

Immigration Detention in Jordan

Global Detention Project

March 2015

The Global Detention Project (GDP) is a non-profit research centre based in Geneva, Switzerland, that investigates the use of detention in response to global migration. The GDP's aims include: (1) providing researchers, advocates, and journalists with a measurable and regularly updated baseline for analysing the growth and evolution of detention practices and policies; (2) facilitating accountability and transparency in the treatment of detainees; and (3) encouraging scholarship in this field of immigration and refugee studies.

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INTRODUCTION

In November 2014, a Magistrates Court Judge in Amman ruled that an Egyptian guest worker whose permit had been terminated by his employer had been wrongfully placed in immigration detention and must be compensated for financial and psychological damages. The worker had been locked up in a detention cell at the South Amman Police Station for 70 days and then placed in the Jweideh prison for an additional 13 months as he awaited deportation. According to the *Jordan Times*, he was only released after going on a hunger strike.²

In her ground-breaking ruling, which was later upheld in an early 2015 ruling by the Court of Appeals, the judge found that the guest worker had been arbitrarily detained and that his treatment violated the [International Covenant on Civil and Political Rights](#) (ICCPR) and the [UN Convention against Torture](#). Commenting on the ruling, the director of the [Tamkeen for Legal Aid and Human Rights](#), which had represented the guest worker, said: “This verdict is the first of its kind in the region, not just Jordan.”³

In April 2014, several months before the guest-worker ruling, a riot broke out in Jordan’s Zaatari refugee camp after police arrested a group of people who were attempting to leave the camp without authorization. The riot, which led to violent clashes with police and left one Syrian refugee dead, was the latest in a series of incidents at the camp, where refugees have protested terrible living conditions.⁴

These cases help illustrate the plight of two important groups of non-citizens in Jordan who are subject to deprivation of liberty or severe limitations of freedom of movement for reasons related to their status in the country: Jordan’s large population of foreign workers and its burgeoning refugee population, which has soared since the outbreak of conflict in neighbouring Syria.

According to Jordan’s Ministry of Labour, by the end of 2014, there were nearly 325,000 migrant workers with labour permits, 62 percent of whom were Egyptian.⁵ Tens of thousands of these people—mostly Filipinos, Indonesians, and Sri Lankans—are domestic workers (the government estimates that there are 70,000 migrant domestic workers while non-governmental sources put the number at nearly 100,000).⁶ As has been well documented, domestic workers in Jordan and neighbouring Gulf states are a

² Azzeq, Laila. 2014. “Egyptian guest worker wins lawsuit against public institutions for ‘arbitrary detention.’” *Jordan Times*. 2 November 2014. <http://jordantimes.com/egyptian-guest-worker-wins-lawsuit-against-public-institutions-for-arbitrary-detention>.

³ Azzeq, Laila. 2014. “Egyptian guest worker wins lawsuit against public institutions for ‘arbitrary detention.’” *Jordan Times*. 2 November 2014. <http://jordantimes.com/egyptian-guest-worker-wins-lawsuit-against-public-institutions-for-arbitrary-detention>.

⁴ BBC. 2014. “Syria crisis: deadly clash in Jordan’s Zaatari camp.” 6 April 2014. <http://www.bbc.com/news/world-middle-east-26908587>.

⁵ Alkalash, Linda (Tamkeen). 2015. Email correspondence with Michael Flynn (Global Detention Project). 20 February 2015.

⁶ Frantz, Elizabeth. 2014. “Breaking the Isolation. Access to Information and Media among Migrant Domestic Workers in Jordan and Lebanon.” Open Society Foundations. 23 February 2014. <http://www.opensocietyfoundations.org/reports/breaking-isolation>

highly exploited social group who face enormous barriers to securing basic rights and are particularly vulnerable to arbitrary arrest and detention stemming from their working environments.⁷

Migrant workers are also employed in the agriculture, construction, service, and restaurant sectors. Many of these labourers, particularly those from Asia, are employed in Qualifying Industrial Zones (“QIZ’s”),⁸ large industrial parks operating as special free trade zones in collaboration with Israel that take advantage of the free trade agreements between the United States and Israel.⁹

Although the *Kafala* sponsorship system, which binds domestic migrant workers to their designated employers in Gulf states, is not mentioned in Jordanian legislation, in practice the situation does not appear to be significantly different. According to a December 2014 report on Jordan by the Swiss Agency for Development and Cooperation: “Many migrant workers are subjected to violations of their rights by their employers and recruiters through withholding of passports, restrictions on movement, non-payment of wages, long working hours, unpaid overtime, contract substitution, no days off, threats of imprisonment, and verbal, physical or sexual abuse.”¹⁰

Jordan’s Ministry of Labour estimates that in addition to the authorized workers there are several hundred thousand foreigners working without permits.¹¹ However, according to observers, there are no reliable statistics on foreign workers in the country,¹² and some reports estimate that there are as many as 1.5 million foreign workers—both documented and undocumented—in the country.¹³ This would represent nearly a

⁷ For more on the situation of domestic workers in Jordan, see: Frantz, Elizabeth, “Breaking the Isolation: Access to Information and Media among Migrant Domestic Workers in Jordan and Lebanon.” Open Society Foundations. 23 February 2014. (<http://www.opensocietyfoundations.org/reports/breaking-isolation>); Tamkeen. 2012. “Behind a Rock and Hard Place: Migrant Workers Caught Between Employers’ Abuse and Poor Implementation of the Law.” October 2012 (http://www.jadaliyya.com/pages/index/7702/between-a-rock-and-a-hard-place_migrant-workers-ca).

⁸ Al-Wreidat, Amin and Rababa, Adnan. 2011. “Working Conditions for Migrant Workers in the Qualifying Industrial Zones of the Hashemite Kingdom of Jordan.” CARIM (Consortium for Applied Research on International Migration) Research Report. October 2011. <http://cadmus.eui.eu/handle/1814/19884>.

