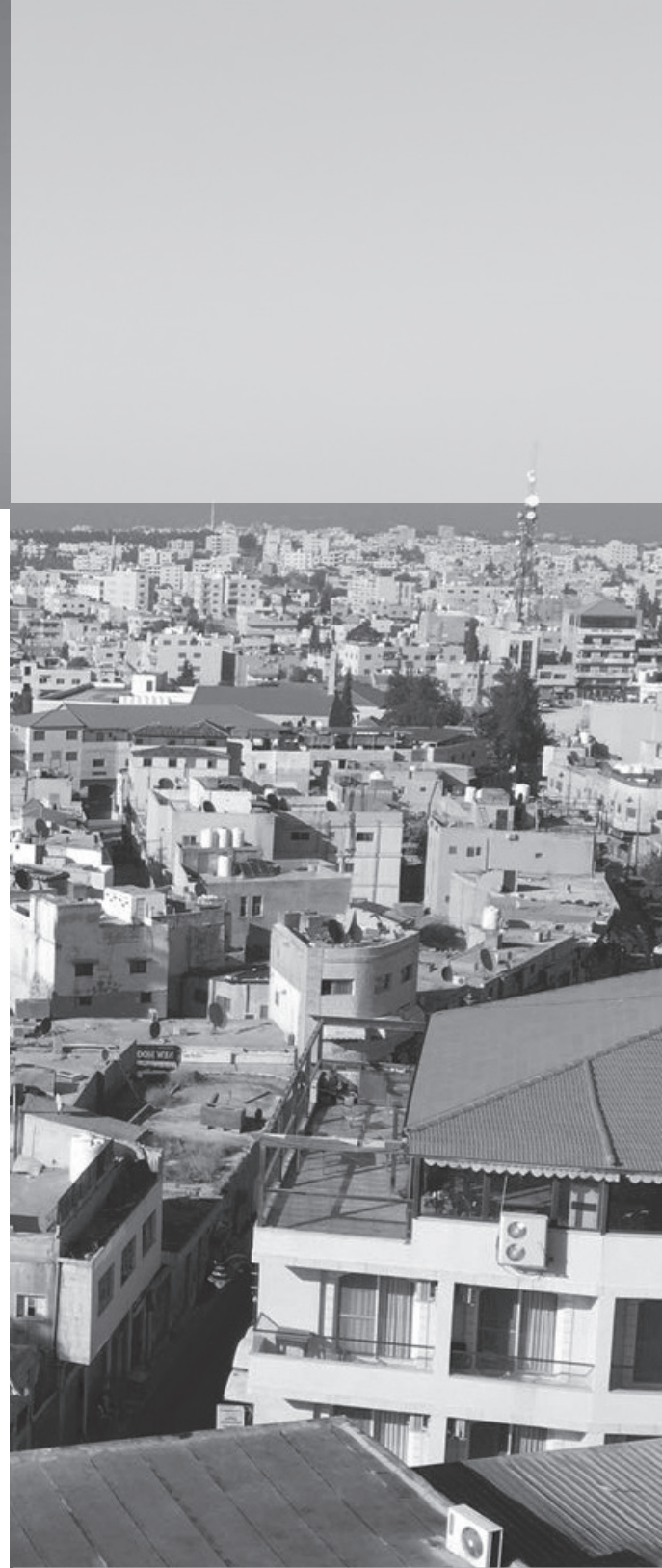


TOWARDS SUSTAINABILITY & EMPOWERMENT

REFORMING AMERICA'S SYRIAN REFUGEE POLICY

2019



**Towards Sustainability and Empowerment:
Reforming America's Syrian Refugee Policy**

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EXECUTIVE SUMMARY

The number of refugees and displaced people worldwide has reached unprecedented levels.¹ Of the world's 68.5 million refugees and displaced people, by far the largest number are Syrian.² The nearly 13 million Syrian refugees and internally-displaced persons account for sixty percent of Syria's pre-war population.³ A violent proxy war starting in 2011 has resulted in mass civilian casualties, human rights abuses, and widespread destruction. After eight years of war, Syria remains too dangerous for most refugees to return home.⁴ The UN refugee agency warns it is unknown when threshold requirements for large-scale safe and voluntary returns to Syria will be met for refugees who fled their homes to live in neighboring countries.⁵

While media coverage has focused on Syrian refugees seeking asylum in third countries, such as Europe and the United States,⁶ eighty percent of the seven million externally displaced Syrians have sought refuge in the countries neighboring Syria: Jordan, Iraq, Turkey, Egypt and Lebanon.⁷ As millions of Syrian refugees crossed their borders, these countries assumed the enormous financial burden of providing refugees with the protections mandated by international law. The principle of non-refoulement—a legal norm prohibiting host nations from sending refugees back to countries where their lives are in danger—requires host countries to provide refuge to Syrians until it is safe for them to return home.⁸

The massive influx of refugees comes at a time when host Middle East nations are strained by longstanding economic problems including high unemployment, a shortage of affordable housing, burgeoning poverty rates, and overall resource scarcity.⁹ Because over ninety percent of Syrian refugees

1 Figures at a Glance, UNHCR, <http://www.unhcr.org/en-us/figures-at-a-glance.html> (last visited March 8, 2018); Syria "worst man-made disaster since World War II" – UN rights chief, UN News (March 14, 2017), <https://news.un.org/en/story/2017/03/553252-syria-worst-man-made-disaster-world-war-ii-un-rights-chief>.

2 Global Trends: Forced Displacement in 2017, UNHCR (June 25, 2018), <http://www.unhcr.org/5b27be547.pdf>.

3 Approximately 60 percent of Syria's pre-war population is displaced. Global Trends: Forced Displacement in 2016, UNHCR, at 6 (June 19, 2017), <http://www.unhcr.org/5943e8a34.pdf>; Phillip Connor, Most displaced Syrians are in the Middle East, and about a million are in Europe, Pew Research Center: Fact Tank (Jan. 29, 2018), <http://www.pewresearch.org/fact-tank/2018/01/29/where-displaced-syrians-have-resettled/> ("No nation in recent decades has had such a large percentage of its population displaced.").

4 Dangerous Ground: Syria's Refugees Face an Uncertain Future, Norwegian Refugee Council, Save the Children, Action Against Hunger, CARE International, the International Rescue Committee & the Danish Refugee Council, at 13–15 (Feb. 2018), <https://www.nrc.no/resources/reports/dangerous-ground---syrias-refugees-face-an-uncertain-future/> (noting that although 66,000 Syrians returned home in 2017, "for every Syrian that returned home in 2017, at least three were newly displaced, demonstrating that many areas in Syria are still unsafe."). The most recent survey by UNHCR (United Nations High Commissioner for Refugees) found that 96 percent of Syrian refugees in the region self-report that they either do not plan to return to Syria in the coming year or are undecided about returning in the coming year, while four percent intend to return in the next 12 months. Fourth Regional Survey on Syrian Refugees' Perceptions and Intentions on Return to Syria (RPIS): Egypt, Iraq, Lebanon, and Jordan, UNHCR (July 2018), available at <https://data2.unhcr.org/en/documents/details/66198>.

5 As of February 2018, UNHCR's position was that "present conditions in Syria are not conducive for voluntary repatriation in safety and dignity." Comprehensive Protection and Solutions Strategy: Protection Thresholds and Parameters for Refugee Return to Syria, UNHCR (Feb. 2018), available at <https://data2.unhcr.org/en/documents/details/63223>. The threshold conditions necessary for UNHCR to begin facilitating returns are discussed below. One of these include refugee requests "in large numbers" for assistance in return. *Id.* UNHCR is actively conducting surveys of refugee plans for return and the most recent survey, released in July 2018, indicates that only four percent of polled refugees had plans to return in the coming year. See *supra* note 4.

6 See Dina Matar, Media Coverage of the Migration Crisis in Europe: a Confused and Polarized Narrative, 2017 IEMed Mediterranean Yearbook 292 (2017), available at http://www.iemed.org/observatori/arees-danalisi/arxiu-ad-junts/anuari/med.2017/IEMed_MedYearbook2017_media_migration_crisis_Matar.pdf.

7 Connor, *supra* note 3; Syria Regional Refugee Response: Inter-Agency Information Sharing Portal, UNHCR, <http://data.unhcr.org/syrianrefugees/regional.php> (last visited July 28, 2018).

8 See Sarah Bidingler et al, Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing, Boston University School of Law, at 26 (2015), available at <https://www.bu.edu/law/files/2015/07/FINALFullReport.pdf> (listing the legal obligations of host countries under international law).

9 Although the last year has seen modest GDP growth in Jordan, Iraq, Lebanon, Turkey and Egypt, unemployment across the region remains high, and signs of host community fatigue are becoming apparent. See 3RP Regional

live outside of refugee camps, they must compete with citizens of the host country for jobs and housing.¹⁰ Refugees unable to survive off of limited international and domestic subsidies are forced to take their sons out of school to work, borrow money from friends and family, and marry off their daughters at a young age.¹¹ Predictably, social and political tensions arise, causing some refugees to seek relocation to wealthier Western nations where they can permanently rebuild their lives.¹²

But the absence of a legal framework mandating wealthier countries to accept their fair share of refugees has allowed European countries and the United States to effectively close their borders to Syrian refugees.¹³ Refugee admissions to the U.S. have taken a nosedive since the beginning of the Trump administration.¹⁴ The President's refugee ceiling for fiscal year 2019 is the lowest in the history of the U.S.'s refugee resettlement program. At just 30,000 it represents a drop by a third from fiscal year 2018's ceiling of 45,000 total refugees.¹⁵ Only 9,000 of them can be from the "Near East and South Asia" region.¹⁶ The administration's restrictive refugee and migration policies have resulted in a steep decline in the number of Syrians admitted to the U.S.: just 62 Syrian refugees were admitted in fiscal year 2018, in sharp contrast to the 6,557 Syrians resettled in fiscal year 2017, and the more than 12,000 Syrian refugees accepted in fiscal year 2017.¹⁷

The countries neighboring Syria, thus, carry a disproportionate economic burden of the Syrian refugee crisis.¹⁸ Over time, that burden may transform into political conflicts that traverse borders. As an

Refugee & Resilience Plan 2018-2019 Regional Strategic Overview, UNHCR, at 7 (2018), available at <https://reliefweb.int/report/lebanon/3rp-regional-refugee-resilience-plan-2018-2019-response-syria-crisis-regional>.

10 Syria Regional Refugee Response, UNHCR, <http://data2.unhcr.org/en/situations/syria> (last visited July 28, 2018).

11 3RP 2018-2019 Regional Strategic Overview, *supra* note 9, at 6–7.

12 Based on our conversations with refugees in Jordan, not all refugees seek to relocate to the West. Rather many would prefer to stay in a neighboring Muslim-majority country with a similar culture, language, and religion if they can attend school, gainfully work, and live with dignity.

13 See E. Tendayi Achiume, Syria, Cost-Sharing, and the Responsibility to Protect Refugees, 100 Minn. L. Rev. 687, 689 (2015). Syrian refugees in nations like Poland or Hungary face detainment or deportation. The United Kingdom has initiated more subtle actions excluding Syrian Refugees, such as halting their child refugee program. Judith Vonberg, How some European countries are tightening their refugee policies, CNN (Feb. 22, 2017 11:36 AM), <https://www.cnn.com/2017/02/22/europe/europe-refugee-policy/index.html>. The European Union struck a controversial deal with Turkey to accept Syrian refugees in exchange for preventing further refugee migration into Greece and Europe. Elizabeth Collett, The Paradox of the EU-Turkey Refugee Deal, Migration Policy Institute (March 2016), <https://www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal>.

14 For a comparison chart showing the dramatic decrease in U.S. refugee ceilings and actual refugee admissions since 1980, see U.S. Annual Refugee Resettlement Ceilings and Number of Refugees Admitted, 1980-Present, Migration Policy Institute (last visited Nov. 11, 2018), <https://www.migrationpolicy.org/programs/data-hub/charts/us-annual-refugee-resettlement-ceilings-and-number-refugees-admitted-united>.

15 Note that although the ceiling was 45,000 refugees for fiscal year 2018, only 22,491 refugees were actually resettled in the U.S. Summary of Refugee Admissions, Department of State, Bureau of Population, Refugees, and Migration, Office of Admissions, Refugee Processing Center (last visited Nov. 11, 2018), <http://www.wrapsnet.org/admissions-and-arrivals/>.

16 Julie Hirschfeld Davis, Trump to Cap Refugees Allowed Into U.S. at 30,000, a Record Low, N.Y. Times (Sept. 17, 2018), <https://www.nytimes.com/2018/09/17/us/politics/trump-refugees-historic-cuts.html>; Proposed Refugee Admissions for Fiscal Year 2019: Report to Congress, U.S. Departments of State, Homeland Security & Health and Human Services, at 14 (Sept. 24, 2018), <https://www.state.gov/j/prm/releases/docsforcongress/286157.htm>.

17 The fiscal year ended on Sept. 31, 2018. Nayla Rush, Refugee Resettlement Admissions in FY 2018, Center for Immigration Studies (Oct. 1, 2018), <https://cis.org/Rush/Refugee-Resettlement-Admissions-FY-2018>; Deborah Amos, U.S. Refugee Program 'In Danger' Amid Steep Drop In Refugee Arrivals, Advocates Warn, NPR (July 24, 2018), <https://www.npr.org/2018/07/24/630907144/u-s-refugee-program-in-danger-amid-steep-drop-in-refugee-arrivals-advocates-warn>.

18 "[W]orryingly, 2017 saw a drastic reduction of resettlement places made available to Syrian refugees. The main cause of this decrease was a global drop in the number of resettlement places available paired with a shifting of quotas to other priority situations. . . . This reduction sends a very negative message to host governments. The five main countries hosting refugees in the region will perceive the decrease in resettlement opportunities as the international community not living up to previous commitments to shoulder some of the burden." Comprehensive Protection and Solutions Strategy: Resettlement and Complementary Pathways, UNHCR, at 4 (Apr. 2018), available at <https://>

influential player in Middle East politics, the United States has a national interest in sustaining the capacity of international systems to respond to protracted refugee crises, if only to prevent further instability.¹⁹ Toward that end, this report examines Jordan as a case study for informing U.S. Syrian refugee policy. Sharing a 379-kilometer border with Syria,²⁰ and host to between 666,000 and 1.3 million Syrian refugees, Jordan's experience exemplifies the myriad challenges facing neighboring countries that warrant a rethinking of America's approach to the Syrian refugee crisis.²¹

The recommendations in this report are informed by a thorough literature review and findings from a trip to Amman, Jordan in December 2017, during which the authors met with government officials, non-governmental refugee aid organizations, community groups assisting refugees, and Syrian refugees. At a time when propaganda has replaced facts in refugee policy debates, our objective is to inform policy makers and advocates with the perspectives of Syrian refugees and the stakeholders working with them in Jordan. Four recommendations, if implemented, would contribute toward a sustainable and more effective U.S. Syrian refugee policy.

First, U.S. aid should increase to fund programs that empower refugees to be economically independent rather than indefinitely dependent on international aid. In February 2018, the U.S. government agreed to give Jordan \$6.375 billion in economic and military grants over the next five years.²² A larger portion of those funds should go toward sustainable refugee policies that employ and empower refugees to be self-sufficient. Due to the protracted nature of the Syrian refugee crisis,²³ programs that produce refugee dependence on international humanitarian aid are not sustainable. U.S. development aid should capitalize on the diverse skills of the refugees themselves, who come from a range of socio-economic classes.²⁴ Microloans, higher education grants, and vocational training in accordance with host economies' needs empower refugees to support themselves and their families while reducing dependency on dwindling national and international resources.²⁵ Ongoing advocacy is also needed to ensure that Syrian refugees have legal access to the labor market, and in particular, to allow the legal registration of Syrian

data2.unhcr.org/en/documents/details/63759.

19 See Summary: U.S. Assistance to Jordan, U.S. Department of State, at 1 (Feb. 28, 2017), available at https://www.aclu.org/sites/default/files/field_document/Summary-US-Assistance-to-Jordan-C06138428.pdf; Bidinger, *supra* note 8, at 3–4, 26–28.

20 The World Factbook: Jordan, Central Intelligence Agency, <https://www.cia.gov/Library/publications/the-world-factbook/geos/jo.html> (last visited May 12, 2018).

21 Estimates vary because the number of Syrian refugees registered by UNHCR differs from the number put forward by the Jordanian Government. UNHCR has registered over 666,000 Syrian refugees in Jordan. Syria Regional Refugee Response Operational Portal, UNHCR, <https://data2.unhcr.org/en/situations/syria> (last visited July 28, 2018). According to data collected by the Jordanian government, however, there are 1.3 million Syrians in the country, comprising between 6 and 12 percent of Jordan's total population of 10.3 million. See The Jordan Response Plan for the Syria Crisis 2017-2019, Hashemite Kingdom of Jordan Ministry of Planning and International Cooperation, at V, 2 (2017), available at <https://static1.squarespace.com/static/522c2552e4b0d3c39ccd1e00/t/5956897e78d1714f5b-61f5c2/1498843547605/JRP+2017-2019+-+Full+-+%28June+30%29.pdf>. For Jordanian population estimates, see The World Factbook: Jordan, Central Intelligence Agency, <https://www.cia.gov/library/publications/the-world-factbook/geos/jo.html> (last visited March 29, 2018).

22 Jeremy M. Sharp, Jordan: Background and U.S. Relations, Congressional Research Services (Feb. 16, 2018), available at <https://fas.org/sgp/crs/mideast/RL33546.pdf>.

23 The U.S. State Department defines a protracted refugee situation as one where "25,000 or more refugees from the same nationality have been in exile for five or more years in a given asylum country." Protracted Refugee Situations, U.S. Department of State, <https://www.state.gov/j/prm/policyissues/issues/protracted/> (last visited March 8, 2018).

24 See Paolo Verme et al, The Welfare of Syrian Refugees: Evidence from Jordan and Lebanon, UNHCR & World Bank Group, at 39–40 (2016), <https://openknowledge.worldbank.org/bitstream/handle/10986/23228/9781464807701.pdf>.

25 See e.g. Helen Avery, Why finance, not just aid, is the key to dealing with humanitarian crises, Euromoney (Sept. 18, 2017), <https://www.euromoney.com/article/b14sxcbgctv9c6/why-finance-not-just-aid-is-the-key-to-dealing-with-humanitarian-crises>.

home-based businesses.²⁶ Providing tools for refugee integration into the host community not only gives refugees a sense of self-worth and dignity; it also invests in host nations' economies.²⁷

Second, development aid to Jordan should strengthen both state institutions and the private sector. A promising model is the Jordan Compact, an agreement between the Jordanian government and several European and international non-state actors launched in 2016. This innovative agreement provides Jordan with the opportunity to access concessional loans, free trade with the European Union, and development and humanitarian grants contingent upon Jordan establishing a work permit program for Syrian refugees.²⁸ The agreement provides economic benefits for all parties by promoting regional stability while strengthening Jordan's overall economic outlook. The U.S. should develop its own bilateral agreements modeled after the Jordan Compact with refugee host nations in the Middle East.

