

NEW ISSUES IN REFUGEE RESEARCH

ς

Working Paper No. 61

Jordan as a transit country: semi-protectionist immigration policies and their effects on Iraqi forced migrants

Géraldine Chatelard

Robert Schuman Centre for Advanced Studies
European University Institute
Florence, Italy

E-mail: gchatelard@yahoo.com

August 2002

These working papers provide a means for UNHCR staff, consultants, interns and associates to publish the preliminary results of their research on refugee-related issues. The papers do not represent the official views of UNHCR. They are also available online under 'publications' at <www.unhcr.org>.

ISSN 1020-7473

Introduction

In the last twenty years, several episodes of forced migration have taken place in the Arab Middle East following armed conflicts between states (the Iran-Iraq war, the 1991 Gulf war) or internal political unrest (in particular in Iraq).¹ Despite the scale of these displacements and the centrality of Iraq, the remarks S. Shami made in a 1993 paper still hold true.

She states that attention has focused on previous episodes of forced migration, such as the Lebanese civil war and the Palestinian diaspora, that group migration has not been extensively studied, that relief agencies or human rights groups produce the overwhelming majority of the literature, and that there has been little focus on the long-term social implications of forced displacement (Shami 1993: 5). In particular, involuntary migration prompted by the 1991 Gulf war and its aftermath has been given surprisingly little attention, at the notable exception of studies by a single author that have looked at the socio-economic impact of return migration from the Gulf to Jordan and Yemen (Van Hear 1993, 1994, 1995, 1998).

And yet, in 1996, four million Iraqis were reported to live abroad (USCR 1996, 112), of whom over 500,000 are currently recognised refugees (UNHCR statistics 2000).² They were over 1,320,000 in 1992, the peak year. If the bulk of Iraqis have found asylum in Iran, Iraqis continue to be the second country of origin of asylum applicants in the main industrialised countries (in 2000, they were 41,000 applications). In 2001, Iraqis were the third main refugee caseload in the world, well behind the Afghans and closely following nationals from Burundi.

Following a first wave of forced migration during the Iran-Iraq war, the majority of Iraqis currently living abroad as refugees or asylum seekers have fled their country during the 1991 Gulf war or in the following decade. The bulk left Iraq in the first two years of the 1990s not so much as a direct consequence of the US-led bombing in the country but rather because of two episodes of failed uprising against the regime of Saddam Hussein. In 1991, both the Kurds in the Northern provinces and the Shiites in the central area revolted and both uprisings were crushed. Repression has continued ever since, and so has out migration of members of both groups at a slower but steady path.

Later in the 1990s, fighting between rival Kurdish factions in the North and the drainage of the marshlands in the Shiite area of the Shatt el-Arab in the South have been additional reasons for people to leave. Members of other social groups were also prompted to leave their country as the embargo imposed by the UN Security Council contributed to deteriorating the economic situation in Iraq. Besides, continuous violations of human rights still affect all kinds of opponents to the regime (USCR 1991; LCHR 1992; UNHCR 1996; Amnesty International 1997). Often, emigration is motivated by a mixture of economic and political factors, especially for those social groups as the Shiites or the Kurds who are collectively denied access to public resources. The outcome is that many people have no assurance either of physical security or the ability to sustain their livelihoods, a fact that blurs the traditional

¹ This paper was originally presented at the Third Mediterranean Social and Political Research Meeting, Florence, March 20–24, 2002, Mediterranean Programme, Robert Schuman Centre for Advanced Studies, European University Institute.

² Unless otherwise indicated, all figures in this paper are taken from UNHCR documents.

distinction between involuntary (or forced) migrants and voluntary (here, economic or labour) migrants.

Whatever their final destination, Iraqis had, and still have, to move by road first to a neighbouring country since the embargo prevents them from travelling directly to a more distant location by boat or aeroplane. But accessibility of the neighbouring countries is conditioned by the opening of borders, the treatment received at the hands of the authorities, other factors such as the presence of relatives, co-ethnics or co-religionists, or the location of the country on a routes towards further emigration.

For Kurds and Shiite Arabs, Iran has been the main host country, with, depending on years, from one million to 500,000 recognised Iraqi refugees. Iran is a party to the 1951 Geneva Convention relating to the status of refugees and its 1967 Protocol (henceforth, 1951 Convention) and has liberally granted asylum to a large number of Iraqis and Afghans (Nikanjam 1995; Rajaei 2000; Le Roy 2001). Conversely, Turkey does not grant Iraqis asylum and thousands of Kurds have merely transited its territory on their way to Western Europe (IOM 1995). Iraqi Arabs have looked for asylum in all Arab countries in the regions (Kuwait, Saudi Arabia, other Gulf States, Syria, Lebanon, and Jordan), none of them, at the exception of Yemen, equipped with legal tools to treat them as refugees, but all of them relying on the United Nations High Commissioner for Refugees (UNHCR) to determine refugee status, provide relief, and resettle the refugees in a third country outside of the Middle East.

In all cases, at the notable exception of Jordan, neighbouring Arab countries (Saudi Arabia and Syria) closed their borders shortly after the outburst of the conflict and the number of Iraqi asylum seekers on their soils never exceeded more than a few dozen thousands. Ever since the Iran-Iraq war, Iraqi refugees have not generally repatriated at the exception of small groups of Kurds who had taken refuge in Iran.

An issue which has not been given attention is how Middle Eastern countries are coping with new influxes of exogenous forced migrants while the question of Palestinian refugees is yet unresolved. One effect of the Palestinian issue is that none of the Arab countries (Jordan, Lebanon and Syria) hosting a significant number of Palestinian refugees under the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has adopted international standards on refugees such as the 1951 Convention, and none has devised a national legal framework to deal with new mass influxes of refugees, even is they may have a domestic legal definition of asylum. In the Arab Middle East, except for the Palestinians, forced migrants have been left in a legal abyss.

In this regard, Jordan is an interesting case in point. It is host to the largest number of recognised Palestinian refugees and bears the distinction of having the highest ratio of refugees to indigenous population of any country in the world.³ In the wake of the Gulf war,

³ In 2000, Palestinian refugees were 1.6 million out of a population of five million (of which many more of Palestinian origin). Besides, 800,000 Palestinian displaced after the 1967 war also live in the country. In many ways, Jordan is also the best regional host having granted Palestinian refugees full-fledged citizenship while UNRWA is providing for health and education services, and administration of most refugee camps that, with time, have become neighbourhoods of larger cities or small towns of their own. But, besides being a complex case that has affected the nature of the Jordanian domestic and foreign policies over the years, the issue of Palestinian refugees is now becoming an increasingly economic one as UNRWA's budgetary difficulties have

Jordan received up to one million people of different nationalities that had to flee mainly Kuwait and Iraq. Among those, about 360,000 were Jordanian involuntary “returnees”, i.e. citizens of the Hashemite Kingdom, most of them of Palestinian origin and/or refugees, that had settled in the Gulf sometimes for decades. Understandably, Jordan gave priority to the reception and integration of those 300,000 who decided to remain in the country (Van Hear 1995: 352). But among those fleeing in 1991, many were Iraqi citizens who came after the failed Shiite uprising.

Since that date, Iraqi forced migrants have kept arriving to Jordan in smaller but steady numbers, entering the kingdom through the one open border point, and using Jordan mainly as a gateway to other Arab or Western countries. It is the educated middle-class that has fled to Jordan, together with the figures of the secular political opposition and underprivileged ethnic groups such as those Shiites who prefer not to turn to Iran (in general, Kurds do not select Jordan, probably for ethno-linguistic and geographical reasons). This is the group this paper offers to look at, the main questions put forth being how Jordan has dealt with this influx, and why and how the country has been used mainly as a transit point to the West instead of providing a long-term heaven for Iraqi forced migrants, contrary to what has happened in Iran.

Looking at the way Jordan has managed this wave of forced migrants opens up broader questions regarding the changes that have affected migration patterns four decades after the Palestinian “catastrophe” of 1948. Contrary to what happened with the Palestinian refugees, a large number of Iraqi forced migrants have not remained in the Middle East but have moved on, mainly towards Western countries where a large number has claimed asylum. To reach their country of final destination, most Iraqis have resorted to smuggling or trafficking networks. Jordan’s policy towards Iraqi forced migrants, the fate of these migrants in Jordan, and their global migration patterns in which Jordan is a stage on the route, cannot be understood in isolation from the wider context of immigration policies and changes in the regime of asylum and labour migration in Western countries in the 1990s. By making this statement, I follow B. Ghosh’s argument that:

Geographical contiguity and regional affinity, political and cultural ties and other historical links (...) still continue to influence the pattern and direction of migratory flows, both regular and irregular. But other forces such as globalisation of the world economy, inter-penetration of markets, expansion of world trade and investment and spectacular improvement of transport and communication are opening new avenues and opportunities for movement of people, alongside those for movements of goods, services and capital. (...) Trends in the globalisation of irregular migration are considerably reinforced by the emergence of a market for trafficked migrants which is becoming increasingly global. (Ghosh 1998: 69)

In 1996, a UNHCR Background Paper on Iraqi Refugees and Asylum Seekers reported that, by some estimates, one to two million Iraqis had gone to Jordan since the Gulf war. According to the same source, the number of Iraqis remaining in Jordan was undetermined because most were transiting. The various sources, mainly reports from human rights groups, that mention Iraqi migrants in Jordan are not more precise. Official figures are non-existent

compelled the agency to reduce its social services since 1997. On Palestinian refugees, in particular in Jordan, see Bocco, R. et Chatelard, G. (t.b.p.) *UNRWA: A History within History*, IUED, CERMO, Geneva, Beyrouth.

and officials' declarations in the Jordanian media are inconsistent, varying from 50,000 to 180,000. NGO sources may go up to 300,000.

It is hard to make more than "guesstimates" of the scale of Iraqi immigration in Jordan, not only because the authorities prefer to be silent of the issue, but also because of the nature of the transit migration. The group is unstable, people's stay is transitory and new individuals come as others go. According to official figures, a group of about 20,000 Iraqi individuals have obtained long-term residence permits (one year renewable). In addition, numerous "suitcase traders" go back and forth between Baghdad and Amman, some Iraqi nationals come to Jordan for a few month during which they work as street vendors or other petty jobs and then go back home, sometimes returning after a period of time, and others come for medical treatment.

Categories of migrants, transit and ethnicity

According to S. Shami's review of the literature on involuntary migration, the three major agents of forced displacement are: "direct action by the state to make way for development projects; war and other types of political upheaval or persecution; and natural disasters" (Shami 1993: 5). Another type of migrants can be added to that list: those who had a degree of choice in taking the decision to leave their country but cannot go back for fear of persecution owing to the mere fact that they have emigrated (Iraqi citizens who have officially asked for asylum abroad fall into that category, as, until recently, they incurred death penalty in Iraq).

Numerous Iraqis in Jordan exhibit other characteristics and do go back to Iraq on a regular basis. They are not the object of this study, which is concerned strictly with two groups of migrants. On the one hand, those who left Iraq because they feared for their lives or personal integrity due to affiliation to a political, religious, ethnic, or other social group. On the other hand, those suffering from a mixture of economic hardship due to a deteriorating purchasing power, and of daily bothering (discriminatory practices, racket, pressures to work for the intelligence, Islamic education made compulsory for Christian children in schools, etc.), often borne from their belonging to a specific ethnic or religious group but which do not amount to persecution.

Based on the 1951 Convention, UNHCR defines as a refugee "any person who has a well-founded fear of persecution because of his or her religion, ethnic origin, nationality, political opinion or affiliation to a social group". This definition takes into account only individual, and not group, persecution, committed by a state or its agents. Whereas the first group of Iraqi forced migrants this study is concerned with falls in the UN category of refugees, individuals in the second group may have more difficulties to have their claim for asylum heard in Middle Eastern countries that rely exclusively on UNHCR for refugee determination procedures.

But various sovereign states, in particular in the West, have broadened the international standards to include in their domestic laws either lesser forms of persecution or persecution by non-state actors (Thouez 2000; Gibney 2001; etc.) Typically, this allows for the granting of asylum to victims of civil conflicts or ethnic/religious persecutions that do not amount to

imprisonment and torture by the authorities. This definition of refugees can apply to such groups as the Iraqi Kurds or Shiite Arabs, and, to a lesser degree, some Iraqi Christians.

Most of the individuals in the group under study also fall in the category of irregular migrants at one point or another in time during their trajectories. Irregular migration is used here to describe “generically all inter-country movements that take place outside the regulatory norms of the sending, transit and receiving countries” (Ghosh 1998 :9). These migrants either enter a country without inspection by the concerned authorities, or enter with the use of an illegally acquired or falsified visa or passport, or overstay their legally acquired residence permit (Skeldon 2000: 7). State authorities, for their part, usually substitute illegal for irregular migration.

As a series of recent IOM publications shows (IOM 1994; IOM 1995; Salt and Hogarth 2000; Skeldon 2000), irregular migration is now increasingly channelled through third countries. Usually, these transit countries are identified as having liberal visa laws and/or less stringent border control and allowing for the development of a strong local organisation of trafficking/smuggling syndicates. But as is the case in most of the literature that analyses trafficking and/or documents transit countries, these studies are either located at the gateway of Western industrialised states (Meese et al. 1998; Peter: 2000, among others), or systematically take for granted that migrants aim at reaching the West even when analysing, for example, Chinese transit migration in South Eastern Asia (Skeldon 2000).

The various above mentioned studies disregard South-South trends of migration, and do not differentiate between patterns of voluntary and involuntary migration. This allows B. Ghosh to argue that “since, for organized, large-scale traffickers human smuggling is a global operation, they tend to choose the routes and transit countries as part of an overall strategy” (Ghosh 1998: 71). As a result, transit countries are said to be chosen by traffickers and not migrants.

The new trend of literature that looks specifically at the smuggling of asylum seekers has also concentrated mainly on Western Europe, either looking at transit across Central or Eastern European countries, or at smuggling between European Community member states (Koser 1997; McDowell; Morrison 1998; Koslowsky 2000). Therefore, the first stage of transit migration in countries of the South has not been explored in depth, especially in the case of forced migrants. It still has to be established what is the precise linkage between geographical proximity of the country of origin of the forced migrants, administrative deficiencies in the treatment of these migrants by their first country of reception, and the development and functioning of smuggling networks. I will argue that all these elements, together with changes in the regime of immigration and asylum in Western countries, have turned Jordan into a transit country for Iraqi forced migrants.

Furthermore, the transitory nature of Iraqi migrants’ stay in Jordan implies looking at the dynamic of transit from the point of view of the migrants themselves. As J. Crisp underlines (1999), recent trends of studies on international migration emphasise their transnational character and point at the role played by social and economic networks in prompting, facilitating, sustaining and directing the movement of migrants especially to developed countries and their mobility between various regions of the world (Portes 1995; Van Hear 1998; Vertoec and Cohen 1999).