⁹ Under the trade agreements with Jordan as laid down by the United States, goods produced in QIZ-notified areas can directly access U.S. markets without tariff or quota restrictions, as long as they contain a small portion of Israeli input. See Al-Wreidat, Amin and Rababa, Adnan. 2011. “Working Conditions for Migrant Workers in the Qualifying Industrial Zones of the Hashemite Kingdom of Jordan.” CARIM (Consortium for Applied Research on International Migration) Research Report. October 2011. <http://cadmus.eui.eu/handle/1814/19884>.

¹⁰ Swiss Agency for Development and Cooperation (SDC). 2014. *Labour Migration in Jordan*. December 2014.

¹¹ Swiss Agency for Development and Cooperation (SDC). 2014. *Labour Migration in Jordan*. December 2014.

¹² See: Tamkeen Center for Legal Aid and Human Rights. 2010. “Doubled Alienation: Report on the Migrant Workers Situation in Jordan 2009.” February 2010. http://www.tamkeen-jo.org/download/doubled_alienation.pdf; and Frantz, Elizabeth. 2014. “Breaking the Isolation. Access to Information and Media among Migrant Domestic Workers in Jordan and Lebanon.” Open Society Foundations. 23 February 2014. <http://www.opensocietyfoundations.org/reports/breaking-isolation>

¹³ Swiss Agency for Development and Cooperation (SDC). 2014. *Labour Migration in Jordan*. December 2014.

quarter of Jordan's total population of 6.5 million. Overall, Jordan has one of the highest percentage of migrants, who represented 46 percent of its population before the outbreak of conflict in Syria.¹⁴

An important source of undocumented workers in the country are Syrian refugees, whose numbers have swelled in recent years. According to UNHCR, as of March 2015, there were 627,295 registered Syrian refugees in the country in the country.¹⁵ Media sources report that there were one million Syrians living in Jordan as of March 2014.¹⁶

While the country is a party to a number of treaties relevant to immigration detention—including the aforementioned UN Torture Convention and the ICCPR—Syria has never signed the [UN Refugee Convention](#). Despite this, the UN High Commissioner for Refugees has lauded the country's efforts to assist Syrian refugees, reporting that the Jordanian government "refers to Syrians as refugees" and that "the protection space is generally favourable, although fragile owing to the country's own socio-economic challenges."¹⁷

On the other hand, non-governmental organizations have pointed to abuses that refugees can face in the country, including arrest and detention. According to one expert consulted by the Global Detention Project, only a very small number of Syrians have work permits, less than 6,000. Those caught working without authorization are arrested as part of campaigns promoted by the Ministry of Labour and the police.¹⁸

Some experts have also qualified the refugee camps that Jordan hosts as de facto detention camps because of the severe restrictions on freedom of movement imposed on the refugees, as noted previously. Home to more than 100,000 refugees, the Zaatri (also Zadari) camp, which opened in July 2012, is one of the largest camps in the Middle East and has become the country's third-largest "city." To accommodate the growing number of Syrian refugees, a new camp was opened last year in Azraq, some 60 kilometres east of Amman.¹⁹

When asked if Zaatri should be considered a detention camp, one non-governmental observer told the GDP: "Yes, it's a kind of detention as refugees are not allowed to leave

¹⁴ International Organization for Migration (IOM) In collaboration with the Jordanian Ministry of Health. 2012. "Assessment of Health Needs and Living Conditions of Migrants in Jordan 2011–2012." http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=41_7&products_id=847

¹⁵ UNHCR. 2015. "Syria Regional Refugee Response: Inter-agency Information Sharing Portal." 26 March 2015. <http://data.unhcr.org/syrianrefugees/country.php?id=107#>

¹⁶ Tisdall, Simon. 2014. "Inside a refugee camp in Jordan three years after the Syrian uprising began." The Guardian. 11 March 2014. <http://www.theguardian.com/world/2014/mar/11/inside-zaatari-refugee-camp-jordan-syria-uprising-three-years>

¹⁷ UNHCR. "2015 UNHCR country operations profile – Jordan." <http://www.unhcr.org/pages/49e486566.html>.

¹⁸ Alkalash, Linda (Tamkeen). 2015. Email correspondence with Michael Flynn (Global Detention Project). 20 February 2015.

¹⁹ Beaumont, Peter. 2014. "Jordan opens new Syrian refugee camp." The Guardian. 30 April 2014. <http://www.theguardian.com/world/2014/apr/30/jordan-new-syrian-refugee-camp-al-azraq>.

and when they do they are arrested by police and detained in an administrative detention centre before being deported back to the camp.”²⁰

The situation in Jordan is further complicated by the fact that throughout most of its history it has accommodated large refugee populations. Modern day Jordan, which was created in 1921 along borders drawn by European colonial powers, began hosting refugees soon after its creation. With more than two million Palestinian refugees, Jordan hosts the largest Palestinian refugee population in the world.²¹ Many Palestinians hold Jordanian citizenship, but not all, and some have been stripped of their citizenship.²² New waves of refugees began arriving from Iraq during the Gulf War of 1991. These were then followed in much larger numbers after the 2003 U.S.-led invasion of Iraq.

While the numbers of Iraqi refugees has begun to decrease, numbering less than 60,000 by January 2015, the number of registered Syrian refugees is expected to increase to more than one million by the end of 2015.²³

DETENTION POLICY

The Hashemite Kingdom of Jordan is a constitutional monarchy ruled by King Abdullah II bin Hussein, in whose hands executive and legislative authority is concentrated. Though often touted as a pillar of stability in a region that has been experiencing a great deal of political turmoil recently, Jordan has experienced its own share of unrest.