Third, the U.S. should fund humanitarian projects with broad eligibility criteria not limited solely to Syrian refugees. Granting access to U.S.-funded humanitarian programs to low-income Jordanians and refugees from other countries reduces inter-community tensions and promotes social cohesion. Jordan is host to large communities of refugees from Palestine, Iraq, Sudan and Somalia who make up some of the country's most vulnerable residents.²⁹ Early humanitarian responses to the Syrian refugee crisis conditioning aid on refugee status and Syrian nationality created tensions between low-income Jordanians and Syrian refugees as well as among the different refugee communities.³⁰ Providing humanitarian aid based on need promotes the U.S.'s interest in ensuring that Jordan maintains internal stability as a regional strategic ally.³¹

Finally, sustainable and targeted aid to countries of first asylum such as Jordan should be prioritized in conjunction with an increase in Syrian refugee resettlement to the U.S. While U.S. refugee resettlement cannot replace the need for a final solution to the Syrian conflict, increasing the U.S.'s refugee resettlement ceiling, particularly the number of refugees who can be admitted from the Middle East and especially Syria, would ease the burden on the U.S.'s allies in the region that currently shoulder most of the financial and political costs of the crisis. By accepting its fair share of refugees, the U.S. encourages countries of first asylum to continue meeting their international obligations with respect to refugees. Conversely, the Trump administration's hostility towards refugees grants tacit permission for host countries to give in to mounting domestic political pressure to prematurely send Syrian refugees home to dangerous conditions.³²

26 See Izza Leghtas, *Out of Reach: Legal Work Still Inaccessible to Refugees in Jordan*, Refugees International, at 4–5 (Sept. 2018), <https://reliefweb.int/sites/reliefweb.int/files/resources/Jordan%2BReport%2B2018%2B-%2B9.10.2018%2B-%2B647%2Bpm.pdf>.

27 See *Finding a Future: Enhancing Sustainable Livelihoods for Syrian Refugees in Jordan: Perspectives and Policies for Jordan's Resilience, Stability and Development*, UNHCR, at 8–12 (Nov. 2015), https://www.ilo.org/beirut/areasof-work/syrian-refugee-crisis/jordan/WCMS_480915/lang--en/index.htm.

28 Veronique Barbelet, Jessica Hagen-Zanker and Dina Mansour-Ille, *Policy Briefing: The Jordan Compact: Lessons learnt and implications for future refugee compacts*, Overseas Development Institute (Feb. 2018), available at <https://www.odi.org/publications/11045-jordan-compact-lessons-learnt-and-implications-future-refugee-compacts>.

29 See, e.g., Rochelle Davis, Abbie Taylor, Will Todman, Emma Murphy, *Sudanese and Somali Refugees in Jordan Hierarchies of Aid in Protracted Displacement Crises*, Middle East Research and Information Project (Summer 2016), <http://www.merip.org/mer/mer279/sudanese-somali-refugees-jordan>.

30 Omer Karasapan, *Jordan's Syrian Refugee*, Brookings's Institute (Feb. 25, 2015), <https://www.brookings.edu/blog/future-development/2015/02/25/jordans-syrian-refugees/>.

31 See *Summary: U.S. Assistance to Jordan*, U.S. Department of State (Feb. 28, 2017), available at https://www.aclu.org/sites/default/files/field_document/Summary-US-Assistance-to-Jordan-C06138428.pdf.

The Department of State has supported this approach to refugee assistance, encouraging the UN to provide aid to refugees based on need, regardless of country of residence. See *2018-2019 Framework for Cooperation Between the United States Department of State's Bureau of Population, Refugees and Migration and the Office of the United Nations High Commissioner for Refugees*, U.S. Department of State (May 7, 2018), <https://www.state.gov/j/prm/releases/frameworknew/281921.htm>.

32 See, e.g., Laura Pitel, Asser Khattab and Erika Solomon, *Syrian refugees under pressure as neighbours' goodwill runs out*, *Financial Times* (March 5, 2018), <https://www.ft.com/content/bf696a82-1d47-11e8-956a-43db76e69936>;

RECOMMENDATIONS FOR SUSTAINABLE U.S. REFUGEE POLICIES IN THE MIDDLE EAST

1

Fund programs empowering refugees to be economically independent

2

Increase U.S. aid to Jordan to strengthen state institutions and the private sector

3

Support humanitarian projects assisting Syrian and non-Syrian refugees

4

Admit more Syrian refugees into the U.S.

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THE WORST REFUGEE CRISIS IN MODERN HISTORY

The Syrian conflict entered its eighth year in March 2018.³³ The conflict traces its roots to the Arab Spring of 2011, during which several Middle Eastern countries experienced populist uprisings against tyrannical leaders in power for decades.³⁴ Peaceful protests against Syrian President Bashar al-Assad began in March 2011 but soon turned violent as the government cracked down on protestors.³⁵ Hundreds of rebel factions, some Syrian and some foreign, emerged to challenge the Assad regime. By 2013, approximately 1,000 rebel groups commanded 100,000 militants.³⁶ The Assad government responded by bombing Syrian cities and indiscriminately killing civilians.³⁷

The Syrian conflict soon transformed into a proxy war between European and Middle East nations.³⁸ The United States, Great Britain, France, Turkey, and the Gulf States directly or indirectly supported anti-Assad rebel groups, while Russia and Iran backed the Assad regime and pro-Assad militias.³⁹ Civilians were trapped in the violence, resulting in thirteen million internally and externally displaced Syrian refugees since 2011.⁴⁰ The Islamic State of Iraq and the Levant (ISIL), whose brutality horrified people around the world, was headquartered in Raqqa until 2017, when the Syrian city was wrested from ISIL control by a coalition of U.S.-backed Kurdish and Arab militias.⁴¹ By 2018, Assad forces retook control of most of Syria while U.S.-supported militias expelled ISIL from most of the country.⁴²

Despite the Assad regime's military success, the underlying political conflict remains, and large swaths of Syria are demolished.⁴³ Diplomatic attempts to peacefully resolve the conflict have failed. The most recent U.N.-sponsored peace talks between the Assad government and the multiple rebel groups disintegrated in early 2018.⁴⁴ The political deadlock led the U.S. Congressional Research Service to conclude in April 2018, "It is unclear when (or whether) the parties will reach a political settlement that might result in a transition away from the leadership of the current regime, which U.S. officials have set as a prerequisite for the provision of reconstruction assistance."⁴⁵

33 Syria's civil war explained from the beginning, Al Jazeera (March 18, 2018), <https://www.aljazeera.com/news/2016/05/syria-civil-war-explained-160505084119966.html>.

34 The 'Arab Spring': 5 Years On, Amnesty International (2016), <https://www.amnesty.org/en/latest/campaigns/2016/01/arab-spring-five-years-on/>.

35 Syria's civil war explained from the beginning, Al Jazeera (March 18, 2018), <https://www.aljazeera.com/news/2016/05/syria-civil-war-explained-160505084119966.html>; Syria Profile–Timeline, BBC (Feb. 7, 2018), <http://www.bbc.com/news/world-middle-east-14703995>.

36 Guide to Syrian Rebels, BBC (Dec. 13, 2013), <http://www.bbc.com/news/world-middle-east-24403003>.

37 Syria Profile–Timeline, BBC (Feb. 7, 2018), <http://www.bbc.com/news/world-middle-east-14703995>.

38 See Ian Bremmer, These 5 Proxy Battles Are Making Syria's Civil War Increasingly Complicated, TIME (Feb. 16, 2018), <http://time.com/5162409/syria-civil-war-proxy-battles/>.

39 Russia is the Syrian Government's strongest ally, and its support, together with Iran and Lebanese Hezbollah, has led to significant military gains by the government against rebel groups. The United States, on the other hand, has supported opposition to the Assad Regime dating back to 2011, when President Obama called on Assad to step down in response to widespread atrocities. Carla E. Humud, Christopher M. Blanchard & Mary Beth D. Nikitin, Armed Conflict in Syria: Overview and U.S. Response, Congressional Research Service, at 1 (Feb. 27, 2018), <https://fas.org/sgp/crs/mideast/RL33487.pdf>.

40 UNHCR, UN Refugee Agency, Syria Emergency, <http://www.unhcr.org/en-us/syria-emergency.html>.

41 Anne Barnard and Hwaida Saad, Raqqa, ISIS 'Capital,' Is Captured, U.S.-Backed Forces Say, N.Y. Times (Oct. 17, 2017), <https://www.nytimes.com/2017/10/17/world/middleeast/isis-syria-raqqa.html>.

42 Carla E. Humud, Christopher M. Blanchard & Mary Beth D. Nikitin, Armed Conflict in Syria: Overview and U.S. Response, Congressional Research Service, at 1 (Feb. 27, 2018).

43 Dangerous Ground, *supra* note 4, at 13–17; Maha Yahya, Unheard Voices: What Syrian Refugees Need to Return Home, Carnegie Middle East Center, at 1, 5–10 (April 16, 2018), https://carnegieendowment.org/files/Yahya_Unheard-Voices_INT_final.pdf.

44 Carla E. Humud, Christopher M. Blanchard & Mary Beth D. Nikitin, Armed Conflict in Syria: Overview and U.S. Response, Congressional Research Service, at 17–18 (Apr. 18, 2018).

45 Carla E. Humud, Christopher M. Blanchard & Mary Beth D. Nikitin, Armed Conflict in Syria: Overview and U.S. Response, Congressional Research Service, at 1–2 (Apr. 18, 2018).

Syria's proxy war has produced the worst refugee crisis in modern history.⁴⁶ Nearly 13 million Syrians have been internally and externally displaced since March 2011. Seven million have fled the country as refugees, while six million are internally displaced within Syria.⁴⁷ The vast majority of Syrian refugees—nearly 5.6 million—have sought refuge in the neighboring nations of Jordan, Iraq, Turkey, Egypt and Lebanon.⁴⁸ Turkey, with 3.5 million Syrian refugees, hosts the largest Syrian refugee population.⁴⁹ The smaller countries of Lebanon and Jordan each host the two largest refugee populations per capita in the world. Although these two countries comprise just one percent of the world's economy, they host nearly 20 percent of the world's refugees.⁵⁰ Jordan alone has between 666,000 and 1.3 million Syrian refugees by various estimates.⁵¹ According to the United Nations High Commissioner for Refugees ("UNHCR"), approximately one in fifteen people in Jordan is a registered refugee.⁵²

Initially, neighboring countries maintained open borders as Syrian refugees poured in. But as the numbers grew exponentially, each country gradually closed its border. Currently, few countries officially accept new Syrian refugees.⁵³ Newly-displaced Syrians have no choice but to make life-threatening border crossings using smugglers or remain internally displaced within Syria's borders.⁵⁴

Jordan maintained an open border policy towards Syrians at the start of the war, but as refugee camps became overcrowded and social services overwhelmed, Jordan gradually restricted refugee admissions starting in 2013.⁵⁵ The Jordanian government completely shut the border in 2016 after ISIL claimed a car bombing at a military checkpoint that killed seven Jordanian military personnel.⁵⁶ Recently,

46 Euan McKirdy, UNHCR report: More displaced now than after WWII, CNN (Jun. 20, 2016 9:29 AM), <https://www.cnn.com/2016/06/20/world/unhcr-displaced-peoples-report/index.html>.

47 Connor, *supra* note 3.

48 Syria Regional Refugee Response, UNHCR, <http://data.unhcr.org/syrianrefugees/regional.php> (last visited July 28, 2018).

49 Syria Regional Refugee Response, UNHCR, <http://data2.unhcr.org/en/situations/syria> (last visited July 28, 2018).

50 3RP 2018-2019 Regional Strategic Overview, *supra* note 9, at 6; Making Aid to Lebanon and Jordan Work: Aid effectiveness in middle income countries affected by mass displacement, OXFAM (April 20, 2017), <https://policy-practice.oxfam.org.uk/publications/making-aid-to-jordan-and-lebanon-work-aid-effectiveness-in-middle-income-coun-tr-620258>.

51 A discrepancy in the number of Syrian refugees living in Jordan exists because UNHCR's official registration numbers differ from the Jordanian government's census numbers. See *supra*, note 21.

52 This includes non-Syrian refugee populations. 3RP 2018-2019 Regional Strategic Overview, *supra* note 9, at 6.

53 Maha Yahya, Unheard Voices: What Syrian Refugees Need to Return Home, Carnegie Middle East Center, at 14–15, 19–20 (April 16, 2018), https://carnegieendowment.org/files/Yahya_UnheardVoices_INT_final.pdf (describing the initial open-border policies of Jordan and Lebanon, which have gradually been replaced by the complete closure of these borders to Syrian refugees). See also Dangerous Ground, *supra* note 4, at 9 ("In 2017, Syria's neighbouring countries kept their borders with Syria closed and turned away tens of thousands of displaced Syrians at their borders."); 3RP 2018-2019 Regional Strategic Overview, *supra* note 9, at 6 (anticipating low levels of new Syrian refugee arrivals in border countries in 2018 due in part to "borders and admission practices [being] closely managed" in these countries).

54 See, e.g., Sara Kayyali, When the Path to Safety Is Anything But, Human Rights Watch (April 5, 2018), <https://www.hrw.org/news/2018/04/05/when-path-safety-anything> (describing Turkish practices of shooting Syrian refugees trying to cross the border, the dangerous lengths refugees will pursue using smugglers to flee Syria, and the understanding among refugees that border countries are not willing to take new arrivals); 2018 Humanitarian Needs Overview: Syrian Arab Republic, OCHA: Humanitarian Response, at 12–15 (Nov. 21, 2017), https://reliefweb.int/sites/reliefweb.int/files/resources/2018_syr_hno_english.pdf (describing the internal displacement patterns of Syrians within the country in 2017 and projected internal displacement in 2018).

55 Jordan and the Berm: Rukban and Hadalat 2017-2018, Institut de Relations Internationales et Strategiques (IRIS): Humanitarian Foresight Think Tank, at 1-2 (March 2017), <http://www.iris-france.org/wp-content/uploads/2017/03/Sensitive-Jordan-and-the-Berm-1.pdf>.

56 Country Summary: Jordan, Human Rights Watch, at 3-4 (Jan. 2017), https://www.hrw.org/sites/default/files/jordan_1.pdf; Jordan allows one-off aid drop to Rukban border camp, AlJazeera (Jan. 8, 2018), <https://www.aljazeera.com/news/2018/01/jordan-aid-drop-rukban-border-camp-180108200401410.html>.

however, one border crossing reopened. In October 2018, the important trade port of entry at Naseeb was opened for the first time in three years.⁵⁷ It is unclear whether this heralds a broader opening of the border between the two countries. Prior to the Naseeb border crossing reopening, no new refugees from Syria were able to enter Jordan, and today, Syrians who enter the country through the Naseeb border crossing must obtain a security clearance.⁵⁸ For the last several years, refugees who have attempted to enter Jordan at the still-closed Rukban border crossing have been stranded at an informal refugee camp on the Jordanian-Syrian border, which houses nearly 50,000 Syrian refugees in squalid conditions with no access to humanitarian aid.⁵⁹

57 Jordan and Syria agree to reopen Naseeb border crossing, AlJazeera (Oct. 14, 2018), <https://www.aljazeera.com/news/2018/10/jordan-syria-agree-reopen-naseeb-border-crossing-181014155902193.html>; Suleiman Al-Khalidi & Lisa Barrington, Jordan and Syria reopen Nassib border crossing, Reuters (Oct. 15, 2018), <https://www.reuters.com/article/us-mideast-crisis-syria-jordan/jordan-and-syria-reopen-nassib-border-crossing-idUSKCN1MPOL4>.

58 Abeer Ayyoub, Reopening Syria-Jordan border crossing: An economic lifeline for Amman, Middle East Eye (Oct. 28, 2018), <https://www.middleeasteye.net/columns/reopening-syria-jordan-border-crossing-reflects-improving-relations-1961921853>.

59 2018 Humanitarian Needs Overview: Syrian Arab Republic, OCHA: Humanitarian Response, at 15 (Nov. 21, 2017), https://reliefweb.int/sites/reliefweb.int/files/resources/2018_syr_hno_english.pdf. Humanitarian aid cannot enter the informal “berm” or “Rukban” camp, which the Jordanian government says has been infiltrated by terrorist groups. See Jordan allows one-off aid drop to Rukban border camp, AlJazeera (Jan. 8, 2018), <https://www.aljazeera.com/news/2018/01/jordan-aid-drop-rukban-border-camp-180108200401410.html>.



13 Million
DISPLACED SYRIANS WORLDWIDE

6 Million
INTERNALLY DISPLACED SYRIANS



7 Million
SYRIAN REFUGEES WORLDWIDE

5.6 Million
SYRIAN REFUGEES IN
NEIGHBORING COUNTRIES

**A PROTRACTED
REFUGEE CRISIS
& AN OUTDATED
INTERNATIONAL
LEGAL REGIME**

The international legal regime for refugees is based on the presumption that refugees will be temporarily displaced until it is safe to return to their home countries.⁶⁰ However, the eight year Syrian proxy war, has created a prolonged refugee crisis.⁶¹ Unfortunately, this is not unusual. According to the U.S. Department of State, “[m]ost refugees, in the world today, are in protracted situations,” defined as a crisis where “25,000 or more refugees from the same nationality have been in exile for five or more years in a given asylum country.”⁶² Based on outdated assumptions about the circumstances and longevity of refugee situations, UNHCR’s mandate provides for three durable solutions for refugees: voluntary return to the home country, resettlement to a third country, or local integration into the country of first asylum.⁶³ The Syrian refugee crisis in Jordan demonstrates how these options are unavailable to most Syrian refugees in neighboring countries.⁶⁴

Voluntary return to the home country is the preferred solution by both host countries and refugees,⁶⁵ but under current conditions return is not a viable option.⁶⁶ Even though the Syrian proxy war appears to be winding down in favor of the Assad regime, violence still plagues many parts of the country. Civilians lack access to humanitarian services; bombardments and unexploded devices are an ongoing hazard; and the government continues to violate human rights.⁶⁷ It is unclear how the Syrian government will treat returnees. There are reports of returnees being detained, arrested, tortured and prosecuted by the Syrian government.⁶⁸ Returnees facing forced conscription into the Syrian army or imprisonment for fleeing conscription has caused some families to leave their young sons and brothers behind when they return to Syria.⁶⁹ In addition, many Syrian refugees who lack legal documentation, particularly refugees

60 Paul B. Spiegel, *The Humanitarian System Is not Just Broke, but Broken: Recommendations for Future Humanitarian Action*, *The Lancet* (June 8, 2017).

