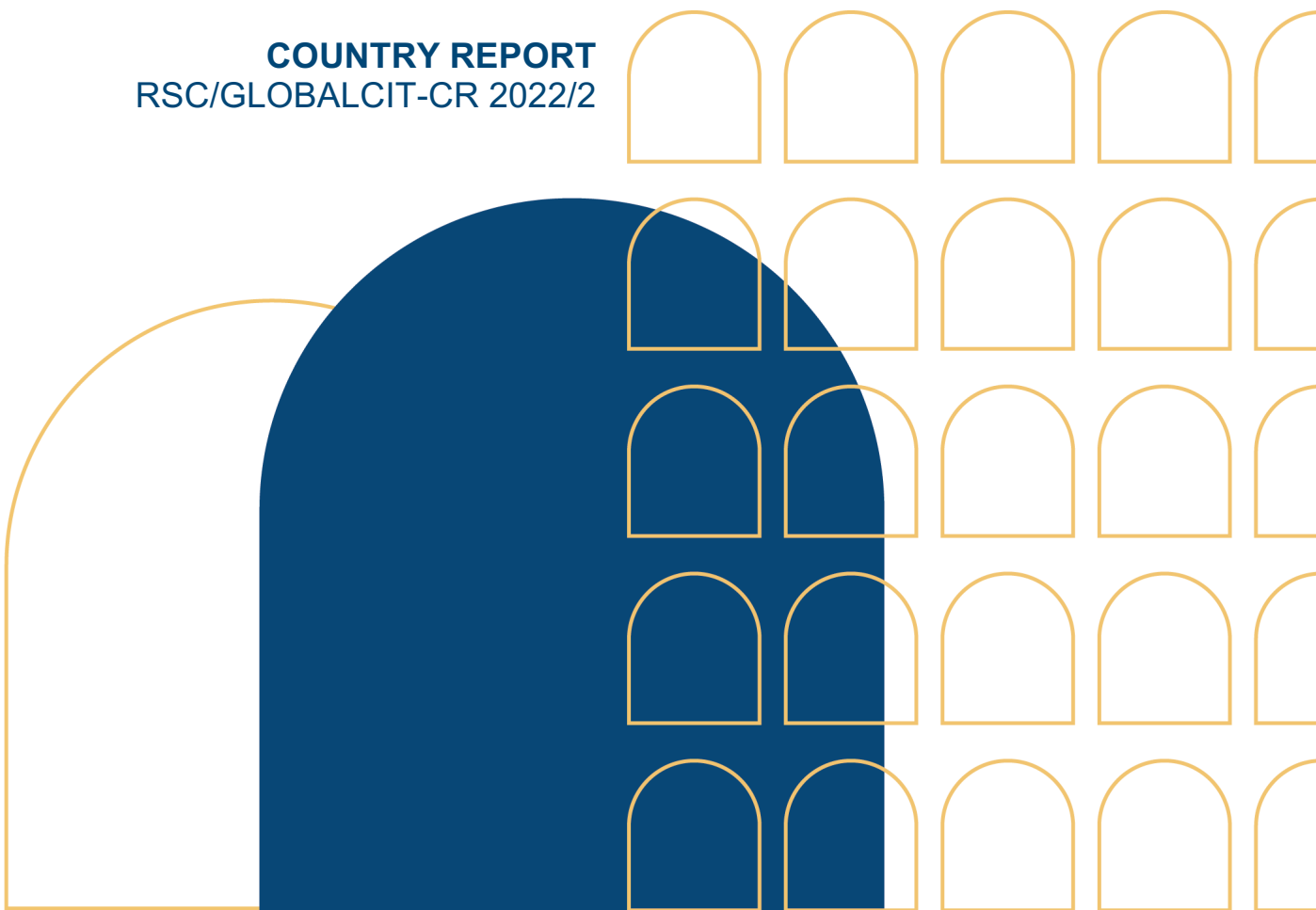


# Report on Citizenship Law: Jordan

Lillian Frost

**COUNTRY REPORT**  
RSC/GLOBALCIT-CR 2022/2



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Global Citizenship Observatory (GLOBALCIT)  
Robert Schuman Centre for Advanced Studies  
in collaboration with Edinburgh University Law School

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# Report on Citizenship Law Jordan

*Lillian Frost*<sup>1</sup>

## 1. Introduction

This report focuses on nationality law in the Hashemite Kingdom of Jordan, with reference to its historical background, evolution, and current context, as well as a description of the modes of acquiring and losing Jordanian nationality. Although the report focuses on the legal evolution and content of citizenship in Jordan, it also highlights important silences and inconsistencies in the law and, where pertinent, unpacks these in relation to the law.

The report examines legal concepts and provisions, which often are not available in English, and even if so, lack an official translation. As such, I rely heavily on my own translation of the legislation based on six years of formal Arabic study,<sup>2</sup> discussions with legal experts,<sup>3</sup> and comparisons across Jordanian legislation.<sup>4</sup> Although I privilege the official and unique wordings of original legal provisions, where possible, I try to align these terminologies with the GLOBALCIT Glossary on Citizenship and Nationality.<sup>5</sup>

The report highlights that citizenship in Jordan is marked by three major issues. These include concerns about the status of Palestinians and uncertainties surrounding the emergence of a Palestinian state, legacies of patriarchal nationality, and authoritarian governance. These issues are at the heart of the evolution of citizenship in Jordan, as well as most debates about nationality law reform.

First, the unresolved question of a Palestinian state, coupled with Jordan's annexation of the Palestinian West Bank between 1948 and 1988, has left definitions of who belongs to

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<sup>1</sup> Department of Political Science, Virginia Tech (email: lfrost@vt.edu). I would like to thank the GLOBALCIT Team for their patient and diligent support, feedback, and editing on this report, particularly Jelena Dzankic, Valentina Bettin, Thomas McGee, and Timothy Jacob-Owens. I also would like to thank Ayman Halaseh, Anna Kvittingen, and Steven Schaaf for their helpful comments on earlier drafts of this report.

<sup>2</sup> This is in addition to experiences studying, visiting, researching, and living in Jordan between 2009 and 2019, totaling to about two years of time in Jordan.

<sup>3</sup> These translations, as well as the report's analysis, also draw from the over 200 interviews I conducted with Jordanian ministers, government officials, lawyers, activists, international development staff, refugees, and others during 14 months of fieldwork in Jordan for my dissertation between 2016 and 2019. Due to the sensitivity of this research, I use anonymized identifiers and broad descriptions of my interviewees. The George Washington University institutional review board approved this research project (#111530). This report also uses data I collected from the U.S. and UK National Archives on (Trans)Jordan's internal politics from 1946–1973. See Frost 2020a, 75–88 for more details on these archival files and interviews. This dissertation research was supported by the Fulbright Program, Council of American Overseas Research Centers, Project on Middle East Political Science, Boston Consortium for Arab Region Studies, George Washington University Institute for Middle East Studies, United States Institute of Peace and Minerva Research Initiative, and Harvard Belfer Center for Science and International Affairs' Middle East Initiative.

<sup>4</sup> I accessed this legislation primarily through the subscription-based Qistas legal database, <<https://qistas.com/>>.

<sup>5</sup> <[http://globalcit.eu/glossary\\_citizenship\\_nationality/](http://globalcit.eu/glossary_citizenship_nationality/)>.

the Jordanian nation-state unsettled and ambiguous. Jordan has rarely changed its nationality law to reflect changes in its Palestinian population; in fact, Jordan has not adopted a new nationality law since 1954, and it has only introduced seven amendments to that law since then. However, Jordan has enacted policy changes through lower levels of legislation. For example, when Jordan disengaged from the West Bank in 1988, it did so through a speech by King Hussein and an accompanying set of implementing “regulations (تعليمات)”.<sup>6</sup> Since 1988, Jordan has not converted these regulations into a law, but officials continue to use them to withdraw Jordanian nationality from citizens of Palestinian descent, who, according to these officials’ interpretations of the disengagement regulations, are Palestinian, not Jordanian.

For over fifty years, Jordan has also hosted Palestinian refugees who were driven out of the Gaza Strip to Jordan’s East Bank after the 1967 war. However, Jordan has not granted any rights in law to this group—whom I refer to as the Gazan refugees<sup>7</sup>—beyond the rights stipulated for noncitizens in the Residence and Foreigners’ Affairs Law. This has been the case despite the Ministry of Interior (MOI) distributing “temporary (مؤقت)” Jordanian passports to Gazan refugees since 1967 (Frost 2020a, 170–71). These ambiguous policies are a central part of citizenship in Jordan, and they highlight the limits of a strict focus on developments in law.

This point raises an important definitional issue. In Jordan, as in other states in the Arab world, people typically use the term “nationality (*jinsiyya* جنسية)” to refer to citizenship in a legal sense, where nationality is equivalent to the possession of legal citizen status (Esber 2020). Specifically in Jordan, nationality is represented by the possession of a “national number (رقم وطني)”<sup>8</sup> and a “family book (دفتر العائلة)”. It remains governed by the 1954 nationality law and its amendments. However, as the example of the Gazans’ temporary passports highlighted, Jordanian passports do not necessarily identify their holders as Jordanian nationals; the government can issue a variety of passports that do not signify nationality.

By contrast, people in Jordan, as in other states in the Arab world, often use the term citizenship (*muwaatina* مواطنة) to describe the broader relationship between the state and its residents (Davis 1995), including the statuses, rights, and loyalties established between the state and a resident group (Frost and Shteiwi 2018). Nationality is one dimension of citizenship, but reducing citizenship to nationality is misleading. This comes across most clearly in how protestors have used the terms citizenship and “citizen (*muwaatin* مواطن)” to demand more inclusive and participatory politics, more dignified lives, and more rights and services from the government (Meijer 2014). Citizenship in this sense is much larger than, though still inclusive

<sup>6</sup> I include terms in Arabic when an Arabic speaker may be interested in the specific word used or might define it slightly differently. I include an English transliteration of words in Arabic only when they are relevant to the analysis at hand for a non-Arabic speaker.

<sup>7</sup> Most of the Gazans are double refugees, who were driven out of their homes, located in what became the State of Israel, to the Gaza Strip during the 1948 Arab-Israeli war, and then from Gaza to Jordan’s East Bank after the 1967 Arab-Israeli war (El-Abed 2006). Following Kvittingen et al. (2019, 19), this category refers to those “displaced *via* Gaza as well as those *from* Gaza” (emphasis in original) who “do not generally have the right to return to the Gaza Strip;” this latter point differentiates them from Gazan migrants that came to Jordan later, outside the context of the 1967 war. The Jordanian government typically refers to the Gazan refugees as the “sons of the Gaza Strip (أبناء قطاع غزة)” to differentiate them from Gazans coming to Jordan in later periods.

<sup>8</sup> The Jordanian government introduced the national number in 1992. Prior to 1992, the family book was the main indicator of nationality. Individual family books and passports also had numbers prior to 1992, and these numbers contained information in them that could allow officials to identify whether that individual had nationality, was a foundling, and was a man or woman. Author correspondence with Ayman Halaseh, Attorney at Law and Professor in Public International Law and Human Rights, June 2021. Civil Status and Passports Department (دائرة الأحوال والجوازات والمدنية), “2017 Annual Report (التقرير السنوي 2017)”, 14 <[https://www.cspd.gov.jo/ebv4.0/root\\_storage/ar/eb\\_list\\_page/%D8%A7%D9%84%D8%AA%D9%82%D8%B1%D9%8A%D8%B1\\_%D8%A7%D9%84%D8%B3%D9%86%D9%88%D9%8A2017.pdf](https://www.cspd.gov.jo/ebv4.0/root_storage/ar/eb_list_page/%D8%A7%D9%84%D8%AA%D9%82%D8%B1%D9%8A%D8%B1_%D8%A7%D9%84%D8%B3%D9%86%D9%88%D9%8A2017.pdf)>.

of, issues surrounding legal citizen status (Frost 2022a). I use these terms, as defined here, throughout the report.

The second defining feature of Jordanian nationality is its basis in patrilineal descent. This means that only men can confer their nationality to their children automatically and extend it to their wives. In addition, until 1987, a female citizen's nationality was connected to that of her father or husband, where women were expected to obtain their husband's nationality if they married a foreigner. These provisions were all based on British nationality law, but, unlike the British, Jordanian officials did not remove all of them. After a series of amendments ending in 1987, Jordan allowed women to keep their original nationality after marrying a foreigner. However, Jordan continues to prevent women from conferring their nationality to their children except under very limited circumstances, and from extending it to their spouses. This issue has been a central focus of citizenship and nationality debates in the past two decades (Frost 2018; Frost 2020b; Frost 2021).