The country has struggled with some significant human rights issues, in particular those related to freedom of speech and the ability to peacefully advocate political changes. The inability to come to terms with these issues is reflected in the frequent demonstrations calling for various political and economic reforms; mistreatment and allegations of torture by security and government officials with impunity; and restrictions on freedom of expression that limit the ability of citizens and media to criticize government policies and officials.²⁴

Key norms. Legal provisions that can be relevant to the deprivation of liberty of foreigners for reasons related to their immigration status can be found in two key laws: the 1973 Law on Residence and Foreigners’ Affairs and the Crime Prevention Law. In addition, Act No. 9 of 2004 on Prisons and Reinsertion Centres provides some basic procedural guarantees for all prisoners.

²⁰ Alkalash, Linda (Tamkeen). 2015. Email correspondence with Michael Flynn (Global Detention Project). 20 February 2015.

²¹ United Nations Relief and Works Agency for Palestine Refugees (UNRWA). 2014. *Where We Work: Jordan*. UNRWA. 1 July 2014. <http://www.unrwa.org/where-we-work/jordan>

²² Human Rights Watch. 2010. “Stateless Again: Palestinian Origin Jordanians Deprived of their Nationality.” February 2010. <http://www.hrw.org/sites/default/files/reports/jordan0210webwcover.pdf>.

²³ UNHCR. “2015 UNHCR country operations profile – Jordan.” <http://www.unhcr.org/pages/49e486566.html>.

²⁴ United States Department of State. 2012 Country Reports on Human Rights Practices – Jordan. 19 April 2013. <http://www.state.gov/j/drl/rls/hrrpt/2012/nea/204367.htm>

Jordan's Constitution also provides some relevant protections. Article 8 provides that "No person may be detained or imprisoned except in accordance with the provisions of the law." A 2011 amendment to Article 8 provides further protection as every detainee is to be "treated in a manner that preserves human dignity; may not be tortured, in any manner, bodily or morally harmed; and may not be detained in other than the places permitted by laws."²⁵ Article 21 provides that "Political refugees shall not be extradited on account of their political beliefs or for their defence of liberty."

Grounds for detention and criminalization of immigration violations. Chapter 5 of the 1973 Law on Residence and Foreigners' Affairs provides penalties for relevant violations of the law. Article 31 states that any person who enters the Kingdom in violation of Article 4 (requiring all foreigners to hold valid passports or travel documents and visas) or Article 5 (requiring all foreigners to enter and exit via recognized ports of entry/exit whether by land, sea, or air) shall be arrested, and may be liable to a term of imprisonment between one and six months, or to a fine between 10 and 50 Jordanian Dinars, or both penalties.²⁶ Article 34 of the Residence law imposes overstay fees on anyone remaining in the Kingdom (even if entered legally), which are currently 1.5 Jordanian Dinars per day. Lastly, a catch all provision in Article 36 provides that "Any violation of the provisions of this Law for which no specific penalty is prescribed shall be punished by imprisonment for a term of between one week and one month or by a fine of not less than 10 dinars, or by both penalties."

The Crime Prevention Law provides that authorities can order the detention of an individual if they have sufficient reason to believe that the person has committed a crime or is planning to commit a crime. In practice, this means that individuals who cannot be removed from Jordan due to outstanding Visa overstay fees, a lack of diplomatic relations with the sending country, or the refusal of return to the sending country may be detained indefinitely.

According to the U.S. State Department: "In 2012 the prime minister authorized the government to temporarily lift fines and other legal barriers that had prevented migrant domestic workers sheltering at their embassies and in detention centres from returning to their countries of origin. On July 11, the Ministry of Interior issued instructions to facilitate the repatriation of domestic workers. Authorities repatriated approximately 1,500 domestic workers, many of whom were judged by local and international human rights organizations to have been working under conditions indicative of forced labor."²⁷

According to Linda Alkalash, Executive Director of Tamkeen, most migrant labourers are detained because their residency permits expire. Although the employment contract of many workers in Jordan is two years, the residency permits are granted for a year. If an employer chooses not to renew the residency permit, the worker falls out of status.

²⁵ The Constitution of Jordan. <http://www.representatives.jo/english/Default.shtm?LanguageAction=English>

²⁶ Article 153 of Jordan's Penal Law No. 16 of 1960, Article 153, also prescribes imprisonment for a minimum of three months for illegal entry/exit to Jordan.

²⁷ U.S. Department of State. Bureau of Democracy, Human Rights and Labor. Country Reports on Human Rights Practices for 2013: Jordan. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport>

AlKalash told the GDP that some employers fail to renew the permit, sometimes to avoid additional fees and bureaucratic hurdles, sometimes as a mean of exerting control over the worker. Alkalash also noted that many domestic workers face confinement in the home as well as poor living conditions.²⁸

According to a 2012 Tamkeen report on foreigner workers, “An irregular migrant worker who breaches the Residency Law might be arrested and sent to detention for an extended period of time because of his inability to cover the residency overstay fine. A decision of deportation might be issued against the worker. He might be arrested in the detention until carrying out the decision. The worker may be kept in detention for months, and sometimes for more than one year, making it hard to provide these workers with air tickets.”²⁹

Hussein Al-Omari, a lawyer at the Al-Adaleh Center for Human Rights Studies, a human rights NGO based in Amman, told the GDP that his organization has worked on a number of cases in which domestic workers have been detained after an employer filed a report with the police claiming that they had “absconded.”³⁰ He said that some employers also add theft charges to this report in order to get the police more actively involved in the case. However, he said that in his experience many of the charges are spurious. In an “informal” study of cases, he found that of 38 cases where an employer had accused a worker of theft, 31 employers withdrew charges after Al-Adaleh Center got involved in the cases. Al-Omari also stated that most cases of migration-related detention he has witnessed were for reasons of changing jobs illegally (working for an employer not your original sponsor) or violating residency status.³¹

Detention statistics. According to observers, the Jordanian government does not make available any statistics on the numbers of people placed in detention for reasons related to their immigration. The Global Detention Project’s requests to relevant government agencies for statistics and information about this practice were either ignored or rejected (see section below on “Access to information”).