Applying these paradigms to the study of forced migrants, a few pioneering works now show that non-European refugees and asylum seekers have found it increasingly difficult to gain admission to developed countries unless they have been able to activate broad, transnational networks composed of individuals of different migrant categories (Koser 1997; McDowell 1997; Muss 1997; Crisp and Van Hear 1998; Koser and Lutz 1998; Morrison 1998). But as said above, these studies are still located at one or the other end of the route, mostly in the country of destination, casting little light on transit while it is an essential process posing a link, and not a disruption, in migrants' trajectories.

Looking at transit allows to further explore how pre-existing sociological differences such as religion or ethnicity might be reinforced by migration (Gonzalez and McCommon 1989), especially when these differences are the root-cause of emigration as in the case of Iraqi Shiites or Kurds. Ethnicity and religion have for a long time been viewed (and sometime over-emphasised) as possible factors of conflict in the Middle East. The literature on migration in the Middle East has taken into account the ethnic/religious factor as a motive for group discrimination and emigration but has not incorporated these elements in the study of migrants in the country of reception, let alone in the country of transit.⁴

Those ethnic and religious groups of forced migrants have a transnational dimension and members may maintain a variety of networks across state borders though family relations, economic exchanges, organisations with a political agenda, religious institutions, etc. (Colonomos 1995; Portes 1995; Rudolf and Piscatori 1997, etc.). If several of the above-mentioned studies take these dimensions into account, they fail to explain in detail how networks based on such affiliations sustain the migration process at different stages along the route. A transit country, on the other hand, offers a unique observation point.

The argument I will therefore develop in this paper is that Jordan has adopted a semi-protectionist policy towards Iraqi forced migrants, i.e. letting them in but depriving them of a status, therefore encouraging them to move forward. For their part, despite minor differences, Western countries all have adopted a reverse semi-protectionist policy, i.e. limiting forced migrants access to their territories but granting those who have managed to enter liberal asylum while never deporting Iraqis back to the Middle East. Moreover, Jordan and its Western partners are in agreement as regards the security threat posed by this new wave of forced migrants while Middle Eastern Arab countries are still burdened by the unresolved case of the Palestinian refugees.

The combined effects of these policies on Iraqi forced migrants have created inside Jordan a group of deprived, invisible migrants, they have reinforced migrant's religious connections, and they have contributed to the development of cross-border human smuggling rings that intersect with transnational religious networks. All these factors have turned Jordan into a transit country.

⁴ This is not to negate that ethnic and religious identities are permanently being negotiated and reconstructed while ethnic or religious groups are not isolated from their global social environment (Barth 1969; Valensi 1986; Poutignat et Streiff-Fenart 1999). Yet, in the case of Middle Eastern states, and particularly in Jordan (Chatelard 1997), religious or ethnic affiliation are frequently a factor positively or negatively affecting access to political participation and/or economic resources.

Methodology

Iraqi migrants in/across Jordan are in many ways “invisible” migrants if one is to judge by how neglected they are in the “grey literature” produced by international organisations, human rights groups, or Jordanian public bodies or civil society organisations (NGOs, research centres, etc.). They are the object of no specific study and are usually only mentioned in passing. Moreover, Jordanian officials are not available to discuss the issue (I was even strongly discouraged to approach them and as strongly advised to keep a low profile when conducting fieldwork) and the Jordanian press is of limited use. Consequently, I had to combine a multiple methodology to gather sociological data and background information.

Between 1999 and 2001, in order to assess the socio-economic conditions of Iraqis in Jordan and their livelihood strategies, I undertook in-depth fieldwork based mainly on participant observation. I conducted about 40 informal interviews of Iraqi forced migrants in Amman, most of the time in their homes, and kept regular, friendly relations with a number of families or individuals. I regularly visited gathering places such as coffee shops or the so-called Iraqi market in down town Amman. I also attended religious meetings at churches and once accompanied a group of Shiites for the celebration of the religious festival of Ashura. This was an occasion, among other things, to meet religious leaders.

Subsequently, I was able to maintain relations over the Internet with a number of individuals I had met in Jordan and who had successfully migrated to Western Europe, North America or Australia. At that stage, they were willing to provide me with detail on the smuggling process with little risk involved. In the summer 2001, I visited some of them in the Netherlands and Denmark where I was able to meet more Iraqis with whom I spoke about their migration and the way they were supporting the emigration of others still in Jordan.

In May-June 2001, looking more specifically at those who seek asylum in Amman, UNHCR allowed me to conduct a survey of a sample of 121 asylum seekers awaiting final decision. 70 questions were asked to assess their socio-economic profile, circumstances in Jordan, network of family relations in Iraq and abroad, channels of information about Jordan and the migration process, and future plans provided their claim was rejected. I subsequently met some of them again outside the premises of UNHCR where they gave me more details about their conditions and intentions. I estimate that the sample that has served as a basis for this paper comprises roughly 200 individuals and many more family members or friends of those interviewed that provided more limited data.

Finally, at different stages over the last three years, I conducted several in-depth interviews with the representative and the staff at UNHCR in Amman, repeatedly met with members of several foreign and local relief and human rights NGOs operating in Jordan, and lately interviewed immigration officers in a number of Western embassies in Amman.⁵

⁵ I gratefully thank the representative and staff of UNHCR in Amman who have provided me with invaluable information, insight and access to some of the Iraqi asylum seekers. I extend these thanks to all the Iraqi respondents inside and outside UNHCR, to heads of various foreign NGOs in Amman who have answered my questions, and to the immigration officers in some Western Embassies that have shared information and comments with me. Fieldwork for this research was made possible by a series of grants from the Centre d'études et de recherches sur le Moyen-Orient contemporain (CERMOC), based in Amman.

Jordan's semi-protectionist policy

In a 1996 article, K. Jacobsen explores the policy responses of less developed host countries to the influx of refugees. Relying on case studies from Africa, Asia and Latin America, she shows how responses have varied considerably and proposes a typology using UN recommendations as a yardstick. The factors she identifies as influencing refugee policy are as follows: the cost and benefit of accepting international assistance, relations with the sending country, political calculations about the local community's absorption capacity, and national security considerations.

However, the author admits that the end result "is not a neat solution yielding a rationally evolved refugee policy", as host governments also have to struggle with bureaucratic politics, the position of refugees in domestic politics, and "other complications that have to be teased out at the empirical level" (Jacobsen 1996: 655). Even though Jacobsen is strictly concerned with refugees, her approach can be generally applied to policy responses to other categories of forced migrants, arguably refugees under a different legal definition.

International assistance

The "legal-bureaucratic response" chosen by Jordan falls into the "negative" category as defined by Jacobsen (1996: 659). The country has not acceded to international conventions, has not introduced domestic procedures for the determination of refugee status, and provides no legal definition of refugees. All Iraqis are treated as aliens, albeit with various statuses. Nevertheless, by allowing UNHCR to operate, Jordan has in fact met several of the requirements that would move it closer to the "positive" category.

UNHCR has been operating in the country since October 1991, initially to deal with the influx of asylum seekers following the Gulf war, and ever since to screen asylum seekers from various nationalities (Iraqis for an overwhelming majority) that enter the country. Jordan has made UNHCR's operations conditional on the fact that refugees are resettled in a third country within six months of their recognition, thereby rejecting the principle of local integration.

Asylum seekers are provided with a registration card and the Jordanian authorities grant them temporary protection as normal aliens with valid residence permit. But neither asylum seekers nor refugees are entitled to work permits or any public aid from Jordan. UNHCR screens asylum seekers, provides recognised refugees with monthly assistance, education and medical care (subcontracting the Jordanian Red Crescent Society) until they are resettled, and deals with countries that have resettlement quotas.⁶ The organisation has experienced recent budget cuts making it unable to provide part of its social services anymore.

The Jordanian authorities have managed to reach a degree of co-operation with UNHCR

⁶ IOM facilitates the journey of refugees to their resettlement country. Jordan only joined IOM in November 1999, but the organisation's office has been operational in Amman since August 1990 to assist Jordan during the Gulf crisis "through organising the deportation [sic] of thousands of migrants who sought refugee in Jordan", according to IOM representative in Amman (*The Jordan Time*, 13.3.2001).

through a liaison office established within the Ministry of Interior in 1996. After a Memorandum of Understanding was signed with the international organisation in 1998 (see below), a new department was created within the Ministry of Interior under the name Asylum and Immigration Section (*qism al-luju' wal-hijra*). But this department, despite its name, does not deal with other forms of immigration, as it is the duty of the Bureau of Borders and Aliens. This inaccuracy in labelling can be viewed as a sign that the Jordanian authorities are uncomfortable with publicly acknowledging the presence of asylum seekers and refugees. As Jacobsen points out, the creation of a civilian state agency to deal specifically with refugees is generally the sign that refugee policy is not part of the national security or foreign policy agenda (Jacobsen 1996: 661). This should be kept in mind for further discussion.

The governmental interference with UNHCR's general recommendations are mainly at three levels: no potential for durable settlement of refugees in Jordan, forbidding asylum seekers and refugees to work legally, and returning some asylum seekers to the border against their will ("refoulement" in UN parlance). But the latter point seems to have improved markedly after the signing of the Memorandum of Understanding which now provides for an operative framework whereby Jordan has committed itself, among others, not to forcibly return asylum seekers registered with UNHCR pending the outcome of their claim. Besides, in compliance with UN recommendations, Jordan does not confine asylum seekers or refugees in camps and there is no restriction to their movements within the country.

Part of UNHCR's international mandate is to promote host countries' adherence to the 1951 Convention, the adoption of their own national asylum procedures and integration mechanisms for refugees. Regular seminars are held and training provided to Jordanian officials from the Ministry of Interior. The Memorandum of Understanding signed in 1998 is considered by UNHCR as a first important step providing *de facto* recognition by Jordan of a number of international principles as regards refugees. Nevertheless, the organisation has had to compromise on some of these principles.

According to UNHCR officials, the organisation recognises that Jordan "lacks the capacity of hosting large numbers of refugees". Taking into account the burden of Palestinian refugees, UNHCR did not open the subject of integration in local society with the authorities, while it is the second of three solutions the organisation supports for the treatment of refugees, after voluntary repatriation (impossible for Iraqis at this time), and before resettlement in a third country. Besides, the Memorandum of Understanding does not mention work, for fear the Jordanian authorities feel that UNHCR is trying to force local integration of refugees on them. Clearly, UNHCR's leverage on the Jordanian authorities is limited by the fact that the organisation operates in the country at the discretion of the host government, and also by the unresolved presence of a large number of Palestinian refugees.

Besides UNHCR, and contrary to what happens with Palestinian refugees that are also taken care for on international funds, Jordan has consistently refused international assistance for asylum seekers and other needy Iraqis inside its national territory. Jordan has clearly signalled the European Commission (EC) that aid and development funds should be earmarked either for Palestinian refugees or for deprived rural, often Bedouin, areas in the South, and that the authorities are not willing to accept any relief project targeting Iraqis. And yet, Iraqis are probably one of the most, if not the most, vulnerable groups in Jordan, as acknowledged in a report by the US Committee for Refugees, an independent advocacy group:

While UNHCR provides modest assistance to Iraqis and others it recognizes as refugees, the broader population of Iraqis receives little, to no, assistance, the U.S. Committee for Refugees (USCR) found during a site visit to Jordan in the spring of 1999. USCR observed that many are among the poorest in Jordanian society, eking out a meagre existence in such jobs as street vendors and living in overcrowded and, at times, unsanitary conditions. USCR interviews with numerous Iraqis in Amman also reveal that some Iraqi women, desperate and feeling they have no alternative, resort to jobs as prostitutes. (USCR 2000)

Likewise, the Jordanian authorities have been constantly opposing any overt attempt by foreign NGOs to set up relief programmes for Iraqis. They probably fear that this would improve the migrants' social conditions and constitute a pull factor for other ones to come in. The only exceptions to this rule are the Pontifical Mission (the embassy of the Vatican) which allocates a budget to a private Hospital run by a Christian community in Amman to receive Iraqis one day a week, and Caritas, another Catholic relief organisation, which has established a family clinic and a sewing centre for Iraqi women in a mostly Christian populated town in the vicinity of the capital, and a few other Church charities who mainly distribute aid in kind. No local, non-Christian NGO runs a relief programme for Iraqis. Exceptionally, the General Union of Voluntary Societies admits in its clinic serious Iraqi cases referred by UNHCR.

There is a Jordanian fund for aid to the Iraqi people, but it is aimed at Iraqis in Iraq. The discourse on pan-Arab solidarity and on the support for the suffering Iraqi brethren stops at the border. Even the two Human rights organisations registered in Jordan have not been vocal in support of Iraqi migrants. It should be noted that the board of one of them, the Arab Association of Human Rights, is composed in majority of Baathists who support the Iraqi regime. This remark leads us to consider the bilateral relations of Jordan with Iraq.

Relations with sending country

Relations with Iraq are an important factor shaping Jordan's policy responses to Iraqi forced migrants. As stated by K. Jacobsen: "The bestowal of refugee status upon asylum seekers implies that the sending government persecutes its people, and a host government may not wish to implicate an ally in this way" (Jacobsen 1996: 665). Even if Jordan cannot be considered an ally of Iraq, the government has both geopolitical and economic concerns in its relations with the regime of Baghdad. A nation at the crossroads of inter-Arab politics, Jordan has been a central player in all major issues affecting the Middle East. Despite its ideological opposition to the regime of Saddam Hussein, and its alignment with American foreign policy, Jordan took a neutral stand during the 1991 Gulf war as the regime was listening to the street, openly supporting Iraq.

This ambiguous, two-track policy, borne out of concerns for the stability of the Hashemite regime, is better illustrated by the attitude Jordan adopted towards high-ranking Iraqi officials who fled their country in the 1990s and took refuge in Jordan.⁷ But these were exceptional

⁷ In 1995, King Hussein personally granted asylum to Lt. General Hussein Kamel, a minister in Saddam's cabinet, head of Iraq's weapon programme, and to his brother, with their respective wives who were also S.

cases that were given high international publicity and this type of discretionary asylum was never granted to mainstream Iraqis. In fact, Jordan cannot afford inflicting a blow to the regime of S. Hussein by recognising that a large number of Iraqis have fled its exaction. It is diplomatically more correct to present Iraqi migrants in Jordan as mere economic migrants fleeing the UN-imposed embargo.

Indeed, Jordan is not a haven for Iraqi opponents. No Iraqi opposition press is published in Amman and the main non-Shiite or non-Kurdish opposition groups in exile, the Iraqi National Congress, just maintains a low-profile office with a representative. According to information provided by Amnesty International in 1997, a few Iraqis who have written articles in the Jordanian press criticising their government have been detained and sometimes handed back to the Iraqi authorities.