The third defining feature of Jordanian nationality is authoritarian elements in its nationality law and in how the government implements it. Specifically, this law, like most of Jordan's legislation, tends to empower the state rather than those it governs. This occurs through more explicit provisions stipulating the state's rights than those establishing the people's rights as well as through succinct clauses that enable government officials to enforce the law based on opaque implementing regulations and decisions (Frost and Brown 2020; Frost 2022b). Current examples include shifting interpretations of the disengagement regulations, which create additional terms, not specified in the nationality law, under which the government can withdraw a citizen's nationality, as well as Cabinet decisions that create conditions for nationality acquisition, not specified in the nationality law, based on investment.

These three issues—the Palestinian question, patrilineal descent, and authoritarian governance—have structured, and continue to structure, much of the legislation and politics surrounding citizenship and nationality in Jordan. As such, these issues emerge throughout the report. They first come across in the next section, which reviews the evolution of Jordanian nationality over time. Then they appear in the following two sections, which summarize Jordan's current nationality law and debates surrounding nationality, respectively.

## 2. Historical background

### 2.1 Pre-independence and the British Mandate: The roots of Jordanian nationality<sup>9</sup>

In 1921, the British established the Emirate of Transjordan as a protectorate within the British Mandate for Palestine, recognizing Hashemite leader Emir Abdullah as its leader. Abdullah was the second son of Sharif Hussein bin Ali, the Sharif and Emir of Mecca, who, after an agreement with the British, led the Great Arab Revolt against the Ottomans from 1916 to 1918. After this Revolt, Sharif Hussein bin Ali aimed to establish an independent Arab state across the Arabian Peninsula, Greater Syria,<sup>10</sup> and Iraq under his and his descendants' rule. He failed

<sup>9</sup> This section draws from Frost 2020a, 99–109.

<sup>10</sup> Greater Syria essentially refers to the Levant, which covers current day Lebanon, Syria, Israel, Palestine, and Jordan.

to achieve this goal, but ultimately Hashemites were placed on thrones in Iraq and Transjordan, in addition to their existing throne in the Hijaz (in present-day western Saudi Arabia).<sup>11</sup>

Before 1921, the area that became the Emirate of Transjordan was governed under different Ottoman regional jurisdictions. These included regions connected to southern Syria, Palestine, and the northern Hijaz (Massad 2001, 26). This meant, for example, that those from settled areas in northern Transjordan had more similar dialects and kinship networks with people in Syria and northern Palestine than they did with those in southern Transjordan.

In 1922, Transjordan had a population of 225,350, about half of whom were Bedouins with their roots in nomadic clans (العشائر) and tribes (القبائل) (Massad 2001, 56), while the other half were settled peasantry and merchants (Robins 2004, 23). These settled populations included refugees who the Ottoman Empire had resettled in the areas that became Transjordan starting in the mid-nineteenth century. These refugees were primarily Muslims from the Northcentral and Northeast Caucasus, such as Circassians, Chechens, Ossetes, and Daghestanis, who arrived after 1864, as well as Armenian refugees who arrived after 1915 (Hamed-Troyansky 2017). These refugees, particularly the Circassians and Chechens, played a central role in developing Jordan's future capital city, Amman (Hamed-Troyansky 2017). This history highlights the fact that refugees have formed a substantial part of Jordan's population since its origins as a state.

Similar to his father's vision, Emir Abdullah strove to establish an Arab state in Greater Syria that would encompass more than the Transjordanian territory the British had allotted him. His plans for attaining Greater Syria required him to start state-building in the former Ottoman regions, which Ottoman officials had described as "ungovernable" (Abu Odeh 1999, 13), that made up the political entity now known as Transjordan. It also required British "money, military assistance, and goodwill" to transform this territory into a state (Salibi 1998, 98). Indeed, in 1922, British officials had not decided yet if there should be a separate Transjordanian nationality and state or if it should remain under the broader Mandate for Palestine (Massad 2001, 23).

On 15 May 1923, the British made their decision and proclaimed Transjordan an independent entity, though the Transjordanian government was still bound to the British mandate authority in Palestine (Abu Odeh 1999, 15). At the time, Emir Abdullah referred to Transjordan in Arabic as "East of the Jordan" (شرق الأردن) and as the "Territory of the Arab East" (منطقة الشرق العربي) (Massad 2001, 24). These names respectively highlighted the territory he *did* control and the territory he *wanted* to control.

Transjordan as a territorial entity was consolidated in 1925, after northern parts of the Hijaz (e.g., Ma'an and Aqaba) became the southern parts of Transjordan (Massad 2001, 36). At this point, Transjordan comprised the territory east of the Jordan river, now referred to as the "East Bank," that spans 90,000 square kilometers from the port of Aqaba in the south to the Ghor Valley in the north, almost reaching Lake Tiberias, and from the Jordan river in the west to the Syro-Arabian desert in the east (Salibi 1998, 3–5). Figure 1 provides a map of Transjordan during this period.

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<sup>11</sup> Hashemites ruled the Hijaz only until 1925, when King of Najd, Ibn Saud, successfully annexed it. The Hashemite dynasty lasted in Iraq until a brutal coup d'état violently removed them in 1958. The Hashemites remain in power in Transjordan, now known as Jordan, today.

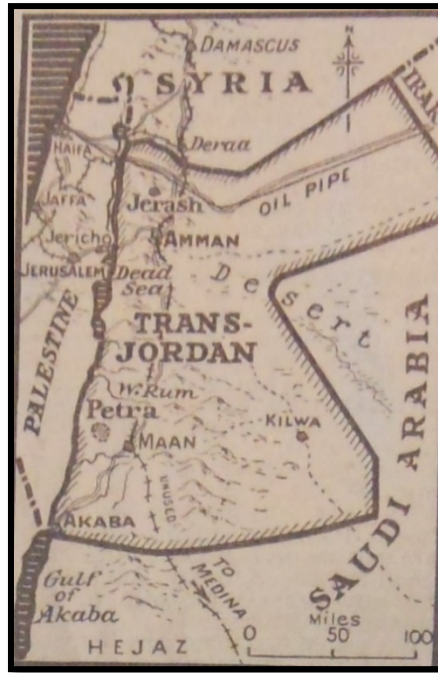


Figure 1: Map of Transjordan<sup>12</sup>

## 2.2 1928 nationality law: The British basis of Jordan's nationality law

However, Transjordan did not enact a nationality law or a constitution until 1928, following the adoption of its first law regulating foreigners in 1927. Before 1928, Transjordanian nationality was governed by the Treaty of Lausanne, which was concluded in 1923 between the Ottoman and World War I Allied forces—and partially derived from British nationality law—but was not enacted until 1924. Prior to that treaty, the 1869 Ottoman nationality law, which borrowed from French and Italian law, governed nationality in Transjordan (Massad 2001, 22). Thus, even before Transjordan's 1928 nationality law, which borrowed clauses verbatim from the British Nationality and Status of Aliens Act of 1914 and its 1918 amendments (Massad 2001, 23), European powers heavily influenced how nationality operated legally in Transjordan.

### 2.2.1 1928 modes of acquisition

The 1928 Transjordan Nationality Law stipulated who was Transjordanian in Articles 1 and 6.<sup>13</sup> Article 1 specified who acquires nationality, stating “All Ottoman subjects (الرعايا)

<sup>12</sup> Letter to the Secretary of State from Raymond A. Hare, 2 March 1946, 1945–49 Central Decimal File, File 890i.01/3-246, The U.S. National Archives College Park. The map, which is included in this archival file, is from a news article on 6 February 1946 by Kenneth Williams in the British *Daily Telegraph*.

<sup>13</sup> "قانون لسنة 1928 قانون جنسية شرق الاردن" تاريخ العدد "01-05-1928" رقم العدد "191"

“Transjordan Nationality Law of 1928,” Issue Date “1 May 1928” Issue Number 191.

In both English and Arabic there is a distinction between Jordan (الأردن) and Transjordan (شرق الأردن). In English, this differentiation also exists for “Jordanians” and “Transjordanians” depending on the time period examined (this is apparent in British translations, as documented in archival files\*). However, in Arabic, the same term is used in legislation for “Jordanians” and “Transjordanians” (الأردنيون). In this report, I use and translate the Arabic



ordinarily residing in Transjordan (شرق الأردن) on the sixth day of August 1924 are considered to have acquired the nationality of Transjordan.”<sup>14</sup> Article 6 described those considered Transjordanian as:

“(A) Any person—wherever born—whose father at the time that person was born was Transjordanian, whether he/she<sup>15</sup> was born in Transjordan or acquired the nationality of Transjordan by naturalization or under the first article of this law.

(B) Every person born in Transjordan who has reached the age of majority and whose father was born in Transjordan and who at the time that person was born was residing regularly in Transjordan, if that person has not acquired any other nationality”.<sup>16</sup>

The 1928 nationality law therefore included as Transjordanian all the refugee and migrant groups that had arrived and settled in Transjordan prior to August 1923. This included groups who were displaced during and in the aftermath of World War I (Massad 2001, 29), as well as those living in the southern parts of Transjordan that had been annexed from the Hijaz in 1925 (Massad 2001, 36). In addition, this nationality law, following British nationality law at the time, established *jus sanguinis a patre*, with nationality passing only through the paternal line.

The 1928 nationality law also specified the conditions for naturalization in Articles 5 and 7. Article 5 stipulated that “every Ottoman born in Transjordan who reached the age of majority and requested on 6 August 1926 or earlier with a written statement (according to what is stipulated later in this law), that he/she become Jordanian, may attain this nationality with the approval of the head supervisor (رئيس النظار)”. This provision is puzzling since the law came into force on 1 May 1928. It is unclear whether this provision applied to previous cases of individuals submitting such written statements (and abiding by the conditions of naturalization) or if it served another purpose, such as classifying groups as Transjordanian based on documents collected from them before August 1926 (e.g., from those living in the areas annexed from the Hijaz in 1925).

Article 7 concerned ordinary naturalization and stated that any person without a “disability (عجز)”—which Article 18 defines as not being a married woman, a person that is a

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term as “Transjordanian” until the country’s official name-change in May 1949, after which I use and translate the Arabic term as “Jordanian.”

\*The British also used the terms Trans-jordan, Transjordan, and Trans-jordanian interchangeably with Transjordanian. Thus, at times, “Transjordan” served as a noun and adjective. Note that in Arabic, the same term is used for Jordanians and Transjordanians (الأردنيون), though there is a difference between Jordan (الأردن) and Transjordan (شرق الأردن).

<sup>14</sup> "قانون لسنة 1928 قانون جنسية شرق الاردن" تاريخ العدد "01-05-1928" رقم العدد "191"

“Transjordan Nationality Law of 1928,” Issue Date “1 May 1928” Issue Number 191.

This Article also specifies that “ordinarily residing” means that the person resided in Transjordan regularly for 12 months before 6 August 1924. 6 August 1924 is also the day the Treaty of Lausanne came into force (after being ratified by Turkey on 23 August 1923 and by all the other signatories by 16 July 1924). This treaty established Turkey’s borders and tacitly accepted the forced population movements leading up to and after the dissolution of the Ottoman Empire.

<sup>15</sup> In Arabic, the use of male pronouns also can be applied to women, similar to an ungendered “one.” Thus, in most cases, the terms “he” or “him” also refer to “she” or “her.” The same is true in the plural, where if there is a mixed-gender group, one would use the male plural pronouns. However, there can be debates about this issue and how precisely to interpret male pronouns in law. When such legal debates have arisen in undertaking this research, I make a note of it; otherwise, I use the inclusive interpretation of “he/him” as also applying to “she/her.”

<sup>16</sup> "قانون لسنة 1928 قانون جنسية شرق الاردن" تاريخ العدد "01-05-1928" رقم العدد "191"

“Transjordan Nationality Law of 1928,” Issue Date “1 May 1928” Issue Number 191.

minor (i.e., under 18), an “insane person (مجنوناً)”, an “imbecile (معتوها)”,<sup>17</sup> or any person who is not competent before the law (which is taken nearly verbatim from the definition of disability provided in Article 27 of the British Nationality and Status of Aliens Act 1914<sup>18</sup>)—and who fulfilled the following conditions could submit a request to the head supervisor (رئيس النظار) to grant him/her a certificate of naturalization with Transjordanian nationality.<sup>19</sup> These conditions included:

- “Regularly residing in Transjordan for two years before the date of the nationality request (unless, as Article 8 stipulated, the Cabinet decided,<sup>20</sup> with the Emir’s approval, to waive this requirement for those who had special circumstances that would serve ‘the public interest’),
- Having good morals (حسن الاخلاق),
- Intending to reside in Transjordan, and
- Knowing the Arabic language”.<sup>21</sup>

Furthermore, Article 9 specified that naturalized citizens would be considered full citizens, stating that “the person who is granted a naturalization certificate is considered Transjordanian in all respects”. Altogether, these conditions, including the definition of having a “disability”, were taken nearly verbatim from the British Nationality and Status of Aliens Act of 1914 (Massad 2001, 38).