According to the U.S. State Department’s 2012 *Country Reports on Human Rights Practices*, the Jordanian Ministry of Labour announced in that some 15,800 non-Jordanians had been arrested for working illegally, of whom 5,700 were Syrian.³²

²⁸ AlKalash, Linda (Tamkeen). 2013. Interview by Parastou Hassouri (Global Detention Project). Amman, Jordan. 24 January 2013.

²⁹ Tamkeen. “Behind a Rock and Hard Place: Migrant Workers Caught Between Employers’ Abuse and Poor Implementation of the Law.” October 2012. http://www.tamkeen-jo.org/download/between_rock_hard_place.pdf

³⁰ Al-Omari, Hussein (Al-Adaleh Center for Human Rights Studies). 2014. Interview by Parastou Hassouri (Global Detention Project). Amman, Jordan. 25 November 2013.

³¹ Al-Omari, Hussein (Al-Adaleh Center for Human Rights Studies). 2014. Interview by Parastou Hassouri (Global Detention Project). Amman, Jordan. 25 November 2013.

³² United States Department of State, 2012 Country Reports on Human Rights Practices - Jordan, 19 April 2013 . <http://www.state.gov/j/drl/rls/hrrpt/2012/nea/204367.htm>

The only other statistics the GDP has found were from the Protection Unit at UNHCR's Regional Office in Amman. According to UNHCR, considering the numbers of persons of concern registered with the UNHCR in Jordan, the scale of detention and deportation is not that large, and that for the most part, Jordanian authorities have been sensitized to issues concerning refugees. UNHCR intervenes only when it comes to their attention that a person of concern has been detained. According to statistics it provided at an International Detention Coalition workshop in Amman on 19-20 November 2013, there were 451 detained asylum seekers/refugees in 2007; 427 in 2008; 350 in 2009; 223 in 2010; 187 in 2011; 377 in 2013; and 485 in 2013. UNHCR explained that the numbers fell after 2007-2008 as the Iraqi refugee situation in Jordan started to "stabilize" and picked up again after the refugee crisis in Syria began. Of those detained, only a fraction are deported, mostly for "national security reasons," ranging from a high of 82 deportations in 2007 to a low of 10 in 2011.³³

Procedural standards. The Crime Prevention Law grants authorities full discretion in setting bail and accepting or rejecting guarantors. The lack of uniformity or transparency in the decision-making process leaves many immigrants vulnerable to human rights violations and arbitrary detention.³⁴

There is no effective mechanism for judicial review, due to the lack of legal rights and protections offered to individuals detained administratively, and the high costs of initiating a review. These costs are often prohibitive for immigrants, so individuals remain in custody despite violations of their rights.³⁵

According to one expert the GDP consulted, the Crime Prevention Law empowers authorities to detain an individual if they have sufficient reason to believe that the person has committed a crime or is planning to commit a crime, but no further clarification is provided in the law as to what constitutes sufficient evidence. This leads to individuals being detained despite a lack of evidence against them, which is in violation of international law guaranteeing the freedom from arbitrary detention.³⁶

Act No. 9 of 2004 on Prisons and Reinsertion Centres regulates the establishment and administration of prisons and reinsertion centres as well as the inspection of those centres. Articles 10 to 21 regulate how prisoners are to be treated during their detention and release. Prisoners have the right to contact a lawyer when necessary, consult their file, inform their families of the place where they are detained, correspond with family and friends, receive visits, practice a religion, contact a diplomatic representative of their

³³ The numbers shared were as follows: 2007: 82; 2008: 69; 2009: 22; 2010: 11; 2011: 10; 2012: 22; and 2013: 33.

³⁴ Alkalash, Linda (Tamkeen). 2015. Email correspondence with Michael Flynn (Global Detention Project). 20 February 2015.

³⁵ Alkalash, Linda (Tamkeen). 2015. Email correspondence with Michael Flynn (Global Detention Project). 20 February 2015.

³⁶ Alkalash, Linda (Tamkeen). 2015. Email correspondence with Michael Flynn (Global Detention Project). 20 February 2015.

country if they are foreigners and undertake studies or training. The Act also regulates health and social protection of the prisoners.³⁷

Length of detention. As stated above, by law any person entering the Kingdom without authorization is liable to a term of imprisonment of between one and six months. In practice the length of detention is highly variable, lasting anywhere from several hours to several months.

Mais Masadeh from the International Organisation for Migration (IOM) told the GDP that in her experience the length of detention depends on each case. Reasons detention may be prolonged include: if a passport or ID documents are missing and need to be re-issued, if there are no funds for a return ticket home, or if overstay fees are high and are not waived.³⁸ Even with these factors, detention is generally a few months, and rarely prolonged to a year. IOM gets some funding from U.S. Department of State to help with repatriation costs. Masadeh said that in her experience, nationals of Sri Lanka have had the lengthiest detentions, due to the embassy's limited resources. She said that she once assisted a Sri Lankan who spent a year in detention in Juweideh because she didn't have assistance to get back home.³⁹

Deportation and re-entry ban. Article 31 of the 1973 Residence Law provides for the expulsion of any foreigner who has entered Jordan without a valid passport/visa (in violation of Article 4) or entered illegally through unauthorized ports of entry (in violation of Article 5), in addition to fines or imprisonment. Article 37 of the same law grants the Interior Ministry the authority to expel any foreigner based on the recommendation of the Director of Public Security. A foreigner expelled in this manner is authorized to re-enter the Kingdom only by special permission from the Interior Ministry.