After succeeding his father on the throne, King Abdullah II is reported to have cracked down on the few Iraqi opposition groups (BBC World Service 7.12.99). Diplomatic relations with Iraq have been maintained, and the Iraqi intelligence (*mukhabarat*) operates rather freely in the kingdom from the Iraqi embassy in Amman. Safety in Jordan is therefore particularly tenuous for some Iraqi nationals perceived as opponents and several of them were murdered in Jordan in 1997 and 1998, allegedly by Iraqi government agents (USCR 2000).

As important as considerations of regional politics, economy is also a factor that has to be assessed. As L. Brand has shown in her study of Jordan's inter-Arab relations, the structure of Jordan's domestic economy and the composition of state revenues play a determining role in alliance shifts and in foreign policy decisions. Jordan is perpetually "in search of budget security", a reality which imposes on the state to seek revenue from its neighbours (Brand 1995). On the one hand, Jordan receives all its oil from Iraq at a very low cost. On the other hand, Jordanian and Iraqi economies have become increasingly inter-dependant since the 1996 Iraqi-UN "food-for-oil" agreement as exports of Iraqi oil and import of food supplies and humanitarian goods arrive at the Jordanian Red Sea port of Aqaba and transit Jordan.

Some wealthy Iraqi businessmen are very active in the Jordanian economy, running enterprises that export and import the UN-approved goods via Amman. While it is difficult to evaluate the part played by underground activities in the economy of Jordan, contraband with Iraq is also thriving on the intense trade and road communication between the capitals of the two countries.

As a result, Jordan cannot close its border with Iraq which, in many ways, is also Iraq's external border with the rest of the world. But as oil and other goods cross the one open border point between the two countries, so do migrants. After the initial mass influx of refugees fleeing Iraq and the Gulf area in 1991, Iraqi forced migrants have not arrived to Jordan *en masse*. Rather, over the 10 following years, they kept crossing the border as a weak but steady flow, with higher numbers whenever the political or human rights situation in Iraq was particularly deteriorating.

Therefore, after the initial crisis of 1991, borders have never seemed to be uncontrollable and the sovereignty of Jordan has not been challenged. On the other hand, Jordan has reacted to each UN-Iraq crisis on weapon inspection (especially in 1997 and 1998) by announcing that

Hussein's sisters. Eventually, they returned to Iraq and were executed (*Le Monde* 27 Feb. 1996). The following year, Jordan granted asylum to a former chief of staff of the Iraqi army (*Herald Tribune*, 22 March 1996).

it would close its border, not accept a large-scale influx of refugees in the events of hostilities, while saying it would facilitate their assistance on the Iraqi side of the border in a “safe heaven” (USDS 1999).

As other nationals from “friendly” Arab countries (Egypt, GCC states and Yemen), Iraqis are not subject to requirements for prior entry visas. They are allowed in at the border for an initial period of two weeks extendable to a period of three months renewable once. This short term residence permit does not allow them to work and, except in rare cases, it is not renewed.

Therefore, most Iraqis enter Jordan on a legal basis, except those who have not been able to secure a passport in Iraq and cross over with the help of smugglers, and eventually fall into illegality. When they want to exit again, they must pay a penalty for overstaying, currently amounting to 1.5 Jordanian Dinar (JD) or 2.37 Euro per day. Recognised refugees are exempted from this fee, and so are other migrant who sign an undertaking on leaving committing themselves no to return to Jordan in the five following years. Illegal aliens face expulsion at any time and the police periodically carries small-scale roundabouts. But the Iraqis themselves say that police officers are rather lenient, especially with individuals who are in Jordan with they families. Children, the elderly and women do not seem to be harassed. In any case, there has been no mass expulsion and there seem to be no clear guide lines, except that expelled Iraqis cannot be returned to the border but on personal signature of the Minister of Interior.

Local absorption capacity

Jordanian officials have been constant in remaining vague about the number of Iraqis on their national soil. Since 1998, a new campaign of economic reforms has been launched and the first move was to “crack down” on irregular foreign workers. In this case, officials tend to use figures in the top end of the bracket to justify expulsions. At other times, they underplay the number of Iraqis for security reasons pertaining to domestic social and political stability. This official wavering provides a good starting point for an overview of the issue of Jordan’s economic and societal capacities to absorb Iraqi migrants.

Jordanians usually argue that their country has a low capacity to absorb Iraqi labour at a time when over ¼ of the national labour force is unemployed and the performance of the economy is poor. According to official figures, Jordan already hosts over 400,000 Egyptian labourers plus a few thousands South-Eastern Asians, the latter being mainly domestic workers. In recent years, efforts were made to try to substitute local for foreign labour and illegal foreign workers were the targets of official campaigns where they were arrested and deported. These campaigns were given wide publicity but it well seems that, as a whole, the Jordanian authorities turned a blind eye to Iraqi illegal aliens as no mass deportations were reported. While the economic crisis is enduring, the Jordanian authorities do not want to acknowledge in front of their nationals the fact that they deliberately allow such a large number of illegal Iraqi aliens to compete with Jordanians on the informal work market.

The perceived or real incapacity to absorb Iraqis also translates by a set of discriminatory social measures. Until 1998, children of undocumented migrants did not have access to schooling. A royal decree now officially permits them to register in schools, but they still

need a certificate from their previous school, which most Iraqi parents have not thought of asking for as they were not keen on publicising their final departure from Iraq. As a result, most Iraqi children still do not attend school. Also, albeit public hospitals and governmental primary health care centres are open on a non-discriminatory basis, official medical fees for non-Jordanians are higher than those for Jordanians. The main problem is that public medical facilities are often over crowded and that Iraqis may have to pay a bribe to find a bed when they have a serious disease or when a women has to deliver.

As has been documented for several other cases, forced migrants and refugees “can be seen to contribute to a community’s economic capacity by virtue of the international assistance that accompanies them”(Jacobsen 1996: 668). This was the case, in particular, in Pakistan and Ethiopia where the governments called upon donors to finance refugee programmes which stimulated the local market and the development of infrastructures rather than constituting strains on the economy (ibid.: 664).

As N. Van Hear has shown, contrary to initial expectations, the 300,000 Palestinian who “returned” to Jordan in 1991 were a booster rather than a burden for the domestic economy as many of them had enough capital to inject in the Jordanian economy (Van Hear 1995). Iraqi migrants as a whole (voluntary or involuntary) do not have a profile different from these Palestinians. They belong in their majority to the educated middle-class and are highly skilled. In the first half of the 1990s, Jordan delivered numerous work permits to Iraqi professionals who were in demand in the local work market. On the one hand, a majority of the migrants have lost their capital with the devaluation of the Iraqi Dinar and cannot be expected to invest in the Jordanian economy or stimulate the market by consumption. But those of them who have a high capital and no problem to obtain a long-term residence permit in Jordan could play the same economic role as their Palestinian counterparts.

If many are content with merely using Jordan as a base to conduct international business, some have already invested in multi-million projects in the service sector. Arguably (but this would have to be explored further by economists), Jordan is not structurally unable to absorb a least a large part of the Iraqi migrants. It is rather a question of history and perceptions, i.e. the fear that the Iraqis’ stay might become as permanent as that of the Palestinians who have been in Jordan since 1948, the issue being the cause of increasing political tension and factionalism within Jordan, especially since the 1970s.

But also, unlike the Palestinians, Iraqis are perceived as bearer of socio-cultural characteristics that set them apart from the mainstream Jordanian citizens. In this regard, the Jordanian authorities demonstrate concerns to maintain the religious homogeneity of their population, a concern met by a comparable suspicion from the part of the Jordanian population. Jordan is a multi-religious society with a state religion (Sunni Islam) and a dominant ethnic identity (Arab) which determine ethnic and religious official minorities (Caucasians and Christians). Both groups have a legal status allowing them, among others, to run ethnic or religious-based non-political organisations. Moreover, Christians enjoy freedom of worship, have their own churches, schools and charities.

Members of different religious sects depend on their religious authorities for all domains that belong to family law. On the other hand, Jordan is now host to groups of Iraqi migrants belonging to a non-recognised Muslim sect, the Shiites, and to Assyro-Chaldeans who do not either have a legal status as Christian communities in Jordan and are also not ethnically

Arab.⁸ Devoid of a religious meeting place, the latter group has successfully approached the existing churches in Jordan. Both the Roman Catholics and various Protestant or Evangelical sects have accepted them as temporary members of their communities. They can get married, have their new-borns registered and baptised, and relatives of a deceased can obtain a death certificate and a burial place in a Christian cemetery.

In contrast, Sunni mosques, religious courts and charities do not welcome Shiites viewed as heretics. Iraqi Shiite clerics in exile in Jordan have approached the Ministry of Religious Affairs (*Awqaf*) to obtain the official recognition of their community but to no avail. They are left in a legal abyss, unable to obtain any official documents when a change occurs in their personal or family situation. They run clandestine prayer rooms that are regularly closed by the police when they become too crowded as during the celebration of the Shiite mourning of Ashura, their principal religious festival. But due to their large number, the Jordanian authorities cannot negate the presence of Shiites in the country. Interestingly enough, these last three years, they have been allowed access to an important religious Sunni site in the South of Jordan that had just been renovated and enlarged with Iranian financial participation to attract worshippers from other Muslim countries.

As the Hashemite ruling family, who descends from the Prophet, is trying to put Jordan on the religious map of the Islamic world, it can do no less than acknowledge the presence of a Shiite community on its soil, especially as the regime now cultivates an “Iranian connection”, very much like the Iraqi Shiites themselves. But it remains that, as a whole, Jordanian public opinion clearly sees Iraqis as “*ghuraba*” (strangers or aliens) and not as Arab or Islamic brethren, and “Iraqi” may be a insulting term today as they are accused of contributing to raise the crime rate by being robbers and prostitutes and of congesting the work market.

The various measures listed above aim at leaving the Iraqi migrants in the shadow at the domestic, regional and international levels. Iraqis are rightfully or not perceived as a threat to the stability of the Hashemite regime, to the fragile economy, to a society still traumatised (and destabilised) by the plight of Palestinian refugees, to Jordan’s uneasy but complementary relations with Iraq, and to the image of Jordan in the international arena. To quote K. Jacobsen again, it well seems that for Jordan, as for other less developed countries, “in dealing with influx of forced migrants, security-related problems are greater (...) than for Western industrialised states” (Jacobsen 1996: 656). This is probably why Jordan’s responses are similar to that of most less developed countries with refugee policies characterised by both positive and negative elements.

Iraqi forced migrants: profile, legal and socio-economic conditions, livelihood strategies

Within the broader structural context of their official treatment, turning to the livelihood strategies of Iraqi forced migrants allows to understand two important dynamics in the transit process. One is how discriminatory practices, deficient administrative measures, and the limited role of UNHCR deter them from staying in Jordan by making them an extremely vulnerable group. The other one is how, in last recourse, they resort to social networks based

⁸ The Assyrians and the Chaldeans are two distinct religious denominations. The former has its independent Church while the latter, a splinter group, is in union with Rome and therefore Catholic. In both cases, their liturgical, and often everyday, language is Syriac and most do not view themselves as Arabs.

on religious affiliations that first provide material and moral support, and eventually are used as channels to undertake further emigration in connection with smuggling rings.

To assess the migrants' socio-economic and legal profile, I made mainly, but not exclusively, use of a survey conducted in May-June 2001 among 121 asylum seekers at UNHCR, Amman. The aim of the survey was also to identify the pull factors that had made them choose Jordan as a first host country, the reasons why they did not want to stay, and their intentions for further emigration provided their claim for asylum was rejected.⁹

Socio-economic profile

Among respondents to the survey, men were 56.3 per cent and women 43.7 per cent. Some 64.6 per cent of all respondents were between 25 and 39 years old, while 23.7 per cent were between 40 and 69 years old. The large female representation should not be taken as an indication that Iraqi migrant women are generally almost as numerous as migrant men. From other observations, it rather seems that women are over represented among asylum seekers because they are more vulnerable than men and approach the organisation more frequently to provide for some kind of status and protection. Moreover, those I interviewed at UNHCR were married in 82.23 per cent of the cases and in Jordan with their husbands, other relatives or as single heads of households with dependants. 12.3 per cent had their husbands already in a Western country as a refugee and were waiting for family reunification.

Yet, the typical profile of Iraqi forced migrants (who may not ask for asylum at UNHCR) is rather a male between 25 and 45 who, if married, has left his family behind in Iraq until he finds the proper opportunity to make them come to Jordan. This occurs either if he gains recognition of his refugee status at UNHCR, if he manages to migrate to another country and send money for the family to move first to Amman, or if his stay in Jordan endures and he has enough income to have his family join him. It can be inferred that the proportion of women migrants in Jordan has increased since the second half of the 1990s as more Iraqi men have made it to the West or as many have been stranded in Jordan for several years.

A large majority of the respondents were Shiites (66.8 per cent), followed by Christians (13.1 per cent), Sunnis, (11.7 per cent), and Sabaeans (8.4 per cent).¹⁰ Some 90.4 per cent of the respondents defined themselves as ethnically Arabs, including 3.3 per cent of the Christians and all the Sabaeans. The rest answered that they were Assyrian, Kurd in two occasions, and Turkmen in one occasion. If Shiites represent roughly 55 per cent of the population of Iraq, Sunnis account for another 35 per cent, the rest being mainly Assyro-Chaldean Christians while the Sabaeans are less than 0.5 per cent.

Among the respondents, the over-representation of Christians, Sabaeans and Shiites, and the under-representation of Sunnis, are a clear sign that religious minorities are leaving Iraq at a higher rate than the Sunni sociological majority that does not suffer from group persecution

⁹ Questions about the push factors that motivated the respondents' departure from Iraq were not asked as they were not relevant to the study and as I was careful not to be confused with a member of the organisation interviewing them to assess their claim to refugee status. I made a point in clearly presenting myself as an independent researcher. The sample was random and people were interviewed on a voluntary basis as they were coming to UNHCR to renew documents and not on the day when they were scheduled for an interview with UNHCR staff.

¹⁰ The Sabaeans, or Mandaeans, are a sect dating back to the first centuries of Christianity and are followers of John the Baptist. As Jews and Christians, they are recognised by Moslem tradition as "Peoples of the Book". In total, they are no more than 20,000.

or discrimination. As regards the Kurds, who represent 15 per cent of all Iraqi nationals, the fact that only few of them come to Jordan is confirmed by further discussion and observation outside the strict limits of the survey. This is due to geographical and socio-political factors: the proximity of Turkey or Iran to the north and north-east of Iraq where most of the Kurds reside and the fact that, as a cross-border ethnic group, they prefer to travel to another Kurdish area. Besides, suffering at the hands of an Arab regime, they are not willing to come to Arab Jordan.

Typically, Iraqi forced migrants who have approached UNHCR to seek asylum are individuals with a secondary or university education (> 90 per cent), who have held positions as civil servants (this includes physicians and engineers), teachers, traders or shopkeepers in Iraq (73.5 per cent). Women have an equally high rate of secondary and university education and roughly two thirds were once employed in Iraq. Except for those Shiites who came from the marshlands in the South (7.5 per cent), or from Assyrian villages in the North (4 per cent), they have an urban background.