Similarly, the terms for spousal transfer of nationality mimicked the British law (Massad 2001, 45). Article 10 states that “the wife of a Transjordanian is Transjordanian, and the wife of a foreigner is a foreigner”. This article adds two exceptions. The first stipulates that a woman who has acquired Transjordanian nationality through marriage has the right to give it up within two years of her husband’s death or the dissolution of the marriage. The second states that a woman who lost her Transjordanian nationality through marriage has the right to retrieve it within two years of her husband’s death or the dissolution of the marriage. Overall, Article

<sup>17</sup> The primary legal difference between an insane person (مجنوناً) and an imbecile (معتوها) is that an insane person constitutes a danger to society, while an imbecile (معتوها) is considered harmless to society. In both cases, the individual would lack legal capacities (Author correspondence with Ayman Halaseh, Attorney at Law and Professor in Public International Law and Human Rights, September 2021).

<sup>18</sup> This Article in Part III of the British Nationality and Status of Aliens Act 1914 (<https://www.legislation.gov.uk/ukpga/Geo5/4-5/17/part/III/enacted?view=plain>) stipulates that: “The expression ‘disability’ means the status of being a married woman, or a minor, lunatic, or idiot.”

<sup>19</sup> "قانون لسنة 1928 قانون جنسية شرق الاردن" تاريخ العدد "01-05-1928" رقم العدد "191"

"Transjordan Nationality Law of 1928," Issue Date "1 May 1928" Issue Number 191.

<sup>20</sup> I use the terms Cabinet and Council of Ministers interchangeably as English translations of “مجلس الوزراء”.

<sup>21</sup> However, Article 3 of the 1929 bylaws (انظمة) regulating Transjordanian nationality also required that those gaining nationality through Article 7 of the 1928 nationality law must take an oath of loyalty to the Emir when they are granted the naturalization certificate, unless their religious beliefs prevent them from taking an oath, in which case, “it is permissible to replace the oath (القسم) with a declaration (الاقرار) and include on the naturalization certificate the copy of the oath or the declaration.”

"نظام لسنة 1929 انظمة الجنسية الاردنية" تاريخ العدد "16-03-1929" رقم العدد "228"

"Transjordanian Nationality Bylaws of 1929," Issue Date "16 March 1929" Issue Number 228.

Likewise, Article 1 of the 1930 supplement (ذيل) to the 1929 bylaws added that if the Prime Minister finds that someone obtained a Transjordanian nationality certificate by false allegations, deception, or concealing fundamental causes, he may, with the approval of the Cabinet, cancel the certificate. Article 2 continues that anyone who does not hand over his or her nationality certificate after conviction is subject to a fine not exceeding 50 Palestinian pounds.

"نظام لسنة 1930 ذيل للأنظمة الصادرة بمقتضى قانون الجنسية الاردنية" تاريخ العدد "06-10-1930" رقم العدد "279"

"Supplement to the Bylaws Issued under the Transjordanian Nationality Law," Issue Date "6 October 1930" Issue Number 279.

10 denationalizes Transjordanian women when they marry foreigners and nationalizes foreign women when they marry Transjordanians, regardless of these women's preferences or choices.

Likewise, Articles 11 and 12, again following British law (Massad 2001, 47), stipulated that minors should have the same nationality as their fathers. Article 11 stated that the minor children of any person who acquired Transjordanian nationality under this law shall be Transjordanian. Article 12 specified that if a person loses Transjordanian nationality, then that person's children also lose this nationality. However, it adds that these children can request its return through a statement arranged within two years of reaching the age of majority (which Article 18 defines as 18 years of age according to the solar calendar). Article 13 nuances these provisions and cautions that if a widowed or divorced foreign woman marries a Transjordanian, then her children, born before this marriage, do not acquire Transjordanian nationality due to the marriage alone.

### 2.2.2 1928 modes of loss

The 1928 nationality law also specifies the conditions under which one could lose Transjordanian nationality. Article 14 lists the acquisition of a foreign nationality as one reason, mimicking British law (Massad 2001, 44), though it also indicates that such an acquisition requires the Cabinet's approval. This highlights the rejection of dual nationality as well as the centralized control over nationality at the time. Article 15 adds that one can lose Transjordanian nationality if one joins the royal or military service of a foreign country without the permission of the government and refuses to leave that service when the government instructs that person to do so. Article 16 also adds that those acquiring Transjordanian nationality according to Article 6 (i.e., by birth) can give up their nationality through a written statement within one year of reaching the age of majority (i.e., age 18).

The 1928 nationality law remained intact without amendments until 1948.<sup>22</sup> This occurred even though Transjordan gained its independence from the British in 1946, becoming the Hashemite Kingdom of Transjordan, and Abdullah's title changed from Emir to King (Salibi 1998, 153).<sup>23</sup> In addition, the 1947 Transjordanian Constitution, which replaced the 1928 Basic Law,<sup>24</sup> similarly stated that "Transjordanian nationality is determined by law".<sup>25</sup>

## 2.3 The 1948 Arab-Israeli War and the emergence of "Jordan" and Jordanian citizenship

In 1948 and 1949, however, the nationality law, as well as conceptions of citizenship in Transjordan, changed dramatically. The first Arab-Israeli war broke out in May 1948 and lasted until March 1949, after three rounds of fighting and two unsuccessful ceasefires. Transjordan

<sup>22</sup> There were, however, bylaws governing details of the law, such as the costs of nationality certificates and naturalization forms to complete, which were issued in 1929 with minor amendments in 1930, 1936, and 1938.

<sup>23</sup> This contextualizes why the 1928 nationality law refers to the Emir rather than the King, such as in Article 8.

<sup>24</sup> "قانون رقم 3 لسنة 1947 الدستور الاردني" تاريخ العدد "01-02-1947" رقم العدد "886"

"Law Number 3 of 1947 – Transjordanian Constitution," Issue Date "1 February 1947" Issue Number 886  
This constitution governed Transjordan/Jordan until the adoption of the current constitution in 1952.

<sup>25</sup> However, the provision governing nationality was in Article 5 of the 1947 constitution, rather than in Article 4 (where it was in the 1928 basic law).

joined the Arab side of the war and successfully annexed much of the territory that is now known as the West Bank during the first phase of fighting in May 1948 (Massad 2001, 229).<sup>26</sup>

Two weeks before the war broke out, the Transjordanian government issued an amendment to the 1928 nationality law. This amendment focused on Article 7 and shifted the official responsible for receiving naturalization applications to the Cabinet rather than “the chief overseer (رئيس النظر)”. It also added that the Cabinet could waive the Arabic language requirement for those wishing to naturalize when “there are special circumstances” that necessitate such non-compliance with the Arabic language condition. These changes may have reflected the presence of British officers in Transjordan’s Arab Legion, particularly with potential increases just before the war began.

### *2.3.1 Transjordan’s annexation of the Palestinian West Bank*

The Arab Legion’s annexation of the West Bank enabled King Abdullah finally to expand his rule beyond Transjordan, but it also tripled his population. In 1945, Transjordan had a population of 476,000, while the West Bank recorded 433,000 residents in 1947.<sup>27</sup> The 1948 war brought over half a million refugees to both banks, with 101,000 refugees registered on the East Bank and 430,000 refugees registered on the West Bank in 1949.<sup>28</sup> Figure 2 depicts the East and West Banks as well as the initial refugee camps established by the League of the Red Cross Societies (LRCS), which along with the International Committee of the Red Cross and the American Friends Service Committee, provided emergency relief before the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) became operational in May 1950.

With this expanded population, King Abdullah needed to gain the support of Palestinians for a union between the East and West Banks. However, gaining Palestinian support would not come easily, particularly with a rival power base in Gaza and Cairo. Amid the war, in September 1948, the Egyptian regime helped to establish, through the Arab League, the All-Palestine Government, which declared its independence after fleeing Gaza for Cairo in December 1948 (Robins 2004, 71). King Abdullah’s long-time rival, Palestinian Arab nationalist leader Hajj Amin al-Husseini, was appointed as that Government’s president.

Given these rival developments, King Abdullah wanted to act quickly to secure a direct appeal from the Palestinians in the West Bank “demanding their annexation” to Jordan (Nevo 1996, 166). This would frame the planned union as a “magnanimous gesture from the throne under pressure from an expectant populace” rather than as “the acquisitive move of an ambitious dynast” (Robins 2004, 71). As such, King Abdullah organized, from behind the scenes, gatherings of Palestinians to demonstrate popular Palestinian interest in the union.

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<sup>26</sup> Until the end of 1949, officials did not speak of this territory as the West Bank. British officials often referred to it as “Arab Palestine,” “Eastern Palestine,” or “the Arab areas of Palestine.” Transjordanian officials described it as “west Jordan,” “the western territory,” or “the western territories” (Massad 2001, 229).

<sup>27</sup> Memorandum from Foreign Office Research Department, 27 October 1949, Foreign Office File 371/75287, File E13020/1081/80, The National Archives of the UK at Kew.

<sup>28</sup> *Ibid.*



Figure 2: Map of the East and West Banks<sup>29</sup>

In addition, the Transjordanian government quickly took steps to include Palestinians in the national community. In February 1949 (a month before the war's end), the government issued a supplemental law, or “addendum (الذيل)”, to the passports law that granted Palestinians access to Transjordanian passports. Article 2 of this supplemental law stated: “No matter what is stated in the second article of the Passports Law No. 5 of 1942, any Arab Palestinian person holding a Palestinian nationality may procure a Transjordanian passport in accordance with the Passports Law No. 5 of 1942”.<sup>30</sup> In addition, Article 3 specified that “The provisions of the aforementioned passport law and the bylaws, regulations, and orders issued according to it shall be applied to persons who obtain passports in accordance with this addendum”.<sup>31</sup>

Then, in May 1949, the Kingdom released an order to change the name of the country to “the Hashemite Kingdom of the Jordan” (rather than the Hashemite Kingdom of Transjordan), implying that the Kingdom served both sides of the Jordan River.<sup>32</sup> In addition, in December 1949, the government adopted a supplemental passports law that removed the

<sup>29</sup> The East Bank is the territory outlined and with orange-yellow coloring to the right of the Jordan River, which is the river connected to the north end of the Dead Sea. The West Bank is the territory outlined and with orange-yellow coloring to the left of the Jordan River.

<sup>30</sup> “قانون رقم 11 لسنة 1949 قانون ذيل قانون جوازات السفر” تاريخ العدد “14-02-1949” رقم العدد “970”

“Law Number 11 of 1949 – Supplementary Law of the Passports Law,” Issue Date “14 February 1949” Issue Number 970

<sup>31</sup> Ibid.

<sup>32</sup> Jordan: Annual Review for 1949 from Sir. A. Kirkbride in Amman, 13 January 1950, Foreign Office File FO 371/82702, File ET1011/1, The National Archives of the UK at Kew. This is the specific name Kirkbride instructed the Foreign Office to use. However, as Joseph Massad (2001) points out, a more accurate translation of the Arabic name “المملكة الأردنية الهاشمية” is the Hashemite Jordanian Kingdom. Likewise, the accepted official name today is the Hashemite Kingdom of Jordan.

international border between the East and West Banks. Article 2 of this law stated: “The provisions of the first paragraph of Article 8 of the passports law<sup>33</sup> shall not be applied in relation to the movement between the eastern and western banks of Jordan”.<sup>34</sup> This meant that those entering the East Bank from the West Bank, unlike from the East Bank’s other borders, did not require a passport.

Next, twenty days after the supplemental passports law, the Jordanian government adopted an additional nationality law that formalized Palestinian access to nationality.<sup>35</sup> Article 2 of this law states: “All regular residents upon the implementation of this law in Transjordan or in the western region that is administered by the Hashemite Kingdom of Jordan who hold Palestinian nationality are considered to have acquired Jordanian nationality, and they enjoy all the rights of Jordanians and bear their duties”.<sup>36</sup> Thus, this additional law nationalized all Palestinian refugees and residents on the East or West Bank as full Jordanian citizens. This nationalization in turn enabled plans to move forward to hold elections on both banks in April 1950. In these elections, all Palestinians and Transjordanians, as Jordanian citizens, could vote and run for office in the House of Deputies.<sup>37</sup> The ultimate goal of holding these elections and establishing a new legislature was for Palestinians and Transjordanians<sup>38</sup> to vote in favor of a union between the East and West Banks, thereby legitimizing King Abdullah’s annexation of the West Bank.

