
FACT SHEET

Refugees in-Law

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Although not a signatory to the 1951 Refugee Convention or the 1967 Protocol Relating to the Status of Refugees, Jordan has been considered a welcoming host for refugees even before it was founded as a kingdom. Because of wars, thousands of Circassian and Chechen refugees fled to Jordan from 1888 to 1902. Since gaining independence, Jordan has continued to host refugees from different countries, especially with the exodus of Palestinians in 1948.¹ Today, according to the UN High Commissioner for Refugees (UNHCR), there are 745,169 refugees in Jordan from 75 different countries. 654,692 of them are Syrians, 67,186 Iraqis, 14,774 Yemeni, 6,096 Sudanese, 744 Somalis and 1,677 are other nationalities.²

Refugees: definition and international laws

Before we get into international refugee law and Jordan's policies towards refugees, we first must define who can be considered a "Refugee". A key legal document, the 1951 Refugee Convention defines a refugee as: "someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion".³ There are a number of agreements and laws pertaining to refugees at the international level, including:

- The International Refugee Law that includes the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees.
- The international humanitarian law, which contains the 4th Geneva Convention Relative to

the Protection of Civilians in Time of War.⁴

- The nine International Human Rights Instruments, of which Jordan is a signatory to seven. As far as they pertain to refugees, these include the Declaration of the Rights of the Child 1923 - which mentions the rights of refugee children.⁵ The other is the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984, which contains the fundamental principle of Non-refoulement (article 3), prohibiting parties from returning, extraditing, or refouling asylum seekers to a country in which they would likely be in danger of persecution.⁶

However, the two conventions to which Jordan is not a signatory are the International Convention for the Protection of All Persons from Enforced Disappearance⁷ and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁸

4 "Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949." Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949. UNHCR- The UN Refugee Agency, n.d. https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf, 169-231

5 "United Nations Convention on the Rights of the Child." United Nations Convention on the Rights of the Child. UNICEF- United Nations International Children's Emergency Fund, n.d. https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UN-CRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.260184909.1117208240.1572782432-183020121.1572782432, 7.

6 "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ." Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment . UN - United Nations, n.d. <https://www.ohchr.org/Documents/ProfessionalInterest/cat.pdf>, 2.

7 "International Convention for the Protection of All Persons from Enforced Disappearance." International Convention for the Protection of All Persons from Enforced Disappearance. UN- United Nations, n.d. <https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-16.en.pdf>, 2.

8 "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families." International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. UN- United Nations, n.d. <https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-13.en.pdf>, 1.

1 "States Parties to the 1951 Convention Relating to the ..." UNHCR- The UN Refugee Agency. UNHCR. Accessed November 3, 2019. <https://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>, 1-5.

2 " UNHCR- The UN Refugee Agency." UNHCR- The UN Refugee Agency. UNHCR, n.d. <https://data2.unhcr.org/en/documents/download/72076>, 1.

3 "Convention and Protocol Relating to the Status of Refugees." Convention and Protocol Relating to the Status of Refugees. UNHCR- The UN Refugee Agency, n.d. <https://www.unhcr.org/3b66c2aa10>, 14.

Refugees in the Jordanian law

In Jordan, the hierarchy of laws has always been a debatable subject. Some consider international agreements above the constitution while others do not. However, according to the UN treaty on International Covenant on Civil and Political Rights, in Jordan International agreements are above the national law,⁹ although nothing is above constitution.¹⁰ Accordingly, Jordan's hierarchy of laws takes the following order:

- The Constitution
- International Agreements
- The National Law
- Regulations
- Instructions

Refugees are mentioned at all levels of Jordanian law. First of all, the word 'refugee' is mentioned in article 21 of the constitution: "(i) Political refugees shall not be extradited on account of their political beliefs or for their defense of liberty".¹¹ Secondly, according to article 4, sections (ii) and (iii) of the National Law No. 24 of 1973 on Residence and Foreigners' Affairs, refugees are one of the 4 categories of people that can be issued an International laissez-passers.¹² Finally, in regulations and a number of instructions, refugees are mentioned as eligible for receiving transit documents.

9 "International Covenant on Civil and Political Rights." United Nations, 16 September, 2010. <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d/PPRiCAqhKb7yhsvpUktri37odcvprEBmAQ/pmcSBmw cLfT16hVtbWgnjTMxu7UzV+wB83/wJa4V9PrhSptXPZSac03bj56WWvT5Z Zoce4P2HyqwyyxTVlXbV4Bf0nf6m8v02+IVqBaT6pAA==>.

10 UNHCR training on International Refugee Law, Amman, Jordan (23rd of October-2019)

11 The Constitution of the Hashemite Kingdom of Jordan, The Constitution of the Hashemite Kingdom of Jordan § (1953)., 11.

12 "The National Law on Residence and Foreigners' Affairs." The National Law on Residence and Foreigners' Affairs. Ministry of Labor - The Hashemite Kingdom of Jordan, n.d. <http://bit.ly/36ulQSp>, 1-2.