61 *Dangerous Ground*, supra note 4, at 5.

62 *Protracted Refugee Situations*, U.S. Department of State, <https://www.state.gov/j/prm/policyissues/issues/protracted/> (last visited March 8, 2018).

63 See *Solutions*, UNHCR, <http://www.unhcr.org/en-us/solutions.html> (last visited March 8, 2018); B.C. Nirmal, *UNHCR After Six Decades and Beyond*, 10 *ISIL Y.B. Int’l Human. & Refugee L.* 182, 203 (2010); 3RP 2018-2019 Regional Strategic Overview, supra note 9, at 24. (“While the vast majority of refugees hope to return eventually, surveys and discussions indicate that most believe current conditions are not conducive to restarting their lives in Syria.”).

64 A similar problem exists in other host countries. For more information, see Bidinger, supra note 8, at 22 (overview), 40–43 (Lebanon), 72 (Iraq), 81 & 88 (Egypt); Izza Leghtas and Daniel Sullivan, “Except God, We Have No One”: Lack of Durable Solutions for Non-Syrian Refugees in Turkey, *Refugees International* (Feb. 2017), available at <https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/589cec18e58c62750d54e425/1486679070661/2016.2.8+Turkey.pdf>; Maja Janmyr, *The Legal Status of Syrian Refugees in Lebanon*, *Issam Fares Institute for Public Policy and International Affairs*, American University of Beirut (March 2016), available at http://website.aub.edu.lb/ifi/publications/Documents/working_papers/20160331_Maja_Janmyr.pdf.

65 Nirmal, supra note 63 at 211; *Dangerous Ground*, supra note 4, at 17.

66 UNHCR continues to find that “conditions for refugees to return in safety and dignity are not yet in place in Syria.” See UNHCR seeing significant returns of internally displaced amid Syria’s continuing conflict, UNHCR (June 30, 2017), <http://www.unhcr.org/en-us/news/briefing/2017/6/595612454/unhcr-seeing-significant-returns-internally-displaced-amid-syrias-continuing.html>. See also 3RP 2018-2019 Regional Strategic Overview, supra note 9, at 23 (“As at November 2017, conditions in Syria are not conducive to allow for voluntary return to Syria in safety and dignity. Partners are therefore not planning under the 3RP in 2018 to facilitate or promote return.”).

67 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, *A/HRC/37/72*, at 13–17, 32–37 (Feb. 1, 2018), available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-72_EN.pdf.

68 Sally Hayden, *Arrests and torture of Syrian refugees returning home reported*, *Irish Times* (Mar. 17, 2018), <https://www.irishtimes.com/news/world/middle-east/arrests-and-torture-of-syrian-refugees-returning-home-reported-1.3429762>; Martin Chulov, *‘We can’t go back’: Syria’s refugees fear for their future after war*, *Guardian* (Aug. 30, 2018), <https://www.theguardian.com/world/2018/aug/30/we-cant-go-back-syrias-refugees-fear-for-their-future-after-war>.

69 *Dangerous Ground*, supra note 4, at 13–14.

born in Jordan, cannot return.⁷⁰ Although a political resolution to the conflict is the ideal outcome for displaced Syrians, even if such a resolution is reached soon, it will take years to rebuild Syria to the point where the return of millions of its citizens is a viable option. Accordingly, UNHCR's official position remains "that present conditions in Syria are not conducive for voluntary repatriation in safety and dignity,"⁷¹ and its official coalition response plan does not include any plans to "facilitate or promote return" in 2018.⁷²

UNHCR lists several threshold requirements that must be met for it to facilitate voluntary refugee returns: "1) Legal framework(s), guaranteeing rights of returnees and unhindered access to them and return areas, is in place; 2) There is clear evidence of Protection Thresholds . . . being met in the place(s) of return;⁷³ 3) There is an improvement in conditions in return areas; 4) Refugees actively request support from UNHCR to return, in large numbers."⁷⁴ Because one of these requirements is large-scale requests by refugees for assistance in returning, UNHCR has been conducting surveys of Syrian refugees in the region since early 2017.⁷⁵ The most recent survey found that while 76 percent of Syrian refugees in neighboring countries hoped to return to Syria one day, only four percent planned to return within the year.⁷⁶ While 66,000 Syrian refugees made the choice to return home in 2017, a slight increase from 2016, for each Syrian returnee in 2017, at least three Syrians were newly displaced.⁷⁷

Ongoing displacement, violence, fear of retribution from the government, and widescale destruction all present barriers to return in the near future for the millions of refugees who remain displaced in the region.⁷⁸ The Assad regime's apparent victory presents further uncertainty and potential dangers for returning refugees.⁷⁹ Under these circumstances, it is likely that neighboring host countries will continue to shoulder the costs of this unprecedented refugee crisis for many years to come.⁸⁰

UNHCR recommends resettlement to a third country as the durable solution for refugees who have "particular needs or vulnerabilities in their country of asylum and cannot return to their country of origin."⁸¹

70 Syrian refugees in Jordan, A protection overview, Jordan INGO Forum, at 11–12 (Jan. 2018), available at <https://reliefweb.int/sites/reliefweb.int/files/resources/JIF-ProtectionBrief-2017-Final.pdf>.

71 Comprehensive Protection and Solutions Strategy: Protection Thresholds and Parameters for Refugee Return to Syria, UNHCR, at 2 (Feb. 2018), <https://reliefweb.int/sites/reliefweb.int/files/resources/63223.pdf>.

72 3RP 2018-2019 Regional Strategic Overview, *supra* note 9, at 23.

73 These include a "significant and durable reduction of hostilities," guarantees provided by the Syrian government that returnees will not face harm, the ability of returnees to benefit from full amnesty, and the ability of returnees to access documentation. The full list can be found at in Comprehensive Protection and Solutions Strategy: Protection Thresholds and Parameters for Refugee Return to Syria, UNHCR, at 7–8 (Feb. 2018), <https://reliefweb.int/sites/reliefweb.int/files/resources/63223.pdf>.

74 *Id.* at 2.

75 Fourth Regional Survey on Syrian Refugees' Perceptions and Intentions on Return to Syria (RPIS): Egypt, Iraq, Lebanon, and Jordan, UNHCR, at 6 (July 2018), available at <https://data2.unhcr.org/en/documents/details/66198>.

76 *Id.* at 7–8. The main reasons refugees cited for not being willing to return were "the lack of safety and security in Syria, lack of livelihood opportunities, and adequate housing." *Id.* at 10.

77 Dangerous Ground, *supra* note 4, at 13.

78 See Maha Yahya & Marwan Muasher, Refugee Crises in the Arab World, Ch.: Safeguarding Refugee Rights: Exploring Durable Solutions, Carnegie Endowment for International Peace (Oct. 10, 2018), <https://carnegieendowment.org/2018/10/18/refugee-crises-in-arab-world-pub-77522>.

79 Jason Lemon, Russia Wants Refugees to Return to Syria, But Many Fear for their Safety, Newsweek (Sept. 29, 2018), <https://www.newsweek.com/russia-wants-refugees-return-syria-many-fear-safety-1142525>.

80 For more information about the necessity for a political solution and the return of basic humane living conditions in Syria before safe return of Syrian refugees is possible, see Maha Yahya, Unheard Voices: What Syrian Refugees Need to Return Home, Carnegie Middle East Center (2018), available at https://carnegieendowment.org/files/Yahya_UnheardVoices_INT_final.pdf.

81 Resettlement Data, UNHCR, <http://www.unhcr.org/en-us/resettlement-data.html> (last visited March 8, 2018); see also Nirmal, *supra* note 63 at 206. "When neither voluntary repatriation nor local integration within [the] country of first asylum within an acceptable time frame is possible, resettlement, which entails permanent settlement of a refugee in a country other than the country of the first asylum, becomes the only viable option so far as achievement of durable solutions is concerned." *Id.* at 205–06.

Based on this metric, UNHCR estimated that 1.2 million refugees would meet the criteria for third-country resettlement in 2018, including over half a million Syrian refugees.⁸² However, only a fraction of eligible refugees actually resettle in third countries. The number of resettlement slots is determined by each host country on an entirely voluntary basis. Countries like the United States whose participation in refugee resettlement has traditionally been a mainstay of international refugee resettlement have shrunk their refugee programs.⁸³ UNHCR reported that globally, resettlement slots available to Syrians fell by half in 2017 as compared to 2016.⁸⁴

After terrorist attacks struck Paris in the fall of 2015, anti-refugee rhetoric escalated in Europe and the United States. The political backlash caused many Western nations to decrease or deny entry to Syrian refugees.⁸⁵ In 2017, UNHCR reported a 54 percent decrease in the number of resettlements worldwide, with just 75,188 refugees resettled in 2017 compared to 163,206 in 2016.⁸⁶ This imposes significant economic burdens on countries of first asylum. Countries like Jordan are legally obligated to protect refugees who cross their borders. The principle of non-refoulement, a universal custom of international law, prohibits recipient countries from returning refugees to their country of origin if they would face danger there.⁸⁷ Yet, there is no legal framework for compelling wealthier countries to take on their fair share of the burden by accepting refugees from countries of first asylum for resettlement.⁸⁸ As European countries and the U.S. have become less willing to resettle refugees, they leave neighboring countries like Jordan, Lebanon and Turkey with an outsized responsibility.⁸⁹

The third option for refugee policy is local integration into host countries. The UN's 1951 Convention and 1967 Protocol Relating to the Status of Refugees obligate signatory states, including the U.S., to provide certain legal benefits to refugees within their borders—such as a pathway to citizenship and the right to legally work—that facilitate their full integration into the host country.⁹⁰ However, Jordan is not a signatory to these international treaties. Jordan's legal framework for refugees is instead governed by

82 UNHCR Global Projected Global Resettlement Needs 2018, UNHCR, at 9–10 (June 9, 2017), <http://www.unhcr.org/en-us/protection/resettlement/593a88f27/unhcr-projected-global-resettlement-needs-2018.html>; see also Judith Vonberg, How some European countries are tightening their refugee policies, CNN (Feb. 22, 2017 11:36 AM), <https://www.cnn.com/2017/02/22/europe/europe-refugee-policy/index.html>.

83 Partnership in Resettlement, UNHCR, <http://www.unhcr.org/en-us/partnership-resettlement.html> (last visited March 8, 2018).

84 Comprehensive Protection and Solutions Strategy: A Roadmap to Advance Resettlement and Complementary Pathways in the Syria Crisis, UNHCR, at 4 (Apr. 2018), <https://data2.unhcr.org/en/documents/download/63759>.

85 David Francis, Siobhán O'Grady, Opponents of Syrian Refugee Resettlement Seize on the Paris Attacks, Foreign Policy (Nov. 14, 2015, 4:03 PM), <http://foreignpolicy.com/2015/11/14/opponents-of-syrian-refugee-resettlement-seize-on-the-paris-attacks/>; see also Jesse Marks, Pushing Syrian Refugees to Return, SADA: Carnegie Endowment for International Peace (March 1, 2018), <http://carnegieendowment.org/sada/75684>.

86 Resettlement at a Glance: 2017 in Review, UNHCR (March 5, 2018), <http://www.unhcr.org/en-us/5a9d507f7>.

87 Bidinger, *supra* note 13, 18.

88 See Achiume, *supra* note 13, at 689–90, 704–06. A 1984 UN resolution interpreting the 1951 Convention alludes to the international community's responsibility to support countries of first asylum, but it does so in the context of describing UNHCR's mandate and has not been interpreted as a binding provision of the treaty, enforceable on signatory states. See UN General Assembly, Note on International Protection, A/AC.96/830, 8 (Sept. 7, 1994) (“[I]t falls to the international community as a whole to provide the “international” protection necessary to secure to refugees the enjoyment of these rights.”).

89 See *supra*, notes 12–15 and accompanying text.

90 Convention and Protocol Relating to the Status of Refugees, UNHCR, available at <http://www.unhcr.org/3b-66c2aa10.pdf>; 1951 Convention Relating to the Status of Refugees, Art. 34 (stating that the State of asylum “shall facilitate the naturalization of refugees”); see also, Nirmal, *supra* note 63 at 204 (“It is when naturalization followed by the grant of citizenship of the country of asylum is accompanied by the economic and social integration of refugees on its territory that the process of local integration is completed.”).

a 1998 Memorandum of Understanding (“MOU”) between the Jordanian government and UNHCR.⁹¹ The MOU does not require Jordan to provide refugees with Jordanian citizenship or a right to legally work.⁹² Without a pathway to permanent legal status, refugees in Jordan remain indefinitely marginalized both economically and socially.⁹³

The lack of options for Syrian refugees places them in legal limbo. Unable to return to Syria, find permanent resettlement in a third country, or permanently integrate into the host community through the rights and privileges available to citizens, Syrian refugees are destined for dependency on humanitarian aid and impoverishment. Accordingly, U.S. foreign aid and refugee policy must prioritize investment in host country economies and refugee communities in ways that empower refugees to be working members of society until they can safely return home.

91 Human Rights Report: Jordan, U.S. Department of State, at 20 (2016), <https://www.state.gov/documents/organization/265716.pdf>.

92 Bidinger, *supra* note 8, at 26–27. (“Jordan does not permit permanent integration of refugees. According to Jordan’s Memorandum of Understanding (MoU) with UNHCR, it provides temporary residence for refugees pending a durable solution elsewhere.”).

Turkey and Egypt are parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, while Lebanon, Jordan and Iraq are not. States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, UNHCR, <http://www.unhcr.org/en-us/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html> (last visited April 8, 2018). Iraq and Lebanon, similarly to Jordan, rely on MOU agreements with UNHCR to govern the treatment of refugees, which do not provide for full refugee integration. See George Sadek, *Legal Status of Refugees: Egypt, Jordan, Lebanon, and Iraq*, Library of Congress (Dec. 2013), <https://www.loc.gov/law/help/refugees/legal-status-refugees.php>; see also *Dangerous Ground*, *supra* note 4, at 21. Turkey is a unique case, as it is bound by a 2016 agreement between Turkey and the European Union specifically regarding the Syrian refugee crisis. See *supra* note 13.

93 See *infra* section IV.A.–B. For a chart comparing access to employment for Syrian refugees in the five Middle Eastern host countries, see *Syrian Refugees: U.S. Agencies Conduct Financial Oversight Activities for Humanitarian Assistance but Should Strengthen Monitoring*, Government Accountability Office: Report to Congressional Requesters, at 5–6 (Oct. 2017), <https://www.gao.gov/assets/690/688051.pdf>.

**MIDDLE EAST
COUNTRIES BEAR
THE BRUNT OF
THE SYRIAN
REFUGEE CRISIS**

A

**SYRIAN REFUGEES FACE
GRIM HUMANITARIAN
CONDITIONS**

B

**THE REFUGEE CRISIS IS
EXACERBATING JORDAN'S
ECONOMIC TROUBLES**

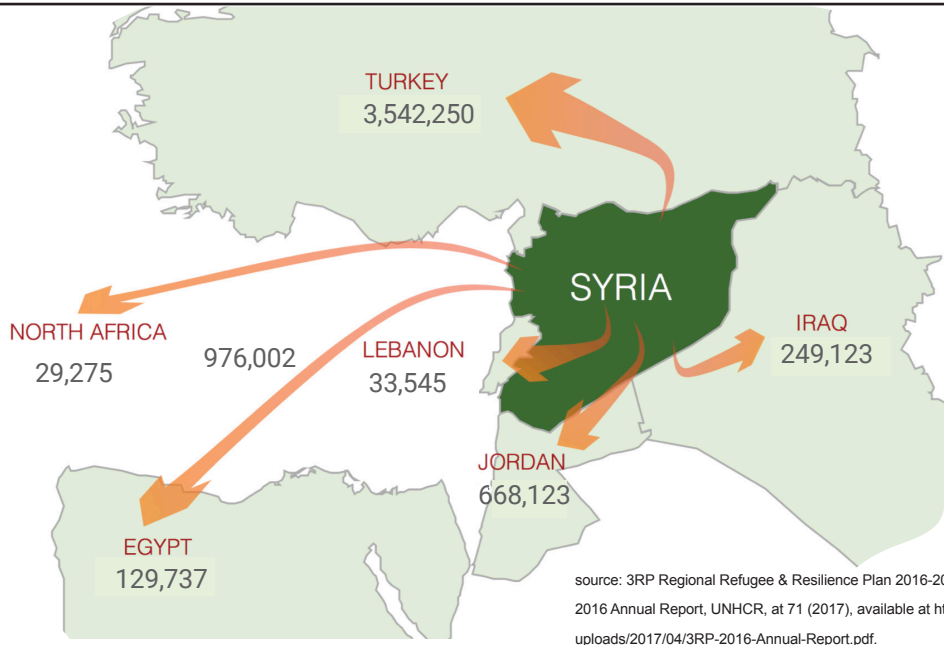
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**SCARCE RESOURCES
AND SOCIAL TENSION**



Most Syrian refugees in neighboring countries live in urban and rural areas among the natives of the host countries.⁹⁴ Only eight percent of the total 5.6 million Syrian refugees in Turkey, Lebanon, Jordan, Iraq and Egypt live in refugee camps.⁹⁵ In Jordan, nearly 80 percent of Syrian refugees live outside of refugee camps, in urban and rural Jordanian communities, while the remaining 20 percent live in refugee camps.⁹⁶

The consequences are threefold: 1) a humanitarian crisis for Syrian refugees, who must compete for public services and limited jobs (most of them without legal authorization) with members of the host community; 2) further pressure on host country economies already strained by longstanding economic problems; and 3) social tensions between refugees, host citizens, and other vulnerable groups within the host country.



5,598,780

Last updated 02 Aug 2018

Source - UNHCR, Government of Turkey

Total Persons of Concern by Country of Asylum

[JSON](#)

Location name	Source	Data date	Population
Turkey	Government of Turkey, UNHCR	2 Aug 2018	63.3% 3,542,250
Lebanon	UNHCR	31 Jul 2018	17.4% 976,002
Jordan	UNHCR	29 Jul 2018	11.9% 668,123
Iraq	UNHCR	31 Jul 2018	4.4% 249,123
Egypt	UNHCR	30 Jun 2018	2.3% 129,737
Other (North Africa)	UNHCR	15 Mar 2018	0.6% 33,545

Operational Portal: Syria Regional Refugee Response, UNHCR, <https://data2.unhcr.org/en/situations/syria>.