### 2.3.2 *The 1950 unification of the East and West Banks as Jordan*

On April 24, 1950, the Jordanian Parliament convened for the first time to discuss the unification of the East and West Banks. Most historical accounts describe the parliament unanimously voting in favor of the unification, after which the parliamentarians marched to the Palace to obtain the King’s signature (Abu Odeh 1999; Robins 2004; Salibi 1998). However, U.S. reports from the American Consul General in Jerusalem, Raleigh A. Gibson, suggest a more convoluted process:

“According to Palestinian deputies, the unification act was passed, however, in [a] strange manner when a vote to defer disunion was defeated and the Mejlis [House] adjourned. The deputies from Palestine who opposed immediate unification voted for the proposal to defer disunion. However, no actual vote was taken on unification, as the bill was immediately presented to the King for signature on the basis that a majority vote against further disunion was sufficient for passage. Present feeling among supporters of the ‘opposition bloc’ is one of discouragement and realization that the struggle for concrete constitutional

<sup>33</sup> Article 8 of the 1942 passports law requires that every person entering Transjordan from any other country must have a passport or other applicable document unless the Emir stipulates otherwise.

"قانون رقم 5 لسنة 1942 قانون جوازات السفر وتعديلاته" تاريخ العدد "09-03-1942" رقم العدد "734"

"Law Number 5 of 1942 – Passports Law and Its Amendments," Issue Date "9 March 1942" Issue Number 734

<sup>34</sup> "قانون رقم 50 لسنة 1949 ذيل قانون جوازات السفر" تاريخ العدد "01-12-1949" رقم العدد "1002"

"Law Number 50 of 1949 – Addendum to the Passports Law," Issue Date "1 December 1949" Issue Number 1002

<sup>35</sup> "قانون رقم 56 لسنة 1949 - قانون اضافي لقانون الجنسية" تاريخ العدد "20-12-1949" رقم العدد "1004"

"Law Number 56 of 1949 – Additional Law for the Nationality Law," Issue Date "20 December 1949" Issue Number 1004

<sup>36</sup> Ibid.

<sup>37</sup> Amman Despatch No. 91 from Sir. A. Kirkbride, 12 December 1949, Foreign Office File FO 371/75277, File E15075/10111/80, The National Archives of the UK at Kew.

<sup>38</sup> I use the term “Transjordanian” to refer to the citizens of Transjordan prior to the 1948 war; as such, this definition is not limited only to Bedouin tribes or those who can trace their ancestry to the East Bank. Transjordanians include those who migrated to Jordan prior to its independence, including Arabs from Palestine, Syria, and Lebanon as well as Circassians, Chechens, Kurds, and Assyrians.

reform will be bitter. Amongst less determined and politically conscious Palestinians opinion is mainly apathetic and resigned”.<sup>39</sup>

As Joseph Massad (2001, 231–32) summarizes, the “postponement vote that lost was considered by the government a vote *for* unification, as the matter of unification itself was never put to a vote!”.<sup>40</sup> Despite this strange approach to “voting for” unity, it provided the legal platform on which the Unity of the Banks was introduced. These rapid measures to bring Palestinians into the new Jordanian nation simultaneously worked to erase Palestinian identity legally and unify Palestinians and Transjordanians under one “Jordanian” identity that now signified both banks of the Jordan River, rather than only the eastern bank.<sup>41</sup>

However, King Abdullah did not rule over the two banks for long. On the morning of 20 July 1951, a Palestinian gunman assassinated King Abdullah at the entrance of the Al Aqsa Mosque in Jerusalem.<sup>42</sup> King Abdullah’s first son, Talal, assumed the throne, as required by the Jordanian Constitution, though his second son, Naif, served as regent until Talal formally acceded to the throne. King Talal’s reign was short, due to mental health issues, but, before stepping down, he did introduce a new, more liberal constitution in 1952, which remains in place today (though with 13 amendments between then and 2020).

The 1952 constitution, similar to the 1947 constitution, stated in Article 5 that “Jordanian nationality shall be defined by law.”<sup>43</sup> However, the nationality law did not change until 1954, after King Talal’s first son, Hussein, had taken over the throne. King Hussein assumed office in August 1952 at age seventeen, under the guidance of a regency council. He formally acceded to the throne in May 1953 on his eighteenth birthday (according to the Islamic lunar calendar).

Despite the liberal 1952 constitution, Jordan continued to have an authoritarian regime, governed by a limited hereditary constitutional monarchy. This regime included (and still includes) a bicameral parliament, referred to as the National Assembly (مجلس الأمة الأردني), with a Senate as its upper chamber (مجلس الأعيان) and a House of Deputies as its lower chamber (مجلس النواب). Within the National Assembly, senators are appointed by the king for four-year terms, and deputies are elected by the people at least every four years, though the King may suspend or delay elections. The King’s ability to form cabinets and dismiss parliament has helped ensure that governing power remains in the executive branch.

## 2.4 1954 nationality law: The emergence of Jordan’s current nationality law

On 16 February 1954, Jordan adopted a new nationality law that remains in effect today, with seven amendments since its adoption. The 1928 law seems to have served as the basis for the 1954 law, though the 1954 law featured five key changes from the 1928 law and its

<sup>39</sup> Report on Jerusalem Consular District for April 1950 to Department of State from Raleigh A. Gibson, 15 May 1950, 1950–54 Central Decimal File, File 784.00/5-1550, The U.S. National Archives College Park.

<sup>40</sup> Emphasis in original.

<sup>41</sup> In Arabic, the term for the citizens of Transjordan was Jordanian. Thus, it is interesting that the shift in Arabic (and English) from Transjordan (شرق الأردن) to Jordan (الأردن) did not require a shift in Arabic from its members being Transjordanian (الأردني) to Jordanian (الأردني). This heightens ambiguities about *who* is “Jordanian (الأردني)” because prior to 1949, the term referred to Transjordanians, while today it is used to refer more generally to all who hold Jordanian nationality.

<sup>42</sup> Outward Telegram from Commonwealth Relations Office, 20 July 1951, Foreign Office File 371/91838, File ET 1942/9(c), The National Archives of the UK at Kew.

<sup>43</sup> “الدستور الاردني” تاريخ العدد “08-01-1952” رقم العدد “1093”

“Jordanian Constitution,” Issue Date “8 January 1952” Issue Number 1093

amendments. One of these changes included tasking the “Prime Minister and Ministers” with implementing the law’s provisions (Article 23) as well as specifying that all naturalization requests and permissions go through the Minister of Interior (Article 6). Previously, the 1928 law referred more vaguely to a head supervisor (رئيس النظار) as fulfilling these duties. The 1954 provisions, therefore, made explicit that nationality is a high-level policy area, overseen by the Prime Minister and Cabinet, as well as a security-oriented policy area, controlled by the Ministry of Interior, rather than the Ministry of Justice or Foreign Affairs. These orientations have remained in place over time.

Another notable change was the 1954 law’s addition of a new criterion for having Jordanian nationality. Article 3 of the 1954 nationality law adds that the law considers “Every non-Jewish person who carried Palestinian nationality before 15 May 1948 and whose typical residence on the date of the issuance of this law is in the Hashemite Kingdom of Jordan” to have Jordanian nationality.<sup>44</sup> Although this provision continues to include explicitly Palestinian refugees and residents on the East and West Banks as Jordanian citizens, it also introduces a religious-ethnic component to Jordanian nationality by excluding any Jewish individuals who may have met these criteria. However, this exclusion reflected a political statement at the time against Zionist claims to settle in or colonize Jordan more than an exclusionary policy on the ground because Jordan did not have a Jewish population (Massad 2001, 40).

#### 2.4.1 New legal categories of “Arab” and “expatriate”

The next major change was the creation of two new legal categories in addition to the pre-existing “Jordanian” and “foreigner” categories. The first is that of “Arab”,<sup>45</sup> which is defined in Article 2 as “whoever is descended from an Arab father who holds the nationality of one of the Arab League countries”.<sup>46</sup> Like other Arab countries in the region that adopted this legal category, the term emerged in the context of increasing Arab nationalism and pan-Arab identities in the region, characterized by the rise of the Ba‘ath party and Egyptian President Jamal ‘Abd al-Nasir (both of which threatened the Hashemite monarchy’s rule and legitimacy in Jordan) as well as by recent Arab League agreements concerning “the national status of the citizens of these countries in relation to each other” (Massad 2001, 40). This concern comes across in the distinction between a foreigner requiring four years of habitual residence in Jordan to naturalize, compared to an Arab needing fifteen years. Article 4 also explicitly specifies that an Arab wishing to naturalize must renounce his or her original nationality in accordance with that country’s laws. However, perhaps in support of Arab nationalism, Articles 16 and 17 allowed Jordanians of Arab origin to renounce their nationality and naturalize in another Arab country freely, while if they wanted to do so in a non-Arab country, they needed to obtain the Cabinet’s approval.<sup>47</sup>

<sup>44</sup> "قانون رقم 6 لسنة 1954 قانون الجنسية الاردنية" تاريخ العدد "16-02-1954" رقم العدد "1171"

“Law Number 6 of 1954 – Jordanian Nationality Law,” Issue Date “16 February 1954” Issue Number 1171

This criterion is in addition to those who acquired Jordanian nationality under the 1928 law, its amendments, and the 1949 additional law, as well as the children of Jordanian fathers regardless of where they were born, all of which also were included in the previous nationality law.

<sup>45</sup> The 1952 Constitution also introduced the term Arab by defining the Kingdom as an independent Arab state. The previous constitution specified Arabic as the official language, but it did not define the state ethnically. This reflected King Talal’s support for the rising tide of Arab nationalism. However, like the previous two constitutions, the 1952 Constitution still explicitly prohibits discrimination of Jordanians on the basis of race, language, or religion (Massad 2001, 40–41).

<sup>46</sup> "قانون رقم 6 لسنة 1954 قانون الجنسية الاردنية" تاريخ العدد "16-02-1954" رقم العدد "1171"

“Law Number 6 of 1954 – Jordanian Nationality Law,” Issue Date “16 February 1954” Issue Number 1171.

<sup>47</sup> Ibid.



The second new category introduced was that of “expatriate” or “exiled” (مغترب), which Article 2 defines as “every Arab born in the Hashemite Kingdom of Jordan or in the usurped part of Palestine and emigrated or was displaced from the country (من البلاد)” as well as “the children of that person wherever they were born”.<sup>48</sup> Article 5 stipulates that “His Majesty may, with the approval of the Council of Ministers, grant Jordanian nationality to any expatriate (مغترب) who submits a written declaration choosing Jordanian nationality, on the condition that he/she relinquishes any other nationality he/she holds when submitting the declaration”.

The law does not include any further provisions on this category, making it unclear exactly where and what is the “usurped part of Palestine (القسم المغصوب من فلسطين)”. However, U.S. and British archival files from 1960 indicate that the Jordanian Minister of Interior—amid propaganda wars with Egyptian President al-Nasir—suggested that the government could use this term and Article 5 of the nationality law to grant Jordanian nationality and passports to Palestinians living outside of Jordan, including on the Gaza Strip. This measure, the MOI argued, could help establish Jordanian claims to represent all Palestinians (in competition with Egyptian-supported Palestinian nationalist leaders).

Specifically, British official Willie Morris summarized this proposed policy:

“on July 3<sup>rd</sup> the Council of Ministers considered a recommendation from the Minister of Interior, Wasfi Mirza, that Jordanian passports be granted to all Palestinian applicants living outside the refugee host countries, including inhabitants of Gaza.

This follows a decision some two years ago that in accordance with the Jordanian Nationality Law, which provides that anyone may acquire Jordanian nationality providing he/[she] gives up his/[her] previous nationality, any Palestinian living abroad could obtain Jordanian nationality”.<sup>49</sup>

U.S. officials similarly described this proposed policy: “According to an official government release the Cabinet is considering a proposal by the Minister of Interior ‘to grant the Jordanian nationality to all Palestinians including the populace of Gaza in order to enable them to travel freely from one country to another in search of a livelihood’”.