Most migrants considered themselves as having once been reasonably well-off in Iraq but had experienced a drop in income following the devaluation of the Iraqi Dinar or because they were fired from their employment in the public sector. They usually came to Jordan with their savings, either after selling their belongings or properties in Iraq or with money lent by relatives. This leads to two remarks. First, the lower middle class or the severely impoverished Iraqis do not have the financial means to undertake long-term emigration. If they come to Jordan, they belong to that category of people who go back and forth and work mainly as street vendors in Amman. Second, the amount of money forced migrants take with them, and the large proportion who have sold all their properties, are signals that they are not planning to go back to Iraq in a near future or even at all. This was the case with 67.8 per cent of the Christian and Sabeans, and one third of the Shiite respondents who said that they had sold everything they had.

Socio-economic situation in Jordan

As regards their socio-economic situation in Jordan, only 7.2 per cent of the male respondents said they did not work at all. But only 2.3 per cent of the other ones had a work permit, and 71.6 per cent said they worked irregularly as street vendors, cleaners, painters and other petty jobs. The other rough 20 per cent who were working as regular employees were cleaners, gardeners, or office boys. 74.5 per cent of the women were totally unemployed, and those working were also domestic workers or were working as seamstresses at home. Two had an illegal but steady clerical job. The average monthly income respondents declared to earn was 40 JD for a single person and 70 JD for a household, irregular in 84.5 per cent of the cases. Those who had the highest income were those benefiting from the financial support of relatives abroad, and those who had most recently arrived in Jordan and were still using their savings.

In Jordan, the poverty line is estimated below 100 JD a month for a household and all people interviewed, including outside the survey sample, felt they were experiencing a dire professional and social downfall and had been placed in a lower social status than the one they belonged to in Iraq. Most Iraqi migrants survive at the margin of the Jordanian society, engaging in menial jobs in the informal sector, and facing an extremely precarious economic

situation. They also resent being exploited by employers without being able to complain, and said that Jordanians were racist, specifically those of Palestinian origin, probably because they are in direct competition with the poorer section of this group for housing and in the work market.

Their situation is further aggravated by their housing conditions. While 87.4 per cent of the respondents resided in Amman, the others lived in urban areas within a radius of 40 km from the capital. Typically, they lived in unsanitary and overcrowded housings in the poverty belt of Amman, and in informal/squatter areas with a high Palestinian refugee population. These neighbourhoods can be equated to refugee camps but without the legal status and the facilities (sewage system, electricity and water, health and educational systems).

Iraqi migrants concentrate in the cities where they can live in a familiar environment and pass rather unnoticed, and where they hope to maximise their social and economic opportunities. Since employment is scarce, some Iraqis have moved to small towns or rural areas (such as the Jordan Valley) where they take up agricultural works and are in direct competition with other foreign labourers, particularly the Egyptians. Judging from a few interviews I conducted with members of that group in their place of residence, they are not forced migrants but rather mobile workers who go back to Iraq regularly before their short term visa expires. Obviously, they rarely approach UNHCR.

Only three families among the 54.2 per cent who had school-age children were sending them to school, and they were both Christian benefiting from aid from a Catholic relief society. The others answered that they thought schools were not open to Iraqi children, or that they had tried but been told to produce documents they had not taken with them from Iraq. Finally, 41.3 per cent declared they currently had, or had had, health problems while in Jordan but only 9.8 per cent had consulted. In 67.3 per cent of the cases, at least one of the respondents' children currently had medical problems too, and 40.1 per cent had been brought to a consultation. People all said they gave priority to their children's health over their own. In 93.7 per cent of the cases, they also said that they did not go to a medical facility because it was too expensive, the rest stating that they did not know where to go.

Reasons for choosing Jordan

Open borders and expected work opportunities are the two main reasons respondents gave when asked why they had selected Jordan and not another neighbouring country such as Turkey, Syria or Iran. Possibility to approach UNHCR came only in fourth position after accessibility of third countries, either in the Arab world or in the West. Other frequent answers (there were multiple possibilities) included the fact that Jordan was an Arab country, the presence of relatives that had already moved there, or the fact that it was the less risky choice. This calls for a number of remarks.

Firstly, most people do not have the initial intention of crossing borders illegally, an important point to consider for future developments. Among the Shiites interviewed, a majority had close or distant relatives that were refugees in Iran. Nevertheless, they took into account the fact that the Iraqi-Iranian border was closed to migrants and did not want to take the risk of being arrested or shot on the Iraqi side. The same goes with the Assyro-Chaldeans who could have selected to cross irregularly into Syria where a number of their co-

religionists and family members have been granted asylum under UNHCR mandate at the beginning of the 1990s.

Secondly, as other questions asked show, an overwhelming majority of the migrants had a distorted vision of the economic situation in Jordan before they undertook to move there. Similarly, they had no accurate knowledge of the legal and socio-economic conditions of Iraqi migrants. Compared to Iraq in the 1990s, Jordan looked to them as a wealthy country with a thriving work market. Besides, they expected the Jordanian authorities to demonstrate a degree of Arab solidarity with them and give them a legal status and a work permit.

This poses question as to how the information circulates between Jordan and Iraq. Those who do go back and forth, like taxi or bus drivers, “suitcase traders”, street vendors or mobile labourers, do see Jordan as a place for economic gain. Moreover, those Iraqi forced migrants already in Jordan have very limited means of passing detailed information on to relatives inside Iraq. There is no post service between the two countries and Iraq has no access to the Internet. Telephone lines are tapped and conversations limited to a minimum. Letters given to taxi drivers cannot tell much either for fear the Iraqi authorities intercept them, and oral messages though these same intermediaries are necessarily brief. Therefore, Iraqi migrants come to Jordan with expectations that are not met. Those possibly derive from the fact that Jordan did once offer jobs to a good number of highly skilled Iraqis and that it is still the dominant image in Iraq today.¹¹

Thirdly, only one third of the respondents had come to Jordan with the idea of transit in mind. Those were mainly the ones who already had family members abroad and/or who had no family members in Iraq anymore. They had either come to seek family reunification through UNHCR, or had initially expected to obtain an immigration visa easily in a foreign embassy based on their being Iraqis who were fleeing the regime of S. Hussein. The fact is that, between 1991 and 1994, Western consulates delivered a number of visas on humanitarian grounds preferably to those who were skilled and already had relatives in the destination country. In this way, Iraqi Christians who had a long record of migration to Australia, Canada, the US or Brazil left in large numbers. Moreover, until 1998, doctors, engineers or professors could hope to negotiate a work contract in Yemen or Libya though these countries’ embassies in Amman.

But all these possibilities have now sharply declined, if not totally disappeared. Apart from those who were planning to transit Jordan rapidly, two thirds of the respondents came to Jordan in view of staying long-term, at least until the political situation improved at home and they could go back. This fact is confirmed by numerous other persons interviewed in other settings, who said they would rather stay close to Iraq where they could still communicate with relatives, albeit in a limited fashion, or easily reunite with them if the relatives had to leave. It is only as an ultimate choice that they are/were convinced to undertake further migration out of Jordan.

¹¹ The statements made by IOM about the mechanisms of distorted information between migrants and those left at home do not seem to be applicable in the case under study: “(...) it is known that information received from family or friends is considered to be the most trustworthy. Ironically, however, information from this source has a tendency to be distorted – often including exaggerations or falsehoods about the informant’s success (...). This often leads to a self-perpetuating network of informants who are reluctant to admit that they have not been successful in their migration attempts (...)” (IOM 1994: 18). In the case of Iraq, it is rather the nature of the communication system(s) that accounts for the distortion.

Finally, despite the fact that all the individuals in the sample survey were registered with UNHCR as asylum seekers, only 17 per cent of them mentioned choosing Jordan because of the possibility of asking for asylum, and among those only a few had heard of UNHCR's office in Amman before they left Iraq. The overwhelming majority learnt about the organisation from other Iraqis in Jordan. While, as an average, respondents had been in Jordan for 22 months (with a minimum of four months and a maximum of 51 months), most had waited for about a year before approaching UNHCR. I shall go back on this issue later.

Legal documentation

Most forced migrants enter Jordan on a legal basis with a valid Iraqi passport. A minority is smuggled across the border or enters with a fraudulent passport because of not having been able to secure an intelligence-approved travel document in Iraq. As stated above, most Iraqi forced migrants (i.e. those who do not want/cannot return to Iraq), fall into illegality after six months of residence. This is only one aspect of the problem of legal documentation Iraqis experience while in Jordan.

As mentioned before, illegal aliens cannot access the official work market, nor most state-subsidised services such as health and education. While employers usually underpay their Iraqi labourers (a Sri Lankan house-maid gets 1.5 JD an hour, an Iraqi women performing the same job gets only 1JD; likewise, hour rates are lower for Iraqi male labourers than for Egyptians), unscrupulous ones do not even pay them at all and Iraqis have no legal recourse. On the other hand, as landlords have to register their foreign tenants with the police, proper housing is a problem. This is why most Iraqis are confined to informal areas. Nevertheless, their housing rents are on average 1.5 higher than those of their Jordanians/Palestinians neighbours and there are no renting contracts, tenants being able to expel them at any time.

Finally, several of them cannot obtain documents from their embassy for fear of the Iraqi intelligence. When their passports expire, they cannot renew them, or cannot get birth, marriage or death certificates. Some use middlemen to undertake these administrative steps, but these services have a cost and not all Iraqis can afford it. As even religious courts do not want to register the marriages of the Shiites, many migrants are deprived of any legal existence after a few months in Jordan.

But maybe the worst aspect of the documentation problem concerns the fine for overstaying most Iraqis are unable to pay. It keeps secluded inside Jordan even those who at one point could decide to go back to Iraq. There is a possibility of being exempted from the penalty on exit, but in this case individuals are not allowed in Jordan anymore, i.e. they are trapped inside Iraq for five years or have to find another exit route, two very bleak prospects for most of those who have moved to Jordan.

UNHCR and asylum

In view of the extremely difficult situation they face in Jordan, Iraqi forced migrants have only a few strategic choices available to them in order to improve their legal status or their economic situation. One of them is to register as an asylum seeker with UNHCR, even though most know that their claim is unfounded. But arguably, a majority of them hope that they will be recognised as refugees and just take the chance. In the last years, UNHCR's recognition rate of Iraqi asylum seekers in Jordan was 20 per cent in average. Among those I

interviewed for the survey, 56.7 per cent were able to evaluate the recognition rate as between 15 per cent and 30 per cent. The rest gave figures below but nobody grossly overestimated the rate. For them, or for others who have no hope of ever becoming “legal” refugees, the registration card provided by UNHCR, and the long delay for treatment of the cases (up to two years in case of appeal), allow them to take legal foothold in Jordan, avoid possible expulsion, and plan for the future.

As a side effect, and since UNHCR’s staff are aware of this tactic, the number of non-*bona fide* asylum seekers devaluates the asylum claim of those genuinely in need of protection as they are all suspected to be bogus. To a certain extent, one wonders if several well founded cases have not been rejected because of the prevailing atmosphere of suspicion against asylum seekers at UNHCR. In fact, the recognition rate of Iraqis in Lebanon, who do not seem to have a profile that differs markedly from those in Jordan, was much higher: in 1998, while UNHCR Jordan recognised 13 per cent of the cases, UNHCR Lebanon recognised 50 per cent. But Iraqis are much less numerous in Lebanon that they access by crossing first into Jordan and/or Syria.

Moreover, the obligation made on UNHCR to resettle refugees in a third country poses questions as to the possibility the organisation has to fulfil its mandate properly. Only ten states establish annual resettlement quotas (USA, Canada, Australia, New Zealand, Norway, Finland, Sweden, Denmark, Switzerland and the Netherlands), and they establish them in response to domestic interests. They target specific nationalities, not necessarily the ones in need for resettlement, and they also have their own criteria regarding the profile of the individuals they are ready to accept: in general, educated with an intact family structure and a high likelihood of rapid integration.

Such families may not correspond to the cases UNHCR attempts to resettle. Besides, many of the Iraqis in Jordan already have family members in Germany as refugees and this is where they are aiming to. But Germany does not support family reunification. The guidelines from UNHCR headquarters are to disregard considerations about quotas when assessing a case. But the question remains open of how UNHCR balances its mandate with the constraints of resettling refugees in a very short period of six months, as stated in the Memorandum of Understanding.

This being said, a surprisingly small proportion of Iraqi forced migrant chose UNHCR as an option. Between 1991 and 2000, roughly 30,000 only had sought asylum through the organisation, even though there was an increase in the number of applications as of 1997 due to the first UN weapon inspection crisis in Iraq.¹² There are a number of reasons that might account for this low figure. Some pertain to a bad knowledge of the functioning of UNHCR’s office. As most Iraqis are illegal aliens, keep a very low profile, and go into hiding, they are afraid to come out because they believe that they will be handed over to the Jordanian police for having overstayed. In fact, their view is that UNHCR shares information on cases with the Jordanian authorities.

¹² It is interesting to see where Jordan stands in the geography of Iraqi asylum. In 1998, it was the second country which had received the largest number of applications by Iraqis (7,872), preceded by the Netherlands (8,300), and followed by Germany (7,435) while none of these two countries had a comparable population of Iraqis on their national territories.

A more serious concern is that UNHCR is infiltrated by Iraqi agents, a fear that deters many to approach the organisation. This is a recurrent rumour among the migrants, that has not disappeared even after several attempts made by UNHCR to curb it. Another type of reason that might explain why relatively few Iraqis present themselves to the organisation, is because they fear rejection of their claim and subsequent deportation into Iraq where, until recently, they incurred death penalty for having claimed asylum abroad. Finally, a number of those who seem to have genuine cases do not want to approach UNHCR in Jordan, a country that offers temporary shelter but not asylum. They want to choose where they will settle, a difficult thing to do with the resettlement process. In particular, several Shiite clerics I met had suffered serious persecution at the hands of the intelligence in Iraq, but did not want to register with UNHCR because their aim was to reach London, a major centre of Shiite learning where they had colleagues. They said they intended to seek asylum in the UK.

Religious institutions and networks

In the absence of aid and relief provided by Jordanian public or private institutions, or by foreign NGOs, the religious affiliation of Iraqi migrants is an important factor to take into account to understand both their livelihood strategies in Jordan and their migration process out of Jordan. Just as religious affiliation is the main means through which the Jordanian society discriminates against categories of Iraqi migrants, so does religious affiliation become one of the main ways forced migrants use to skirt the very same discrimination.

Asked if they had approached institutions for help and which ones (except UNHCR), respondents to the survey answered yes in only 15.4 per cent of the cases. Catholic and Protestant charities, parish churches or the Italian Hospital (run by a Catholic religious community) were the only institutions they listed. These facilities are officially open on a non-denominational basis, yet all but four of their users were Christians or Sabeans. Generally, those Moslem respondents who knew of their existence but had not approached them justified their attitude by saying that these were reserved for Christians.

