	<i>Summary</i>	11
4.	Conclusion	14
5.	Recommendations	14

1. Introduction

Jordan has been always considered a host country for many refugees over the course of decades, despite that it didn't sign the 1951 Refugee Convention (UNHCR, 2021a). Many of those refugees came to the country in the past century from different places, and some of them became Jordanian citizens. Refugees from Circassia, Chechenya, Armenia, Sudan, Somalia, and many other countries and ethnic groups that escaped political conflicts, persecution or wars, as well as others in the last few decades, have sought refuge in Jordan (Stevens, 2013, p.3).

Today, Jordan has a huge refugees' population due to the conflicts in its neighbouring countries, which can't be exactly counted due to many reasons that shall be explained later in this study. However, UNHCR records registered 752,416 refugees as of January 2021, which excludes other refugees such as many of the Palestinian refugees; only some of them are registered with the UNRWA and counted as 158,000 Palestinian refugees as of the end of 2017, while the actual updated count of Palestinians living in Jordan is much higher (UNHCR, 2021c; UNRWA, 2018). According to the Department of Statistics, the last census was conducted in 2015, while an estimated projection of the Palestinians' counts in 2020 shall reach approximately 699,479, including all those holding Palestinian citizenship, whether entitled to a refugee status with the UNRWA and a Jordanian temporary passport or not (Department of Statistics, 2020a). In addition, many others settled in Jordan in the past years, escaping from wars in Iraq and Syria, but were not entitled to refugee status, as they have managed to enter the country as economic migrants or investors before Jordan has changed its entry policy towards these countries' citizens. Figure 1 shows the percentages of refugees by nationality in Jordan according to the official numbers by UNHCR and UNRWA only.

Jordan has always had a very high percentage of its population formed by refugees, which has increased the burdens on a country that is limited in natural resources; mainly water and energy, and a saturated job market with an unemployment rate of 23.9% as of the third quarter of 2020 (Department of Statistics, 2020b). This situation has led the country to keep changing the labour regulations concerning foreign workforce employability to adapt to the changes that have occurred. The current labour regulations in Jordan do not distinguish between refugees and other foreigners. Consequently, refugees are entitled only to the same labour regulations of the foreign workforce, which are very strict and meant to give priority to Jordanian citizens in accessing jobs first.

Therefore, this PhD thesis is focusing on the current labour regulations that have been implemented to several refugees' groups in Jordan, mainly Palestinians, Syrians, and Iraqis, which are considered the largest protracted refugees' groups that are still existing in Jordan today. Therefore, the study goals are summarized as:

- Summarize the changes in labour regulations of those related to refugees employability, including separate decisions that were made to regulate the employability of specific group/s.
- Analyse the current situation to conclude from an economic and social context if there is a different treatment among different refugees groups, and who is/ are the most benefited group/s.
- Assess the general work conditions refugees have been facing, which only include the common conditions that can exist in any sector, such as working hours, salaries and benefits.
- Assess the available work opportunities refugees can apply for, and analyse the possibility to increase the span of these opportunities.

The PhD study consists of six chapters, including this one, which serve in giving a full understanding of the topic, as:

Chapter Two illustrates selected similar previous literature that was either focusing on a selected refugee group, such as the recent Syrian refugee crisis, or covering a specific aspect, such as the Jordanian labour law and the job market characteristics to understand the work regulations.

Chapter Three presents historical figures about each refugee group, how and when they arrived in Jordan, and what the changes on the Jordanian labour law were, specifically the ones regarding foreign workforce employment, and hence, refugees' employment. Furthermore, the chapter discusses the separate decisions made by the government that were active for a limited period to regulate specific refugees 'groups' employment.

Chapter Four gives a detailed brief about the selected qualitative methods, which were based on a collective case study approach that used integration of comprehensive exploratory and comparative techniques. Multiple cases were used as representative cases to generalize the finding, where refugees were grouped according to their country of origin and examined over the three aspects of the study; regulations, conditions and opportunities.