94 Because of the negative impacts long-term life in camps can pose for refugees, “UNHCR’s policy is to pursue alternatives to camps, whenever possible, while ensuring that refugees are protected and assisted effectively and are able to achieve solutions.” UNHCR Policy on Alternatives to Camps, UNHCR (July 22, 2017), available at <http://www.refworld.org/docid/5423ded84.html>. See also Paul Collier, Why camps are the wrong way to help today’s refugees, Spectator (Mar. 25, 2017 9:00 AM), <https://www.spectator.co.uk/2017/03/why-camps-are-the-wrong-way-to-help-to-days-refugees/>; Maeve Shearlaw, Are refugee camps the best solution for people fleeing a crisis?, The Guardian (July 25, 2013 6:43 EDT), <https://www.theguardian.com/global-development/2013/jul/25/refugee-camps-solution-people-fleeing-crisis>.

95 Syria Regional Refugee Response, UNHCR, <http://data2.unhcr.org/en/situations/syria> (last visited July 28, 2018).

96 3RP Regional Refugee & Resilience Plan 2017-2018 in Response to the Syria Crisis: 2017 Progress Report, UNHCR, at 35 (2017), <https://data2.unhcr.org/en/documents/download/60340>; Syria Regional Refugee Response: Jordan, UNHCR (last visited July 28, 2018), <https://data2.unhcr.org/en/situations/syria/location/36>

A SYRIAN REFUGEES FACE GRIM HUMANITARIAN CONDITIONS

Syrian refugees in Jordan and other neighboring countries face poverty, a dearth of opportunities to legally work, and barriers to accessing vital services such as education and medical care.⁹⁷ In Lebanon and Turkey, 76 percent and 64 percent of refugees, respectively, live below the poverty line.⁹⁸ In Jordan, 80 percent of the nearly 520,000 Syrian refugees living outside of refugee camps live below the national poverty line of 68 Jordanian Dinar (\$95 USD) per month, compared to 14 percent of the native Jordanian population.⁹⁹ The poverty line itself is deceptively low in a country where the cost of living is high.¹⁰⁰

As the Syrian conflict drags on, refugees' personal resources have been depleted, resulting in poverty, debt, and desperation.¹⁰¹ A 2017 survey of 1,447 urban Syrian refugees in Jordan, conducted by the international humanitarian agency CARE, found that the refugees' expenditures were on average 25 percent higher than their incomes.¹⁰² UNHCR reports that in 2017 over 50 percent of Syrian refugees in Jordan had "poor or borderline food consumption," a dramatic increase from just 19 percent in 2016.¹⁰³ As refugees resort to buying lower quality food due to increased financial pressure, their nutritional health deteriorates at a time when they have minimal, if any, access to health care.¹⁰⁴ Jordan's shortage of affordable housing presents another problem. The CARE Survey found that shelter is a primary need for Syrian refugees in Jordan, with nearly a third of the respondents living in unhygienic housing.¹⁰⁵ Some Syrian refugee families have turned to negative coping mechanisms, such as living with multiple families in a single home, child marriage and child labor, to alleviate the financial strain.¹⁰⁶ Others borrow money from relatives and friends. The CARE survey found that nearly 90 percent of Syrian refugee respondents were in debt.¹⁰⁷

97 3RP 2018-2019 Regional Strategic Overview, *supra* note 9, at 6–7.

98 *Id.* at 33.

99 *Id.* at 7; Jordan, The World Bank, <https://data.worldbank.org/country/jordan> (last visited April 8, 2018); Country Fact Sheet – Jordan, OCHA (Aug. 2012), <https://reliefweb.int/sites/reliefweb.int/files/resources/Jordan.pdf>; Jordan Response Plan for the Syria Crisis 2016-2018, Hashemite Kingdom of Jordan Ministry of Planning and International Cooperation, at 14 (2016), <https://static1.squarespace.com/static/522c2552e4b0d3c39ccd1e00/t/56b9abe107eaa0afdcb35f02/1455008783181/JRP%2B2>.

100 See, e.g., Renad Aljadid, Amman ranked most expensive Arab city, 28th worldwide, Jordan Times (May 29, 2018), <http://jordantimes.com/news/local/amman-ranked-most-expensive-arab-city-28th-worldwide>.

101 3RP 2018-2019 Regional Strategic Overview, *supra* note 9, at 6 ("Many of the refugees have now been in the host country for four or more years and struggle to make ends meet. While the vast majority of Syrian refugees continue to be geographically integrated with host communities in urban, peri-urban and rural areas, they are increasingly vulnerable and face extremely high rates of poverty.").

102 Seven Years Into Exile, Care International in Jordan, at 11 (June 2017), https://www.care-international.org/files/files/publications/7_years_into_exile_CARE_Jordan_Syrian_refugees_Summary.pdf.

103 3RP 2018-2019 Regional Strategic Overview, *supra* note 9, at 32.

104 Seven Years Into Exile, *supra* note 102 at 9.

105 Syrian refugees in Jordan, A protection overview, Jordan INGO Forum, at 7 (Jan. 2018), available at <https://reliefweb.int/sites/reliefweb.int/files/resources/JIF-ProtectionBrief-2017-Final.pdf>; see also Mohammad Ghazal, Is Amman really the most expensive Arab city?, Jordan Times (Apr. 27, 2016), <http://www.jordantimes.com/news/local/amman-really-most-expensive-arab-city> (reporting on Amman's ranking as the most expensive city in the Arab world); Seven Years Into Exile, *supra* note 102 at 16.

106 Seven Years Into Exile, *supra* note 102 at 2; Stephanie Levitz, Funding gap for Syrian refugees manifests in more kids working, marrying: UNICEF, Nanaimo News: The Canadian Press (Aug. 9, 2017), <http://nanaimonewsnow.com/article/545620/funding-gap-syrian-refugees-manifests-more-kids-working-marrying-unicef>.

107 Seven Years Into Exile, *supra* note 102 at 11.

Access to income sufficient to pay the high living costs outside of camps is a major challenge facing Syrian refugees, because opportunities for legal work are scarce. In the five primary regional host countries, unemployment rates for citizens are high, at approximately 12 percent in Egypt, 10 percent in Turkey, 14 percent in Jordan, 16 percent in Iraq and 7 percent in Lebanon.¹⁰⁸ Given this backdrop, access to jobs for Syrian refugees, many of whom lack permission to legally work in these countries, decreases dramatically. Among Syrian refugees living in Jordan, the International Labor Organization (“ILO”) estimated in 2017 that the unemployment rate could be as high as 57 percent.¹⁰⁹ Of the employed Syrian refugees, nearly all work in the large informal sector that accounts for 44 percent of Jordan’s economy.¹¹⁰ Working informally comes with risks of exploitation and below-market pay.¹¹¹ Moreover, refugees caught working illegally can be punished with removal to one of Jordan’s refugee camps or even deportation to Syria.¹¹²

In response to such challenges, the Jordan Compact has provided some Syrians with access to legal work opportunities. This groundbreaking agreement, reached in 2016 between the Jordanian government, the European Union, the UN and other international institutions, granted some Syrian refugees work authorization for the first time.¹¹³ In exchange for issuing 200,000 work permits to Syrian refugees, Jordan receives international development aid, concessional loans and other economic benefits.¹¹⁴ However, the agreement’s success has been limited by built-in restrictions, particularly that permits are available only in a limited number of employment sectors, such as agriculture, construction and manufacturing. These jobs, which have historically been filled by migrant workers of other nationalities, often do not align with the skills or geographic location of Syrian refugees.¹¹⁵ As a result, the Jordan Compact’s work permit program is yet to be fully implemented.¹¹⁶ As of June 2018, the government had issued only 104,000 of the promised 200,000 work permits, however because this number includes renewals, the actual number of Syrians receiving work

108 3RP 2018-2019 Regional Strategic Overview, supra note 9, at 7. Note that official unemployment rates in these countries are normally below the real unemployment rate. See, e.g., Lili, Mottaghi, The Problem of Unemployment in the Middle East and North Africa Explained in Three Charts, The World Bank (Aug. 25, 2014), <http://blogs.worldbank.org/arabvoices/problem-unemployment-middle-east-and-north-africa-explained-three-charts>.

109 Jobs Make the Difference: Expanding Economic Opportunities for Syrian Refugees and Host Communities, United Nations Development Programme (UNDP), the International Labour Organization (ILO) & the World Food Programme (WFP), at 109 (2017), available at <https://www.jobsmakethedifference.org/>.

110 Grant Gordon, Solving the Refugee Employment Problem in Jordan: A Survey of Syrian Refugees, International Rescue Committee, at 12 (April 13, 2017), available at <https://www.rescue.org/report/solving-refugee-employment-problem-jordan-survey-syrian-refugees>.

111 See Jobs Make the Difference, supra note 109, at 39.

112 Jordan: Syrian Refugees Being Summarily Deported, Human Rights Watch, 15–16 (Oct. 2, 2017 12:01 AM), <https://www.hrw.org/news/2017/10/02/jordan-syrian-refugees-being-summarily-deported>; Sally Hayden, Forced back to Syria? Jordan’s unregistered refugees fear deportation, Reuters (Feb. 21, 2017), <https://www.reuters.com/article/us-mideast-crisis-jordan-refugees/forced-back-to-syria-jordans-unregistered-refugees-fear-deportation-idUSKBN161001>.

113 The Jordan Compact: A New Holistic Approach between the Hashemite Kingdom of Jordan and the International Community to deal with the Syrian Refugee Crisis, Supporting Syria & The Region, London Conference (Feb. 4, 2016), available at <https://reliefweb.int/report/jordan/jordan-compact-new-holistic-approach-between-hashemite-kingdom-jordan-and>.

114 Gordon, supra note 110, at 9.

115 Gordon, supra note 110, at 5, 9, 12–20 (outlining some of the causes of the limited success of the work permit program thus far, including the cumbersome and expensive application process, lack of a match between economic opportunities and work permit availability, and other barriers); Jobs Make the Difference, supra note 109, at 95; Victoria Kelberer, The Work Permit Initiative for Syrian Refugees in Jordan: Implications for Policy and Practice, Boston Consortium for Arab Region Studies, at 11 (Feb. 2017), available at <https://www.bu.edu/ioc/files/2017/02/Work-Permit-Initiative-for-Syrian-Refugees-in-Jordan-1.pdf>.

116 Barbelet, supra note 28, at 1–3.

permits is to be believed to be much lower.¹¹⁷ Only four percent of work permits are held by women.¹¹⁸

The Jordanian government has taken important steps in response to some of the unforeseen challenges preventing Syrians from applying for permits in the high numbers anticipated by drafters of the agreement. For instance, Jordan has repeatedly waived work permit fees for Syrians, and removed the requirement that work permits be tied to a single employer in the construction and agriculture sectors where jobs tend to be seasonal and workers often have more than one employer.¹¹⁹ Still, the Jordanian government refuses to expand the employment sectors available to Syrians from fear of angering citizens who perceive Syrians as stealing Jordanian jobs.¹²⁰

Another major challenge is access to education for school-aged children. The children of registered Syrian refugees can attend public schools in Jordan, but the school system is struggling to accommodate the heightened demand. The influx of refugees is overcrowding Jordanian schools, leading to concerns about safety and the quality of education.¹²¹ Despite efforts by the Jordanian government to expand double-shift schools to accommodate refugee children, the rate of Syrian children not attending school was three times higher outside of refugee camps (46 percent) than in the camps (15 percent) during the 2016–2017 school year.¹²² Meanwhile, Syrian refugees trained as teachers cannot help alleviate the shortage of Jordanian teachers because they cannot access work permits for public sector jobs.¹²³ Work authorization coupled with international funding to pay Syrian teachers to work in Jordanian public schools would go a long way towards addressing Syrian children's lack of access to education.

To accommodate the massive influx of refugee children, 209 schools adopted double-shift schedules that serve Jordanian students in the morning and Syrian children in the afternoon.¹²⁴ Although the segregation is driven by necessity, it impedes refugee integration and exacerbates societal tensions, in some cases leading to bullying and harassment of Syrian refugee children.¹²⁵ The double-shift system has a particularly adverse effect on Syrian girls, some of whom do not attend school due to their families' fears

117 Izza Leghtas, *Out of Reach: Legal Work Still Inaccessible to Refugees in Jordan*, Refugees International, at 4 (Sept. 2018), <https://reliefweb.int/sites/reliefweb.int/files/resources/Jordan%2BReport%2B2018%2B-%2B9.10.2018%2B-%2B647%2Bpm.pdf>.

118 Izza Leghtas, *Out of Reach: Legal Work Still Inaccessible to Refugees in Jordan*, Refugees International, at 5 (Sept. 2018), <https://reliefweb.int/sites/reliefweb.int/files/resources/Jordan%2BReport%2B2018%2B-%2B9.10.2018%2B-%2B647%2Bpm.pdf>.

119 *Id.* at 15; *Work Permits and Employment of Syrian Refugees in Jordan: Towards Formalising the Work of Syrian Refugees*, International Labour Organization: Regional Office for Arab States, at 9–10 (June 28, 2017), http://www.ilo.org/beirut/publications/WCMS_559151/lang--en/index.htm.

120 Daniel Howden, Hannah Patchett & Charlotte Alfred, *The Compact Experiment: Push for Refugee Jobs Confronts Reality in Jordan and Lebanon*, News Deeply: Refugees Deeply (Dec. 2017), <http://issues.newsdeeply.com/the-compact-experiment>. For more information on the implementation of the Jordan Compact and a similar agreement in Lebanon, see Daniel Howden, Hannah Patchett & Charlotte Alfred, *The Compact Experiment: Push for Refugee Jobs Confronts Reality in Jordan and Lebanon*, News Deeply: Refugees Deeply (Dec. 2017), <http://issues.newsdeeply.com/the-compact-experiment>.

121 *Jordan Response Plan for the Syria Crisis 2018-2020*, Hashemite Kingdom of Jordan Ministry of Planning and International Cooperation, at 18–19 (2018), available at <http://www.jrpsc.org/>.

122 *Seven Years Into Exile*, *supra* note 102 at 35 (calculating the data for the 2016-2017 academic year).

123 “We’re Afraid For Their Future”: Barriers to Education for Syrian Refugee Children in Jordan, Human Rights Watch, at 6 (Aug. 16, 2016), https://www.hrw.org/sites/default/files/report_pdf/jordan0816web_0.pdf.

124 *Id.* A total of 340 Jordanian schools operated on a double-shift system during the 2016-2017 school year, with most of these schools serving Jordanian students during both shifts. *Fact Sheet – Refugee Education in Jordan*, Queen Rania Foundation, https://www.qrf.org/report/fact-sheet-refugee-education-jordan#_edn14. USAID reported in 2016 that 35 percent of Jordan’s public schools operate on a double shift system. *Jordan, Sector Profile: Education Sector*, USAID (May 2016), <https://www.usaid.gov/sites/default/files/documents/1883/Education%20Sector%20May%202016.pdf>.

125 Barbelet, *supra* note 28, at 3–4.

for their safety walking home after nightfall.¹²⁶ Other barriers to education include high indirect costs for transportation and school supplies.¹²⁷

The lack of access to affordable health care is another serious problem affecting Syrian refugees living outside of refugee camps in Jordan.¹²⁸ Registered Syrian refugees with a valid Ministry of the Interior Service (“Mol”) card can access Jordan’s public health care system, but the cost of many services is prohibitively expensive.¹²⁹ While most Jordanians are insured through the government and receive free public healthcare, the Jordanian government has gradually reduced its subsidies of health coverage for Syrian refugees.¹³⁰

At the beginning of the crisis, Syrian refugees had the same access to free public healthcare as Jordanians, but the government ended this program in 2014 due to a resource shortage.¹³¹ Syrian refugees then began receiving partially subsidized medical care at the same rates as uninsured Jordanians, paying about 35–60 percent of the uninsured, “foreigners” healthcare rate.¹³² Under this pay structure, most basic health services are low-cost, but more complex healthcare services, like C-sections, dialysis or cancer treatments, are too expensive for most refugees. Consequently, 74 percent of Syrian households in Jordan reported cost as the reason they did not receive treatment for chronic illnesses in 2017.¹³³

In 2018, access to affordable healthcare worsened when the Jordanian government announced a reduction in the healthcare subsidy for Syrian refugees. Syrians now pay 80 percent of the foreigner (non-Jordanian) healthcare rate to access the public health system.¹³⁴ Many refugees already relied on international non-governmental organizations (“INGOs”) to fill the gaps in their healthcare access under the more generous subsidy, and now the need is even greater. Yet, as donor fatigue grows and Western nations give less humanitarian aid, INGOs are struggling to meet the demand.¹³⁵

Moreover, Syrian refugees’ mental health care needs are not being met. Mental health illness is prevalent among Syrian refugees, many of whom suffer from elevated levels of post-traumatic stress disorder, identity disorder, and depression related to their wartime experiences.¹³⁶ The stresses of poverty and prolonged displacement also contribute to a psychological strain on refugees. Yet access to mental health care is extremely limited.¹³⁷

126 Seven Years Into Exile, *supra* note 102 at 40.

127 Jordan Response Plan for the Syria Crisis 2018-2020, *supra* note 121, at 55–56.

128 Syrians living in refugee camps are provided access to free healthcare. Jordan: Step Forward, Step Back for Urban Refugees: They Get Legal Status, But Lose Health Subsidies, Human Rights Watch (March 25, 2018), <https://www.hrw.org/news/2018/03/25/jordan-step-forward-step-back-urban-refugees>.

129 Syrian refugees in Jordan, A protection overview, Jordan INGO Forum, at 8 (Jan. 2018), available at <https://reliefweb.int/sites/reliefweb.int/files/resources/JIF-ProtectionBrief-2017-Final.pdf>.

130 Understanding the Mental Health and Psychosocial Needs, and Service Utilization of Syrian Refugees and Jordanian Nationals, International Medical Corps, at 10 (2017), available at <https://data2.unhcr.org/en/documents/download/61302>.

131 Still in Search of Work: Creating Jobs for Syrian Refugees: An Update on the Jordan Compact, International Rescue Committee, at 8 (April 2018), <https://www.rescue.org/sites/default/files/document/2686/stillinsearchofworkjordancompactupdatebriefapril2018.pdf>.

132 Syrian refugees in Jordan, A protection overview, Jordan INGO Forum, at 8 (Jan. 2018), available at <https://reliefweb.int/sites/reliefweb.int/files/resources/JIF-ProtectionBrief-2017-Final.pdf>.