In practice, it is true that Christian charities offers some of their services more willingly to Christian than to Moslem Iraqis, especially the Shiites. Caritas, for example, operates in Iraq from Jordan and facilitates the move of Iraqi Christians out of Iraq. Once in Jordan, it provides them with a number of social services such as medical care and, in some occasions, schooling for children in Catholic schools. Besides, the organisation runs an income-generating project for Iraqi women in a mainly Christian populated town in the vicinity of Amman.

Church officials may also act as middlemen for the granting of visas to Western countries or intercede in favour of detained illegal aliens. The official possibilities offered by the Jordanian authorities to the Christian community so that it takes care of Iraqi co-religionists stem from the complementary relationship that has historically developed between the Hashemite state and the various Christian Church organisations (Chatelard 1997).

These charities, funded by the Vatican or by Protestant international organisations, are run and staffed by Jordanians or other Arab Christians who share the same preconceived ideas as the rest of the local society towards the Shiites. For their part, Iraqi Shiites do not have any previous experience of accessing Christian hospitals or other social or educational facilities, a fact not uncommon among Jordanian Sunni Moslems. Moreover, the granting of aid to Iraqi

migrants in Jordan seems to be used as an avenue by American missionary organisations and Iraqi Shiites do not differentiate between non-missionary and missionary Christian activities. They hold all their relief services in deep suspicion.¹³ Whatever the reasons, the fact remains that, apart from Christians and Sabians, most other Iraqi migrants do not turn to existing, local Christian charities.

The major Christian denominations present in Jordan have an official status that allows them to run social and medical facilities. On the other hand, Shiite Islam has no indigenous followers in Jordan, no official status and therefore no established social institutions or facilities and no legal possibility to register any. Sunni mosques and charities, *zakat* committees or medical facilities (like the Islamic Hospital and various religious-based NGOs) may provide Sunni Iraqis with some relief. But these structures do not have their networks of schools and cannot help migrants gain access to Western consulates or protect them from expulsion. Moreover, they are not willing to aid the Shiites who, in turn, expect to be ill received on the basis of their religious affiliation, which they cannot hide as they have a very distinctive way of praying. Because of all these factors, Shiite Iraqis, who are a majority of the forced migrants, are those who receive less relief, are the most unlikely to find backing among Jordanians or to be protected by civil society organisations, and are therefore the most vulnerable group.

Despite the fact that the Jordanian authorities are suspicious of any informal Shiite religious gathering, semi-clandestine prayer rooms have been opened in the apartments of young mullahs who have left Najaf or Karbala, the major centres of Shiite learning in Iraq. These *majlis*, or meeting places, are reserved for men who gather on Fridays and during religious festivals (Ashura, Ramadan). *Majlis* have a religious role but also perform a major social function: migrants find moral support, newcomers bring news from relatives and the political situation at home, participants exchange information about available jobs and housings in Jordan, etc.

Apart from the Iraqi market and a few coffee-shops in Amman, *majlis* are the only places of gathering that are tolerated by the Jordanian authorities which keep an eye on them and close them at times. Permanent links are kept with the Shiite centres in Great Britain, Iran and Iraq through a circulation of individuals, information and money used for relief but also, as I will show later, for undertaking migration to the West.¹⁴

Much more than Iraqi Christians, the Shiite community therefore remains at the margin of the Jordanian society. Its members cannot access economic security in Jordan and have to cope with the negative image Jordanians have of them as both Iraqis and Shiites. More than the Sunnis, who in many cases expect to repatriate sooner or later or even go back and forth on a regular basis and trade between the two countries, the Shiites make no long-term investments in Jordan, all the more so that the community is permanently being reshaped: *majlis* can be

¹³ In all likelihood, this is not without reason. The web site of Servlife International, based in Houston, calls for a US \$30 donation to provide “an emergency relief packet with a Bible to Iraqi refugees in Jordan”. Another one, CompassionRadio.com, asks for US \$2 to “help support a ministry providing Christian Day-Care (sic) for the [Iraqi] refugee children [in Jordan], where they will be taught the truth about Jesus and His love”. A couple of Shiite web sites based in the UK denounce those practices saying they aim at Moslem children.

¹⁴ An interesting aspect of these *majlis* is that they are attended by men who were not necessarily religious when in Iraq. Many were even close to the Communist Party. Once in Jordan, in the absence of any other network of support, they are dragged into the *majlis* where they need first to gain religious respectability before applying for financial support.

closed by the police, mullahs can migrate to the West either as refugees resettled by UNHCR or through irregular channels, new mullahs may arrive from Iraq, and laymen also leave to the West while new ones come.

Iraqi migrants' needs are merely socio-economic and their concerns revolve around personal security and work opportunities. Since the absence of a legal or religious status does not allow them to have a stable foothold or officially recognised representatives, they are in no position to approach the Jordanian authorities and negotiate an improvement of their situation. Therefore, they have no public claim for recognition or integration, and no demands for the granting of collective rights. Their desire to leave Jordan keeps growing as their stay extends. And as years pass, they are more numerous to want to reunite with family members who have successfully completed their migration to a safer heaven. Whatever their denominational affiliation, Iraqi forced migrants establish only temporary enclaves on the edge of the Jordanian society that allows them to survive only in its margins.

Intentions of further emigration

As most do not achieve either economic or physical security and know that there is little prospect for improvement of their situation, and as their savings diminish rapidly, Iraqi migrants for whom returning to Iraq is not an option start thinking of leaving Jordan for a better place. 98.2 per cent of the respondents stated that they wanted to leave Jordan as soon as possible, and gave as main reasons their bad economic situation, living conditions, and insecure status. If a minority of them initially viewed Jordan as a transit point, and had some accurate information about the means at their disposal to move on, many respondents did not have realistic ideas about visa regulations for Western countries or employment possibilities before leaving Iraq. But when they take the decision to leave Jordan, they are not naive anymore as they have had time to be informed by other migrants who have been there for a longer time.

One of the important set of information that circulates among migrants, and makes up for a good part of their discussions, is the possibilities of seeking asylum in Western countries. In some European countries, for example, the recognition rate of Iraqi asylum seekers is more than twice higher than that of UNHCR in Amman. Besides, in case of rejection of their claims, Iraqis also know that they can stay in Europe as illegal aliens and will not be deported back into Iraq. They hope to find a job with the help of fellow nationals. On the other hand, they also learn that Syria or Lebanon will not offer them substantially better opportunities than Jordan. As a whole, work and security, which they cannot find in Jordan or elsewhere in the Middle East, are available in Europe, in Canada or in Australia.

Among the respondents to the survey, only 9.3 per cent had no family member, relatives or close friends abroad. Of the remaining 90.7 per cent, two thirds had family members, relatives or close friends in a Western country, of which 89.6 per cent were either asylum seekers or refugees. While those who had left people behind in Iraq had a low and irregular level of communication with them, all of those who knew Iraqis settled in the West were maintaining a high level of communication either over the telephone, by post, or though the Internet.

Together with details about emigration from Jordan gained from other Iraqi migrants in the country, those who intend to leave Jordan generally have an amazingly accurate knowledge of asylum procedures in the countries where they have connections. On the other hand, only 5.2 per cent of the respondents (exclusively Sabeans and Christians) said they had left nobody behind, even distant relatives. Those were in fact the last group of a whole enlarged family to leave with no prospect of ever returning. But for the 94.5 per cent others, relatives and family members constitute a pool of potential migrants that are very likely to eventually follow those who leave Jordan on their way to the West.

Leaving Jordan: constraints and opportunities

Once they have taken the decision of emigrating from Jordan, Iraqis face a new set of difficulties as the immigration policies of Western countries in the last decade have resulted in a limitation of the legal possibilities of access and admission. Yet, this reality does not seem to deter Iraqis who, with the help of smugglers and the support of social networks, find legal or illegal ways of skirting visa restrictions and increased border control. There are clear patterns in the direction of Iraqi emigration from Jordan in particular, and from the Middle East in general. Their final destinations in Western Europe are mainly Germany, Norway, Sweden, Denmark, the Netherlands, and the UK. Much further away, Australia has also become a favourite choice together with Canada.

One may therefore ask two main questions. One is what are the pull factors that attract Iraqis to certain Western countries and not to others. The other one is how they reach these destinations from Jordan taking into account the considerable administrative and practical difficulties they encounter, and the amount of money such a journey implies. Concentrating on the migrants' efforts while they are still in Jordan, but already dragged into transnational dynamics, I will attempt to give an analytical view of the choices that are available to them and of the difficulties they face to take the first step of their journey, i.e. exiting Jordan.

Pull factors

The main reason for choosing a country of final destination in the West is first and foremost the presence of family members, friends or co-religionists. These often appear in conjunction as Iraqis have now been migrating for a decade in large numbers and formal communities or informal groupings of Iraqis have had time to develop, especially in the main reception countries. From the interviews I conducted both in Jordan and in Western Europe, and from other scattered sources, it well seems that both the ethnic and religious affiliation of Iraqi migrants determine the direction of their migration. Whereas, among Western states, Germany hosts the largest Iraqi community (over 50,000), relatively few of those I interviewed (15.7 per cent of the respondents to the survey) mentioned that they had relatives there. In fact, it is mainly the Kurds who move to Germany, as a number of studies on migrant communities in Europe have shown.

The Shiites listed first the UK, then Denmark, the Netherlands and Sweden. As far as could be assessed from the scarce available literature on Shiite communities in Western Europe, and from looking at religious sites on the Internet, all these countries have registered Shiite associations and mosques. Iraqi Christians, on the other hand, cited most frequently

Australia, Canada, the United States or the UK, where they have a much longer tradition of emigration that predates the current trend. In all these countries, there exist Assyrian and/or Chaldean associations and churches established before the 1990s. There is no need to expatiate on the pull factor constituted by the presence of personal or other social networks, a dynamic that has been extensively explored in various studies on international migration (in particular, see Portes 1995; Van Hear 1998; Vertovec and Cohen 1999; Faist 2000).

A factor that has been given much less attention is the problem posed by the differentials in the definition of refugees between various Western states and UNHCR. During the 1990s, Iraqi nationals made up the fourth nationality of asylum seekers in the EU, with numbers increasing every year to the point of having them fight with Afghans for the second place since 1996.¹⁵ Over 10 years, roughly 200,000 Iraqis have requested asylum in one of the EU member states or Switzerland, with a general recognition rate of 43.3 per cent in 1998 (though, in several member states, that rate can be over 80 per cent).¹⁶ Australia, the United States and Canada too have seen sharp increases in the number of Iraqis reaching their national territories and claiming asylum, though their absolute numbers remain much lower than in Western Europe. These three countries have recognition rates that are between 70 per cent and 80 per cent.

All Western countries have elaborated their own domestic refugee laws and have their own refugee determination procedures. The ones that receive the largest number of applications in Western Europe are also those who have adopted provisions that broaden the definition of refugees to include non-state persecution or lesser forms of persecution and who grant “humanitarian” asylum. This is also the case with Australia, Canada and the United States. This factor accounts for their high recognition rate, an element that has not escaped the attention of Iraqi migrants that have transited Jordan. In fact, all these information are available to them, either directly through the web sites of UNHCR or various refugee organisations in the West, or indirectly through the individuals they know in the West or the middlemen that sell these information in Amman and are often touts for migrant smugglers. Currently, the Iraqi migrants in Jordan merely follow trends and directions that have been set by those who have preceded them in the West.¹⁷

The majority of asylum seekers from Iraq will be recognised as refugees in one or the other Western countries. Still, while claiming asylum at UNHCR in Jordan, a majority will see their claim rejected and will fall into illegality. Similarly, those whose claim is rejected in the West fall into illegality. But it is its considerably more insecure to be an illegal alien in Jordan where work opportunities are scarce, social services to irregular migrants extremely limited, advocacy groups non-existent, and where one is always at the mercy of expulsion.

¹⁵ Well behind nationals of the former Yugoslavia, Afghans have topped the list of asylum seekers in Western Europe since the beginning of the 1990s, followed by Somalis, Iraqis, Sri Lankans, Turkish Kurds, Pakistanis, Iranians, Chinese, Sierra Leonians, etc.

¹⁶ The countries with the highest recognition rates for Iraqis in Western Europe are: the Netherlands 50 per cent, Switzerland 65 per cent, Sweden 75 per cent, Norway 76 per cent, Denmark 87 per cent, and the UK 92 per cent. Those that have the lowest rates are: Austria 3 per cent, Greece 6 per cent, Belgium 25 per cent, Italy 26 per cent, Spain 31 per cent, Germany 37 per cent, France 46 per cent (all figures are for 1998 and are taken from UNHCR Statistics 2000, available on the web site of the organisation www.unhcr.org).

¹⁷ For lack of in-depth fieldwork among Iraqis in Western Europe or other countries of asylum like Australia and Canada, it is for the moment difficult to assess how these trends were initially set and how they have evolved over the last ten years.

All Middle Eastern countries exercise their right to expel illegal aliens back into their country of origin, whatever the situation there. On the other hand, Western countries are bound by international standards, and do not generally expel illegal aliens if there is political unrest in their country of origin or if this country is known for violation of human rights. This is strictly applied in the case of Iraqis. Moreover, supposing they consider expelling Iraqi illegal aliens, Western host countries face a major practical problem: as there are no direct flights to Iraq, they would have to return them to their first country of transit in the Middle East (Iran, Turkey, Iraq or Syria), a move which is not feasible as these countries would exert their sovereignty by refusing to receive aliens. But as will be seen later, some Western states are now exploring the possibility of negotiating readmission agreements with first countries of transit.

Closed-border policies

“People die like flies nowadays”. This is how the immigration officer in the embassy of a Nordic country in Amman jokingly put it to explain how Iraqis were abusing humanitarian visas his country grants to foreigners who want to attend the funeral of a relative there. Iraqis, of course, never return and more and more come to the embassy and produce genuine death certificates established by the relevant authorities. They also have the proper documentation to prove their family connection with the deceased.

Documents are not necessarily fake as the number of Iraqis in Nordic countries today is large enough to explain that more and more pass away there. But it illustrates that Iraqis are ready to exploit every legal means to migrate and every loophole in the legislation they are aware of. These loopholes are numerous and it is not my aim here to list all those Iraqis take advantage of. They are very much the “holes in the wall” D. Bigo (1996) and other analysts of European security policies point at as being left voluntarily by the authorities for a variety of mainly economic reasons.

But some Iraqis are more advantaged than others by the types of legal holes left. Australia and Canada have sponsorship schemes for refugees or immigrants. In the case of the latter country, relatives settled in Canada or groups of a maximum five legal entities can submit a sponsorship to the authorities where they have to prove that they can meet the financial needs of the sponsored for the ten years to come. Cases rejected by UNHCR can also reach the Canadian Immigration Board by sponsored files. These cases are dealt with at the embassy in Amman without consulting UNHCR.