With a focus on the two available employment status: formal and informal. Accordingly, several sets of interviews were used to explore each aspect, in addition to examining various literature such as those issued by the Ministry of Labour.

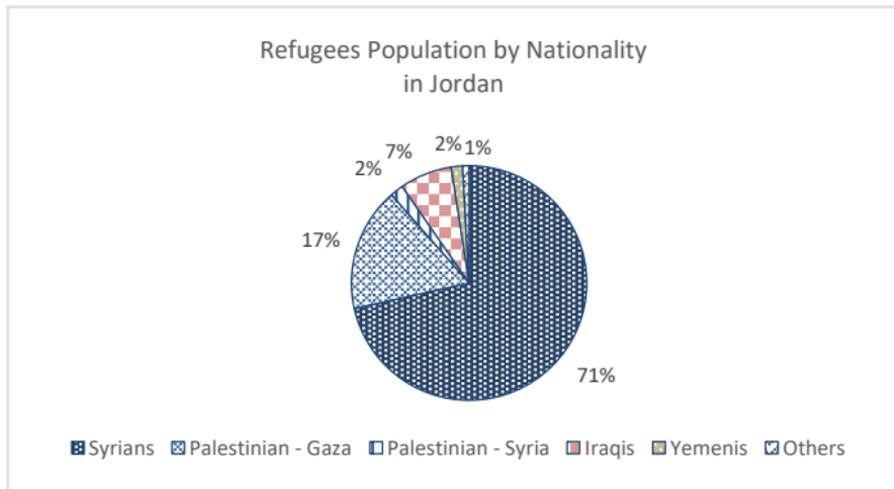
Chapter Five, the capstone part of this study, firstly illustrates the general findings of the collected data, followed by a detailed analysis to explore each aspect separately, while a comparative analysis is made between different groups. It was important to have a sample population that is similar to the refugees' population in Jordan, therefore, the study wasn't meant to focus on a specific refugee group apart from the others.

Chapter Six, contains the conclusion and recommendations that were summarized as of the author's understanding after the completion of this study.

It is noteworthy that the study has faced several difficulties that were more related to the selected topic, in addition to the general situation of the country. The study touches a sensitive topic for displaced people who fear expressing their thoughts and experiences due to legal considerations of the host country. Thus, the sampling process for the interviews' participants had to go through trusted acquaintances, which consumed some time to reach the ideal sample. In addition, much of the required information for this study were not available from the Ministry of Labour and other governmental entities. Examples of that are the actual number of Palestinians living in Jordan, or those accessing the Jordanian job market since the MOL doesn't provide counts on the issued work permits for Palestinians separately, but combined with other Arab nationalities' counts.

Furthermore, the implementation of the data collection phase took place during the pandemic situation caused by COVID-19, which limited the access to refugees and businesses, especially that many businesses in Jordan were severely harmed, from which there were two out of four opened sectors that refugees were allowed to work within: restaurants and services sectors.

Figure 1. Distribution of refugees' population in Jordan by nationality - for those registered with the UNHCR and UNRWA.



Source: (UNHCR, 2021b; UNRWA, 2018).

2. Methods

As the study purpose is to explore the working regulations, conditions and opportunities of refugees in Jordan, a qualitative methodology was chosen to explore and examine the three areas of the study. Therefore a collective case study approach was used with the integration of comprehensive exploratory and comparative techniques.

The collective case study design relies on the replication logic, where the researcher replicates the procedures for each case. Therefore, as different cases were applied for this study, as the following (Creswell & Poth, 2018, pp. 97-99):

- Examining three areas/ aspects: regulations, conditions, and opportunities.
- Different refugees groups: Palestinians, Iraqis, Syrians and others.
- Legal employment status; formal or informal

Multiple cases were used as representative cases to generalize the findings. Where refugees were grouped according to their country of origin and examined over the three aspects of the study, within the two available legal employment status. Moreover, a snowball sampling was used to reach the participants, due to the topic's sensitivity, as refugees are quite reluctant in sharing their experiences, especially those related to hosting countries'

regulations. Moreover, it was highly important to include participants from the informal market, which could be difficult to achieve without the use of trusted acquaintances. Accordingly, the researcher could reach first the first level of participants through personal connections, which later expanded to their network.