Asylum Seekers. Jordan is not a signatory to the 1961 Convention Relating to the Status of Refugees or its 1967 Protocol, and there is no domestic legislation or a formal system of granting asylum and providing protection to refugees. By virtue of a 1998 memorandum of understanding, UNHCR operates in Jordan and Jordanian authorities respect UNHCR eligibility determinations regarding asylum seekers. Recognized refugees are granted six-month residency permits, which are renewable (though in theory, and pursuant to the memorandum of understanding, the UNHCR is supposed to find a durable solution for refugees within six months of recognition).

Registration with UNHCR does not confer the right to employment to refugees. Most commonly, however, refugees in Jordan are detained for working without authorization and not because of their immigration status.

³⁷ Act No. 9 of 2004 on Prisons and Reinsertion Centres. Unofficial French translation. http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=70509&p_country=JOR&p_count=146&p_classification=01&p_classcount=22

³⁸ Masadeh, Mais (IOM Amman). E-mail from Mais Masadeh to Parastou Hassouri (Global Detention Project). Global Detention Project. Geneva, Switzerland. 27 January 2014.

³⁹ Masadeh, Mais (IOM Amman). E-mail from Mais Masadeh to Parastou Hassouri (Global Detention Project). Global Detention Project. Geneva, Switzerland. 27 January 2014.

In general, the Jordanian government has not forced recognized refugees to return to countries they have fled (with the exception of those expelled for national security reasons). There have been some reports of refugees being denied entry at Jordanian borders, or being turned back after an initial screening (a practice that violates the principle of non-refoulement, which forbids governments from returning refugees and asylum seekers to places where their lives or freedom would be threatened), especially Palestinians fleeing Syria for Jordan, single men, and those lacking proper identification documents (again, a practice in contravention to international law principles governing treatment of refugees). Although the exact numbers of those turned back at the border is not known, it appears to happen regularly.⁴⁰

According to the Human Rights Watch submission to the UN Human Rights Council periodic review in 2013: “Jordanian officials reject asylum seekers and refugees who lack Syrian nationality, such as long-term Palestinian residents of Syria, at the border, as well as almost all single men of military age, in violation of the customary international law principle of non-refoulement. After refugees rioted against their harsh living conditions at Zatari camp in January 2013, Jordan announced that all single men would be moved from there to the new Cyber City camp then under construction. When Human Rights Watch visited the site in February, before the plan to transfer single men to there from Zatari camp had been implemented, Jordanian authorities were detaining some 200 Palestinians who had entered Jordan before the border was closed to them in one building. Jordanian authorities confiscate all passports of new arrivals as they cross into Jordan and usually issue a receipt for them. The government says it will return passports to the Syrians as they leave the country.”⁴¹

Most of the reporting on refugees, and in particular Syrian refugees, has focused on the general living conditions and hardship they face in the country, in particular in the Zaatari refugee camp. Detention of refugees in Jordan is primarily due to their work without authorization. Refugees in Jordan, like other foreigners, must obtain permits, as refugee status in and of itself does not entitle them to work legally. Most refugees do not apply for these permits due to bureaucratic hurdles and the expenses involved. Many are working in the informal economy and without authorization, a practice the government generally tolerates. Nevertheless, refugees are occasionally arrested for working without authorization.

Trafficked persons. The U.S. Department of State’s 2014 Trafficking in Persons Report (“TIP Report”) on Jordan states: “Women from Sri Lanka, Indonesia, and the Philippines voluntarily migrate to Jordan for employment as domestic workers. Some are subjected to conditions of forced labor after arrival, including through unlawful withholding of

⁴⁰ Human Rights Watch. 2013. “Jordan: Obama should press King on asylum seeker pushbacks.” 21 March 2013. <http://www.hrw.org/news/2013/03/21/jordan-obama-should-press-king-asylum-seeker-pushbacks>.

⁴¹ Human Rights Watch (HRW). 2013. “Jordan: UPR Submission.” 30 September 2013. <http://www.hrw.org/news/2013/09/30/jordan-upr-submission-september-2013>

passports, restrictions on movement, nonpayment of wages, threats of imprisonment, and physical or sexual abuse.”⁴²

Jordan's sponsorship system binds foreign workers to their designated employers without adequate access to legal recourse when they face abuse and without the ability to switch employers, thereby placing a significant amount of power in the hands of employers and recruitment agencies. Migrant workers are further vulnerable to forced labour due to indebtedness to recruiters, negative societal attitudes toward foreign workers, and legal requirements that foreign workers rely on employers to renew their work and residency permits.⁴³

Regarding detention, the 2014 TIP report states: “Victims continued to be vulnerable to arrest and detention—sometimes for extended periods of time—if found without valid residency documents, and some foreign domestic workers fleeing abusive employers were incarcerated after their employers or recruitment agencies filed false claims of theft against them. The government made some efforts, alone and in cooperation with international organizations and foreign embassies, to identify trafficking victims among detained foreign domestic workers and out-of-status migrant workers; however, these efforts were not sufficient to address the problem.”⁴⁴

The IOM's Mais Masadeh told the GDP that the organisation has a repatriation program to help victims of trafficking, most of whom are identified through embassies.⁴⁵ Most of the persons they assist are female domestic workers from South Asia and Southeast Asia. Masadeh added that in 2013, they assisted with the repatriation of 203 such cases (though most of the cases were not detained by the state, but were in shelters run by sending country embassies; of the 2013 assisted in 2013, 95 had been detained in Juweideh prison).

Minors. No specific details appear to be available concerning migration-related detention of minors. Additionally, although unaccompanied and separated minors are registered with the UNHCR as “persons of concern,” the UN agency does not provide statistics on this issue.