Comparable schemes are also available for emigration to Australia. Those benefit Iraqi Christians more than their Moslem co-nationals, for the simple reason that Churches have both the financial and legal credentials to act as sponsors, that they are alerted by Church communities in Jordan, or by the Iraqi Christian community at home whose size is larger than that of the Moslems, and who have had time to organise since their history of emigration to both countries is longer.

A more problematic question is how Iraqis in Jordan are affected by the contradictory immigration policies of Western states that, on the one hand, grant asylum liberally, but, on the other hand, have closed their borders to legal immigration. To look only at one region on which there is a vast literature (Marie 1996; Muus 1997; Crisp and Van Hear 1998, among several others), a report on the nature of the new EU border after enlargement states that:

The evolution to date of a common regime for the management and control of the EU's external frontier has been driven by two rather different imperatives: firstly, by the logic of completing the Single Market, creating within the EU an area of free movement of persons, goods, services and capital; and secondly, by mounting alarm in the member states at the perceived prospect of uncontrolled waves of economic migrants, asylum-seekers and transnational criminal activities (...). In this process, issues of immigration became confused with those of security and crime, and concerns to prevent illegal immigration was allowed to override fair consideration of the genuine claims of asylum-seekers. Overall, the emphasis has been unduly placed on repressive measures at the expenses of humanitarian, liberal values and adherence to international commitments and standards in the field of asylum. (Amato and Batt 1999: 56-57)

By closing most legal avenues that allow access to the territories of EU member states, a decade of closed-border policies has criminalised refugees seeking asylum in Western Europe by forcing them to resort to illegal means such as smuggling or fake/falsified travel documents. At the exception of Canada (that might well reconsider its current policy in the wake of the September 11 terrorist attack, see Aiken 2001), and a few European states (like Austria, but it has one of the lowest recognition rates for Iraqis),

Western countries do not generally receive application launched for refugee status from their embassies abroad, despite their extraterritorial status. Western embassies in Amman do not either seriously consider applications for long-term visas from the part of Iraqis, be it for study or immigration, except in the case of those businessmen that have a clear record of previous dealings with the country they wish to travel to. Moreover, applicants are not better received if they argue of the fact that they already have relatives in that country. The information exchange network that operates between the embassies of EU members states in Jordan seems to be extended (at last partially) to other Western states that are the targets of Iraqi migrants. If a fraud is detected in the documents provided for the application, the personal details of the applicant are communicated to other consular services in Jordan so as to prevent "immigration shopping".

The cumulative effects of 10 years of EU's policies on immigration is an overriding emphasis on control at the borders and beyond the borders of EU states through a series of measures: carriers' liability, stricter visa requirements, readmission treaties with Central and Eastern European states and electronically fortified borders. In 1999, Australia too introduced new measures to curb the flow of illegal entry and stop people smugglers by increasing jail penalties and fines for smugglers, refusing residence and family reunification to smuggled aliens, and introducing the detention of asylum seekers in camps.

Together with deterrence measures (a comprehensive list of possible ones is provided by Salt and Hogarth 1998: 392), Western states have also taken further steps to curb migrant smuggling. If several of these steps have been implemented within the EU or at its external borders with Central and Eastern European states (Bigo 303-304: 1996; Lahav and Guiraudon 2000: 62, etc.), new ones are now aiming at transit countries in the region of origin of the migrants to allow for "remote control" of the flux. Together with making airline companies legally responsible for boarding undocumented migrants, police co-operation is now sought with such a country like Jordan and the idea of readmission agreements is under serious discussion with Turkey. The overall aim of these policies are to move the borders of

the West away and to have the burden of asylum carried outside from Western states (Lahav and Guiraudon 2000).

As regards Jordan specifically, these policies can be illustrated by the following elements. In 1999, and again in 2000, the Australian Immigration Minister visited transit countries in the Middle East to discuss with officials ways of clamping down on illegal immigration to his country. According to news reports of his last visit to Jordan, in 1999 about 1,200 illegal Iraqi immigrants had entered Australia by boat from Malaysia, many of them having transited across Jordan. As a result of the visit, two officers from the Australian Department of Immigration, Multicultural and Indigenous Affairs (DIMA) were posted at the embassy in Amman specifically with the duty of preventing people smuggling. Interviewed in May 2001, they said that, since their posting, the number of Iraqi illegals out of Jordan had decreased and that in absolute number so had the number of Iraqis smuggled into Australia. In Jordan, these officers collaborate with the border police, mainly training them to examine documents and detect fraudulent ones.

Nevertheless, migrants who produce forged or falsified documents are not arrested as: “At the level of national policy, the Jordanian authorities do not consider that Iraqis leaving with forged documents are doing something unlawful as long as they do not use forged Jordanian documents”, as one of the Australian officer said. While Australia has not posted liaison officers at the Amman airport (“Jordan is the soft underbelly of Europe, not Australia. Ours is in Asia”, said the same officer), the British, the Dutch and the Swedes have. They act as remote border police officers with the collaboration of their Jordanian counterparts and prevent any suspected illegal migrant to board a plane to their respective countries so that the border of Europe is not only at entry, but also at exit from the migrants’ region of origin

In many ways, several Western countries, and probably more to come, have managed to secure the co-operation of Jordan in matters of surveillance, exchange of information and other forms of joint actions in their attempt at “rebordering the West” (Andreas 2000). But as one of the immigration officers interviewed reckoned, “The Jordanians authorities have cracked down on some smuggling networks but did not feel the need to publicise it since for one disintegrated network, another one reconstitutes”. Moreover, as has been demonstrated for the EU (Bigo 1996: 324-325), beefed-up border controls may be a show of force that is more symbolic than substantive, an analysis that seems particularly relevant in the case of Iraqi forced migrants transiting Jordan, as I will argue below.

Smuggling and social networks

The techniques and organisations Iraqi migrants resort to in order to reach the West despite the various visa requirements and police constraints are primarily determined by the very same constraints. As R. Koslowsky expresses it:

Just as states cooperate to control unwanted migration (...), unwanted migrants can cooperate as well to form social networks that facilitate international migration. Just as states deputize private sector actors, such as airlines, to enforce tougher migration controls and thereby change ‘the gatekeeper’ that confront the prospective migrant, migrants are employing non-state actors, smugglers, to foil restrictions imposed by states, and thereby transform the

‘gatecrashers’ from hapless peasants who may have never travelled abroad to teams of border crossers led by professionals, often using the latest technologies money can buy. (Koslowsky 2000: 205)

Albeit Iraqi forced migrants are in no way “hapless peasants”, paying for the services of smugglers or forgers is at the core of their migration strategies. But in Jordan, as in other transit countries in the Middle East, it is impossible to obtain official data on the volume of migrants smuggled out of the country. One exception is Turkey that has allowed IOM to conduct a survey on transit migration on its territory showing that the overwhelming majority were Iraqi Kurds and that very few non-Kurdish Iraqis were transiting that country (IOM 1995). On the other hand, the rare studies devoted to refugees in Iran show that the Iraqi Arabs among them have received the best treatment of all refugees and are therefore very unlikely to undertake further emigration to the West (Rajaei 2000; Le Roy 2001; various UNHCR documents).

Knowing that few opportunities exist for legal migration, all these elements allow us to assess that Jordan is the main smuggling route for Iraqi Arabs out of the Middle East. Before going on to describe how smuggling functions and intersects with the social networks of the migrants, it is useful to have a look at the theoretical literature on migrants smuggling and to clarify the use of terms.

Contrary to security specialists and policy-makers, the authors who have analysed human smuggling or have documented specific cases usually agree that keeping economic migrants and asylum seekers out has had, among others, the side effect of allowing for the development of networks of migrant smugglers (Ghosh 1998; Koser 1997; McDowell 1997; Salt and Stein 1997; Meese et al 1998; Morrison 1998; Van Hear 1998; Koslowsky 2000; Peter 2000; Salt and Hogarth 2000; Snyder 2000). To quote J. Salt and J. Hogarth, who have looked at smuggling at the Eastern border of the EU:

Trafficking is (...) assumed to occur because the possibilities for regular migration have declined. The implication is that there is a direct causal relationship between the control measures adopted by the destination countries and irregular migration; that is to say, the more stringent controls on entry, the greater the likelihood of migrants using illegal channels. A countervailing view is that the laxity of control at destination has made it easier for trafficking to thrive. This is because anti-trafficking legislation is scarce and its enforcement weak. (Salt and Hogarth 2000: 14)

Most of the Iraqi migrants I have talked to who had resorted to smuggling rings stated that they would have rather moved onward legally than breaking immigration laws and taking risks. They said that they only resorted to irregular migration in the absence of legal avenues, and that they could not grasp the motive behind the coupling of stringent border controls with liberal asylum laws. The fact that asylum seekers cannot use legal means to be admitted in countries that offer them proper protection questions the very notion of “smuggling” and the very concept of “illegal” migration. Iraqi migrants themselves, if they do use the Arabic word for “smuggling” (*tahrib*), sometimes simply refer to smugglers as “middlemen”, if not as “saviours”.

J. Morrison, in a report on trafficking and asylum seekers in the UK, argues that: “There is no straight divide between humanitarian and commercial trafficking (...). In some cases the ‘agent’ (...) is both a criminal and a saver of lives” (Morrison 1998: 1). For social scientists, smuggling implies a re-conceptualisation of international migration, which is traditionally regarded as a relationship between migrants and a host government aiming at controlling access to its territory.

Moreover, smuggling blurs the distinction between legal and illegal migrants as smugglers may deliberately help facilitate legal forms of migration at one stage or another of the migration process. For example, in international refugee law it is not considered criminal for asylum seekers to enter a country by illegal means. Smugglers, on the other hand, manage to obtain proper visas on proper passports but with fake work certificates and invitation letters. At different stages, migrants thus drift in and out of legal status.

There is still very little academic literature on the subject of smuggling while media in Europe or Australia regularly report stories, especially the dramatic ones. On the other hand, it is a subject of growing political concern by state authorities and international organisations because it undermines international collaborative efforts to produce ordered migration flows. IOM has just conducted a vast policy-oriented research programme on smuggling and trafficking in migrants while the UN has adopted a Protocol against smuggling in 2000. J. Salt and J. Stein (1997), that have devised a model for analysing smuggling as a business, divide it into three stages: the mobilisation and recruitment of migrants, their movement en route, their integration into labour markets and societies in the host countries.

These authors, together with Koser (1997), Morrison (1998) and others who have produced case studies, agree that smuggling networks are by nature cross-border and transnational and demonstrate greater speed of response than national or supra-national authorities that try to control them at border points, and that a feature of smuggling is that it connects different types of networks. By looking at the functioning of various networks that allow for the mobility of Iraqis out of Jordan, I will be concerned here with the first stage of the smuggling process, that is mobilisation and recruitment, and also with the practical steps involved in securing the proper means to exit the country.

But before moving on to the case study, further clarification should be made regarding such terms as trafficking and smuggling as there has often been a confusion between the two concepts. The UN anti-smuggling Protocol (United Nations 2000) states that in trafficking, elements of coercion and exploitation, and often syndicates of organised crime are involved. A smuggled migrant, on the other hand, is an individual who requests assistance to cross into another state where s/he has no right of residence and the smuggler’s involvement goes no further than the crossing of the border (including the provision of documentation).

J. Salt and J. Hogarth (2000: 20-23), who have reviewed the various existing definitions, cite Belgium as having adopted one of the largest definitions of trafficking in its “Alien Law” of 1980 which does not necessarily involve cross-border movement though it is often linked to issues of irregular migration. “Trafficking in persons” therefore includes: networks active in female prostitution (not necessarily cross-border), networks smuggling asylum seekers into Belgium, those who exploit legal/illegal foreign employees. It will become apparent later that this comprehensive definition fits the case of some networks in Jordan that can be seen as multipurpose.

On one hand, not all smuggling networks imply trafficking activities. J. Salt and J. Hogarth (1998: 22), list another definition proposed by Meese et al. (1999) according to which smuggling is a migration issue and has implications for the protection of the State, while smugglers can work for profit as well as for humanitarian reasons. On the other hand, trafficking in persons is a human rights issues, has implications for the individual as a victim, and traffickers work purely for financial gain. Either process is a violation of migrant legislation in at least one of the countries involved (origin, transit or destination).

For obvious methodological reasons, it is difficult to assess very clearly how the trafficking process works, who are the smugglers and/or traffickers, and how they are organised within Jordan and at the transnational level. Smuggled/trafficked individuals are often not aware of the overall functioning of the organisation and can only contribute local knowledge. Besides, they are reluctant to give details before undertaking their journey. It is therefore easier to collect information at the other end of the route when the migrants feel they have escaped the grip of the smugglers/traffickers or of the border police and can reveal information without risk. The best was to contact migrants in Jordan and wait until they had completed their migration process to Western Europe or Australia to interview them face to face or over the Internet.

The recruitment of migrants does not take place in Iraq but in Jordan. The country is a nodal location because it concentrates the various prerequisites for smuggling to develop and function that are not available in Iraq: foreign embassies (Western and non-Western), Jordanian nationals or nationals of other countries whose passports can be bought or stolen, the necessary technology to forge documents, Internet and untapped telephone lines, a liberal banking system which allows international transfer of money, an international airport with numerous flights in all directions, or, alternatively, open borders to Syria and then Turkey.

Therefore, in Jordan, Iraqi prospective migrants to the West can get real or forged travel documents, they can access transportation to leave the country, obtain information on where best to leave to by calling their relatives who are already in the West or by getting information on asylum procedures via the Internet. Finally those who pay for their smuggling can have money transferred to them in Jordan.

In wells seems that, as has been documented in the case of Poland (Salt and Howarth 2000: 48), it is the demand for out migration from Jordan that has created business opportunities exploited by Jordanian individuals or organisations that have used existing structures or created new ones. From a number of cases I looked at, it appears that several of the smuggling/trafficking organisations are the heirs of Jordanian middlemen already performing cross-border activities, though usually in the direction of South East Asia. Some of the agencies that bring foreign domestic workers to Jordan and have a wide knowledge of administrative requirements and travel documentation perform migrant smuggling as a supplementary area of business without specialising in it.

Some bogus travel agencies have been set up in the popular down town area of Amman, where they openly advertise for travel visas or advice on how to emigrate to the West on their shop windows. Migrants are not deceived and know that these firms perform illegal activities even though they have a legal front. Therefore, it is not so much the smugglers that need to approach the migrants, as the migrants who have learnt from others where to go and call on

the smugglers, whose main function is to provide proper documentation or help to cross over to Syria to connect to the Turkish route. Trust is a very important element of the trade that involves paying a good part of the services in advance. As fees for transportation or documents are substantial and appear to be rising, migrants prefer to rely on those networks that have successfully permitted their relatives or friends to reach the West and can be seen as honest.