These comments suggest that the term expatriate could refer to almost any Palestinian. However, the definition itself suggests that the provision would be limited to Palestinians (and their descendants) born on the territory that became the State of Israel in 1948, the West Bank, or the East Bank. This would disqualify those born on the Gaza Strip. The British and U.S. officials may have misinterpreted the proposal, which itself may have focused only on Palestinian refugees outside of Jordan. Alternatively, Jordanian officials may have interpreted the usurped part of Palestine to include the Gaza Strip, even though Israel would not occupy this territory until 1967, or Jordanian officials may have been referring only to the Palestinian refugees who were driven out of their homes and to the Gaza Strip during the 1948 war (thereby excluding Palestinians residing on the Gaza Strip prior to the 1948 war).

#### 2.4.2 *Stricter naturalization*

Another major change introduced in the 1954 nationality law was the addition of stricter naturalization requirements, including for non-Arab foreigners. The stricter naturalization

<sup>48</sup> Ibid.

<sup>49</sup> Letter from Willie Morris in Amman, Jordan to Alan Rothnie in Shemlan, Lebanon, 6 July 1960, Foreign Office File FO 371/151115, File VJ1622/1, The National Archives of the UK at Kew.

measures for non-Arab foreigners likely reflected anti-British sentiment in the mid-fifties (Massad 2001, 40). These stricter measures included changing the required length of residence prior to applying for naturalization from two to four years for (non-Arab) foreigners in Article 12 of the 1954 law.<sup>50</sup> However, Article 13 continued to allow the Cabinet to dispense with this requirement, including if the person is Arab or if there were special circumstances that would serve “the public interest”. This exemption is interesting because it allows the Cabinet to extend, shorten, or waive the residency requirement. Article 13 of the 1954 law also further empowered the Cabinet to prevent or reject the naturalization application of any non-Arab applicant.<sup>51</sup>

Although Article 14 continued to stipulate that naturalized Jordanians are considered Jordanian in all respects, Article 12 created new conditions for naturalization. These included that those wishing to naturalize must not have been convicted of any crime that violates “honor and morals (الشرف والأخلاق)” and must be of “good conduct and reputation (حسن السيرة والسمعة)”.<sup>52</sup> Previously, the law simply required the applicant to have “good morals (حسن الاخلاق)”. However, the 1954 law did remove married women from the list of those unqualified for naturalization by conditioning naturalization on “not being incompetent (ليس فاقداً الأهلية)” rather than on not having a “disability (عجز)”, though, aside from married women, the definition of incompetent remained the same as that used for disability (Massad 2001, 39).<sup>53</sup>

#### 2.4.3 Expanded conditions for losing nationality

The 1954 law’s final major change was the introduction of new conditions under which a citizen could lose Jordanian nationality. Like the 1928 law, the 1954 law still listed those engaging in the military service of a foreign country, without the permission of the government (and refusing to leave that service when the government demands it), as one of these conditions in Article 18. However, the 1954 law also adds provisions in this article for losing nationality if the person joins the “civil” service of another country (the 1928 law mentioned the “royal” and not “civil” service of another country) or if the person joins in serving an “enemy” country.

In addition, the 1954 law introduced a new article. This article, Article 19, allowed the Cabinet, with the approval of the King, to cancel any naturalization certificate granted to any person who tried to conduct an act considered to be a threat to the security and safety of the state. The article also stipulated that the same applies to a person whose naturalization was based on fraudulent data. However, this latter provision is not actually new, it existed previously in the nationality bylaws (specifically, in the 1930 amendment to the 1929 nationality bylaws: see footnote 20 for details), though previously it had not been in the nationality law itself.

These provisions reflected King Hussein’s heightened concerns with Arab nationalism as well as domestic groups challenging his rule and legitimacy. The 1950s were marked by the growing strength and popularity of political parties and civil society organizations in Jordan, including those that attracted members across ethnic and class cleavages (Anderson 2005). This more active, unified political scene challenged Jordan’s authoritarian policies as well as the continued British influence in the government and military (Satloff 1994). These tensions

<sup>50</sup> "قانون رقم 6 لسنة 1954 قانون الجنسية الاردنية" تاريخ العدد "16-02-1954" رقم العدد "1171"

"Law Number 6 of 1954 – Jordanian Nationality Law," Issue Date "16 February 1954" Issue Number 1171.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> According to the law, this definition is: A person that is a minor (i.e., under 18), an insane person, an imbecile, or any person who is not competent before the law.

culminated in King Hussein removing General John Glubb and other senior British officers from the Arab Legion in 1956, though it would not be long before the United States replaced the British in terms of aid and influence.

## 2.5 The first decade of nationality law amendments

### 2.5.1 Political contention and repression: The 1956 and 1958 amendments

The decade following the 1954 nationality law's adoption reflected the tumultuous political situation in Jordan. In this context, the government adopted four amendments to the nationality law. The first amendment in 1956 added a clause to Article 13 that only allowed the Cabinet to dispense with the naturalization pre-residency requirement after receiving the King's approval.<sup>54</sup> This move likely reflected King Hussein's concern with an oppositional Cabinet that might quickly naturalize foreigners opposing the King and Hashemite rule. The 1956 amendment also added a new article, Article 22, that enabled the Cabinet to establish regulations to issue personal identity cards and determine their details (e.g., their form, registration, and fees) as well as to impose a fine on those who did not obtain an identity card. This addition may have reflected the government's concern with tracking dissidents and other potentially threatening citizen and noncitizen individuals in the Kingdom.

The attempted coup in 1957 bolstered this trend toward securing the state and its citizenry. This occurred through the ban on political parties that year (to last until 1992) as well as another amendment to the nationality law a year later that added a new provision for losing nationality. This 1958 amendment inserted a clause to Article 18 stating that the Cabinet, with the King's consent, can announce a person's loss of nationality if that person "commits or attempts an act that is considered a threat to the security and safety of the state".<sup>55</sup> This provision expanded the 1954 law's powers by subjecting all citizens, not just those who were naturalized, to losing nationality if they were considered a threat to the state.

### 2.5.2 Women's and children's rights: The 1961 and 1963 amendments

International trends, and perhaps King Hussein's second marriage to a British national, Antoinette Gardiner, in May 1961, seem to have informed the next two nationality law amendments.<sup>56</sup> The 1961 amendment, adopted in February, changed Article 8 to create exceptions to the provision that "the wife of a Jordanian is Jordanian, and the wife of a foreigner is a foreigner".<sup>57</sup> The first of these exceptions helps prevent statelessness by allowing a Jordanian woman who marries a non-Jordanian to retain her nationality "until she obtains the nationality of her husband in accordance with the laws of his country". The second of these exceptions stipulated that:

<sup>54</sup> "قانون معدل رقم 21 لسنة 1956 قانون الجنسية الاردنية المعدل" تاريخ العدد "01-05-1956" رقم العدد "1272"

"Amended Law Number 21 of 1956 – Amended Jordanian Nationality Law," Issue Date "1 May 1956" Issue Number 1272.

<sup>55</sup> "قانون معدل رقم 50 لسنة 1958 قانون الجنسية الاردنية المعدل" تاريخ العدد "01-01-1959" رقم العدد "1410"

"Amended Law Number 50 of 1958 – Amended Jordanian Nationality Law," Issue Date "1 January 1959" Issue Number 1410.

<sup>56</sup> Other than the timing of the amendment, there is no evidence that this amendment reflected the King's upcoming marriage to a (non-Arab) foreign woman.

<sup>57</sup> "قانون معدل رقم 3 لسنة 1961 قانون الجنسية الاردنية المعدل" تاريخ العدد "16-02-1961" رقم العدد "1535"

"Amended Law Number 3 of 1961 – Amended Jordanian Nationality Law," Issue Date "16 February 1961" Issue Number 1535.

“a foreign woman who marries a Jordanian may retain her nationality if she wishes, and in this case, she must announce her desire to do so in writing to the Minister of Interior within one year from the date of her marriage, and then she is treated according to the requirements of the Foreigners Law and the regulations issued pursuant thereto”.<sup>58</sup>

The 1963 amendment was more clearly connected to international trends to expand the nationality rights of women and children. To start, this amendment replaced Article 10 with new provisions allowing minor children (i.e., persons under 18) to keep their Jordanian nationality if their father was or is being naturalized to acquire the nationality of another country due to special circumstances and if they did not also acquire their father’s new nationality.<sup>59</sup> However, these children would have to choose their nationality with a written statement within two years from the date they turned 18. Previously, if a father lost Jordanian nationality (e.g., due to acquiring another nationality), then the minor children lost it too, and they could not reclaim it until they turned 18 (Massad 2001, 47).

In addition, this 1963 amendment added provisions that granted women more control over their nationality. For example, it changed Article 8 to not only allow Jordanian women who marry, but also who had *married*, non-Jordanians to retain their nationality until they obtained their husbands’ nationality, adding a retroactive dimension to the provision. It also allowed foreign women married to Jordanians to retain their nationality within two years (rather than one) from their residency in Jordan (rather than from the date of the marriage). Lastly, it added a new provision to Article 8 that allowed a Jordanian woman to retain her Jordanian nationality when her husband was or is being naturalized to acquire the nationality of another country because of special circumstances.

Furthermore, this amendment added three clauses to Article 3, defining as Jordanian:

- “3. Those born to a father enjoying Jordanian nationality.
4. Those born in the Hashemite Kingdom of Jordan to a mother who holds Jordanian nationality and a father of unknown nationality or who has no nationality or whose affiliation has not been legally established.
5. Those born in the Hashemite Kingdom of Jordan to unknown parents and who are considered a foundling in the Kingdom, born in it unless the opposite is proven”.<sup>60</sup>

These provisions followed similar international efforts to reduce statelessness, and they created limited conditions under which Jordanian women could confer their nationality to their children. However, these limited conditions still prevented the children of Jordanian women and non-Jordanian men, who the state viewed as having nationality and paternity over that child, from obtaining Jordanian nationality. This point is important because the Jordanian state typically does not recognize the children of Palestinian fathers, who do not have a nationality, as stateless, even though most members of the international community would. In addition, these provisions mean that a foundling orphan can access Jordanian nationality, but most children of Jordanian mothers and non-Jordanian fathers cannot.

<sup>58</sup> Ibid.

<sup>59</sup> "قانون معدل رقم 7 لسنة 1963 قانون الجنسية الاردنية المعدل" تاريخ العدد "01-04-1963" رقم العدد "1675"

“Amended Law Number 7 of 1963 – Amended Jordanian Nationality Law,” Issue Date “1 April 1963” Issue Number 1675.

<sup>60</sup> Ibid.

### 2.5.3 Fears of Arab and Palestinian nationalism in the 1963 amendment

In addition to these measures that marginally expanded the nationality rights of women and children, the 1963 amendment also revised the first two clauses of Article 3 to specify and narrow which Palestinians could be considered Jordanian. The first clause changed to consider Jordanian everyone who obtained a “Jordanian passport” (not just Jordanian nationality) through the 1928 nationality law and its amendments. The second clause shifted to consider non-Jewish persons who carried Palestinian nationality before 15 May 1948, as Jordanian only if their typical residence was in the Hashemite Kingdom of Jordan “during the period between 20 December 1949, until 16 February 1954”.<sup>61</sup>

These changes occurred in an increased atmosphere of government repression and fear of pan-Arab nationalist infiltration (Massad 2001, 42), as well as a year before the Palestine Liberation Organization’s (PLO) emergence in 1964. The growing Palestinian nationalist movement threatened Jordan’s claims to represent Palestinians and may have triggered more precise definitions of the Palestinians that Jordan certainly included in its legal-national community.

Similarly, this context likely motivated the government to adopt stricter naturalization conditions for Arabs and non-Arab foreigners. First, the 1963 amendment added conditions for Arab naturalization, including a written approval renouncing the former nationality (presumably oral approval was sufficient before) as well as four new requirements of the applicant:

- “1. He/she must be of good conduct and behavior and not convicted of any crime that violates honor and morals.
2. To have a legitimate means of earning (وسيلة مشروعة للكسب).
3. That he/she be of sound mind (سليم العقل) without suffering from a handicap (عاهة) that makes him/her dependent (عالة) on society.
4. To swear an oath of allegiance and loyalty (الولاء والاخلاص) to His Majesty before the magistrate (قاضي الصلح)”.

Although the 1929 nationality bylaws and 1954 nationality regulations mention the requirement of a loyalty oath in naturalization applications,<sup>62</sup> the 1963 amendment was the first time that this requirement appeared in the nationality law. It also was the first time that the nationality law (or bylaws or regulations) mentioned the requirement of a legitimate means of earning and not having a handicap that could render the person dependent on society. The term handicap differs from the terms previously used to signify those without legal agency who the law had framed before as having a “disability” or lacking “competence,” as discussed above.