133 *Id.*

134 Still in Search of Work, *supra* note 131, at 8.

135 *Id.*

136 Ibrahim A. Kira, A Threatened Identity: The Mental Health Status of Syrian Refugees in Egypt and Its Etiology, Taylor & Francis Online (Aug. 1, 2017), <http://www.tandfonline.com/doi/full/10.1080/15283488.2017.1340163>.

137 Seven Years Into Exile, *supra* note 102 at 12, 17, 19; Understanding the Mental Health and Psychosocial Needs, and Service Utilization of Syrian Refugees and Jordanian Nationals, International Medical Corps, at 11–12 (2017), available at <https://data2.unhcr.org/en/documents/download/61302>.

The aforementioned challenges apply to refugees legally living within urban areas. The approximately 20 percent of Syrian refugees who live outside of camps without proper documentation have no right to education, work, or healthcare.¹³⁸ In Jordan, when refugees leave a refugee camp without authorization, they are still designated as refugees by UNHCR, but they cannot apply for a MoI card.¹³⁹ As a result, they have no access to public services and other humanitarian assistance. If the government discovers them, they are subject to detention, return to one of the refugee camps, or deportation back to Syria.¹⁴⁰ To its credit, the Jordanian government announced an amnesty program in March 2018 allowing undocumented Syrians living outside of refugee camps to register with the government.¹⁴¹ In October, 2018 the Jordanian Interior Ministry announced it was extending the program until March 31, 2019.¹⁴² The amnesty program affects an estimated 30,000 to 50,000 Syrians, who otherwise could not access humanitarian services, education, and jobs.¹⁴³ Future integration initiatives are needed to ensure all Syrian refugees living in Jordan have the ability to access vital services. The U.S. should continue to support and encourage such initiatives in host countries with large populations of undocumented Syrian refugees.

138 Number as of 2017. *Dangerous Ground*, supra note 4, at 22.

139 See *Securing Status: Syrian refugees and the documentation of legal status, identity, and family relationships in Jordan*, Norwegian Refugee Council, at 8 (Nov. 2016), available at <https://www.nrc.no/globalassets/pdf/reports/securing-status.pdf>. “[T]here is presently no legal way for refugees residing in the camps to leave permanently in order to settle in host communities, save for limited cases approved by the government Humanitarian Committee in the camps, which may include family reunification, medical cases or other vulnerable profiles.” *Syrian refugees in Jordan, A protection overview*, Jordan INGO Forum, at 5–6 (Jan. 2018), available at <https://reliefweb.int/sites/reliefweb.int/files/resources/JIF-ProtectionBrief-2017-Final.pdf>.

140 *Securing Status*, supra note 139, at 4, 30.

141 *Jordan: Step Forward, Step Back for Urban Refugees: They Get Legal Status, But Lose Health Subsidies*, Human Rights Watch (March 25, 2018), <https://www.hrw.org/news/2018/03/25/jordan-step-forward-step-back-urban-refugees>.

142 Meshal El-Fayez, *Rectification of Status Campaign: Extension of the Deadline*, UNHCR (Oct. 16, 2018), <http://www.unhcr.org/jo/10993-rectification-of-status-campaign-extension-of-the-deadline.html>.

143 *Still in Search of Work*, supra note 131, at 9.

46%

OF SYRIAN CHILDREN
WITHOUT ACCESS TO
EDUCATION



Syrian refugee children, climb a water tower to collect some, at Zaatari refugee camp, near the Syrian border, in Mafraq, Jordan. (AP Photo/Muhammed Muheisen)

B | THE REFUGEE CRISIS IS EXACERBATING JORDAN'S ECONOMIC TROUBLES

The large number of Syrian refugees living outside of refugee camps strains host country resources and institutions, particularly where economic problems predated the refugee crisis.¹⁴⁴ Jordan is no exception. Its economy was hit hard by the global financial crisis in 2008 and deteriorating security situation in the subsequent years.¹⁴⁵ Key economic sectors such as exports and tourism have been hurt by the violence in surrounding countries.¹⁴⁶ A cumbersome, ever-changing regulatory environment, coupled with Jordan's small market size, has long hampered the growth of the private sector by hindering business development and discouraging foreign investment.¹⁴⁷ As a result, Jordan's overall economic growth has stagnated for the last several years, hovering at around 2 percent due largely to foreign aid.¹⁴⁸

In 2017, Jordan's national debt reached an unprecedented high of 95 percent of GDP.¹⁴⁹ Much of the debt arises from government subsidies on commodities, such as electricity, water, bread, gas and animal feed.¹⁵⁰ The debt crisis prompted pressure from the International Monetary Fund on Jordan to lift subsidies and impose an income tax. Jordanians objected to these austerity measures through mass street protests in June 2018, resulting in the firing of the Prime Minister and return of energy subsidies.¹⁵¹

Refugees serve as an easy scapegoat for the country's economic woes, and, while far from the sole cause of Jordan's economic troubles, they have had an impact on certain economic sectors in regions of the country with dense refugee populations. For instance, in 2015 the Jordanian government blamed the refugee crisis for a 40 percent increase in water demand, 30 percent increase in youth unemployment, and 300 percent rise in rents in areas with large numbers of Syrian refugees.¹⁵² The government reported an increase in electricity by 34 percent between 2011 and 2015, and attributed this increase to the needs of a burgeoning refugee population, both through individual consumption and commercial consumption in the education and

144 Brian Salant, Top 10 of 2017 – Issue #5: As Displacement Becomes Long-Term, Refugee Hosts Grapple with New Normal, Migration Policy Institute (Dec. 14, 2017), <https://www.migrationpolicy.org/article/top-10-2017-issue-5-displacement-becomes-long-term-refugee-hosts-grapple-new-normal>.

145 Kirk H. Sowell, Slowing Jordan's Slide Into Debt, Carnegie Endowment for International Peace: SADA (March 22, 2018), <http://carnegieendowment.org/sada/75865>; Victoria Kelberer, The Work Permit Initiative for Syrian Refugees in Jordan: Implications for Policy and Practice, Boston Consortium for Arab Region Studies, at 11 (Feb. 2017), available at <https://www.bu.edu/ioc/files/2017/02/Work-Permit-Initiative-for-Syrian-Refugees-in-Jordan-1.pdf>.

146 Jobs Make the Difference, *supra* note 109, at 93.

147 *Id.* at 94; Taylor Luck, Jordan's Syrian Refugee Economic Gamble, Middle East Institute (May 24, 2016), <http://www.mei.edu/content/article/jordan-s-syrian-refugee-economic-gamble>.

148 Sowell, *supra* note 145.

149 Suleiman Al-Khalidi, Austerity to hit Jordan as debt spikes, economy slows, Reuters (Oct. 25, 2017), <https://www.reuters.com/article/jordan-economy/austerity-to-hit-jordan-as-debt-spikes-economy-slows-idUSL8N1N03JV>.

150 Sowell, *supra* note 145; Jordan's Economic Outlook, World Bank (April 2017), <http://pubdocs.worldbank.org/en/996651492266026626/Jordan-MEM2017-ENG.pdf>.

151 Marilia Brocchetto and Kareem Khadder, Jordanians take to the streets to protest austerity measures, CNN.com (June 4, 2018), <https://edition.cnn.com/2018/06/03/middleeast/jordan-anti-austerity-protests>.

152 Jordan Refugee Response Plan for the Syria Crisis 2016-2018, Hashemite Kingdom of Jordan: Ministry of Planning and International Cooperation, at 3 (2015), available at https://reliefweb.int/sites/reliefweb.int/files/resources/JRP16_18_Document-final+draft.pdf.

The influx of non-Jordanian INGO workers in response to the crisis also impacted rising housing costs. For more on this phenomenon, see Liora Sion, The problem with international aid to Palestine, +972 Magazine (Mar. 20, 2018), <https://972mag.com/the-problem-with-international-aid-to-palestine/133930/>.

health sectors.¹⁵³ Insofar as refugees increased the population in Jordan, they can be said to have contributed to Jordan's debt crisis, as they effectively increased the number of consumers receiving unsustainable government subsidies of commodities.¹⁵⁴ To make matters worse, the refugee influx coincided with the 2014 collapse of Jordan's heavily-subsidized energy relationship with Egypt, a devastating blow to a country that imports 96 percent of its energy and ranks as the second most water-poor country in the world.¹⁵⁵

Although the international donor community provides Jordan significant financial support, much of the costs of the Syrian refugee crisis still fall directly on the Jordanian government. The estimated cost of hosting Syrian refugees in 2016 was \$2.5 billion, and the Jordanian government received only \$1.27 billion in foreign aid, producing a \$1.23 billion financial burden.¹⁵⁶

The Jordan Compact attempts to provide sustainable solutions to these complex economic challenges. The Compact includes economic incentives designed to turn the refugee crisis into an opportunity to stimulate Jordan's sluggish economy and respond to the economic woes facing the country as a whole.¹⁵⁷ In exchange for granting Syrians the right to work in limited sectors, the international donor community pledged \$700 million in grants each year for three years, beginning in 2016. Additionally, the international financial community pledged \$1.9 billion in loans at a concessional rate, a major boon for tackling Jordan's massive debt crisis.¹⁵⁸ Finally, the European Union ("EU") promised to provide Jordanian companies located in 18 "Special Economic Zones" with tariff-free access to EU markets, through a relaxation of the EU's Rules of Origin trade agreement, on condition that these firms hire 15% of their workforce from among Syrian refugees.¹⁵⁹ The trade deal is a pilot, with the possibility of expansion to all Jordanian firms once the Jordanian government issues the promised 200,000 work permits.¹⁶⁰

The Jordan Compact has experienced mixed success. The signature work permit program has issued less than half of the pledged 200,000 permits to date.¹⁶¹ Thus far, only four Jordanian companies in the designated economic zones have been able to meet the Syrian hiring requirements necessary to access EU markets; and it took two years for the first shipments of Jordanian products to reach Europe.¹⁶² However, the concessional loans and humanitarian grants have been critical to helping Jordan continue to support its refugee population and begin addressing its debt crisis. Despite its challenges, the Jordan Compact demonstrates how host countries can be incentivized to provide refugees with opportunities to achieve economic sustainability while simultaneously improving the host country's economic outlook.¹⁶³ For these reasons, the United States should replicate the Jordan Compact through bilateral agreements with Jordan and other host countries.

153 The Jordan Response Plan for the Syria Crisis 2017-2019: Executive Summary, Hashemite Kingdom of Jordan Ministry of Planning and International Cooperation, at 8 (2017), available at <http://www.jrpsc.org/>.

154 Alexandra Francis, *Jordan's Refugee Crisis*, Carnegie Endowment for International Peace, at 14 (Sep. 21, 2015), <http://carnegieendowment.org/2015/09/21/jordan-s-refugee-crisis-pub-61338>; Suleiman Al-Khalidi, *Jordan ends bread subsidy, doubling some prices, to help state finances*, Reuters (Jan. 26, 2018), <https://www.reuters.com/article/us-jordan-economy-subsidies-bread/jordan-ends-bread-subsidy-doubling-some-prices-to-help-state-finances-idUSKBN1FF-2CP>.

155 Sowell, *supra* note 145; Jordan Response Plan for the Syria Crisis 2018-2020, *supra* note 121, at 20, 36.

156 Taylor Luck, *Jordan's Syrian Refugee Economic Gamble*, Middle East Institute (May 24, 2016), <http://www.mei.edu/content/article/jordan-s-syrian-refugee-economic-gamble>.

157 Barbelet, *supra* note 28, at 1-3.

158 The Jordan Compact: A New Holistic Approach between the Hashemite Kingdom of Jordan and the International Community to deal with the Syrian Refugee Crisis, Supporting Syria & The Region, London Conference (Feb. 4, 2016), available at <https://reliefweb.int/report/jordan/jordan-compact-new-holistic-approach-between-hashemite-kingdom-jordan-and>.


159 Gordon, *supra* note 110, at 9, n.13; *Jobs Make the Difference*, *supra* note 109, at 94-95.

160 *Jobs Make the Difference*, *supra* note 109, at 94.

161 See *supra* note 117 and accompanying text.

162 *Still in Search of Work*, *supra* note 131, at 9.

163 See Daniel Howden, Hannah Patchett & Charlotte Alfred, *The Compact Experiment: Push for Refugee Jobs Confronts Reality in Jordan and Lebanon*, News Deeply: Refugees Deeply (Dec. 2017), <http://issues.newsdeeply.com/the-compact-experiment>.

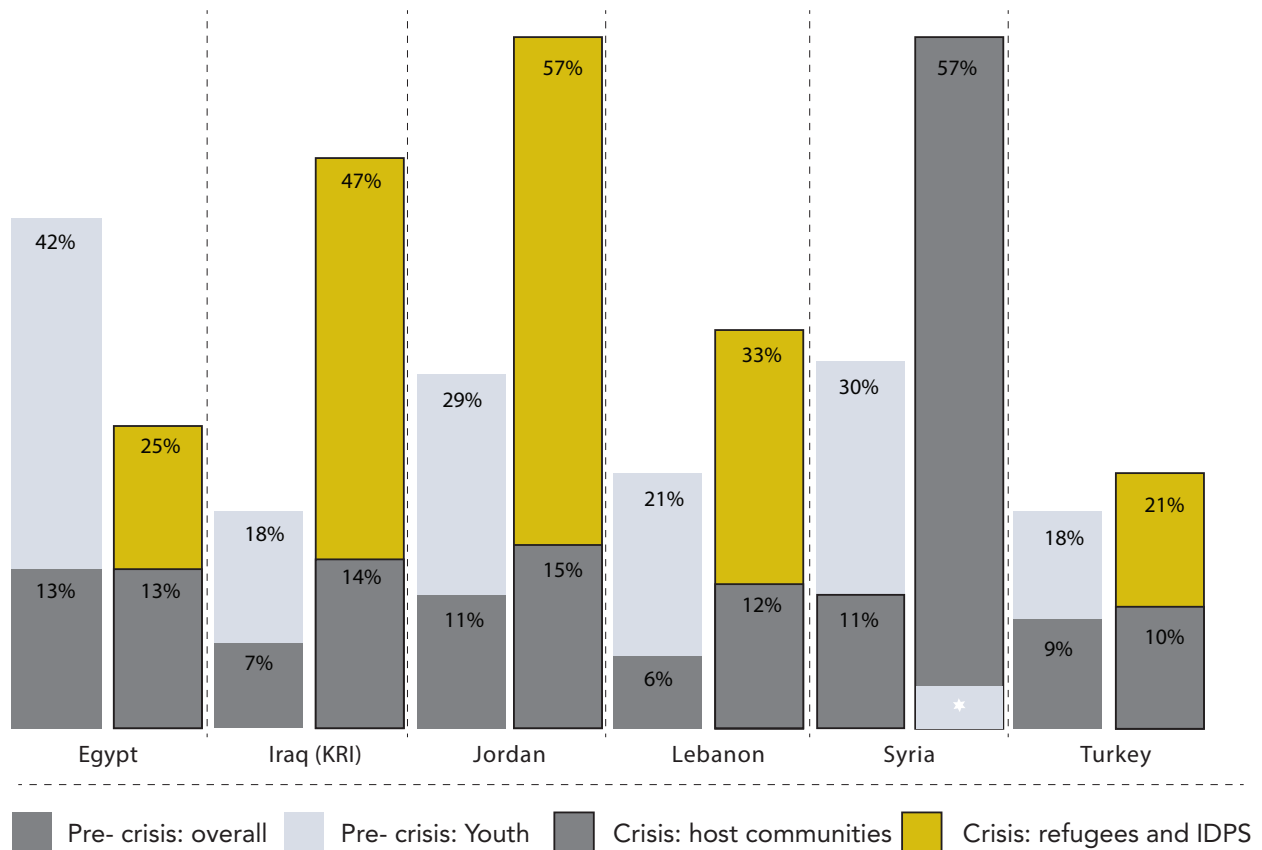


80%
**SYRIAN REFUGEES
IN JORDAN LIVE
OUTSIDE THE CAMPS**



80%
**SYRIAN REFUGEES
IN JORDAN LIVE
UNDER POVERTY LINE**

Figure 1: UNEMPLOYMENT RATES AMONG HOST COMMUNITIES, SYRIAN REFUGEES AND IDPS



Note: Pre-crisis data on host nation unemployment rates are for 2012 for KRI (Rand Corporation 2014) and for 2014 for the remaining Countries (World Bank 2016). Unemployment rates during the crisis are the various years from 2014 to 2016 as described in Appendix C. Available data on unemployment for Syria do not allow disaggregation of host communities as compared to IDPs.

Source: "2017 Jobs Make the Difference - Expanding Economic Opportunities for Syrian Refugees and Host Communities (ILO)", by the United Nations Development Programme (UNDP), the International Labour Organization (ILO) and the World Food Programme (WFP).

C | SCARCE RESOURCES AND SOCIAL TENSIONS

The strain on resources and high levels of unemployment among Jordanians predictably has created social tensions between Syrians and Jordanians.¹⁶⁴ Jordanian unemployment ranges from 40 percent among men aged 15–24 and 30 percent among women and youth.¹⁶⁵ They also have to cope with the rising costs of food, housing and other commodities caused in part by the influx of refugees.¹⁶⁶ Wages are declining for some Jordanian communities due to a flood of refugees in the informal labor market.¹⁶⁷ The financial strain on families is exacerbated by the government’s austerity measures, such as cutting subsidies on commodities like bread and raising taxes.¹⁶⁸

A widespread perception among Jordanians is that Syrian refugees are responsible for the economic hardships facing the country.¹⁶⁹ CARE surveyed 465 vulnerable urban Jordanians, a majority of whom reported that Syrian refugees negatively impacted their lives through higher competition for jobs, affordable housing, and access to medical services.¹⁷⁰ Similarly, a 2015 survey of Jordanians by the International Republican Institute found that 90 percent of Jordanians believed the refugee influx was responsible for two of the most urgent problems facing Jordan: rising costs of living and high unemployment.¹⁷¹ Another 2015 survey, by the ILO and the Fafo Institute for Applied International Studies, found that 95 percent of respondents believed Syrian refugees were taking jobs that would otherwise have gone to Jordanians.¹⁷² In a 2017 survey conducted by the University of Jordan in northern regions of the country with high concentrations of Syrian refugees, 77 percent of respondents stated Syrian refugees were responsible for increasing pressure on the economy and government services.¹⁷³ In the same survey, close to half of respondents said refugees living outside of camps “highly threatens the security and stability of Jordan,” and 59 percent stated they believed an increase in Syrian refugees living in their neighborhood would lead to a decrease in the security of the area.¹⁷⁴

164 Seven Years Into Exile, *supra* note 102 at 14.

165 Gordon, *supra* note 110, at at 9; Jordan Response Plan for the Syria Crisis 2018-2020, *supra* note 121, at 28.

166 Jordan Response Plan for the Syria Crisis 2018-2020, *supra* note 121, at 7, 23–24, 31–32,

167 Gordon, *supra* note 110, at 8.

168 Suleiman Al-Khalidi, Jordan ends bread subsidy, doubling some prices, to help state finances, Reuters (Jan. 26, 2018), <https://www.reuters.com/article/us-jordan-economy-subsidies-bread/jordan-ends-bread-subsidy-doubling-some-prices-to-help-state-finances-idUSKBN1FF2CP>; Suleiman Al-Khalidi, Austerity to hit Jordan as debt spikes, economy slows, Reuters (Oct. 25, 2017), <https://www.reuters.com/article/jordan-economy/austerity-to-hit-jordan-as-debt-spikes-economy-slows-idUSL8N1N03JV>.