Route patterns from Jordan to Europe are closely determined by Jordan's geographical situation and by the cost-benefit of the enterprise. A direct route by sea from Aqaba and the Suez canal is impossible: Jordan does not have enough coastline to secretly board migrants and ships are controlled in Suez. The main known route from the Middle East into Europe goes through Turkey, which acts as a hub where migrants from mainly Iraqi Kurdistan, Iran and Afghanistan meet, and then continues either by sea to Italy or by land to Greece and the Balkans. To reach this route from Jordan, Iraqis need a valid passport to cross into Syria but most also have to pay fees for overstaying as they prefer to leave options open and be able to return to Jordan in case their attempt fails. As it usually takes them several months before they decide to leave Jordan, in all likelihood their passport is not valid anymore and many cannot renew it at the Iraqi embassy.

Passports may be altered to have the dates changed. Alternatively, migrants have to pay to cross the border irregularly, and Jordanian and Syrian smugglers operate on both sides of the divide, mainly in desert areas inhabited by Bedouins who know the routes. Even those who travel on a valid Iraqi passport need then to cross into Turkey irregularly as a visa is required. Paying for the services of more smugglers implies additional expenses. Finally, migrants have to pay for boarding a ship to Italy or irregularly cross a series of other borders to reach Western Europe. At each stage they have to pay and face arrest. Estimates of the cost of the enterprise by land vary between US \$4,000 and US \$6,000 with risks at each and every step and months to reach the final destination. A new route is now developing through Lebanon or Syria where Iraqis boards ships but all these routes are considered extremely risky.

From Jordan to Western Europe, the most direct and safest route is by aeroplane. This implies a different set of conditions, a higher cost but more security: besides buying a plane ticket and often paying fees for overstay, one needs proper travel documents, i.e. a valid passport and a visa or a falsified foreign passport. They can be obtained in Amman where a trade of passports and forgery have developed. Stolen passports, with substitution of photographs, can replace a genuine Iraqi passport, especially if it comes from a third Arab country or from a Southern European state like Greece or Portugal for reasons of verisimilitude.

Visas may be fraudulent, but more frequently they are genuine and obtained after providing fake employment certificates in Jordan, letters of invitation in Europe by ghost companies, and genuine bank statements,¹⁸ all documents that are secured through the local agents of the smuggling network in a "travel agency". Finally passports may be collected on arrival by a member of the smuggling ring and sent back to Jordan for alteration and reuse.¹⁹

¹⁸ To deliver a visa, most Western consulates ask for bank statements over many months. Therefore, migrants pay the agents who open an account in their names in a Jordanian bank and have it run for at least three to four months. The process is therefore rather long to obtain all the needed documents before the visa application can be made.

¹⁹ Migrants have to follow routes set up by smugglers but their final destination country is not necessarily that of first arrival. For example, there is a route to Germany by plane, but once there the Iraqi migrant manages on her/his own or with family members who come to meet her/him at the airport to reach Denmark, Sweden or the

Whereas some of the networks that operate in Jordan with transnational ramifications do not seem to have connections with organised crime, and some Iraqis are involved at the highest level for humanitarian reasons, others are clearly connected to prostitution as a number of interviews I was able to conduct with Iraqi women in Amman demonstrate. Traffickers “employ” a woman making her work as a prostitute until she has earned an amount of money considered sufficient to pay for her (and often her family members’) smuggling out of Jordan. A number of work hours is determined in advance, the money earned is held in trust by the pimp who releases the woman and provides her with travel documents only after she has found another Iraqi woman to replace her. There is no need for physical intimidation or isolation strategy as Iraqi women are already isolated, have no way to escape to, and cannot turn to the authorities. Besides they enter into these bonds “voluntarily” in the absence of other survival means.

From the literature on women trafficking, there is no other evidence of this debt-bondage being exerted in the transit country or in the destination country. Generally, traffickers are said to exploit the migrant *after* being transported across the border, and in the case of prostitution, it is single young women who are involved (Salt and Howarth 2000: 62; Skeldon 2000: 7). In Jordan, on the other hand, it is mainly women with children or ageing parents who are single heads of households.

The fact is that very few of those who have recourse to smugglers have the money to pay the several thousands dollars involved. They have to borrow from friends and relatives who are already abroad and rarely from one single source. Families can rarely support the cost for all their members at once, and a strategic choice has to be made of whom to send first. Frequently, male heads of households travel ahead of the family not only for reconnaissance purposes but also because they leave their spouses and children as guarantees to the smugglers in Jordan until they are able to repay the entire cost of their own trip. But some families chose to send the wife or a child first as they are the most likely to obtain fast recognition of their claim for asylum in the West and can then ask to be reunited with family members left in Jordan.

Because of the costs of irregular migration, Jordan is also a nexus of smuggling rings and social networks. All types of social networks support the move of asylum seekers into the West: kinship networks, political parties, co-ethnics, co-religionists, etc. In the illegal migration process “sending” and “receiving” networks (Tilly 1990) intersect, together with religious and smuggling networks. I have more particularly explored those of the Shiite community, which might provide an example of how other transnational religious organisations support the move of migrants.

Netherlands where asylum conditions are seen as more favourable or where s/he has relatives or friends. In case the migrant aims at North America, he mainly uses Jordan to buy a passport. The most expensive ones are in decreasing order those of Saudi Arabia, Greece and Cyprus that all permit to travel to Canada without prior visa application. Alternatively, the migrant does not need to resort to facilitators or smugglers within Jordan but later on as s/he can travel to a couple of Central American countries that have lax entry requirements and then reach the two main routes to the United States either across Mexico or by boat through the Caribbean. Finally, those who prefer to go to Australia can board a plane from Amman to Malaysia with a stopover in the Gulf. Malaysia, a Moslem country, does not require visas from most nationals of Arab countries. From there, migrants will be smuggled by boat to the north-western coast of Australia. Those who have failed can always turn to UNHCR’s regional office in Bangkok to seek asylum or contact the smuggling rings there that have specialised in providing high quality documents to Chinese, often stolen from one of the seven million tourists the country receives every year (Skeldon 2000: 24).

The Shiite *majlis* I have mentioned above are places where information is exchanged on the best way to migrate to the West: how to buy a foreign passport or get a Western visa, how much it costs, how to contact smugglers or forgers, which are the best countries to migrate to in terms of entry requirements and asylum procedures, what are the easiest routes, etc. Members who have relatives already in the West keep contact with them by phone or the Internet and pass on details to those attending the meetings. Young clergymen play a pivotal role in mobilising financial resources for the members of the community who wish to migrate. Financial networks have vast ramifications. Money might be collected through campaigns in Iran among Shiite co-religionists and relatives who have looked for asylum there.

The two main Iraqi Shiite political parties in exile are based in Teheran and channel the funds to Great Britain that has become, in the 1990s, a major centre of learning and cultural activity for the Shiites.²⁰ Funds are then either re-channelled to Jordan or directly transferred to members of the smuggling ring in the West. Clergymen have a priority in benefiting from financial help to migrate, especially if they have no chance of obtain refugee status through UNHCR. But like the women forced into prostitution, their departure is made conditional on the arrival of colleagues from Iraq to replace them. After being recipients of financial aid, members who have migrated to the West may remain in the networks by operating at a different level, that of information gathering and collection of funds.

The role of social and smuggling networks is thus essential in facilitating and sustaining migrations to the West. It is through these networks that migrants gather information, money and by-pass strict entry requirements. But the two types of networks also overlap either because relatives or co-ethnics are the smugglers, or because one or several elements (money, documents) in the overall process are better obtained through a network different than that which organises the smuggling. Jordan is a first step which prepares migrants for their future situation in developed countries. It is both an antechamber, and a training site. In Jordan, migrants will gain access to information about the settings in potential reception countries and they will make a choice, elaborate a strategy. They will also get used to the problems they will face in the West, though less acutely: free movement and integration in the work market, quest for asylum and illegality.

Jordan and the international burden-sharing of forced migrants

G. M. Arnaout, in a study on the Islamic meaning of asylum, argues that refugees continue to be welcomed in Arab-Islamic countries because of traditions of hospitality and assistance to others borne out of the tribal ethos of the desert Arabs and of Islamic duties (Arnaout 1987). Even in a country like Jordan, where both tribal and Islamic identities are essential components of the national identity, such culturalist assumptions do not hold in front of complex political, geopolitic, and economic considerations and should be demised as irrelevant, as probably in a majority of other cases in the Arab world. Together with Arab solidarity, they are nowadays merely part of the political rhetoric.

²⁰ In particular through the Khû'i foundation, a welfare organisation established in 1988 in Najaf by Ayatollah Khû'i. It transferred its headquarters to London in 1991 and has an important network of schools all over the world.

It would appear that the official position of Jordan and the everyday practices of the authorities towards Iraqi migrants are just as ambiguous as the country's position regarding Iraq in general. But they have their own logic, which has to be found by looking at Jordan in a broader international context. On the one hand, Jordan cannot afford expelling Iraqi illegal aliens *en masse* and incurring international condemnation.²¹ Keeping the Iraqis in, albeit at some economic and social costs, is the price Jordan has to pay to continue polishing this image and securing a badly needed financial assistance from donor countries and supra national agencies.

But Jordan is going much further in implicating the international community. First, by not granting asylum to Iraqi forced migrants, it is transferring part of the refugee inflow to an international organisation and to Western third countries through UNHCR. And secondly, its apparently incoherent policies towards Iraqis induce the unwanted among them to leave Jordan by their own means to reach countries in the West that do offer them asylum or a least protection. By choosing inaction rather than adopting pro-active measures, Jordan has forced the West, and in particular EU countries, to share the burden of Iraqi refugees and asylum seekers.

Ironically, the EU is currently attempting to achieve the exact reverse goal by redistributing the social and economic costs of hosting refugees and asylum seekers, not only between EU members states (Suhrke 1998; Thielemann 2002), but also with transit countries at the immediate external borders of the EU, using the "safe third country" concept, readmission agreements, police cooperation, and stricter border control (Hailbronner 1993; Amato and Batt 1999; Vachudoca 2000).

In the framework of the Euro-Mediterranean Partnership (the so-called Barcelona Process), new steps are now being taken in view of moving the borders of Europe further away by trying to involve states immediately bordering refugee-producing countries so that, in the future, Western Europe's asylum policy would not commence at the point of arrival in Europe, rather, the EU's policy of refugee reduction would be achieved at the point of departure. In order to give recommendations on the best practices to achieve these goals, a EU High Level Working Group on Asylum and Immigration was set up one year ahead of the Tampere Summit (1998) "to address the root causes of migration" and provide recommendations that were produced in the form of draft action plans aimed at the main refugee-producing countries: Albania and Kosovo, Afghanistan, Iraq, Somalia, Sri Lanka and Morocco.

The Action Plan for Iraq, and at its precedent (the 1998 "Influx of Migrants from Iraq and the Neighbouring region: EU Action Plan"), show that Turkey (and not Jordan and Iran) is the main target of co-operation in view of curbing the flow of Iraqi asylum seekers entering the EU through that country.

The usual measures are supported (and a number have been implemented since, see ICMPD 2001): tackling the involvement of organised crime and combating illegal immigration by a

²¹ For the last 10 years, the Hashemite regime has been working hard to present to the West a decent image in terms of human rights: the International Committee of the Red Cross (ICRC) visits prisons, Amnesty International and other human rights groups come for fact-finding tours, elections have been made free, some degree of free speech is allowed in the press, "honour crimes" against women are the object of an official campaign, etc.

series of border control measures, tightening consular co-operation, providing training to border control officers, exploring the possibility of signing readmission agreements so that EU member states would be allowed to transfer “voluntarily or by force” (sic) rejected asylum seekers back into the Kurdish area of Northern Iraq through the Turkish-Iraqi border crossing. Clearly, the Action Plan proposes to explore how Turkey’s application for membership to the EU and the provision of economic aid that goes with the 1963 Turkish-EU Association Agreement could be used as a leverage with which to achieve refugee reduction in the EU.

Interestingly enough, very few provisions in the Action Plan for Iraq mention increasing similar police co-operation with Jordan, even though the 1996 EU-Jordan Co-operation Agreement includes a section on migration. In addition, contrary to what is meant for Turkey, the Action Plan does not recommend the allocation of financial aid to Jordan for the local integration of forced migrants, a fact confirmed by the absence of funding allocated to the European Commission Humanitarian Office (ECHO) for such programmes.

As of 2002, the projects being carried out by the High level Working Group on Migration do not signal that Jordan is part of an overall European strategy to curb transit migration. At the level of bilateral co-operation, Australia has allocated \$20.8 million in 2000-2001 for targeted aid contribution to address the situation of displaced Afghans and Iraqis, but none of these funds are allocated to Jordan. There are not serious attempts by any Western state either at negotiating bilateral readmission agreements for the return of Iraqis to Jordan, and Sweden has even dropped a previous attempt to define Jordan as a “safe third country”.

All these elements point to the fact Western states have acknowledged the specificity of the Jordanian case in matters of refugee burden-sharing. Western governments and supra-national bodies like the EU certainly view Jordan as a weak link in the global system of migration control and cannot afford to pursue laissez-faire policies. But they also acknowledge that, in view of the yet unresolved Palestinian issue, regional containment of asylum seekers could be more destabilising for Jordan than it is an “economic, political, and social threat” for Western states (Robinson 1998: 86). As an immigration officer in the Australian embassy in Amman plainly stated: “With Iraqis transiting Jordan, there is no other solution than keeping up with repression”.

Considering the nature of the networks that sustain this migration, anti-smuggling measures and increased policing of borders can only affect its dynamic at the margin while having the effect of benefiting the very same agents they purport to weaken, namely smugglers and traffickers, while always leaving holes in the walls both on its “external” Jordanian side and on its “internal” Western side.

Conclusion

What has created Jordan a transit country for Iraqi forced migrants is a complex set of factors, starting with the UN-embargo that has turned Jordan into the external border of Iraq. But also, Jordan has taken no coherent measures to curb irregular Iraqi migration, such as the ones employed by other developing countries in South America, South East Asia or Africa (Ghosh 1998: 123): no regularisation programmes, no systematic employer sanctions, punitive measures such as heavy penalties on irregular migrants, police rounds-up, no

stepped up border control at entry, no mass expulsion. On the other hand, the authorities have not adopted strict measures against smugglers or traffickers operating from their territory. The combination of these elements form what can be called a semi-protectionist policy in matters of immigration control.

Therefore, it is not necessary the pull of higher income in rich Western countries that contributes to the irregular migration of Iraqis across Jordan. Rather, it is a direct consequence of the institutional and administrative deficiencies of Jordan as a receiving country that prefers to adopt *ad hoc* measures and let the flow be regulated by other agents, be they states or international organisations, smuggling rings, or the transnational social networks of migrants.