Second, the 1963 amendment changed Article 12 to introduce two new conditions for naturalization for non-Arab foreigners:

- “6. That he/she be of sound mind without suffering from a handicap that makes him/her dependent on society.

<sup>61</sup> Ibid.

<sup>62</sup> "نظام لسنة 1929 انظمة الجنسية الاردنية" تاريخ العدد "16-03-1929" رقم العدد "228"

"Transjordanian Nationality Bylaws of 1929," Issue Date "16 March 1929" Issue Number 228.

"تعليمات لسنة 1954 تعليمات الجنسية" تاريخ العدد "06-06-1954" رقم العدد "1183"

"Nationality Regulations of 1954," Issue Date "6 June 1954" Issue Number 1183.

7. That he/she have a legitimate means of earning a living, taking into account not to compete with Jordanians in the professions in which a limited number of positions are available”.<sup>63</sup>

In addition, Article 12 added that these foreigners needed to know specifically how to read and write Arabic (not just “know” the language) to naturalize.

These changes made the naturalization requirements for Arab and non-Arab foreigners more similar except for two areas. First, the Arab, unlike the non-Arab, naturalization process required written proof of the renounced nationality and a legal oath of loyalty to the King. This stricter requirement of Arab loyalty likely reflected continued fears of Arab nationalist infiltration and opposition. Second, economic concerns seemed to motivate the law to require that non-Arab foreigners be careful not to compete with Jordanians in the economy, while Arabs were not asked to do the same. This also could have been targeted at European and American foreigners working or qualified to work in competitive sectors.

## **2.6 The 1967 Arab-Israeli War and new challenges to who is Jordanian and what is Jordan**

The establishment of the PLO in 1964 as well as the 1967 Arab-Israeli War challenged King Hussein’s claims to represent Palestinians and to consider them Jordanian citizens. The 1967 war broke out on 5 June and lasted for only a few days. However, it resulted in the Israeli occupation of the Gaza Strip and West Bank, among other Arab territories. This occupation ended Jordan’s de facto control of the West Bank, brought the PLO and its fighters (often referred to as the fedayeen) to the East Bank, and created a new wave of refugees flooding into Jordan’s East Bank. By February 1968, there were 241,000 Palestinians displaced from the West Bank and 20,000 displaced from Gaza.<sup>64</sup> Those who arrived from the West Bank maintained their access to Jordanian nationality and full citizen rights. However, those arriving from Gaza (i.e., the Gazan refugees), which had been under Egyptian rule, were treated as foreigners under the law, though they did receive access to Jordanian passports and other citizen rights in practice, such as access to public education and some public sector work.<sup>65</sup>

### *2.6.1 Growing support for the PLO and the 1969 nationality law amendment*

Despite King Hussein’s efforts to cultivate a Jordanian identity that encompassed citizens of Palestinian and Transjordanian origin, a distinct Palestinian national identity persisted. As popular support for the PLO grew, it became increasingly independent from Jordanian authority (Shlaim 2008, 279). Alarming the government, the fedayeen even garnered support from some pro-regime tribal leaders, as American officials reported in February 1970:

“[The] Presence of savvy former Jordanian army officers among [the] fedayeen (including nine in [the] coordinating committee of unified command) probably contributed to [the] tactics neutralizing, for example, the normally pro-

<sup>63</sup> "قانون معدل رقم 7 لسنة 1963 قانون الجنسية الاردنية المعدل" تاريخ العدد "01-04-1963" رقم العدد "1675"

“Amended Law Number 7 of 1963 – Amended Jordanian Nationality Law,” Issue Date “1 April 1963” Issue Number 1675.

<sup>64</sup> Telegram from American Embassy in Amman to the Secretary of State/Department of State, 2 February 1968, 1967–69 Subject Numeric File, File REF 3 UNRWA, The U.S. National Archives College Park.

<sup>65</sup> For a detailed discussion of Gazan refugees’ access to passports, nationality, and public sector work in Jordan, see Frost 2020a.

Hashemite tribal groups of the Amman area...fedayeen were able to mobilize impressive political support from disparate elements, including even Akif Al-Fayiz, former deputy PRIMIN [Prime Minister] and important leader of [the] Beni Sakhr tribe”.<sup>66</sup>

These trends may have motivated the 1969 amendment to the nationality law, which added a sixth category of who was considered Jordanian to Article 3. This category included:

“6. All members of the North Bedouin clans (عشائر) mentioned in Paragraph (ي) of Article 25 in the Provisional Election Law No. 24 of 1960 and who were actually residing in the lands that were joined to the Kingdom in 1930”.<sup>67</sup>

The amendment may also have reflected the government deciding to nationalize northern tribes that had lived between Syria and Jordan. In this case, the amendment may have represented a final agreement between the Jordanian government and these tribes.<sup>68</sup> The amendment may also have aimed to simply update the nationality law to conform with the elections law. Alternatively, or perhaps additionally, it may have reflected efforts to address and reduce statelessness in the region, particularly as states started to enforce their borders more strictly and nomadic peoples began to limit their movements within those borders.

Regardless, the PLO’s increasingly autonomous presence in Jordan as “a state within a state”, produced a series of confrontations between King Hussein and the PLO throughout the summer of 1970 (Abu Odeh 1999, 176–77). The most incendiary of these were apparent assassination attempts on King Hussein on 9 June and 1 September as well as the Popular Front for the Liberation of Palestine’s (PFLP) hijacking of four international airliners near the Jordanian city of Zarqa on 6 September (Robins 2004, 130). In addition, groups within the PLO—i.e., the PFLP<sup>69</sup> and Popular Democratic Front for the Liberation of Palestine (PDFLP)—started calling for the overthrow of the Hashemite regime (Robins 2004, 130), despite PLO Chairman Yasser Arafat, who belonged to the more moderate al-Fatah group, calling for the PLO to “stay out of Jordanian politics” (Abu Odeh 1999, 179).

### 2.6.2 *Black September: Violent conflict between the PLO and Jordanian army in 1970 and 1971*

On 17 September 1970, these tensions between the PLO and Jordanian government spilled over into violent conflict. Although many Jordanians of Palestinian descent fought dutifully in the Jordanian army and some Transjordanians joined the PLO, this conflict, which became known as Black September, shook Palestinian-Transjordanian relations and reignited questions about Palestinian loyalty to King Hussein and Jordan (Fruchter-Ronen 2008; Ohl 2016). After ten days of intense fighting in the north, particularly in Amman and Irbid—as well as Syrian tanks crossing into Jordan to support the PLO on 18 September—King Hussein and Yasser Arafat signed an agreement in Cairo to terminate all hostilities and media campaigns (Abu Odeh 1999, 185). In addition, Arafat signed an agreement recognizing King Hussein’s control

<sup>66</sup> Telegram from American Embassy in Amman to the Secretary of State/Department of State, 18 February 1970, 1970–73 Subject Numeric File, File POL 23 Jordan, The U.S. National Archives College Park.

<sup>67</sup> “قانون معدل رقم 18 لسنة 1969 قانون الجنسية الاردنية المعدل” تاريخ العدد “16-06-1969” رقم العدد “2178” “Amended Law Number 18 of 1969 – Amended Jordanian Nationality Law,” Issue Date “16 June 1969” Issue Number 2178.

<sup>68</sup> Author correspondence with Ayman Halaseh, Attorney at Law and Professor in Public International Law and Human Rights, June 2021.

<sup>69</sup> The PFLP joined the PLO in 1968 and remained a part of the PLO (though not always a part of the PLO Executive Committee, from which the PFLP withdrew from 1974–1981) until 1993, when the PFLP withdrew from the PLO in opposition to the Oslo Accords peace process with Israel.

over Jordan and agreeing to demilitarize the PLO on 31 October. However, the PFLP and PDFLP did not accept the agreement (Ohl 2016, 109) and clashes continued intermittently between these groups and the Jordanian army for nine months. The last battle occurred from 12 to 17 July 1971, when Jordanian forces removed the last fedayeen fighters and expelled them to Syria and Lebanon (Abu Odeh 1999, 187–88).

King Hussein aimed to repair relations with the Palestinians while consolidating his power base. These goals included preventing the fedayeen from returning to Jordan and restoring normalcy to the country (Abu Odeh 1999, 199). In addition, they involved rewarding Transjordanians for their loyalty, including with government jobs and promotions (Abu Odeh 1999, 199). Together, the 1970–71 events and their aftermath strengthened Transjordanian identity in response to a distinct Palestinian identity (Fruchter-Ronen 2008, 252; Robins 2004, 135–36). This sense of Transjordanian-ness would grow over the following decades, with adherents to this identity viewing the core identity of the state, including the Hashemite monarchy, as Transjordanian, rather than “Pan-Jordanian” (Abu Odeh 1999, 208). These changes demanded that King Hussein re-evaluate Jordan’s citizenship policies at the end of 1970.

### 2.6.3 Black September’s divisive impact on citizenship but not on nationality

Despite the importance of the 1970–71 conflict for Jordanian citizenship more broadly, there were no nationality law amendments during this period (and not until 1987). However, Prime Minister Wasfi al-Tall, who returned to this position on 28 October 1970, undertook reforms to the bureaucracy with the help of former Minister of Interior Hasan al-Kayid as head of the Civil Service Commission (Susser 1994, 156–57). These reforms effectively removed many Jordanians of Palestinian descent from higher level government positions. They did so through an “additional” civil service bylaw,<sup>70</sup> which gave the Cabinet full discretion to hire and fire government employees.

Article 3 of this additional bylaw permits the dismissal of any “unsuitable (غير الصالحين) employees” to whom “impurities (شوائب) are attached that affect employee dignity (كرامة) or impartiality (النزاهة) or those who are unable (العاجزون) to carry out their job duties”.<sup>71</sup> Article 4 continues stating that: “The Council of Ministers may choose, in spite of what is stated in any other law or bylaw, to decide to dispense with the service of any employee if it is convinced that the employee is not fit to serve (بعدم صلاحه للخدمة) for any of the reasons stated in the previous article”.<sup>72</sup>

Article 7 also removes employees’ rights to appeal their dismissal: “The Supreme Court of Justice or any other authority does not have the right to hear any complaint or appeal against any decision issued under this bylaw during the period of its validity”.<sup>73</sup> Article 8 concludes by stating that “This bylaw expires four months after its effective date”; this date, according to when the bylaw appeared in the *Official Gazette*, was 21 November 1970.<sup>74</sup> This “additional” temporary bylaw thereby allowed the government to remove employees without changing the

<sup>70</sup> "نظام رقم 79 لسنة 1970 نظام اضافي لنظام الخدمة المدنية" تاريخ العدد "21-11-1970" رقم العدد "2268"

“Bylaw Number 79 of 1970 –Additional Bylaw for Civil Service Bylaw,” Issue Date “21 November 1970” Issue Number 2268.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.



civil service bylaw. This represented one of the first broad policies that in practice could differentiate between Palestinian and Transjordanian citizens.

Despite these growing identity politics, King Hussein strove to unify the country and re-establish himself as the ruler of all Jordanians on the East and West Banks. For example, he worked to establish the Jordanian National Union (JNU) in November 1971, which aimed to serve as a single-party political organization and diminish identity divisions. However, the JNU ultimately failed to develop and was terminated in 1976 (Abu Odeh 1999, 200–01).

Further, instead of unifying the country, several developments after 1971 amplified the Jordanian government's, and to a lesser extent King Hussein's, shift from viewing the Palestinians in Jordan as an asset to seeing them as a threat. First, in 1974, the Arab League voted to recognize the PLO as the sole legitimate representative of the Palestinians. In response, King Hussein suspended parliament (which had represented the East and West Banks since 1950) and formed a new cabinet, 80% of whom were Transjordanians (Abu Odeh 1999, 211). Second, Israeli claims that "Jordan is Palestine" became louder in the late 1970s and early 1980s with the slogan's main proponent, Ariel Sharon, serving in successive cabinets and supporting the expansion of Israeli settlements on the West Bank. Third, a stream of failed peace negotiations between Jordan and the PLO, as well as Jordan and Israel, in the 1970s and 1980s amplified fears in the Jordanian government that not only would Jordan lose the West Bank permanently, but also that the East Bank would become the "alternative homeland (الوطن البديل)" of the Palestinians (Salibi 1998, 261).