169 See Maha Yahya, Unheard Voices: What Syrian Refugees Need to Return Home, Carnegie Middle East Center, at 23–24 (April 16, 2018), https://carnegieendowment.org/files/Yahya_UnheardVoices_INT_final.pdf

170 Seven Years Into Exile, *supra* note 102 at 9, 13, 19.

171 Gordon, *supra* note 110, at 8–9.

172 Victoria Kelberer, The Work Permit Initiative for Syrian Refugees in Jordan: Implications for Policy and Practice, Boston Consortium for Arab Region Studies, at 10 (Feb. 2017), available at <https://www.bu.edu/ioc/files/2017/02/Work-Permit-Initiative-for-Syrian-Refugees-in-Jordan-1.pdf>.

173 Sawsan Tabazah, Jordanians feel less safe since Syrian refugee crisis started — survey, The Jordan Times (Sept. 16, 2017), <http://www.jordantimes.com/news/local/jordanians-feel-less-safe-syrian-refugee-crisis-started-%E2%80%94-survey>.

174 *Id.*

While these tensions have not resulted in widespread violence between refugee and Jordanian communities—as they have in Lebanon¹⁷⁵—the longer the crisis drags on, the more strained community relations become.¹⁷⁶ The Jordanian government thus walks a tightrope, responding to international pressure to provide economic opportunities and services to Syrian refugees while managing the demands of its own citizens to prioritize their needs and avoid the perception that Syrians are being assisted at Jordanians' expense.¹⁷⁷

In addition to Syrian refugees, Jordan hosts large numbers of other refugees, including more than two million registered Palestinian refugees,¹⁷⁸ sixty-three thousand Iraqi refugees, and ten thousand refugees from Sudan, Somalia, and Yemen.¹⁷⁹ These refugee communities make up some of the most vulnerable members of Jordanian society. They face the same dire humanitarian challenges as Syrian refugees but lack an equivalent level of financial support.¹⁸⁰ Many humanitarian aid programs target only Syrian refugees, and international donors often earmark donations specifically for Syrians.¹⁸¹ While UNHCR is underfunded in general,¹⁸² UNHCR programs targeting other refugee nationalities are more severely underfunded than its Syria response programs.¹⁸³ For example, in 2016, UNHCR's response program for Syrian refugees in Jordan was funded at 65 percent of its approximately \$273 million budget. By comparison, its response program for Iraqi refugees in Jordan was funded at just 14 percent of its approximately \$43 million budget.¹⁸⁴ Moreover, the Jordan Compact work permits are available only to Syrian refugees, leaving other refugees with no option but to work in the informal sector where

175 See Maha Yahya, *Unheard Voices: What Syrian Refugees Need to Return Home*, Carnegie Middle East Center, at 18–19 (April 16, 2018), https://carnegieendowment.org/files/Yahya_UnheardVoices_INT_final.pdf; “Our Homes Are Not for Strangers”: Mass Evictions of Syrian Refugees by Lebanese Municipalities, Human Rights Watch, at 13–16, 51–53 (Apr. 20, 2018), <https://www.hrw.org/report/2018/04/20/our-homes-are-not-strangers/mass-evictions-syrian-refugees-lebanese-municipalities>; see also Ruth Sherlock, *In Lebanon, Syrian Refugees Met With Harassment And Hostility*, NPR (Sept. 2, 2017), <https://www.npr.org/sections/parallels/2017/09/02/547906231/in-lebanon-syrian-refugees-met-with-harassment-and-hostility>; Lebanon 2017 Human Rights Report, U.S. Department of State, at 2, 11, 17, 21 (2017), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dclid=277253>; Lebanon: Rising Violence Targets Syrian Refugees, Human Rights Watch, press release (Sept. 30, 2014), <https://www.hrw.org/news/2014/09/30/lebanon-rising-violence-targets-syrian-refugees>.

176 See Maha Yahya, *Unheard Voices: What Syrian Refugees Need to Return Home*, Carnegie Middle East Center, at 13, 18–19, 24 (2018), available at https://carnegieendowment.org/files/Yahya_UnheardVoices_INT_final.pdf.

177 See, e.g., Alexandra Francis, *Jordan's Refugee Crisis*, Carnegie Endowment for International Peace, at 3–4 (Sept. 21 2015), available at <http://carnegieendowment.org/2015/09/21/jordan-s-refugee-crisis-pub-61338>; Daniel Howden, Hannah Patchett & Charlotte Alfred, *The Compact Experiment: Push for Refugee Jobs Confronts Reality in Jordan and Lebanon*, News Deeply: Refugees Deeply (Dec. 2017), <http://issues.newsdeeply.com/the-compact-experiment>.

178 *Where We Work: Jordan*, UNRWA, <https://www.unrwa.org/where-we-work/jordan>, (last visited May 20, 2018)

179 *Seven Years Into Exile*, supra note 102 at 9.

180 See, Omer Karasapan, *Jordan's Syrian Refugee*, Brookings's Institute (Feb. 25, 2015), <https://www.brookings.edu/blog/future-development/2015/02/25/jordans-syrian-refugees/>; Rochelle Davis, Abbie Taylor, Will Todman, Emma Murphy, *Sudanese and Somali Refugees in Jordan Hierarchies of Aid in Protracted Displacement Crises*, Middle East Research and Information Project, <http://www.merip.org/mer/mer279/sudanese-somali-refugees-jordan>.

181 *On the Basis of Nationality: Access to Assistance for Iraqi and Other Asylum-Seekers and Refugees in Jordan*, Mennonite Central Committee, at 20–32 (2017), <https://reliefweb.int/sites/reliefweb.int/files/resources/On%20the%20Basis%20of%20Nationality.pdf>.

182 See, e.g., Nirmal, supra note 63 at 189; Financials, UNHCR, http://reporting.unhcr.org/financial#_ga=2.111418500.1419335041.1510406120-2138774101.1506557966 (last visited May 16, 2018).

183 *On the Basis of Nationality: Access to Assistance for Iraqi and Other Asylum-Seekers and Refugees in Jordan*, Mennonite Central Committee, at 26–27 (2017), <https://reliefweb.int/sites/reliefweb.int/files/resources/On%20the%20Basis%20of%20Nationality.pdf>.

184 *Id.* at 27; *Jordan: 2016 Funding Update as of 27 January 2017*, UNHCR (Jan. 27, 2017), <http://reporting.unhcr.org/sites/default/files/Jordan%20Funding%20Update%2027%20January%202017.pdf>.

they are exploited and underpaid.¹⁸⁵ While Syrians pay 80 percent of the foreigner's rate for healthcare services, non-Syrian refugees receive no subsidy whatsoever.¹⁸⁶

As Western nations—including the U.S.—have all but sealed off their own borders to Syrian refugees, neighboring countries like Jordan are left to cope with an outsized financial, social, and political burden arising from the Syrian refugee crisis. Given ongoing turmoil in Syria, return of these refugees to their homes will not be a viable option in the near future. In light of U.S. interests in promoting peace and stability in the Middle East, U.S. Syrian refugee policies warrant a reassessment. The following recommendations promote U.S. interests in regional stability in the Middle East and ongoing viability of humanitarian assistance to support refugees in conflict zones.

185 Seven Years Into Exile, *supra* note 102 at 24; On the Basis of Nationality: Access to Assistance for Iraqi and Other Asylum-Seekers and Refugees in Jordan, Mennonite Central Committee, at 4 (2017), <https://reliefweb.int/sites/reliefweb.int/files/resources/On%20the%20Basis%20of%20Nationality.pdf>.

186 On the Basis of Nationality: Access to Assistance for Iraqi and Other Asylum-Seekers and Refugees in Jordan, Mennonite Central Committee, at 17–18 (2017), <https://reliefweb.int/sites/reliefweb.int/files/resources/On%20the%20Basis%20of%20Nationality.pdf>.

RECOMMENDATIONS
FOR SUSTAINABLE
U.S. REFUGEE
POLICIES IN THE
MIDDLE EAST

A

**INCREASE U.S. FOREIGN AID
FOR REFUGEE
EMPLOYMENT PROGRAMS**

B

**ESTABLISH BILATERAL
AGREEMENTS MODELED AFTER
THE JORDAN COMPACT**

C

**DISTRIBUTE HUMANITARIAN
AID BASED ON NEED,
NOT NATIONAL ORIGIN**

D

**RAISE U.S. RESETTLEMENT
QUOTAS FOR SYRIAN REFUGEES**

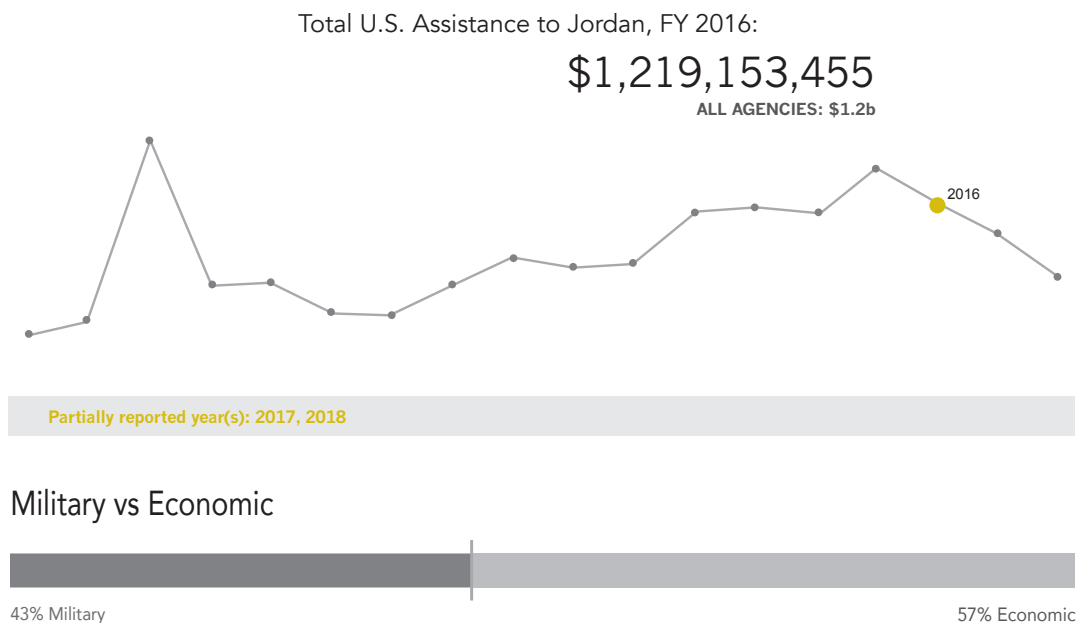


The case study of Jordan offers insights into the ways the Syrian refugee crisis has impacted Middle East host countries that carry the heaviest refugee burden. As such, the following four recommendations prescribe reforms to the United States' Syrian refugee policies in a region whose stability undergirds American regional interests. The recommendations take into account the stated goals of humanitarian aid policy in Jordan articulated by the U.S. Department of State:

(1) enhanced regional and domestic security, particularly vis-a-vis the role Jordan plays in the coalition to counter ISIL and other extremists; (2) equitable economic growth, job creation, and open markets, especially to provide opportunities to young people; and expansion of democracy, good governance, and engaged civil society to ensure Jordan's long-term stability; and (3) humanitarian funding to assist refugees and Jordanian host communities.¹⁸⁷

First, the protracted nature of the Syrian refugee crisis compels that U.S. humanitarian aid be directed towards giving Syrians a means of livelihood rather than merely welfare assistance. Assisting Syrians to become financially independent prevents unsustainable dependency on finite humanitarian funds. Second, the U.S. should enter into bilateral agreements similar to the Jordan Compact with Jordan and other regional host countries that provide economic benefits in exchange for refugee participation in the labor market. Third, U.S. aid should make humanitarian and development assistance available to low-income residents of the host community, regardless of nationality. This promotes social cohesion and prevents community tensions from spilling over into violence. Finally, the U.S. should increase its domestic refugee resettlement ceiling, not only to meet its fair share of global refugee resettlement, but also to lead by example in its dealings with Middle East allies facing internal political pressure to deport refugees to dangerous conditions in Syria.

Figure 1: WHAT IS THE U.S. ALREADY DOING TO HELP?



Source: U.S. Foreign Aid by Country: Jordan, USAID (accessed July 28, 2018), https://explorer.usaid.gov/cd/JOR?fiscal_year=2016&measure=Obligations.

187 Summary: U.S. Assistance to Jordan, U.S. Department of State (Feb. 28, 2017), available at https://www.aclu.org/sites/default/files/field_document/Summary-US-Assistance-to-Jordan-C06138428.pdf.

A | INCREASE U.S. FOREIGN AID FOR REFUGEE EMPLOYMENT PROGRAMS

Given the protracted nature of the Syrian refugee crisis and inability of refugees to safely return home in the near future, the U.S. must support Syrian refugee access to sustainable employment in host countries.¹⁸⁸ Incorporating refugees into the national economy, rather than marginalize them as welfare recipients, stimulates the economy in ways that benefit all residents of the host country.¹⁸⁹ Some of the most successful humanitarian aid programs we observed in Jordan capitalized on refugees' vocational and professional skills.¹⁹⁰ Vocational training and small business development and financing facilitate refugees' economic integration.¹⁹¹ Moreover, investing in the empowerment of Syrian refugees lays the foundation for rebuilding Syria when these refugees are eventually able to safely return home.¹⁹²

Investing in training programs helps refugees acquire skills they can use to financially support themselves. When such programs pay participants during the training period, they also provide short-term livelihoods for Syrians who

desperately need a source of income. A model of one such program is hosted by the Swedish furniture company IKEA.¹⁹³ IKEA gives Syrian refugees and low-income Jordanians an opportunity to work in its Jordan manufacturing center that produces woven rugs, cushions, and other products.¹⁹⁴ The employment is steady and year-round; it compensates workers in amounts equal to or greater than the Jordanian minimum wage; and participants can work from home, making it easier for women with children.¹⁹⁵

IKEA employed 100 employees of mixed Syrian and Jordanian nationality when it began in 2017, and it aims to employ 400 workers by 2020.¹⁹⁶ The IKEA project also sponsors female entrepreneurial training and skills development for refugees relocated to Sweden.¹⁹⁷ By providing employment for Syrians in the short-term, while also training them to acquire new skills for their long-term empowerment and sustainability, the program provides refugees with both an income and a livelihood. Indeed, some participants aspire to start

188 For similar recommendations see *Still in Search of Work*, supra note 131, at 12; *Jobs Make the Difference*, supra note 109, at 75; *Finding a Future: Enhancing Sustainable Livelihoods for Syrian Refugees in Jordan: Perspectives and Policies for Jordan's Resilience, Stability and Development*, UNHCR, at 8–12 (Nov. 2015), https://www.ilo.org/beirut/areasofwork/syrian-refugee-crisis/jordan/WCMS_480915/lang--en/index.htm.

189 Middle East Strategy Task Force: Final Report of the Co-Chairs, Atlantic Council, at 40–41 (2016), available at https://issuu.com/atlanticcouncil/docs/mest_final_report_web_1130.

190 Sune Engel Rasmussen, *Aid Groups Seek Billions to Help Syrian Civilians: The European Union and United Nations host conference in Brussels amid concerns about donor fatigue*, *The Wall Street J.* (April 24, 2018), <https://www.wsj.com/articles/aid-groups-seek-billions-to-help-syrian-civilians-1524569278>.

191 Recent changes to the Jordanian regulatory structure, passed in October 2017, have made it more difficult for Syrians to operate small businesses. Yet this is an important source of revenue in an economy that is dominated by the informal sector, where formal work is scarce, and where refugees often cannot obtain work permits in sectors that align with their skills. See *Still in Search of Work*, supra note 131, at 10–11.

192 See, e.g., *Who Will Rebuild Syria?*, *The Soufan Group* (Apr. 26, 2018), <http://www.soufangroup.com/intel-brief-who-will-rebuild-syria/>.

193 Marcus Fairs, *IKEA aims to take 200,000 people out of poverty in massive social sustainability drive*, *Dezeen* (Apr. 18, 2017), <https://www.dezeen.com/2017/04/18/ikea-massive-social-sustainability-drive-production-centres-refugee-camps-jordan/>.

194 *Id.*

195 *Id.*

196 *Id.*

197 *Id.*

their own businesses in the near future.¹⁹⁸ IKEA's program offers a model of success for American companies to emulate with the assistance of U.S. foreign aid.

Similar programs exist on a smaller scale through local organizations working in Jordan. For example, we met with a nonprofit organization working with both Syrian refugees and Jordanian citizens living in a poor neighborhood of Amman. The organization provided small business development training while teaching participants skills such as sewing and embroidery that could be used to start a small, home-based business. With the assistance of U.S. foreign aid and a bilateral agreement, such local endeavors can be expanded, and local producers could be granted access to U.S. markets to sell their goods. Like the IKEA program, vocational training endeavors must be tailored to the opportunities available in the job market and, ideally, provide direct avenues for employment in the given field.¹⁹⁹

Access to capital is another barrier to opening businesses and sustaining livelihoods.²⁰⁰ Studies demonstrate the potential of microcredit to support the livelihoods of people in displacement settings.²⁰¹ Microfinance is "the provision of financial

services in a sustainable way for micro-entrepreneurs or anyone with low incomes who do not have access to commercial financial services."²⁰² Small businesses provide a critical source of income for Syrian refugees, who otherwise become dependent on dwindling humanitarian aid. Small businesses also have the potential to employ Jordanian citizens. To help refugees overcome barriers to starting their own businesses, the U.S. should fund microfinance programs for Syrian refugees. Although not every Syrian refugee will qualify for a microloan,²⁰³ home-based and small businesses provide male and female refugees in Jordan with income where they would otherwise struggle to support their families or access a formal sector job. Indeed, "[t]he World Bank has identified facilitating home based-businesses as a central avenue for providing Jordanian and Syrian women with livelihood opportunities."²⁰⁴

However, a significant barrier to refugees' participation in the Jordanian economy is restrictive laws in Jordan that make it nearly impossible for Syrian nationals (and all non-Jordanian citizens) to legally register and operate a home-based business.²⁰⁵ These regulations are misguided, both because they cut off a key avenue for the economic

198 One Syrian mother who is part of the program noted that the program has inspired her to start her own boutique someday. Anne Quito, Syrian refugee women are finding shelter—and a salary—in IKEA's supply chain, Quartz (Oct. 13, 2017), <https://qz.com/1098762/ikea-social-entrepreneurs-in-jordan-syrian-refugee-women-are-finding-a-shelter-and-a-salary-in-ikeas-supply-chain/>.