Despite the lack of information, rights watchdogs have expressed concern about the vulnerability of children to forms of immigration detention. For instance, in its 2014 report on Jordan, the UN Committee on the Rights of the Child (CRC) stated that authorities in Jordan acknowledged that child victims of trafficking “might be placed in detention facilities owing to a lack of available shelter.” The CRC urged Jordan to “ensure that no child victims are placed in detention facilities but that they are provided with

⁴² United States Department of State. 2014. “Jordan. 2014 Trafficking in Persons Report.” <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226749.htm>

⁴³ United States Department of State, 2014. “Jordan. 2014 Trafficking in Persons Report.” <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226749.htm>

⁴⁴ United States Department of State. 2014. “Jordan. 2014 Trafficking in Persons Report.” <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226749.htm>

⁴⁵ Masadeh, Mais (IOM Amman). E-mail from Mais Masadeh to Parastou Hassouri (Global Detention Project). Global Detention Project. Geneva, Switzerland. 27 January 2014.

comprehensive protective and rehabilitation services, including adequate shelter.”⁴⁶

Foreign workers. Foreign workers in Jordan face a number of legal challenges stemming from their working conditions, which can lead to detention and deportation. In its 2012 study “[Between a Rock and Hard Place: Migrant Workers Caught Between Employers Abuse and Poor Implementation of the Law](#),” Tamkeen reported: “A negative practice commonly performed by the Jordanian public authority against migrant workers is arbitrary administrative detention, which is essentially the police detaining migrant workers for technicalities that do not have any legal grounding. ... The local authority, in conjunction with the Public Security Department, has adopted a systematic, administrative approach to detaining migrant workers in a manner that breaches Jordanian Law and human rights conventions.”⁴⁷

The report underscored the particular vulnerabilities faced by Egyptian workers, who are frequently detained as a result of contractual disputes with an employer, which can lead to the loss of permission to reside in Jordan and thus a form of immigration-related detention. “When an Egyptian worker is found working in a profession or for an employer other than the one mentioned in his work permit, or working without a work permit, he is detained until the issuance of a deportation decision. After the issuance of the deportation decision, the worker is kept under detention until the decision is carried out.”⁴⁸

Domestic workers are also particularly vulnerable to abuses and loss of liberty. According to a 2011 report by Human Rights Watch,⁴⁹ half of the domestic workers interviewed for the report claimed that they were confined in the homes they worked at. Some said that they were actually locked in the house when their employers were absent. The law governing domestic migrant worker contracts in Jordan indirectly permits this, as it states that domestic workers are obliged “not to leave the house or to be absent from it unless with the permission of the employer and knowledge of her whereabouts.” Many employers justify the practice on grounds that it is done for the worker’s own protection.⁵⁰

⁴⁶ UN Committee on the Rights of the Child. 2014. “Concluding observations on the combined fourth and fifth periodic reports of Jordan.” 8 July 2014. CRC/C/JOR/CO/4-5. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/JOR/CO/4-5&Lang=En

⁴⁷ Tamkeen. “Behind a Rock and Hard Place: Migrant Workers Caught Between Employers' Abuse and Poor Implementation of the Law.” October 2012. http://www.tamkeen-jo.org/download/between_rock_hard_place.pdf

⁴⁸ Tamkeen. “Behind a Rock and Hard Place: Migrant Workers Caught Between Employers' Abuse and Poor Implementation of the Law.” October 2012. http://www.tamkeen-jo.org/download/between_rock_hard_place.pdf

⁴⁹ Human Rights Watch. 2011. “Domestic Plight: How Jordanian Laws, Officials, Employers, and Recruiters Fail Abused Migrant Domestic Workers.” September 2011. <http://www.hrw.org/sites/default/files/reports/jordan0911webwcover.pdf>.

⁵⁰ Article 5.5 of the Regulation on Domestic Workers, Cooks, Gardeners, and their Like, No. 90 of October 1 2009, published in Official Gazette No. 4989, October 1, 2009, p. 5348.

According to the HRW study, the practice of confiscating passports or residency documents is relatively common, leaving workers vulnerable to arrest. Jordanian law requires that all foreigners be able to present proof of their legal status upon authorities' demand. Additionally, although employers are obligated to pay a worker's return ticket, in cases where domestic workers have left their employ due to abuse, the employer is unlikely to pay the cost of the ticket. The expense of a return ticket becomes an important obstacle to departure.⁵¹

In its report on its 2012 Mission to Jordan, the Special Rapporteur on Violence against Women highlighted the connection between the inability to pay return tickets and extended stays in detention: "For the women, obstacles to their return include having to pay over-stay fines for each day they remained in the country without residency status, and securing funds to pay for their return flight. Although they are entitled to a ticket paid by their employers, this is only the case after they complete two years of service, and even in those cases, employers do not always comply with this responsibility. When the Special Rapporteur visited the Juweidah Centre, there were 77 foreign women in detention, most of them domestic workers who had fled their jobs, whose employers were refusing to pay for their return home, and whose embassies were reluctant to assist."⁵²

Residence and nationality. Residency in Jordan is regulated by Law. No. 24 of 1973 on Residence and Foreigners' Affairs (last amended by Law. No. 23 of 1987). Under Articles 11 and 12 of the law, foreigners entering the Kingdom must, within three days of arrival, register with the Directorate of Residence and Foreigners' Affairs, and provide the reason for their presence, the duration of stay, and address (foreigners holding transit and tourist visas are exempted from this requirement), and to notify the authorities of any change in address/residence in the Kingdom within 48 hours of such change. Article 15 requires that foreigners submit passport or equivalent documentation or any other papers upon request, to the authorities.