#### *2.6.4 New identity documents: Tracking Palestinian movements between the Banks*

In this context, the Jordanian government introduced new identity documents in 1983 to track both Jordanian and non-Jordanian Palestinians traveling between the West and East Banks. The measures aimed to prevent the emptying of the Palestinian territories due to Israeli pressures;<sup>75</sup> given this aim of discouraging Palestinians from leaving the West Bank, they have been described as part of "a mini disengagement" (Robins 2004, 160). The new identity documents came in four main colors. Green denoted Jordanians of Palestinian descent living on the West Bank but traveling to the East Bank. Yellow represented Jordanians of Palestinian descent residing outside the West Bank (e.g., on the East Bank or abroad) but with a "material connection" to the West Bank, which meant that the Israelis had included that individual in their 1967 census of the West Bank.<sup>76</sup> Blue cards went to noncitizen Palestinians living on the East Bank who came from the Gaza Strip after the waves of Gazan refugees following the 1967 war.<sup>77</sup> Pink cards were for noncitizen Palestinians living in Gaza but traveling to the East Bank—neither of these last two categories have had access to Jordanian nationality. All other Jordanians required permits to travel to the West Bank (El-Abed 2004). The role of the yellow and green cards would later shift from tracking population movement to signaling whether an individual should have Jordanian nationality after Jordan's 1988 disengagement from the West Bank.

<sup>75</sup> Author interview with a Jordanian lawyer (MU65), April 2017.

<sup>76</sup> Ibid.

<sup>77</sup> Public Security Directorate (مديرية الأمن العام), "Types of Cards (أنواع البطاقات)," Bridge Security administration (إدارة أمن الجسور), last accessed 19 September 2021, <<https://psd.gov.jo/index.php/ar/2015-03-17-09-09-00>>.

## 2.7 The 1987 nationality law amendments

The 1987 nationality law amendment was the first since 1969. It was published in September and had several key features. These included the introduction of dual nationality, expansion of women's and children's nationality rights, and stricter naturalization measures.

### 2.7.1 Dual nationality

One of the most prominent features of the 1987 nationality law amendment was that it created a new Article 17 that permitted dual nationality. This Article stated:

“A. A Jordanian who acquired the nationality of a foreign country shall retain his/her Jordanian nationality unless he/she renounces it in accordance with the provisions of this law.

B. The Council of Ministers, upon the recommendation of the Minister of Interior, may return Jordanian nationality to a Jordanian who has renounced his/her Jordanian nationality to acquire another nationality in accordance with the provisions of this law and based on a request submitted to the Minister of Interior”.<sup>78</sup>

Jordanian officials had been discussing this change since 1984 to attract its many emigrants to invest in the country (Massad 2001, 42; Brand 2006, 201). Although the Jordanian government had not been very interested in cultivating a relationship with its diaspora before, economic troubles changed this. By 1983, the Iran–Iraq war and ensuing drop in oil prices had reduced the recruitment of Jordanian labor in the Gulf states as well as decreased these states' aid to Jordan (Brand 2006, 193). These changes motivated the Jordanian government to express state interest in expatriate communities and try to generate enough goodwill to tempt them into more serious investment.

These efforts were not easy, particularly because most of the expatriate community consisted of Jordanians of Palestinian descent. Data from the November 1961 census indicated that 80% of the 63,000 Jordanian emigrants that year were from the West Bank, which had a migration level of 6%, compared to 1.4% from the East Bank (Brand 2006, 179). This pattern continued after Black September, with the state's emphasis on recruiting Transjordanians into the civil and military bureaucracies, leaving Palestinians to seek work in the private sector domestically and abroad. This hiring approach also left Jordanians of Palestinian descent with a negative impression of Jordanian embassies, which they started to associate with a Transjordanian-staffed intelligence apparatus that impounded the passports of, harassed, and sometimes tortured suspected political activists (Brand 2006, 182).

Starting in 1985, the Jordanian government tried to reset its relationship with expatriates through a series of annual conferences for nationals abroad. The conferences also aimed to assert Jordan's authority over and representation of the large Palestinian-Jordanian community in the Gulf states (Brand 2006, 193). The timing of the first conference coincided with a weakened PLO and a brief period of cooperation between King Hussein and Yasser Arafat, making it “an ideal time to try to mend political fences with the Jordanian/Palestinian

<sup>78</sup> "قانون معدل رقم 22 لسنة 1987 قانون الجنسية الاردنية المعدل" تاريخ العدد "01-09-1987" رقم العدد "3496"

“Amended Law Number 22 of 1987 – Amended Jordanian Nationality Law,” Issue Date “1 September 1987” Issue Number 3496.

communities in the Gulf states” (Brand 2006, 194). In 1985, these expatriates included 276,000 in Arab states and 52,000 in non-Arab states (Brand 2006, 195).

Overall, the conferences proved to be a failure, but through them, expatriates did secure their demand for dual nationality, as enacted in the 1987 amendment to the nationality law (Massad 2001, 42). The next government efforts to secure funds from citizens abroad would not come until 1998, at which point Jordanian officials launched a new series of conferences that targeted only expatriate businessmen and investors, rather than all expatriates (Brand 2006, 210).

### 2.7.2 Expanded women’s and children’s rights

The 1987 nationality law amendment also reflected international pressures, combined with domestic activism, to expand women’s and children’s nationality rights (Massad 2001, 46–47). These changes enabled women to choose their nationality and prevented women and children from losing their nationality due to changes in their husbands’ and fathers’ nationality. First, the amendment changed Article 8 to enable a foreign woman who marries a Jordanian to acquire Jordanian nationality if she wishes, subject to the approval of the Minister of Interior, by submitting a written statement to the Minister three years after her marriage, if she is Arab, or five years after, if she is not Arab.<sup>79</sup> These provisions also do not demand that the foreign wife renounce her original nationality.

In addition, Article 8 was changed to allow a Jordanian woman who marries a non-Jordanian and who acquires the nationality of her husband to retain her Jordanian nationality, unless she renounces it in accordance with the law (in which case she may recover her Jordanian nationality by applying for it if her marriage dissolves for any reason). This provision also implies that a woman can keep her Jordanian nationality without having to acquire her husband’s nationality.

Furthermore, the amendment replaced Article 10 to allow a minor child (i.e., a person under the age of 18) whose Jordanian father acquired a foreign nationality to retain his/her Jordanian nationality. Previously, the law required that minors have the same nationality as their father, at least until they turned 18. These changes helped to further combat statelessness, though they fell short of allowing women to confer their nationality to their children by descent. As such, the nationality law remained rooted in *jus sanguinis a patre*.

### 2.7.3 New requirements for and restrictions after naturalization

The last major set of changes under the 1987 amendment gave more power to officials governing naturalization and limited the political rights of naturalized citizens. First, the amendment changed Article 4 to specify that an Arab applicant’s successful naturalization requires “a decision of the Council of Ministers upon the recommendation of the Minister of Interior”.<sup>80</sup> Second, Article 13 was changed to allow the Cabinet to grant or reject a naturalization application submitted to it in accordance with the provisions of Article 12 of this law, thereby removing the exception for Arab applicants from this measure and instead making it apply to all applicants, regardless of their ethnicity.

Third, Article 15 was changed to require that all Jordanian citizens receive the Cabinet’s approval to renounce their Jordanian nationality in exchange for a non-Arab foreign nationality.

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<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

This change only affected non-Arab citizens because Article 17 previously stipulated this for Jordanians of Arab origin. However, Article 16 was also changed to state that every Jordanian may give up his or her Jordanian nationality and acquire the nationality of an Arab country. This change does not require Cabinet approval (as was the case for Jordanians of Arab descent in the previous version of the law), and it creates the legal option for Jordanians not of Arab descent to acquire another Arab nationality (the law was previously silent on this scenario). Overall, the 1987 amendment removed the non-Arab and Arab Jordanian distinctions in Articles 15, 16, and 17 as well as consolidated these three articles into two (Articles 15 and 16).

Fourth, the amendment changed Article 14 to place limitations on the political rights of naturalized citizens for the first time in the nationality law. However, the elections law had included some limitations for naturalized citizens since 1960 (Massad 2001, 43).<sup>81</sup> Specifically, in 1960, a candidate for the House of Deputies had to have been Jordanian for at least five years, according to Article 17 of the elections law of that year.<sup>82</sup> Further, in the 1986 elections law, this requirement was extended to ten years in Article 18.<sup>83</sup> The 1987 nationality law amendment rectified its provisions to match those of the 1986 elections law for the House of Deputies, but it also created limitations for naturalized citizens wishing to hold other positions. Specifically, Article 14 of the 1987 nationality law stipulated that:

“A person who has acquired Jordanian nationality by naturalization is considered Jordanian in all respects, but he/she may not hold any political or diplomatic position or any public office specified by the Cabinet, and may not become a member of the National Assembly for at least 10 years after acquiring Jordanian nationality. He/she also is not entitled to be nominated for the municipal or village councils or the professional unions until at least five years have passed since acquiring Jordanian nationality.”<sup>84</sup>

Thus, this change introduced new restrictions on naturalized Jordanians holding any political or diplomatic position as well as any public office specified by the Cabinet. It also extended the ten-year requirement to any position in the National Assembly—not just to the elected House of Deputies, but also to the appointed Senate. In addition, it created a five-year requirement for elections to local councils as well as to professional unions, which were one of the only forms of political organization allowed during Jordan’s ban on political parties between 1957 and 1992.

<sup>81</sup> Another change between the 1960 and 1986 elections laws is that women gained the right to vote in Jordan in 1972.

<sup>82</sup> "قانون رقم 24 لسنة 1960 - قانون الانتخاب لمجلس النواب" تاريخ العدد "11-06-1960" رقم العدد "1494"

“Law Number 24 of 1960 – Election Law for the House of Deputies,” Issue Date “11 June 1960” Issue Number 1494.

<sup>83</sup> "قانون رقم 22 لسنة 1986 - قانون الانتخاب لمجلس النواب" تاريخ العدد "17-05-1986" رقم العدد "3398"

“Law Number 22 of 1986 – Election Law for the House of Deputies,” Issue Date “17 May 1986” Issue Number 3398.

This law also made East Bank Palestinian refugee camps into separate electoral districts that counted toward the West Bank’s quota of House seats (Brand 2006, 198; Frost 2020a, 370–382).

<sup>84</sup> "قانون معدل رقم 22 لسنة 1987 قانون الجنسية الاردنية المعدل" تاريخ العدد "01-09-1987" رقم العدد "3496"

“Amended Law Number 22 of 1987 – Amended Jordanian Nationality Law,” Issue Date “1 September 1987” Issue Number 3496.

## 2.8 The 1988 disengagement and the contraction of “Jordan” and Jordanian citizenship

Several events after the 1987 amendments contributed to King Hussein’s decision to renounce Jordan’s legal and administrative ties to the West Bank in 1988, thereby halving the Kingdom and its citizens. To start, in December 1987, the first Palestinian popular uprising, or intifada (انتفاضة), broke out in Gaza and spread to the West Bank. Jordanian people of all backgrounds generally supported this mass protest against the Israeli occupation, though the Jordanian government feared that it could spread to the East Bank (Robins 2004, 162). In March 1988, intifada leaders angered King Hussein when they called on the people to intensify pressure against collaborators and personnel in the Jordanian regime and for Palestinians in Jordan’s parliament to resign (Abu Odeh 1999, 224–25). Then, during an emergency Arab League Summit in Algiers in June 1988, Arab leaders decided to provide financial support for the intifada through the Jordanian-Palestinian Committee rather than through the Jordanian government (Robins 2004, 162–63; Abu Odeh 1999, 226).

These events, coupled with decades of failed negotiations with the PLO, culminated in King Hussein’s disengagement speech of 31 July 1988. This speech announced that the Jordanian government was “dismantling the legal and administrative links” between the East and West Banks of the Jordan River.<sup>85</sup> This announcement reduced Jordan to the East Bank alone and ended the Unity of the Banks that King Abdullah oversaw in 1950. Although Israel had occupied the West Bank since the 1967 war, Jordan had maintained its legal, administrative, and political connections to the territory, including by continuing to pay its civil servants on the West Bank.<sup>86</sup> King Hussein framed this decision as a demonstration of Jordan’s commitment to support an independent Palestinian state on “Palestinian national soil” (Massad 2001, 260–61).