199 Izza Leghtas, Out of Reach: Legal Work Still Inaccessible to Refugees in Jordan, Refugees International, at 20 (Sept. 2018), <https://reliefweb.int/sites/reliefweb.int/files/resources/Jordan%2BReport%2B2018%2B-%2B9.10.2018%2B-%2B647%2Bpm.pdf>.

200 Still in Search of Work, supra note 131 at 11.

201 Id. at 4.

202 Michelle Azorbo, Microfinance and Refugees: Lessons Learned from UNHCR's Experience, UNHCR, 2 (Jan. 2011), <http://www.unhcr.org/en-us/research/working/4d36ed9e9/microfinance-refugees-lessons-learned-unhcrs-experience-michelle-azorbo.html>.

203 "[M]any microcredit interventions are based on the Grameen Bank model. This model advocates that microcredit interventions should not target the poorest of the poor, but rather should target the artisans and traders. These are people who are normally not the most vulnerable, but who have some business expertise and maybe even enough resources to sustain themselves. The most vulnerable are not considered appropriate candidates for microcredit, as their inclusion can undermine the programme's sustainability and increase other participants' vulnerability by exposing them to debt." Id. at 4–5.

204 Izza Leghtas, Out of Reach: Legal Work Still Inaccessible to Refugees in Jordan, Refugees International, at 18 (Sept. 2018), <https://reliefweb.int/sites/reliefweb.int/files/resources/Jordan%2BReport%2B2018%2B-%2B9.10.2018%2B-%2B647%2Bpm.pdf>.

205 Still in Search of Work, supra note 131 at 10–11; Izza Leghtas, Out of Reach: Legal Work Still Inaccessible to Refugees in Jordan, Refugees International, at 18–20 (Sept. 2018), <https://reliefweb.int/sites/reliefweb.int/files/resources/Jordan%2BReport%2B2018%2B-%2B9.10.2018%2B-%2B647%2Bpm.pdf>.

integration of refugees and they cripple Jordan's ability to benefit from refugee entrepreneurship.²⁰⁶ Despite fears that refugees will create competition, studies show that allowing for refugee integration into the host economy creates economic benefits for the whole society.²⁰⁷ Alongside investment in livelihood development and skills training for refugees, therefore, the U.S. should encourage Jordan to lift these restrictions. Home-based businesses are a valuable way for Syrian refugees, particularly women, to integrate into the host economy and avoid falling into the informal sector, where they are vulnerable to exploitation.²⁰⁸ Formal economic integration benefits the Jordanian economy, whereas an underground, informal economy undermines growth and limits opportunities for Jordanians.²⁰⁹

Empowering Syrian refugees to be economically independent in their host nations positively impacts the nation's economy.²¹⁰ Studies show that, in some cases, the money invested in refugees can double within five years.²¹¹ According to the Australian Organisation for Economic Co-

operation and development, refugees provide a net benefit to the community when allowed to fully integrate economically.²¹² In Australia, refugees paid back the government for its investment in their resettlement within twelve years of their integration into the Australian economy, through tax payments and the generation of economic activity.²¹³ This pay back helped fund benefits and social services for all Australians.²¹⁴ Similarly, an unpublished report by the U.S. Department of Health and Human Services found a net positive fiscal impact by refugees in the United States amounting to \$63 billion since 2007.²¹⁵

Investing in Syrian refugees also has positive implications for the future reconstruction of Syria. In 2017, the United Nations and the World Bank estimated it will cost \$200 billion and one generation to rebuild Syria after the war.²¹⁶ According to the World Bank, empowering refugees to become more economically successful in host nations makes them more likely to return to their country of origin to rebuild.²¹⁷ Refugees able to accumulate personal savings during their time of displacement tend to

206 Finding a Future: Enhancing Sustainable Livelihoods for Syrian Refugees in Jordan: Perspectives and Policies for Jordan's Resilience, Stability and Development, UNHCR, at 14 (Nov. 2015), https://www.ilo.org/beirut/areasofwork/syrian-refugee-crisis/jordan/WCMS_480915/lang--en/index.htm.

207 See Philippe Legrain, Refugees Work: A Humanitarian Investment that Yields Economic Dividends, Open Political Economy Network, at 8 (May 2016), http://www.opennetwork.net/wp-content/uploads/2016/05/Tent-Open-Refugees-Work_V13.pdf.

208 Izza Leghtas, Out of Reach: Legal Work Still Inaccessible to Refugees in Jordan, Refugees International, at 4–5 (Sept. 2018), <https://reliefweb.int/sites/reliefweb.int/files/resources/Jordan%2BReport%2B2018%2B-%2B9.10.2018%2B-%2B647%2Bpm.pdf>.

209 Finding a Future: Enhancing Sustainable Livelihoods for Syrian Refugees in Jordan: Perspectives and Policies for Jordan's Resilience, Stability and Development, UNHCR, at 9 (Nov. 2015), https://www.ilo.org/beirut/areasofwork/syrian-refugee-crisis/jordan/WCMS_480915/lang--en/index.htm.

210 Middle East Strategy Task Force: Final Report of the Co-Chairs, Atlantic Council, at 41 (2016), available at https://issuu.com/atlanticcouncil/docs/mest_final_report_web_1130/119.

211 Id.

212 Philippe Legrain, Refugees Work: A Humanitarian Investment that Yields Economic Dividends, Open Political Economy Network, at 8 (May 2016), http://www.opennetwork.net/wp-content/uploads/2016/05/Tent-Open-Refugees-Work_V13.pdf.

213 Id.

214 Id.

215 Julie Hirshfeld Davis and Somini Sengupta, Trump Administration Rejects Study Showing Positive Impact of Refugees, N.Y. Times (Sept. 18, 2017), <https://www.nytimes.com/2017/09/18/us/politics/refugees-revenue-cost-report-trump.html>. Draft of the original report available at <https://www.nytimes.com/interactive/2017/09/19/us/politics/document-Refugee-Report.html>.

216 Who Will Rebuild Syria? The Soufan Group (Apr. 26, 2018), <http://www.soufangroup.com/intelbrief-who-will-rebuild-syria/>.

217 Middle East Strategy Task Force: Final Report of the Co-Chairs, *supra* note 189.

reinvest these savings into rebuilding their home country once it is safe to return.²¹⁸

Finally, all humanitarian projects should be informed by refugees' perspectives and experiences. Involving refugees in leadership and partnership roles maximizes impact because they understand better than anyone the needs of their communities and whether a given intervention will be successful. Programs with a strong presence on the ground, tuned in to the evolving needs of the refugees are the most sustainable.²¹⁹ For example,

one community-based group we interviewed responded to the trend of Syrian families withdrawing their children from school to go to work by offering families daily "wages" for sending their children to school. This innovative response was only possible because of the program's connections to the Syrian refugee community and its ability to learn from the refugees about their most urgent needs and the best ways to meet them.

218 Matthew McGuire, *Banding Together: How the World Bank, Humanitarian Community, and Private Sector Support Refugees*, Atlantic Council: Middle East Strategy Task Force (Oct. 3, 2016), <http://mest.atlanticcouncil.org/banding-together-how-the-world-bank-humanitarian-community-and-private-sector-support-refugees/>.

219 See Barbelet, *supra* note 28, at 6 (recommending that future iterations of compacts like the Jordan Compact make refugees central to the decision-making process early on to ensure the project's sustainability and efficiency).

B | ESTABLISH BILATERAL AGREEMENTS MODELED AFTER THE JORDAN COMPACT

Because conditions in Syria have not met UNHCR's standards for safe return and permanent resettlement options in third countries are scarce, development aid should be targeted at strengthening host countries' economies. However, the absence of a burden-sharing international legal framework leaves neighboring host countries shouldering enormous financial, social and political burdens.²²⁰ U.S. foreign aid policies should take into account the destabilizing effect of this reality and provide economic support to the host countries saddled with the costs of the Syrian refugee crisis.²²¹

Doing so entails entering into bilateral agreements similar to the Jordan Compact with other refugee host nations abroad. Through such agreements, the U.S. can provide economic incentives for countries to promote refugee integration into the host economy. For example, in the Jordan Compact, the EU pledged tariff-free trade to firms that hire a certain percentage of their work force from Syrian refugees. Similar trade incentives could be offered in bilateral agreements between the U.S. and Jordan and other refugee

host countries in the region. The U.S. could grant tax incentives for firms that invest in the growth of the private sector in host countries as a means of encouraging American investment. Bilateral agreements would serve the U.S.'s interests in promoting regional stability, both by putting refugees to work so they can support their families and buttressing struggling regional economies.²²²

Host country development programs and agreements like the Jordan Compact should incorporate refugee perspectives to ensure funds are not wasted on ineffective initiatives. The slow start to the Jordan Compact and its limited success thus far is partly attributable to the absence of refugees in the negotiation and implementation process.²²³ Making refugees a part of the negotiations of future agreements, including prospective bilateral agreements with host countries, helps identify the needs of refugees at an early stage while also taking into account refugees' limitations and capacities.

In addition to trade agreements and tax incentives, humanitarian and development

220 See Achiume, *supra* note 13.

221 See also Alexandra Francis, *Jordan's Refugee Crisis*, Carnegie Endowment for International Peace, at 8 (Sept. 21 2015), available at <http://carnegieendowment.org/2015/09/21/jordan-s-refugee-crisis-pub-61338> ("International donors and humanitarian implementers must provide targeted aid that can strengthen local systems of governance in Jordan, both enabling Jordan to respond to the refugee influx and leaving municipalities more effective in service provision than before the Syrian crisis."); The Jordan Response Plan for the Syria Crisis 2017-2019: Executive Summary, Hashemite Kingdom of Jordan Ministry of Planning and International Cooperation, at 6-7 (2017), available at <http://www.jrpsc.org/> ("[C]urrent humanitarian funding and programming are neither sufficient nor sustainable, thereby requiring a more development-oriented approach to build resilience and reduce Jordan's dependency on humanitarian assistance over time.").

222 Summary: U.S. Assistance to Jordan, U.S. Department of State (Feb. 28, 2017), available at https://www.aclu.org/sites/default/files/field_document/Summary-US-Assistance-to-Jordan-C06138428.pdf. See Alexander Betts & Paul Collier, *Help Refugees Help Themselves: Let Displaced Syrians Join the Labor Market*, *Foreign Affairs Magazine*: Published by the Council on Foreign Relations (Dec. 2015), <https://www.foreignaffairs.com/articles/levant/2015-10-20/help-refugees-help-themselves>.

223 See Barbelet, *supra* note 28, at 5 (discussing how the overall effectiveness of the Jordan Compact might have been improved if it had integrated refugee perspectives in its planning and implementation); Still in Search of Work, *supra* note 131, at 7, 13 (similarly noting that refugee voices are left out of the implementation process of the Jordan Compact, leading to lower success of some initiatives, and recommending increased refugee participation going forward).

aid grants are essential elements of the Jordan Compact. The states and international organizations who are parties to the Jordan Compact conditioned grants on Jordan's commitment to achieving certain goals, such as opening the formal labor market to Syrian refugees and improving access to refugee education. The result was the Jordanian government's creation of a work permit program for Syrian refugees and its expansion of Jordan's double-shift public school system to accommodate refugee children. These positive outcomes for Syrian refugees depend on the continued humanitarian and development aid provided to Jordan.

The U.S. has been a generous donor to Jordan, a key geo-political ally in a region facing multiple security threats. In fiscal year 2016, Jordan received \$1.2 billion in aid from the U.S., of which 43 percent went to military aid and 57 percent to economic or humanitarian aid.²²⁴ That year, Jordan was the sixth highest recipient of USAID funds.²²⁵ Since fiscal year 2012, the Department of State has allocated over \$1.1 billion to meet the needs of Syrian refugees living in Jordan.²²⁶ Despite this generous support, UNHCR's Syrian refugee

response remains chronically underfunded; its Syria response program in Jordan met only 54 percent of its funding goal in 2017.²²⁷

The Trump administration has proposed massive cuts to UNHCR's humanitarian response efforts.²²⁸ This is a devastating blow because U.S. contributions have accounted for about forty percent of UNHCR's budget.²²⁹ Additionally, in August 2018, President Trump abruptly ended all U.S. support of UNRWA, the United Nations Relief and Works Agency for Palestine Refugees, the sole international agency responsible for providing assistance to Palestinian refugees.²³⁰

Given that Jordan hosts some two million refugees from neighboring Palestine, this cripples Jordan's ability to cope with the new influx of Syrians.²³¹ The dire circumstances discussed in this report warrant a reversal of these misguided decisions to withdraw financial support from the international refugee infrastructure. Funding shortfalls of UNHCR's response plan to the Syria crisis in neighboring countries have devastating consequences for Syrian refugees and threaten the stability of a region that host a large Syrian refugee population for many

224 U.S. Foreign Aid By Country: Jordan, USAID, https://explorer.usaid.gov/cd/JOR?fiscal_year=2016&measure=Obligations (last visited Mar. 29, 2018).

225 U.S. Foreign Aid By Agency, USAID, <https://explorer.usaid.gov/agencies> (last visited Mar. 29, 2018).

226 Jeremy M. Sharp, Jordan: Background and U.S. Relations, Congressional Research Service, at 11 (Feb. 16, 2018), <https://fas.org/sgp/crs/mideast/RL33546.pdf>.

227 Regional Refugee & Resilience Plan 2017 Response Update, UNHCR (Feb. 2018), <http://reporting.unhcr.org/sites/default/files/Summary%20on%203RP%202017%20-%20%20February%202018.pdf>.

228 See Groundhog Budget? Despite Growing Dangers Facing America, Budget Request Once Again Calls for Draconian Cuts to International Affairs: Analysis of the Administration's FY19 International Affairs Budget Request, U.S. Global Leadership Coalition (Feb. 12, 2018), <http://www.usglc.org/media/2018/02/USGLC-FY19-Budget-Analysis.pdf> (describing proposed cuts to USAID humanitarian aid funding, development assistance, and international aid organizations in the administration's fiscal year 2019 budget); The President's Budget Request for Refugee and Asylum Services: Fiscal Year (FY) 2019, National Immigration Forum (April 4, 2018), <https://immigrationforum.org/article/presidents-budget-request-refugee-asylum-services-fiscal-year-fy-2019/> (showing the decline in funding for DOS's Bureau of Population, Refugees, and Migration (PRM) as compared to funding during FY 2017); Gabriela Baczynska & Robin Emmott, Syria donors fall short without U.S. aid, warn of cruel end-game, Reuters (April 25, 2018), <https://www.reuters.com/article/us-mideast-crisis-syria-eu/syria-donors-fall-short-without-u-s-aid-warn-of-cruel-end-game-idUSKBN1HW24G> (reporting on the U.S.'s failure to deliver on aid pledges to address the Syria crisis and President Trump's recent "question[ing of] the value of such aid").

229 Jeff Crisp, As the World Abandons Refugees, UNHCR's Constraints Are Exposed, News Deeply (Sept. 13, 2018), <https://www.newsdeeply.com/refugees/community/2018/09/13/as-the-world-abandons-refugees-unhcrs-constraints-are-exposed>; Contributions to UNHCR – 2017, UNHCR (Feb. 14, 2018), <http://www.unhcr.org/5954c4257.html>.

230 Press Statement: On U.S. Assistance to UNRWA, U.S. Department of State (Aug. 31, 2018), <https://www.state.gov/r/pa/prs/ps/2018/08/285648.htm>.

231 Where We Work: Jordan, UNRWA, <https://www.unrwa.org/where-we-work/jordan> (last visited Nov. 15, 2018) (reporting that Jordan is home to some 2 million registered Palestinian refugees); Michael Jansen, Palestinian refugees may suffer terrible toll after US cancels funding, Irish Times (Sept. 3, 2018), <https://www.irishtimes.com/news/world/middle-east/palestinian-refugees-may-suffer-terrible-toll-after-us-cancels-funding-1.3616813>.

years to come.²³²

In sum, beyond monetary aid, the refugee crisis calls for more creative responses to support host nations facing economic problems predating the refugee crisis. As the Syrian refugee crisis drags on, refugee self-sustainability is crucial. The U.S. should support the ongoing implementation of the Jordan Compact and explore ways to apply the lessons learned from this pioneering agreement to other neighboring countries coping

with the Syrian refugee crisis. Creative methods that incentivize host governments to integrate refugees—such as trade agreements, investment in the private sector, and increases in humanitarian and development aid—simultaneously support refugees and host economies. Alongside creative strategies, the U.S. must continue to financially support the international institutions that provide life-saving aid to refugees and the overstretched nations that host them.

232 For more information about the necessity for a political solution and the return of basic humane living conditions in Syria before safe return of Syrian refugees is possible, see Maha Yahya, *Unheard Voices: What Syrian Refugees Need to Return Home*, Carnegie Middle East Center (2018), available at https://carnegieendowment.org/files/Yahya_UnheardVoices_INT_final.pdf.

C | **DISTRIBUTE HUMANITARIAN AID BASED ON NEED, NOT NATIONAL ORIGIN**

Humanitarian and development projects should apply broad need-based eligibility criteria not limited to Syrian refugees.²³³ Granting access to U.S. funded humanitarian programs to Syrian refugees, Jordanian citizens, and other refugee communities reduces societal political tensions and promotes social cohesion.²³⁴

Due to the large influx of Syrian refugees, other refugee groups seeking refuge from conflict—largely from Iraq, Sudan, Yemen and Somalia—have become less visible in Jordan.²³⁵ Although the humanitarian community promotes the principle that assistance is to be provided based on need alone, in Jordan access to assistance is often conditioned on nationality.²³⁶ As a result, tensions arise among the various refugee communities as well as between refugees and Jordanian citizens. To ease these tensions and promote regional stability, U.S. refugee policy should ensure aid programs are available to all who qualify based on need. Indeed, the U.S. State Department has already endorsed this approach and encourages UNHCR to deliver aid based on need and regardless of country of origin.²³⁷

To promote this goal, the U.S. should encourage the government of Jordan to open its pilot

work permit program to refugees of other nationalities. Offer incentives similar to those in the Jordan Compact: relaxed trade restrictions for companies who hire refugees and humanitarian and development aid grants to local government projects that are available to all nationalities. The U.S. should also seek out and fund nongovernmental organizations actively engaging with other refugee nationalities.