Moreover, secondary data were used to analyse the cases; such as MOL reports that were published concerning the work permits given to Syrian refugees, in addition to the annual reports that included figures on refugees' employment. As well as other reports and studies by the ILO, UNHCR and other bodies, that helped in achieving the findings of this study.

2.1 Research Questions

How different refugees groups (for example: Syrians, Palestinians) are treated in terms of work regulations? Is there any difference among these groups?

The current working regulations concerning refugees' employment were explained in the literature review chapter, while the changes over time of these regulations were summarized in details in the historical background chapter. However, this question examines if these regulations are applied differently from one group to another, is there any group that has more access to work opportunities than other groups?

What are the working conditions refugees face in Jordan?

This question assesses the working conditions that refugees have been facing, whether at formal or informal employment. The participants were asked to assess selected elements such as: working hours, salaries and wages, additional benefits, legal contracting, work permits, and career stability. While they also have the opportunity to add more elements that they think they have experienced differently than other workers.

What are the working opportunities refugees are allowed to access?

The opportunities were based on assessing the opened sectors for non-Jordanians. In addition, what are the alternative solutions refugees may access to generate a sustainable income.

2.2 Hypotheses

The hypotheses were derived from the research questions as the following:

- Those related to the first question are examining if there is a different treatment applied in preference to a certain group than the other. Such as in the case of Syrian refugees, do they have more access to jobs than other refugees?. In addition, were these preferences apply to the promises Jordan has made to international donor bodies, if so, did they meet the mutual agreement?

Moreover, do refugees have a difficulty in accessing the market as their status as refugees is not legalized?

H1: Refugees have different treatment in terms of employability (application of regulations), based on nationality.

H2: Despite the international agreements Jordan has signed such as Jordan Compact, to facilitate the access of Syrian refugees to the job market, the actual number of Syrians accessing the job market formally is still very low.

H3: Because Jordan didn't sign the refugee convention, and there's no proven statement to legalize the status of refugees, problems were caused.

H3a Legalizing the status of refugees' employment will formalize the market (decrease the access to informal jobs) and will impose control over the informal market.

- Those related to the second question examining if refugees have more difficult work conditions than the standard, the examined conditions were general and could be found at any job, such as working hours (are they longer in the case of refugees?)

H4: Refugees face more difficult working conditions than the standard working conditions (general working conditions that are applied to any field).

- Those related to the third question exploring the work opportunities refugees can access. Can the Jordanian labour market absorb more refugees? And what are the alternative income solutions?

H5: Working opportunities of refugees are limited but possible to increase as the Jordanian labour market can absorb more of them.

H6: Home-based projects and freelancing are solutions for income generating for refugees, in a challenging job market.