Access to detainees and detention monitoring. Numerous international organisations and civil society groups are able to access people placed in immigration detention. According to the U.S. Department of State's 2013 *Country Reports on Human Rights Practices* on Jordan, authorities grant access to both local and international human rights organizations.⁵³ The International Committee of the Red Cross has had access to detention facilities. The National Center for Human Rights, an independent national human rights institution, also conducts visits of detention facilities and makes mention of

⁵¹ See International Labour Organisation, http://www.ilo.org/dyn/migpractice/migmmain.showPractice?p_lang=en&p_practice_id=28

⁵² UN Special Rapporteur on Violence against Women. 2012. "Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo. Addendum. Mission to Jordan." 14 May 2012. A/HRC/20/16/Add.1. <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsF-M.aspx>

⁵³ United States Department of State. 2012. *Country Reports on Human Rights Practices – Jordan*. 19 April 2013. <http://www.state.gov/j/drl/rls/hrrpt/2012/nea/204367.htm>

them in its annual reports.⁵⁴ UNHCR also has been able to visit detained refugees and asylum seekers.

According to Tamkeen, it frequently visits detention centres to meet with migrant workers. It also reports that lawyers can visit detainees three days a week (Saturday, Monday, and Wednesday) without first receiving permission to do so.⁵⁵

In a 2010 report on Jordan, the UN Committee against Torture urged that country to “compile statistical data relevant to the monitoring of the implementation of the Convention at the national level, disaggregated by gender, age and nationality, as well as information on complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment, administrative detention, trafficking, ill-treatment of migrant workers and domestic and sexual violence, and outcomes of all such complaints and cases.”⁵⁶

Access to information. There is little or no official information publicly available in Jordan about immigration-related detention. In 2013, a consultant for the GDP sent requests to both the Interior Ministry and the Department of Public Security-Prison Authority. No response was ever received. The consultant also addressed inquiries to the country’s national human rights commission, the National Centre for Human Rights, which also were ignored.

Relations with the European Union. As it has with most other countries on its periphery, the European Union has established a migration management agreement with Jordan. This “Mobility Partnership,” which was signed in October 2014, appears to pave the way for the establishment of an EU-Jordan readmission agreement, which would ease the return of undocumented migrants as well as possibly third-country nationals from the EU to Jordan. The Global Detention Project has repeatedly observed how readmission agreements can lead to increasing detention.

According to the European Commission, “Signature of the joint declaration establishing a Mobility Partnership between the EU, its participating Member States and Jordan on 9 October 2014 is a step towards closer cooperation in the field of migration and mobility. In the partnership, the EU and Jordan commit themselves to ensuring that migration is managed as effectively as possible, allowing for specific actions to further improve the situation of migrants, in particular asylum-seekers.”⁵⁷

⁵⁴ The annual reports are available on their website. The last one that is available in English dates from 2010 and is available here: <http://www.nchr.org.jo/english/Publications/AnnualReports.aspx>.

⁵⁵ Alkalash, Linda (Tamkeen). 2015. Email correspondence with Michael Flynn (Global Detention Project). 20 February 2015.

⁵⁶ UN Committee against Torture. 2010. “Consideration of Reports Submitted by States Parties Under Article 19 Of The Convention: Concluding Observations Of The Committee Against Torture: Jordan.” CAT/C/JOR/CO/2. 25 May 2010. <http://uhri.ohchr.org/document/index/5b5eba4d-bbe3-428a-a41f-d309171671fc>

⁵⁷ European Neighbourhood Policy. Progress reports. 2015. Jordan. http://eeas.europa.eu/enp/documents/progress-reports/index_en.htm

DETENTION INFRASTRUCTURE

Jordan does not have specialised immigration detention facilities. Rather it makes use of police stations and prisons for this purpose (not including the country's "closed" refugee camps that impose severe limitations of freedom of movement, which are beyond the scope of this report).

The most frequently used facilities appear to be the Juweideh (also Jweideh) Men's Prison and the Juweideh (Jweideh) Women's Reform and Rehabilitation Centre, which are located in south Amman. These facilities hold both administrative detainees and convicted criminals. For example, the IOM's Mais Masadeh stated that of 203 cases of IOM-assisted repatriation in 2013, 95 were from Juweideh prison (the rest were from embassies).⁵⁸

Based on various reports, it appears that a large number of people held at the Juweideh prisons are people awaiting deportation. In her report on her 2012 Mission to Jordan, the Special Rapporteur on Violence against Women reported that during her visit to Juweidah, there were 77 foreign women in detention, most of them domestic workers who had fled their jobs, whose employers were refusing to pay for their return home, and whose embassies were reluctant to assist."⁵⁹

More recently, in March 2015, Jordan's human rights commission, the National Centre for Human Rights, reported that of the 476 female prisoners detained at the facility in 2014, 233 were administrative detainees. It also found that of 37 female prisoners held at the Umm Al Lulu centre, 21 were administrative detainees.⁶⁰ Unfortunately, because the National Centre for Human Rights does not appear to address the issue of migrant detainees as a distinct group, it is unclear how many of these administrative detainees are confined for migration-related reasons. In 2013, the Global Detention Project submitted a request for information to the NCHR, but it never received a response.

Detention conditions. In its 2014 report on women prisoners, the National Centre for Human Rights (NCHR) found numerous problems with the prisons where they are confined.⁶¹ At the Juweideh Women's Reform and Rehabilitation Centre, NCHR reported overcrowding, poor hygiene conditions and healthcare, insufficient lighting and

⁵⁸ Masadeh, Mais (IOM Amman). E-mail from Mais Masadeh to Parastou Hassouri (Global Detention Project). Global Detention Project. Geneva, Switzerland. 27 January 2014.