In turn, differences in admission criteria between other Arab Middle Eastern countries and Jordan, and the differentials in the treatment of forced migrants with Western countries are all factors that contribute to irregularities in the international movements of Iraqis. Yet, it does not appear that Jordan wants to adopt a coherent migration management system or that Western states want to impose it on its government. Very much like Western countries nowadays, Jordan views large-scale immigration as a security issue. The question of Palestinian refugees has proved that forced migrants are an enduring, destabilising problem for the region as a whole and beyond, and Jordan seems to be in agreement with Western partners in believing that that new influx is better dealt with by the UN and the international community away from Jordan and the Arab Middle East in general.

The patterns of transit migration across Jordan confirm that “(...) international migrants travel along familiar avenues, circumscribed by strong linkages within or evolving within migration systems and by the example set by earlier movers and the support structures established by them” (Faist 2000: 76). Social capital is Iraqi migrants’ main asset, and among the various components of this capital, kinship and religious ties appear to be those mobilised in priority because they have already gained a transnational dimension.

Interestingly enough, these are not activated so much from Iraq as from Jordan, a fact that supports the idea that transnational social mechanisms need such vectors as globalised information, financial and transportation systems. Once the mechanism is set in motion, it results in the type of chain migration described by T. Faist: “The more immigrants of a given place stay in the destination region, the more want to come” (Ibid: 152-153).

But this dynamic has to be supported by a readiness to migrate which, in the case of Iraqi forced migrants, is created not only by the socio-political conditions at home, but also by the type of reception they receive in neighbouring states in their region of origin. Through the transnational migration dynamics of the Iraqis, and through the accompanying architecture of the smuggling networks, Jordan is now connected to a variety of Western countries, but also to a series of other regional countries such as Iran or Turkey, and to other stops on the route in Central America or South Eastern Asia.

Nevertheless, it can be argued that the “bridging effects of transnational linkages” (Ibid: 196) are not durable for Jordan as it is more the moving Iraqi community(ies) that establishes them without anchoring itself long-term in the social fabric of the transit country. These linkages endure as long as the flow endures but no longer because Shiites or Assyro-Chaldeans have included Jordan as a transit point in their migratory space but have not constructed it as a place. In this way, Jordan’s semi-protectionist policies can be seen as having met their goal.

REFERENCES

- AIKEN, S.J. (2001) "Manufacturing 'Terrorists' Refugees, national security and Canadian Law", *Refugees*, vol. 20, n°1.
- ANDREAS, P. (2000) "Introduction: The Wall after the Wall", in Andreas, P. and Snyder, T. *The Wall around the West: State Borders and Immigration Controls in North America and Europe*, Rowman & Littlefield, Lanham, Maryland, pp. 1-11.
- AMATO, G. and BATT, J. (1999) *The Long-Term Implications of EU Enlargement: The Nature of the New Border*, Final Report of the Reflection Group, The Robert Schuman Centre for Advances Studies, European University Institute, Florence.
- AMNESTY INTERNATIONAL (1997) *Fear, flight and forcible exile: refugees in the Middle East*, Report, London: Amnesty International, www.amnesty.org.
- ANDERSON, A. (15 Apr. 1998) "Jordan-UNHCR agreement on refugees signed in lieu of international treaties", *The Jordan Times*.
- APPLEYARD, E. (ed.) (1999) *Emigration Dynamics in Developing Countries. The Arab Region*, Aldershot: Ashgate.
- ARNAOUT, G.M. (1987) *Asylum in the Arab-Islamic Tradition*, International Institute of Humanitarian Law, UNHCR, Geneva.
- BARTH, F. (ed.) (1969) *Ethnic Groups and Boundaries*, Little, Brown and Co, Boston.
- BIGO, D. (1996) *Polices en réseau, l'expérience européenne*, Presses de Sciences Po, Paris.
- BRAND, L. (1995) *Jordan's Inter-Arab Relations: The Political Economy of Alliance Making*, Columbia University Press, New York.
- CEU (26 Jan. 1998) *Influx of Migrants from Iraq and the neighbouring region: EU action plan*, 5573/98, Council of the European Union, Brussels.
- CEU (30 Sept. 1999) *Action plan for Iraq*, 11425/99, Council of the European Union, Brussels.
- CHATELARD, G. (1997) « Chrétiens en Jordanie : entre appartenance communautaire et identité nationale », *Les Cahiers de l'Orient*, n°48, pp. 117-122.
- COLONOMOS, A. (1995) *Sociologie des réseaux transnationaux*, Paris : L'Harmattan,.
- CRISP, J. (1999) "Policy challenges of the new diasporas: migrant networks and their impact on asylum flows and regimes" *New Issues in Refugee Research*, Working Paper n°7, Evaluation and Policy Analysis Unit, UNHCR, Geneva.
- CRISP, J. and VAN HEAR, N. (1998) "Refugee protection and immigration control: addressing the asylum dilemma", *Refugee Survey Quarterly*, vol. 17, n°3.
- ENGBERSEN, G. and VAN DER LUN, J. (1998) "Illegality and criminality: the differential opportunity structure of undocumented migrants", in K. Koser and H. Lutz (eds.) *The New Migration in Europe*, Basingstoke: Macmillan.
- FAIST, T. (2000) *The Volume and Dynamics of International Migration and Transnational Social Spaces*, Oxford University Press, Oxford.
- GHOSH, B. (1998) *Huddled Masses and Uncertain Shores: Insight into Irregular Migration*, International Organization for Migration, Martinus Nijhoff, The Hague.
- GIBNEY, M.J. (Oct. 2001) "The state of asylum: democratization, judicialization and evolution of refugee policy in Europe", *New Issues in Refugee Research*, Working Paper n°50, Evaluation and Policy Analysis Unit, UNHCR, Geneva.
- GONZALEZ, N.L. and MCCOMMON, C.S. (eds.) (1989) *Conflict, Migration and the Expression of Ethnicity*, Boulder: Westview Press.

- HAILBRONNER, K. (1993) "The Concept of 'Safe Country' and Expeditious Asylum Procedures: A Western European Perspective", *International Journal of Refugee Law*, vol.5.
- HEISLER, M.O. (2001) "Now and then, here and there: Migration and the transformation of identities, borders and orders", in Albert, M., Jacobson, D. and Lapid, Y. *Identities, Borders, Orders: Rethinking International Relations Theory*, University of Minnesota Press, Minneapolis, MN, pp. 225-247.
- ICMPD (January 2001) *The activities of ICMPD 1993-2000 with special information on the 2000 activities*, International Centre for Migration Policy Development, Vienna.
- IOM (Dec. 1995) *Transit Migration in Turkey*, Migration Information Programme, International Organization for Migration, Geneva.
- IOM (Aug. 1994) *Transit migration in Ukraine*, Migration Information Programme, International Organization for Migration, Hungary.
- JACOBSEN, K. (1996) "Policy responses of host governments to mass refugee influxes", *International Migration Review*, vol. 30., n° 3. (Autumn), pp. 655-678.
- K. KOSER and H. LUTZ (eds.) (1998) *The New Migration in Europe*, Macmillan, Basingstoke
- KOSER, K. (1997) "Negotiating entry into Fortress Europe: the migration strategies of 'spontaneous' asylum seekers", in P. Muus (ed.) *The Exclusion and Inclusion of Refugees in Contemporary Europe*, ERCOMER, Utrecht.
- KOSLOWSKI, R. (2000) "The mobility money can buy: Human smuggling and border control in the European Union", in Andreas, P. and Snyder, T. *The Wall around the West: State Borders and Immigration Controls in North America and Europe*, Rowman & Littlefield, Lanham, Maryland, pp. 203-218.
- LAHAV, G. and GUIRAUDON, V. (2000) "Comparative perspectives on border control: Away from the border and outside the state", in Andreas, P. and Snyder, T. *The Wall around the West: State Borders and Immigration Controls in North America and Europe*, Rowman & Littlefield, Lanham, Maryland, pp. 55-77.
- LCHR (Apr. 1992) *Asylum under attack. Report on the protection of Iraqi refugees and displaced persons one year after the humanitarian emergency in Iraq*, Lawyers Committee for Human Rights, New York.
- LE ROY, J. (2001) "Statistical outline of the situation of the South Iraqi refugees in Iran, including the Marsh dwellers", in *Iraqi Marshlands: Prospects*, First drafts of papers presented at the conference of the AMAR International Charitable foundation, London, 21 May 2001.
- MARIE, C.-V. (1996) "L'Union Européenne face aux déplacements de populations. Logiques d'Etat face aux droits des personnes", *Revue européenne des migrations internationales*, vol. 12, n°2.
- MCDOWELL, C. (1997) *A Tamil Asylum Diaspora: Sri Lankan Migration, Settlement and Politics in Switzerland*, Berghahn Books, Oxford.
- MEESE, J., VAN IMPE, K. and VENHESTE, S. (1998) *Mutidisciplinary Research on the Phenomenon of Trafficking in Human Beings from an International and National Perspective: A Pilot Study with Poland and Hungary*, University of Ghent, Ghent.
- MORRISON, J. (1998) *The Cost of Survival: The Trafficking of Refugees to the UK*, London: Refugee Council.
- MUUS, P. (Ed.) (1997) *The Exclusions and Inclusions of Refugees in Contemporary Europe*, ERCOMER, Utrecht.
- NIKANJAM, S. (1995) "The refugees of the imposed war", *The Iranian Journal of International Affairs*, vol. 7, n°3.

- PETER, A. (2000) *Border Games: Policing the US-Mexico Divide*, Cornell University Press, Ithaca, N.Y.
- PORTES, A. (ed.) (1995) *The Economic Sociology of Immigration. Essays on Networks, Ethnicity and Entrepreneurship*, Russell Sage Foundation, New York.
- POUTIGNAT, P. et STREIFF-FENART, J. (1999) *Théories de l'ethnicité*, PUF, Paris.
- RAJAEI, B. (2000) "The politics of refugee policy in post-revolutionary Iran", *The Middle East Journal*, vol. 54, n°1.
- ROBINSON, V. (1998) "Security, migration, and refugees", in Poku, N. and Graham, D.T. *Redefining Security: Population Movements and National Security*, Praeger, Westport, Ct., pp.67-90.
- RUDOLF, S. and PISCATORI, J. (eds.) (1997) *Transnational Religion and Fading States*, Westview, Boulder.
- SALT, J. and HOGARTH, J. (2000) *Migrant Trafficking and Human Smuggling in Europe: A review of the Evidence with Case Studies from Hungary, Poland and Ukraine*, International Organization for Migration, Geneva.
- SALT, J. and STEIN, J. (1997) "Migration as a business: the case of trafficking", *International Migration*, vol. 35, n°4.
- SHAMI, S. (1993) "The social implications of population displacement and resettlement: An overview with a focus on the Arab Middle East", *International Migration Review*, vol. 27, n°1, Spring, pp. 4-33.
- SKELDON, R. (Jan. 2000) "Myths and Realities of Chinese Irregular Migration", Migration Research Series, International Organization for Migration, Geneva.
- SNYDER, T. (2000) "Conclusion: The Wall around the West", in Andreas, P. and Snyder, T. *The Wall around the West: State Borders and Immigration Controls in North America and Europe*, Rowman & Littlefield, Lanham, Maryland, pp. 219-227.
- STEINER, N. (Oct. 2001) "Arguing about asylum: the complexity of refugee debates in Europe", *New Issues in Refugee Research*, Working Paper n°48, Evaluation and Policy Analysis Unit, UNHCR, Geneva.
- SUHRKE, A. (1998) "Burden-sharing during refugee emergencies: The logic of collective action versus national action", *Journal of Refugee Studies*, vol. 11, n°4, pp. 396-415.
- THIELEMANN, E.R. (2002) "Between interests and norms: Explaining burden-sharing in the European Union", Unpublished paper prepared for the UACES workshop on *European Burden-Sharing and Forced Migration*, LSE, London, 12 January 200.
- THOUÉZ, C. (Aug. 2000) "Towards a common European migration and asylum policy?", *New Issues in Refugee Research*, Working Paper n°27, Evaluation and Policy Analysis Unit, UNHCR, Geneva.
- TILLY, C. (1990) "Transplanted networks", in Yans Mac Laughlin, V. (ed.) *Immigration Reconsidered*, Oxford University Press, Oxford.
- UNHCR (1996) *Background paper on Iraqi refugees and asylum seekers*, Center for Documentation and Research, UNHCR, Geneva.
- UNHCR (May 2001) *2000 Global Refugee Trends*, Population Data Unit, Population and Geographic Data Section, UNHCR, Geneva.
- UNHCR (2000) *Regional overview: the Middle East*, Mid-year Report 2000, UNHCR, Geneva.
- UNHCR (2001) *Country Profile: Jordan*, UNHCR, Geneva. .
- UNHCR (2000) *Reception standards for asylum seekers in the European Union*, UNHCR, Geneva.

- UNITED NATIONS (2000) *Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against transnational organized crime*, United Nations, Geneva.
- USCR (July 1991) *Mass Exodus: Iraqi Refugees in Iran*, Issue Brief, US Committee for Refugees, Washington, D.C.
- USCR (1991-2001) *Jordan Country Report*, US Committee for Refugees, Washington, D.C.
- USCR (1996) *World Refugee Survey. An annual assessment of conditions affecting refugees, asylum seekers, and internally displaced*, US Committee for Refugees, Washington, D.C.
- USDS (1991-2001) *Jordan Country Report*, Human Right Practices Reports, Bureau of Democracy, Human Rights, and Labour, US Department of State, Washington, D.C.
- VALENSI, L. (1986) "La Tour de Babel : groupes et relations ethniques au Moyen-Orient et en Afrique du Nord", *Annales ESC*, vol. 41, n° 4, pp. 817-838.
- VAN HEAR, N. (1993) "Mass flight in the Middle East: involuntary migration and the Gulf conflict, 1990-1991", in R. Black and V. Robinson (eds.) *Geography and Refugees: Patterns and Processes of Change*, Belhaven, London.
- VAN HEAR, N. (1994) "L'impact des rapatriements forcés vers la Jordanie et le Yémen pendant la crise du Golfe", in Bocco, R. et Djalili, M.-R. *Moyen-Orient: migrations, démocratisation, médurations*, PUF et IUHEI, Genève et Paris, pp. 101-116.
- VAN HEAR, N. (1995) "The impact of the involuntary mass 'return' to Jordan in the wake of the Gulf crisis", *International Migration Review*, vol. 29, n°2, Summer, pp. 352-374.
- VAN HEAR, N. (1998) *New Diasporas: The Mass Exodus, Dispersal and Regrouping of Migrant Communities*, UCL Press, London.
- VERTOVEC, S. and COHEN, R. (eds.) (1999) *Migration, Diasporas and Transnationalism*, Edward Elgar Publishing, Cheltenham.
- VACHUDOVA, M.A. (2000) "Eastern Europe as gatekeeper: The immigration and asylum policies of an enlarging European Union", in Andreas, P. and Snyder, T. *The Wall around the West: State Borders and Immigration Controls in North America and Europe*, Rowman & Littlefield, Lanham, Maryland, pp. 153-171.