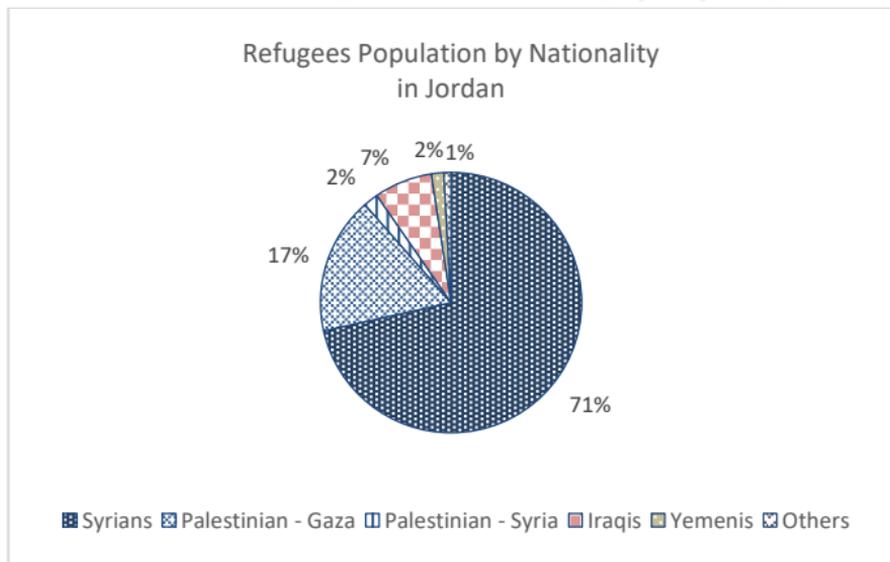
2.3 Data Collection

The study touches a sensitive topic for displaced people who feel fear of expressing their thoughts and experiences; therefore the sampling process for the interviews' participants had to go through trusted acquaintances.

Accordingly, first level participants were personally connected to the researcher through previous projects related to refugees' development. Later, participants were connecting to their acquaintances and employers. In addition, other companies were contacted as they were known for hiring employees from refuge countries. This has led to a network of 112 refugee participants and 18 organisations (employers).

However, other organisations have been contacted to give a better understanding of the study's topics and to shape the interviews questions. These interviews were conducted with stakeholder organisations such as the Ministry of Labour, International Labour Organisation ILO, and the Refugees, Displaced Persons, and Forced Migration Studies centre of Al Yarmouk University, in addition to Education for Employment EFE-Jordan (A not-for-profit organisation that trains and connects refugees to employers).

Figure 2. Distribution of study's participants by nationality



Source: Constructed by researcher

3. Findings

3.1. *Changes of Labour Regulations Concerning Refugees*

The Jordanian labour law has considered refugees as foreign labour and never made a distinction between both in any of its regulations. Therefore, this section illustrates the changes that have been implemented on the regulations that are made to organize the employment of the foreign workforce in Jordan. In addition, separate decisions were made in the form of exceptions to the different refugees' groups, which were sometimes based on international agreements or to solve a problem of an increasing population of a certain group.

Jordan is currently applying the Labour Law number 8 of the year 1996, which has been through many amendments since it was published, while the most recent amendments were announced in 2019. Article number 12 is the article that regulates the employment of the foreign workforce, and table 1 explains the amendments that have been made to this article, as well as other decisions related to refugees' employability. The original text of Article 12 as quoted from the original version of the Jordanian Labour Law number 8 of the year 1996, excluding amendments, according to the English translated copy by the International Labour organisation: "Article 12 (ILO, 2019a):

- A. *Non-Jordanian workers shall only be employed upon authorization by the Minister, or his duly mandated representative, provided that the work they undertake requires expertise and skills unavailable or insufficient within the Jordanian workforce. In such cases, priority shall be given to Arab experts, technical specialists and workers.*
- B. *Non-Jordanian workers shall obtain a work permit from the Minister, or his duly mandated representative, before being brought into the country or entering employment. Such work permits shall be valid for a maximum of one year and may be renewable on an annual basis.*
- C. *The Ministry shall collect a fee from the employer for the issuance or renewal of the work permit of a non-Jordanian worker. Such a fee shall be received as public revenue, and its amount shall be fixed by statute.*
- D. *Upon recommendation by the Ministry of Social Development, a severely handicapped person, or his guardian or trustee, may be exempted from the payment of the work permit fee for one non-Jordanian worker, if the disabled is in constant acute need of assistance in his day-to-day life, and if the functions of the non-Jordanian worker are limited to assisting the disabled.*

- E. *An employer or manager of an establishment, as the case may be, shall be fined no less than fifty and no more than one hundred Dinars for every month or fraction of a month during which a non-Jordanian worker is employed in violation of the provisions of this Code. The fixed minimum fine shall not be reduced in any circumstances and for any reasons whatsoever.*
- F. *The Minister shall order the deportation of a worker violating the provisions of this section, at the expense of the employer or manager of the establishment. Such orders shall be executed by the competent authorities.” (ILO, 1996)*