Several human rights organizations have called for renewed attention to these other populations, including the Arab Renaissance for Democracy and Development (ARDD-Legal Aid), a Jordan-based NGO whose work supports Somali and Sudanese refugees in Jordan. ARDD has repeatedly warned authorities and humanitarian actors about the “worrying situation of these groups, which . . . are consistently identified as the most vulnerable refugees in the Kingdom.”²³⁸ Providing humanitarian aid based on need to all members of the community, including citizens of the host country, will defuse tensions among refugee groups and between refugees and citizens of the host country. In turn, the U.S. promotes its goal of providing humanitarian aid to refugees and Jordanian host communities alike while also enhancing regional stability.²³⁹

233 See also *On the Basis of Nationality: Access to Assistance for Iraqi and Other Asylum-Seekers and Refugees in Jordan*, Mennonite Central Committee, at 6 (2017), <https://reliefweb.int/sites/reliefweb.int/files/resources/On%20the%20Basis%20of%20Nationality.pdf> (recommending that UN agencies eliminate nationality restrictions on humanitarian funding).

234 See, *Seven Years Into Exile*, *supra* note 102 at 15.

235 Camille Dupire, *Large Influx of Syrians to Jordan Makes Other Refugees Less Visible, Underserved – Experts*, *The Jordan Times* (Feb. 20, 2018), <http://www.jordantimes.com/news/local/large-influx-syrians-jordan-makes-other-refugees-less-visible-underserved—experts>.

236 *On the Basis of Nationality: Access to Assistance for Iraqi and Other Asylum-Seekers and Refugees in Jordan*, Mennonite Central Committee, at 6 (2017), <https://reliefweb.int/sites/reliefweb.int/files/resources/On%20the%20Basis%20of%20Nationality.pdf>.

237 2018-2019 Framework for Cooperation Between the United States Department of State’s Bureau of Population, Refugees and Migration and the Office of the United Nations High Commissioner for Refugees, U.S. Department of State (May 7, 2018), <https://www.state.gov/j/prm/releases/frameworknew/281921.htm>.

238 Camille Dupire, *Large Influx of Syrians to Jordan Makes Other Refugees Less Visible, Underserved – Experts*, *The Jordan Times* (Feb. 20, 2018), <http://www.jordantimes.com/news/local/large-influx-syrians-jordan-makes-other-refugees-less-visible-underserved—experts>.

239 2018-2019 Framework for Cooperation Between the United States Department of State’s Bureau of Population, Refugees and Migration and the Office of the United Nations High Commissioner for Refugees, U.S. Department of



5.6 Million

**SYRIAN REFUGEES IN
NEIGHBORING COUNTRIES**

3,024

**SYRIAN REFUGEES
ADMITTED INTO U.S.
IN 2017**



RAISE U.S. RESETTLEMENT QUOTAS FOR SYRIAN REFUGEES

The United States has effectively closed its borders to Syrian refugees. Under the Trump administration, the United States significantly scaled back its overall domestic refugee resettlement program. The Obama administration increased its total refugee quota, pledging to accept 110,000 refugees in fiscal year 2017 (although only 53,500 refugees were actually resettled).²⁴⁰ But in fiscal year 2018, the Trump administration slashed the refugee quota to a historic low of just 45,000, notwithstanding the historic numbers of refugees in need of resettlement worldwide.²⁴¹ For fiscal year 2019, the U.S. government announced a new record low, setting the refugee ceiling at just 30,000, the

lowest since the program's founding in 1980.²⁴² Only 9,000 of these can be from the "Near East and South Asia" region.²⁴³ The actual number of refugees resettled is even lower than the ceiling, with just 22,491 refugee slots actually filled in fiscal year 2018.²⁴⁴

Policies from the Trump administration have a particularly adverse effect on Syrian refugee resettlement. President Trump's so-called "Muslim Ban"—an executive order restricting immigration from seven countries, five of which are Muslim-majority nations—bars the issuance of visas to enter the United States for most Syrian nationals.²⁴⁵

Although the ban does not apply to refugees,

State (May 7, 2018), <https://www.state.gov/j/prm/releases/frameworknew/281921.htm>; Summary: U.S. Assistance to Jordan, U.S. Department of State (Feb. 28, 2017), available at https://www.aclu.org/sites/default/files/field_document/Summary-US-Assistance-to-Jordan-C06138428.pdf.

240 Jie Zong and Jeanne Batalova, *Refugees and Asylees in the United States*, Migration Policy Institute (Jun. 7, 2017) <https://www.migrationpolicy.org/article/refugees-and-asylees-united-states>; Maya Rhodan, *President Obama: U.S. Will Accept 110,000 Refugees From Around the World*, *Times* (Sep. 20 2016), <http://time.com/4501924/barack-obama-refugee-increase-united-nations/>.

241 *Proposed Refugee Admissions for Fiscal Year 2018*, U.S. Department of State (Oct. 4, 2017), <https://www.state.gov/j/prm/releases/docsforcongress/274613.htm>.

242 Note that although the ceiling was 45,000 refugees for fiscal year 2018, only 22,491 refugees were actually resettled in the U.S. *Summary of Refugee Admissions*, Department of State, Bureau of Population, Refugees, and Migration, Office of Admissions, Refugee Processing Center (last visited Nov. 11, 2018), <http://www.wrapsnet.org/admissions-and-arrivals/>.

243 Julie Hirschfeld Davis, *Trump to Cap Refugees Allowed Into U.S. at 30,000, a Record Low*, *N.Y. Times* (Sept. 17, 2018), <https://www.nytimes.com/2018/09/17/us/politics/trump-refugees-historic-cuts.html>; *Proposed Refugee Admissions for Fiscal Year 2019: Report to Congress*, U.S. Departments of State, Homeland Security & Health and Human Services, at 14 (Sept. 24, 2018), <https://www.state.gov/j/prm/releases/docsforcongress/286157.htm>.

244 *U.S. Annual Refugee Resettlement Ceilings and Number of Refugees Admitted, 1980-Present*, Migration Policy Institute, <https://www.migrationpolicy.org/programs/data-hub/charts/us-annual-refugee-resettlement-ceilings-and-number-refugees-admitted-united>, (last visited Nov. 15, 2018).

245 The executive order suspends the issuance of all immigrant and nonimmigrant visas to Syrian nationals, but waivers are available in some cases. Nevertheless, it remains unclear how often such waivers are granted, with reports that they are granted in just two percent of cases. Rick Gladstone & Satoshi Sugiyama, *Trump's Travel Ban: How It Works and Who Is Affected*, *N.Y. Times* (July 1, 2018), <https://www.nytimes.com/2018/07/01/world/americas/travel-ban-trump-how-it-works.html>; Yeganeh Torbati, *U.S. issued waivers to Trump's travel ban at rate of 2 percent*, data shows, *Reuters* (June 26, 2018), <https://www.reuters.com/article/us-usa-immigration-ban/us-issued-waivers-to-trumps-travel-ban-at-rate-of-2-percent-data-shows-idUSKBN1JN07T>.

For more information about how the ban is being implemented to restrict all immigration from the banned countries, including Syria, and the waiver process, see the following Department of State Q&A obtained by the International Refugee Assistance Project through a Freedom of Information Act request: *Operational Q&As on P.P. 9645 in light of the U.S. Supreme Court orders of December 4, 2017, lifting lower court injunctions and pursuant to guidance in 17 STATE 97682*, U.S. Department of State (Jan. 23, 2018), available at <https://refugeerights.org/wp-content/uploads/2018/09/FOIA-Waiver-Guidance.pdf>.

For more on the Trump administration's attempts to reduce Muslim migration to the U.S. see *Total and Complete*

other immigration pathways to the U.S. from Syria, such as student, family or work visas—what the U.N. would term “complementary pathways” for refugees seeking to migrate to third countries for safety²⁴⁶—are restricted by the order, which took full effect after the U.S. Supreme Court upheld it as constitutional in June 2018.²⁴⁷ Syrian refugees fall under the purview of a separate executive order, issued in October 2017, which mandates heightened screening for refugees from Syria and other countries.²⁴⁸ Within a year of the infamous “Muslim ban” series of executive orders issued in 2017, the number of Muslim refugee admissions to the United States fell by 94%.²⁴⁹

The executive orders and restrictive refugee policies have dramatically decreased the number of Syrian refugees admitted to the U.S. Just 62 Syrian refugees were admitted in fiscal year 2018, in sharp contrast to the 6,557 Syrians resettled in fiscal year 2017, and the more than 12,000 Syrian refugees accepted in fiscal year 2017.²⁵⁰ When compared to the nearly 5.6 million refugees in Turkey, Jordan, Lebanon, Egypt and Iraq, the United States’ resettlement record falls alarmingly short.²⁵¹

Given the scale of the Syrian refugee crisis and the politicization of refugee resettlement,

increasing the U.S.’s resettlement ceiling to a level with a measurable impact on the crisis is neither feasible nor likely. However, accepting more refugees for resettlement, particularly Syrian refugees, sends a message to the world that the U.S. leads by example in seeking to resolve the worst refugee crisis in modern history. If the U.S. continues to be a free rider in an international refugee crisis affecting multiple nations in the Middle East as well as Europe, it erodes interstate cooperation in circumstances when such cooperation is paramount to peace and stability. Such isolationism is not in America’s national interests. There will come a time in the future when the U.S. will appeal to other nations to cooperate in a conflict that disproportionately affects its borders, at which point such appeals could likely fall on deaf ears.

Refusing Syrians the possibility of resettlement also plays into the hands of terrorist groups and human smuggling networks.²⁵² Closing U.S. borders to Syrian refugees in need increases their reliance on smugglers to feed, shelter, and transport them. Smuggling networks that prey upon vulnerable Syrian civilians forced to undertake expensive and risky trips to Europe via the Mediterranean Sea provide a steady stream of

Shutdown: How the Trump Administration is Working to Ban Muslims from the United States, Muslim Advocates, at 7–11 (April 2018), available at <https://www.muslimadvocates.org/muslim-advocates-releases-deep-dive-report-into-trumps-muslim-ban-total-and-complete-shutdown/.pdf>; Sahar F. Aziz, A Muslim Registry: The Precursor to Internment?, 2018 B.Y.U. L. Rev. 101 (2018).

246 Comprehensive Protection and Solutions Strategy: Resettlement and Complementary Pathways, UNHCR, at 7 (Apr. 2018), available at <https://data2.unhcr.org/en/documents/details/63759>.

247 Trump v. Hawaii, 138 S. Ct. 2392 (2018).

248 Hillel R. Smith & Ben Harrington, Overview of “Travel Ban” Litigation and Recent Developments, Congressional Research Service (Apr. 23, 2018), <https://fas.org/sgp/crs/homesec/LSB10017.pdf>. The White House, Presidential Executive Order on Resuming the United States Refugee Admissions Program with Enhanced Vetting Capabilities (Oct 24, 2017), <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-resuming-united-states-refugee-admissions-program-enhanced-vetting-capabilities/>

249 Total and Complete Shutdown: How the Trump Administration is Working to Ban Muslims from the United States, Muslim Advocates, at 14 (April 2018), available at <https://www.muslimadvocates.org/totalandcompleteshutdown/>.

250 The fiscal year ended on Sept. 31, 2018. Nayla Rush, Refugee Resettlement Admissions in FY 2018, Center for Immigration Studies (Oct. 1, 2018), <https://cis.org/Rush/Refugee-Resettlement-Admissions-FY-2018>; Deborah Amos, U.S. Refugee Program ‘In Danger’ Amid Steep Drop In Refugee Arrivals, Advocates Warn, NPR (July 24, 2018), <https://www.npr.org/2018/07/24/630907144/u-s-refugee-program-in-danger-amid-steep-drop-in-refugee-arrivals-advocates-warn>.

251 Syria Regional Refugee Response: Inter-Agency Information Sharing Portal, UNHCR, <http://data.unhcr.org/syrian-refugees/regional.php> (last visited July 28, 2018).

252 Why America Could-and Should-Admit More Syrian Refugees, The Century Foundation, at 18, (December 16, 2015), <https://tcf.org/content/report/why-america-could-and-should-admit-more-syrian-refugees>.

revenue for terrorist and other criminal transnational organizations.²⁵³

The stakeholders we interviewed in Jordan informed us that the tone of the refugee conversation in the U.S. impacts the conversation abroad. Specifically, U.S. refugee policy affects host countries' willingness (or not) to continue hosting the large numbers of refugees within their borders. Many of these host countries, including Jordan, face increasing internal pressure to send the refugees home, a move that would be disastrous given the fragile situation in Syria, not to mention a violation of international law.²⁵⁴ The U.S.'s current anti-refugee policies give regional governments tacit permission to scale back their support of the refugee populations within their borders. By contrast, more tolerant and pluralistic rhetoric, backed by concrete action in higher resettlement numbers and increased humanitarian aid, would demonstrate to regional governments that the U.S. takes seriously each nation's moral and legal obligations in the midst of a global refugee crisis.

America's success has been built by generations of immigrants, including refugees, from all over the world who have invested their labor, skills, and education into the nation's wellbeing. Syrian refugees are no exception. They work, attend school, and benefit the American economy many times over the amount spent on resettlement.²⁵⁵ Increasing the national refugee quota and opening the door to Syrian refugees makes sense given the

U.S.'s interests abroad and its values at home.

The U.S.'s domestic restrictions on refugee resettlement has taken place within the broader context of its withdrawal from leadership in international refugee policy. In December 2017, the U.S. conspicuously announced its withdrawal from negotiations on the UN's anticipated Global Compact for Migration, despite its initial involvement in drafting the document that set the Migration Compact in motion, the New York Declaration for Refugees and Migrants of 2016.²⁵⁶ The final text of the Migration Compact was released in July 2018, without the U.S.'s participation in the drafting process, and is expected to be formally adopted by participating states in December 2018.²⁵⁷ UNHCR has simultaneously developed a Global Compact on Refugees, which also arose from the directives of the N.Y. Declaration. The proposed refugee compact addresses many of the issues raised in this report and calls for a paradigm shift that focuses on easing the burden on host countries, promoting refugee self-sufficiency, and supporting broader third-country resettlement.²⁵⁸ A final text was presented to the UN General Assembly in September 2018 with plans for endorsement by the full Assembly by the end of the year.²⁵⁹

The U.S.'s decision to withdraw support and involvement from these efforts is not only a destabilizing blow to the international support system for refugees; it is also a misguided retreat

253 Id.

254 See, e.g., Jordan: Syrian Refugees Being Summarily Deported, Human Rights Watch (Oct. 2, 2017 12:01 AM), <https://www.hrw.org/news/2017/10/02/jordan-syrian-refugees-being-summarily-deported>.

255 See Department of Health and Human Services unpublished draft report: The Fiscal Costs of the U.S. Refugee Admissions Program at the Federal, State, and Local Levels, from 2005–2014, (July 29, 2017), published by The N.Y. Times (Sept. 19, 2017), at <https://www.nytimes.com/interactive/2017/09/19/us/politics/document-Refugee-Report.html>.

256 Michelle Nichols, U.S. quits talks on global migration pact over sovereignty clash, Reuters (Dec. 3, 2017 12:48 PM), <https://www.reuters.com/article/us-usa-migrants-un/u-s-quits-talks-on-global-migration-pact-over-sovereignty-clash-idUSKBN1DX0Q4>; Colum Lynch, Trump Boycotts U.N. Migration Talks, Foreign Policy (Dec. 2, 2017), <https://foreignpolicy.com/2017/12/02/trump-boycotts-u-n-migration-talks/>.

257 Megan Specia, U.N. Agrees on Migration Pact, but U.S. Is Conspicuously Absent, N.Y. Times (July 13, 2018), <https://www.nytimes.com/2018/07/13/world/europe/united-nations-migration-agreement.html>.

258 Towards a global compact on refugees, UNHCR, <http://www.unhcr.org/towards-a-global-compact-on-refugees.html> (last visited Nov. 15, 2018).

259 Id., Report of the United Nations High Commissioner for Refugees: Part II Global Compact on Refugees, UN General Assembly 73rd Session Official Records (2018), http://www.unhcr.org/gcr/GCR_English.pdf.

from a leadership role in designing the refugee framework of the future. At a time when refugee crises have become a prominent feature of modern life and the old humanitarian regimes developed after World War II, international legal regimes governing refugees are in dire need of updating. Now is not the time to retreat. The U.S. must regain its place as an international leader in promoting refugee resettlement and integration, both through its involvement in reforming the existing refugee framework, and its own participation in the resettlement of refugees domestically. The stability of the future depends on the ability of states to cooperate in dealing with crises like the Syrian refugee crisis, whose ripple effects and volatility are still being felt in the region and around the world.

After eighth years of the Syrian conflict, the urgency remains for U.S. policies to address a mounting humanitarian crisis facing Syrian refugees abroad and the nations that host them. This report has outlined some of the most pressing challenges faced by host nations using the Jordanian case study, including the escalating humanitarian crisis faced by Syrian refugees abroad, the economic pressures crippling host nations, and the rising political tensions within host communities. Against this backdrop, U.S. policies must be responsive to

the evolving nature of the crisis in ways that seek to mitigate the potential for violent conflict and ensure the sustainable use of humanitarian aid funds.

This report calls on policy makers to act in accordance with American values and in furtherance of U.S. interests by implementing four recommendations to reform the U.S.'s Syrian refugee policies. First, U.S. aid should fund programs that empower refugees to be economically independent and integrated into host countries rather than permanently dependent on international aid. Second, the U.S. should increase development aid to Jordan and other neighboring refugee host countries in ways that strengthen both state institutions and the private sector. Third, the U.S. should fund humanitarian projects with broad eligibility criteria not limited to Syrian refugees. Finally, sustainable, targeted aid to countries of first asylum such as Jordan should be prioritized in conjunction with an increase in Syrian refugee resettlement to the U.S. Doing so responds not only to the humanitarian crisis caused by the Syrian war; but also promotes regional stability at a time when all nations have an interest in preventing another global refugee crisis.

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