⁵⁹ UN Special Rapporteur on Violence against Women. 2012. "Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo. Addendum. Mission to Jordan." 14 May 2012. A/HRC/20/16/Add.1 <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsF-M.aspx>

⁶⁰ Azzeh, Laila. 2015. "Nearly half of women prisoners are administrative detainees — study." Jordan Times, 5 March 2015. <http://jordantimes.com/nearly-half-of-women-prisoners-are-administrative-detainees----study>

⁶¹ National Center for Human Rights (NCHR). 2014. "The Status of Female Inmates at Reform and Rehabilitation Centers in Jordan." Prepared by the National Center for Human Rights, within the framework of the UN Women project "Strengthening local capacity to protect women's Physical Integrity and Human Rights. September 2014. <http://jordan.unwomen.org/en/what-we-do/ending-violence-against-women/initiative1>

natural ventilation, insufficient heating in winter, and non-segregation of convicted criminals and women in administrative detention.⁶²

In an earlier study from 2010, the NCHR reported on numerous other problems based on visits to 68 reform and rehabilitation centres and 33 temporary detention facilities conducted between January 1, 2009, and June 30, 2010. Among the concerns were that people were held in “old buildings with limited space,” over-crowdedness, and that some facilities were located underground, “which detrimentally impacts the temperature and ventilation requirements, as well as in some of these centers.”⁶³ The report also found that “inmates continue to suffer from poor social welfare services, limited preventive and psychological health care, persisting poor legal assistance services, and limited educational and literacy programs, in addition to the ongoing problems of administrative detention, the rising numbers of administrative detainees, inmates’ problems related to extended periods of judicial detention, their sufferings during their police-escorted journeys to and from courts and hospitals, as well as the administrative procedures accompanying the process of transporting them in handcuffs. Problems also include the nutritional inadequacy of the breakfast and supper meals, the prevalence of narcotic pills, and the spread of insects as result of poor cleanliness, lack of water, etc.”⁶⁴

In its 2012 report on human rights practices in Jordan the U.S. State Department also reported on conditions at detention facilities, including at the Juweidah (Jweideh) prison. According to the report: “Overall conditions in the country’s prisons were generally poor in six older prisons, while the eight new prisons met international standards. ... Significant problems remained in prisons, including inadequate food and health care, poor sanitation and ventilation, extreme temperatures, inadequate access to potable water, and insufficient basic and emergency medical care. Some detainees reported abuse and mistreatment by guards during the year. According to government statistics, there were approximately 25,200 inmates in 14 correctional and rehabilitation center facilities and approximately 220 women in the Women’s Correctional and Rehabilitation Center in the Jweideh detention facility. The Ministry of Social Development reported there were 2,400 juveniles in custody. Conditions for women were generally better than those for men; however, in Al Khansa Juvenile Detention Center, for part of the year conditions for boys were better than those for girls. Pretrial detainees often were held in the same detention facilities as convicted prisoners. The General Intelligence Department (GID) held some persons detained on national security charges in separate detention facilities. According to human rights activists, GID detainees generally were held in solitary confinement and were prevented from meeting unsupervised with visitors, including their lawyers. Islamist prisoners in Jweideh were held in a separate

⁶² Azzeh, Laila. 2015. “Nearly half of women prisoners are administrative detainees — study.” Jordan Times, 5 March 2015. <http://jordantimes.com/nearly-half-of-women-prisoners-are-administrative-detainees---study>

⁶³ National Centre for Human Rights. 2010. “The Seventh Periodic Report on Conditions on Reform and Rehabilitation Centers and Temporary Detention Centers in the Hashemite Kingdom of Jordan for the period from 1/1/2009 to 30/6/2010.” June 2010.

⁶⁴ National Centre for Human Rights. 2010. “The Seventh Periodic Report on Conditions on Reform and Rehabilitation Centers and Temporary Detention Centers in the Hashemite Kingdom of Jordan for the period from 1/1/2009 to 30/6/2010.” June 2010.

wing and kept in small-group semi-isolation. International and domestic NGOs reported that in some instances Islamist prisoners faced harsher prison conditions than other inmates.”

List of Detention Sites

Name	Status (Year)	Location	GDP Facility Type	Detention Timeframe	Security	Authority	Management	Demographics & Segregation
Juweideh Police Station (South Amman Police Station)	In use (2011)	South Amman	Police station	Short-term	Secure	Police (Interior Ministry)	Police (Interior Ministry)	
Juweideh Prison for Men	In use (2014)	South Amman	Prison	Long-term	Secure	Public Security Department (Interior Ministry)	Public Security Department (Interior Ministry)	Adult males, no segregation of criminal and administrative immigration detainees
Juweideh Reform and Rehabilitation Center for Women	In use (2014)	South Amman	Prison	Long-term	Secure	Public Security Department (Interior Ministry)	Public Security Department (Interior Ministry)	Adult females, no segregation of criminal and administrative immigration detainees

Map of Detention Sites



Country View

- 1. Juweideh Prison for Men
- 2. Juweideh Reform and Rehabilitation Center for Women
- 3. South Amman Police Station

Country links

Government Agencies

Prime Minister

<http://www.pm.gov.jo/english/>

Ministry of the Interior (Arabic)

<http://www.moi.gov.jo/>

Public Security Directorate (Arabic)

<http://rbd.psd.gov.jo/>

International Organizations

UNHCR Representation in Jordan

<http://www.unhcr.jo/>

UNHCR Jordan Country Page

<http://www.unhcr.org/pages/49e486566.html>

United Nations Relief and Works Agency for Palestine Refugees in the Near East

<http://www.unrwa.org/>

NGOS & Research Institutions

Adaleh Center for Human Rights Studies

<http://adaleh-center.org/new/>

Justice Center for Human Rights (Arabic)

<http://www.jcla-org.com>

National Center for Human Rights

<http://www.nchr.org.jo/english/home.aspx>

Tamkeen for Legal Aid and Human Rights

<http://www.tamkeen-jo.org/>

Media

Jordan Times

<http://jordantimes.com/>