Table 1. Amendments that have been made to Article no. 12 of the Jordanian Labour Law and other decisions related to refugees’ employability

Year	Item	Amendment
1998	Labour Law – Article 12	The article was extended to include that the employment of non-Jordanian is considered a violation in the following cases: ¹ <ul style="list-style-type: none"> - Hiring the worker without issuing a work permit. - Working for another employer that the one stated on the work permit. - Practising another profession than the one stated on the work permit.
2006	Labour Law – Article 12	The fine that should be paid by the employers who violate the provision of hiring non-Jordanian workers, was changed to be <u>not less than JOD100 and not more than JOD150, for every foreign worker</u> ² .
2009	Ministry of Interior – Announcement	An order was released by the Ministry of Interior to facilitate procedures related to Iraqis in Jordan, especially investors (Ammon News, 2009; UNHCR, 2012). This included ease of movement on borders, annual renewal of residence permits for family members including parents. In addition, investors who have been residing in Jordan for ten years or more were granted temporary residence permits of five years. As well as allowing them to purchase real states and cars, and driving. Which facilitated access to work permits (Jarrar, 2020).
2010		The first point that included a statement of: <i>“priority shall be given to Arab experts, technical specialists and workers”</i> , was

¹ Direct link to original source:

https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=98875

² Direct link to original source:

https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=98872

Year	Item	Amendment
	Labour Law – Article 12	removed and replaced by “ <i>for the purposes of this section, the Minister may issue any instructions he deems necessary to organize the employment and recruitment of non-Jordanian workers</i> ” (ILO, 2010) ³
		The fine that should be paid by the employers who violate the provision of hiring non-Jordanian workers, was changed to be <u>not less than JOD200 and not more than JOD500, for every foreign worker.</u> ⁶
2011	Separate Decision no. 15/2011	Followed to the previous orders of 2009, the Ministry of Interior announced the opening of more work sectors for Iraqis, as they were representing the majority of the refugees’ population at that time (UNHCR, 2012).
2016	Separate Decision – MOL	A decision by the Ministry of Labour was released to ensure that Palestinians with temporary Jordanian passports who live in Jordan, including Gazans, are requested to issue work permits and pay the fee just like other expatriates. This was applied to many Palestinians who are children of Jordanian mothers (Abu Amer, 2016; Al-Sarayeh, 2016).
2016	International Agreement – European Commission	As agreed by the Jordanian government and the EU through the Jordan Compact, 200,000 work opportunities were granted to Syrian refugees in Jordan, which gave an advantage to Syrian refugees more than other refugees’ groups (European Commission, 2017). This also included a reduction of the work permit’s fees for Syrians to be as minimum as JOD10 (USD 14) for processing the work permit requests and renewal (UNHCR, 2020a).
2019	Labour Law – Article 12	An additional point was added as point E, stating that: Children of Jordanian mothers ⁴ who are married to non-Jordanians are exempted from work permit issuance which is stated in this Article for points A and B. ⁵
		The fine that should be paid by the employers who violate the provision of hiring non-Jordanian workers, was changed to be <u>not less than JOD500 and not more than JOD1000, for every foreign worker.</u> ⁸

³ Direct Link to original source:

https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=85213

⁴ Jordanian citizenship doesn’t pass through mother to the children, as the citizenship is granted only by the father.

⁵ Direct link to original source:

https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=110390

Year	Item	Amendment
2019	Separate Decision no. 19/2019	The MOL announced the closed professions that can be only accessed by Jordanians and semi-closed professions that can be partially accessed by non-Jordanians but with limitations (MOL, 2019c).

Different sources: MOL, UNHCR, public media.

3.2. Summary

The findings of this study can be summarized according to the study's main aspects as:

✓ **Regulations:**

- It was found that Syrian refugees have slightly more access than other refugees in the meantime in Jordan. However:
 - o It's been noticed that Jordan has applied different treatment to different refugees' groups over the decades which was limited to a time, therefore, the current flexibility given to Syrian refugees is also subject to change.
 - o Despite the new instructions that were made in response to the international agreements Jordan has signed, the actual number of Syrian refugees who have been accessing the job market is still very low. This was clear through analysing the work permits given to Syrians for three years, 2017, 2018 and 2019. Which showed that only 55% of permit's holders were new (*which included those who have been employed in the previous year, 2016, representing 14.3% of the total permits count*), while 45% of the permit's holders were duplicated in these three years.
- Many Palestinian, Yemeni and Iraqi refugees were not treated as refugees in Jordan nor entitled to other advantages similar to Syrian refugees. This was more visible with permits' cost.
- Many refugees including Syrians are accessing the informal market due to the current labour law in Jordan that doesn't distinguish refugees from the foreign workforce, despite all the efforts Jordan has made specifically to Syrian refugees. Therefore, the restrictions partially failed in imposing control over non-Jordanian employment.

✓ **Conditions:**

- It was noticeable that refugees working informally faced more difficult working conditions than the standard conditions, such as not being entitled to the Social Security benefits, receiving lower salaries and reflecting low job

satisfaction. While mostly they were harmed by the pandemic situation caused by COVID-19 more than their Jordanian peers.

- It was also found that work conditions were more controlled through the formal market, while refugees mostly received treatment that was similar to the standard, except for the payment, where the minimum wage was different by the Jordanian labour law.

✓ **Opportunities:**

- Refugees' current work opportunities are limited to those opened to non-Jordanians of any nationality.
- If the expatriate workforce in Jordan was replaced by the refugees who are currently living in Jordan, it would increase the work opportunities of refugees without affecting the work opportunities given to Jordanians. This was proven with the low percentage of refugees' participation (excluding Palestinians) of 12.8% among the total number of the foreign workforce in Jordan.
- Home-based projects can be good income solutions to refugees despite the challenges home projects owners were facing. However, more efforts should be implemented by stakeholders to include more refugees from other nationalities than Syrians, and to increase the fields they are allowed to operate businesses within.

Table 2. Hypotheses answers

Hypothesis	Answer
H1	It was noticeable that Syrian refugees have slightly more access to jobs than other refugees at the meantime in Jordan. In addition, Jordan has applied different treatment to different refugees groups over the decades. Therefore, if we consider this case bounded in time of the last three years, Syrian refugees have been granted more access to work opportunities, however, as experienced by other groups, this is subject to change. Accordingly, H1 is true, and if we consider the current situation which shall be bounded in time to be more specific, Syrian refugees were given more access to job opportunities than refugees of other nationalities according to the period of the study, at least from 2017 until 2020.
H2	The percentage of given opportunities was only 55% (which includes opportunities that were already counted in the previous year, 2016, representing 14.3% of the total opportunities). Despite Jordan Compact stated on creating 200,000 opportunities for Syrian refugees until 2020, the number of actual beneficiaries might be less than half.

	<p>Moreover, it's also worth mentioning that while Jordan Compact didn't refer to job levels of those offered, Syrian refugees were mostly allowed to work in unskilled or semi-skilled jobs.</p> <p>Accordingly, H2 is true.</p>
H3 and H3a	<p>As Jordan doesn't recognize the refugee status for many refugees, as well as not distinguishing the labour regulations for refugees from foreign workers; many refugees are working informally and already existing, and reserving a place within the market. Therefore, the restrictions partially failed in imposing control over non-Jordanian employment. While in case Jordan recognizes the status of refugees of those who fall under the definition of a "refugee", and give them more access to jobs, the informal market will shrink, as most of the refugees would prefer to be employed formally.</p> <p>Therefore, H3 and H3a are true.</p>
H4	<p>A deeper focus on those working informally gave a conclusion that those working informally were the ones that mostly confirmed facing more difficult general work conditions than those working formally. Out of those who confirmed working informally, 89% confirmed not being insured with the social security. 71% showed high rates in confirming low job satisfaction level. The ones who said that they were not entitled to additional benefits were 77%, and those who believed that they received fewer salaries than Jordanian peers were 57%.</p> <p>H4 is only true if it was adjusted to be more specific for those employed informally. While those who confirmed working formally mostly confirmed similar conditions to the standard. For example, only 16% of those working formally believed that they receive less than their Jordanian peers, despite the gap in the official minimum salary between Jordanians and non-Jordanians.</p>
H5	<p>It has been noticeable that refugees' opportunities are limited to those that are opened to non-Jordanians of any nationality. Therefore, if the current regulations changed to include more refugees than other nationalities while maintaining the access of Jordanian citizens to the job market untouched, more refugees would be able to have jobs. This can be seen as in 2019 alone, when 348,736 opportunities were given to non-Jordanians, with a dominance of Egyptian workforce in the market, while Syrians, Yemenis and Iraqis all together formed only 12.8%, with a total of 44,820 (numbers were taken from table number 2.5, page20). Palestinian refugees were excluded as there is no accurate number of their share within the formal job market, however, they would be included to</p>

	those under “Rest of Arabic countries”, which means less than 2,729 in 2019 according to table 2.5 (Labour Market Studies Unit, 2020).
H6	It was noticeable that home-based projects offered income solutions to refugees despite the challenges home-projects owners were facing. However, more efforts should be implemented to include more refugees. Accordingly, H6 is true.

Source: Constructed by researcher

4. Conclusion

- Jordan doesn't have its own rules and procedures to accept asylum seekers.
- The Jordanian labour law doesn't give a clear distinction of refugees' employability than foreign workforce from other nationalities.
- The Jordanian Labour Law was continuously changing in terms of foreign workforce employability. While separate decisions were made to regulate certain refugees groups' employability for a limited time.
- The changes have also affected many of those who originated from countries of conflict but were children of Jordanian mothers, as Jordanian citizenship doesn't pass through mother to children. Although that they were exempted from issuing work permits only in 2019, the fear of losing this privilege still exists, since the amended regulation is subject to change.
- The recent Syrian refugees' crisis received more attention from the international community and donor countries. Which gave a focus on their situation in Jordan, apart from other refugees that have been residing in the country for so many years, and still struggling to secure livelihood means.
- Since Jordan doesn't give a proven statement to legalize the status of refugees, nor distinguish them with specific laws to allow their access to legal job opportunities, the number of refugees accessing the job market informally is believed to be very high.

5. Recommendations

- MOL needs to seriously recognize refugees as a potential source of labour, instead of importing a foreign workforce.
- Consider going back to the original text of Article number 12 from the Jordanian Labour Law, where a priority was given to Arab workers, considering that the majority of refugees in Jordan today are Arab citizens.

- Apply equal treatment to refugees regardless of their nationality.
- Make a clear differentiation in work regulations that are related to the foreign workforce and those related to refugees; MOL can add an extra layer of beneficiaries to include refugees after the Jordanians. This will help Jordan in minimizing the pressure on the natural resources, infrastructure and public services.
- Open more job categories to refugees' access, by including other professions from other sectors. MOL should also introduce flexible permits to include all jobs that can be paid by the refugee him/herself. This will solve an issue with the employers who fear paying an additional cost for permits.
- Remove the gap in salaries between refugees and Jordanians shall lead to benefits to all; the competition between the Jordanians and refugees in terms of cost won't exist, while refugees will receive equal treatment in payment.
- Formalization of the informal market can be done by recognizing the right to work for refugees, since refugees who have been working informally already reserved a place in the market, which can't be considered a vacant opportunity for Jordanians.
- As Jordan has a shortage in TVET outcomes, refugees youths could be guided through specialized training programs to fill the needed gaps.
- Open the access of freelancing permits, which can be processed under the umbrella of the specialized permits
- Open the access to register home-based businesses to include all refugees, and increase the list of permitted home businesses. In addition, easing the procedure of establishing home-based businesses, as many of these conditions are difficult to meet.
- Consider the years of residence in which refugees of protracted displacement have spent living in Jordan, for easing the regulations gradually.