The disengagement entailed three major changes for Jordan’s citizenship. First, it dissolved the House of Deputies to remove the West Bank seats. This measure halved the size of Jordan’s parliament from 142 to 71 seats and removed West Bank Palestinian voting rights (Robins 1989, 168–170). Second, it meant that Jordan ceased to employ the majority of the approximately 20,000 government civil servants on the West Bank.<sup>87</sup> Third, it revoked the Jordanian nationality of everyone living in the West Bank at the time. The regulations released after the disengagement speech state specifically that “Every person residing in the West Bank before the date of 31 July 1988 will be considered as a Palestinian citizen and not as Jordanian”.<sup>88</sup> This measure involved converting these individuals’ full Jordanian passports into temporary passports that required renewal every two years (instead of every five years),<sup>89</sup> like the passports Jordan had issued to the refugees forced out of Gaza after the 1967 war.<sup>90</sup> The

<sup>85</sup> King Hussein Bin Talal, “Address to the Nation,” Amman, July 31, 1988, <[http://www.kinghussein.gov.jo/88\\_july31.html](http://www.kinghussein.gov.jo/88_july31.html)>.

<sup>86</sup> Kingdom of Jordan, “Statement Concerning Disengagement from the West Bank and Palestinian Self-Determination,” *International Legal Materials* Vol. 27, No. 6 (November 1988) 1642.

<sup>87</sup> Though about 80% of these civil servants had received their main salary from Israel and only a 100 U.S. dollar bonus from Jordan since the 1967 war (Robins 1989, 168–170).

<sup>88</sup> Kingdom of Jordan, Disengagement Regulation for the Year 1988, 28 July 1988, accessed March 28, 2019, <<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=43cd04b94>>. The text of these regulations specifically referred to those “residing” on the West Bank, rather than those “normally residing” on the West Bank. This wording raised extensive fears among Jordanians of Palestinian descent living abroad, particularly in the Arab Gulf, who had lived in the West Bank prior to leaving Jordan, to remove their assets from Jordan in anticipation of the disengagement potentially applying to them.

<sup>89</sup> However, the renewal time period was extended to five years in 1995 by royal decree (El Abed 2004, 16).

<sup>90</sup> The renewal time period also was extended for Gazan refugees in 2017, after a policy change allowed them to obtain two- or five-year passports (*Jordan Times* 2017).

temporary passports served as international travel documents but not as documents conferring Jordanian nationality.

Although the disengagement de-nationalized and disenfranchised all residents on the West Bank in July 1988, the King made clear in the disengagement speech that these measures did not apply to any Jordanians of Palestinian descent residing on the East Bank. The King stated:

“It has to be understood in all clarity, and without any ambiguity or equivocation, that our measures regarding the West Bank concern only the occupied Palestinian land and its people. They naturally do not relate in any way to the Jordanian citizens of Palestinian origin in the Hashemite Kingdom of Jordan. They all have the full rights of citizenship and all its obligations, the same as any other citizen irrespective of his/her origin. They are an integral part of the Jordanian state to which they belong, on whose soil they live, and in whose life and various activities they participate”.<sup>91</sup>

King Hussein emphasized that the disengagement denationalized Jordanians based on where they resided rather than based on their descent. However, this interpretation was not always accepted by the predominantly Transjordanian public sector implementing the disengagement regulations (تعليمات فك الارتباط). Instead, some Jordanian officials have interpreted the disengagement primarily in terms of West Bank Palestinian descent rather than residence on the West Bank, thereby expanding the disengagement’s reach.

### 2.8.1 Legal Ambiguities Concerning the Disengagement

A key factor contributing to different interpretations of the disengagement is that it was never translated into or published in law. There were no related amendments to the Nationality Law or Constitution preceding or following the overnight withdrawal of Jordanian nationality from the roughly one million Jordanians of Palestinian descent living on the West Bank in July 1988 (Halaseh 2016). There are disengagement regulations (تعليمات فك الارتباط), but they did not become higher-level legislation because they were not published in the *Official Gazette*.<sup>92</sup> In addition, it is difficult to ascertain the disengagement regulations at a given time without being subjected to them directly. Officials typically do not inform individuals that they have lost their nationality until they interact with the MOI’s Follow-Up and Inspection Department (FUID; دائرة المتابعة والتفتيش) during routine transactions, such as renewing passports or registering a child’s birth (HRW 2010, 3).<sup>93</sup>

The legal uncertainty surrounding the disengagement became more problematic after 1990. At that time, approximately 200,000 Jordanians (mainly of Palestinian origin) fled or were expelled back to Jordan from the Arab Gulf states after Iraq invaded Kuwait and Jordan did not join the alliance against Iraq (Abu-Odeh 1999, 233). This influx raised new questions about how to determine who was “Jordanian” and who was “Palestinian.”

<sup>91</sup> King Hussein Bin Talal, “Address to the Nation,” Amman, 31 July 1988, <[http://www.kinghussein.gov.jo/88\\_july31.html](http://www.kinghussein.gov.jo/88_july31.html)>.

<sup>92</sup> It is not obligatory for the Jordanian government to publish regulations, particularly internal regulations (i.e., those providing implementing instructions within a ministry), in the *Official Gazette* for them to be legal and come into force. It is obligatory though for higher levels of legislation, such as laws and bylaws.

<sup>93</sup> The MOI created the FUID to enforce the disengagement and ensure that the government had sorted individuals properly among the new Jordanian and Palestinian categories (Frost and Brown 2020).

### 2.8.2 Nationality revocations on the East Bank after the disengagement

Since 1988, the disengagement's legal ambiguities, accentuated by the absence of a Palestinian state and economic turmoil in Jordan, have produced numerous cases of Jordanians of Palestinian descent losing their nationality for reasons not stated in the nationality law or the disengagement regulations (De Bel-Air 2012, 28–29; Halaseh 2016). Although there are no precise figures on how many individuals have been affected, Human Rights Watch (HRW) reports that thousands of citizens of Palestinian origin—over 2,700 between 2004 and 2008 alone—have lost their Jordanian nationality (HRW 2010, 1).

These nationality revocations may reflect Jordanian officials' concerns with becoming the alternative homeland for the Palestinians, where Jordan would become Palestine (and all of Palestine would become Israel). The failure of the Palestinian-Israeli peace process to establish a Palestinian state after the Oslo Accords in 1993 and 1995 amplified these fears, even though Jordan signed its own peace treaty with Israel in 1994 (Ryan 2011, 370). Likewise, events such as the second Palestinian intifada in 2000, the expansion of Israeli settlements in the West Bank, and the Trump administration's deal of the century, have continued to stoke these fears. In response, Jordanian officials have tended to accentuate differences between Jordanian (interpreted as Transjordanian) identity and Palestinian identity, rather than viewing Jordanian identity as a combination of these two.<sup>94</sup>

These revocations also may reflect economic problems that have particularly affected Transjordanians. At the beginning of 1989, Jordan's foreign debt was the largest per capita in the world, causing it to default on this debt for the first time. This required Jordan to work with the International Monetary Fund (IMF) to reschedule debt and adopt austerity policy changes (Robins 2004, 166). Riots broke out in April 1989 in the southern town of Ma'an, and the unrest spread across the south and northward (Robins 2004, 169). This unrest alarmed government officials because these primarily Transjordanian areas were considered the backbone of King Hussein's support (Brand 1995, 54–55). However, this response is less surprising when considering that the IMF conditionalities, including efforts to shrink the state sector, threatened Transjordanians more because they disproportionately worked in the public sector (Brand 1995, 55). Within this ongoing context, some Jordanian officials may have viewed (and continue to view) the nationality revocations as a means to help reduce economic competition.

Another dimension to these revocations may have been the reopening of parliament through new elections on the East Bank in November 1989, which was a response to the 1989 riots (Robins 2004, 170). In addition to gerrymandering that limited Palestinian-Jordanian representation (Abu Odeh 1999, 230; Fathi 2005, 892, 894; Schwedler 2006, 50; Salibi 1998, 269–70), there is evidence that the fear of nationality revocations limited Palestinian-Jordanian political participation as well (Lynch 1999, 107). The unclear terms of the disengagement made it seem arbitrary who might lose their Jordanian nationality when interacting with the government. Combined with fears of the alternative homeland and economic troubles, Jordanian officials may have viewed the nationality revocations as a means of reducing the political competition of Jordanians of Palestinian descent with those of Transjordanian descent, as well as minimizing their visibility in Jordanian politics.

Regardless of the reason for these nationality revocations, their implementation has diverged from the nationality law's stipulations (Frost and Brown 2020). First, the reasons for

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<sup>94</sup> Other minority backgrounds, such as Circassian, Chechen, and Armenian, tend to be overlooked in public discourse about citizenship or are grouped under a broader East Bank or Transjordanian identity since they arrived prior to Jordan's independence in 1946.

removing someone's nationality differ (El-Abed, Husseini, and Al-Rantawi 2014, 27).<sup>95</sup> Specifically, Article 18(2) of the nationality law stipulates the conditions under which the Cabinet may, with the King's approval, revoke a Jordanian's nationality. These reasons (specified below)—including refusing, after the Jordanian government asks, to leave the civil service of a foreign state—are not the reasons provided by the MOI for nationality withdrawal. Likewise, contrary to Article 18, the MOI performs this withdrawal without notifying an individual in advance and without giving that person the opportunity to correct the issue.

Second, the MOI has removed the nationality of children whose fathers lost their Jordanian nationality due to the disengagement.<sup>96</sup> This practice is contrary to Article 10 of the nationality law, which states that a minor child whose father acquired a foreign nationality shall retain his or her Jordanian nationality. Third, the entity withdrawing nationality differs from that specified in Article 18 of the nationality law. This article stipulates that the Cabinet, with the approval of the King, is the legal entity that can revoke nationality. However, the MOI has been the primary governmental body conducting these revocations.

Judges and lawyers have described this process, typically in the context of implementing the disengagement, as a transfer, change, or correction of nationality (تظهير الجنسية).<sup>97</sup> Although the term *tathheer* (تظهير) in a legal context often translates as “endorsement”, the Civil Status and Passports Department (CSPD) in Jordan uses the term differently.<sup>98</sup> For example, when officials change an individual's civil status from single to married, or married to widowed, the CSPD would describe this as “*tathheer al-haalat al-madaniyya* (تظهير الحالة المدنية)”.<sup>99</sup> In addition, Article 25 of the passports law defines *tathheer* (التظهير) as “changing the occupation, correcting the age, or adding countries (تغيير المهنة أو تصحيح (العمر أو اضافة الاقطار) to a passport or travel document.”<sup>100</sup> Although it provides this definition—and actually only mentions this term—in the context of the fee charged for this service, it offers additional evidence that this term can signify a “change” or “correction” in Jordan. Thus, when officials use the expression “*tathheer al-jinsiyya* (تظهير الجنسية)”, it typically refers to changing or correcting someone's nationality. This includes instances when the government “corrects” someone's nationality to be Palestinian rather than Jordanian.<sup>101</sup> As such, it is effectively

<sup>95</sup> Jordanian legal expert, Ayman Halaseh (2016), lists some of the reasons the MOI's FUID provided to individuals for revoking their Jordanian nationality:

“- Any person that has a Palestinian ID and works for the Palestinian National Authority;  
- Any person that has a valid or expired Israeli occupation ID card;  
- [Jordanian-issued, bridge-crossing] Green Card holders;  
- Anyone who left Palestine between 1967 and 1988 and holds an Israeli ID card, among those covered by the census which was carried out by the Israeli occupation after 1967; and  
- Anyone holding Arab identification documents.”

<sup>96</sup> Author interview with a Jordanian lawyer (NP92), December 2017.

<sup>97</sup> Author interview with a Jordanian lawyer (NP92), December 2017. For example, see the following rulings: Jordanian Administrative Court, Judgement Number 49, Year 2014, Case Number 49/2014. Jordanian Administrative Court, Judgement Number 112, Year 2017, Case Number 112/2017. Jordanian Administrative Court, Judgement Number 158, Year 2017, Case Number 158/2017. Jordanian High Administrative Court, Judgement Number 122, Year 2020, Case Number 122/2020.

<sup>98</sup> Author correspondence with Ayman Halaseh, Attorney at Law and Professor in Public International Law and Human Rights, June 2021.

<sup>99</sup> Ibid.

<sup>100</sup> "قانون رقم 2 لسنة 1969 قانون جوازات السفر وتعديلاته" تاريخ العدد "16-02-1969" رقم العدد "2150"

“Law Number 2 of 1969 – Passports Law and Its Amendments,” Issue Date “16 February 1969” Issue Number 2150.

<sup>101</sup> There also are some cases of this happening when government officials claim that someone is Syrian, not Jordanian. Author correspondence with Ayman Halaseh, Attorney at Law and Professor in Public International Law and Human Rights, June 2021.



another term for revoking someone's Jordanian nationality, though it does not appear in the nationality law or in the published disengagement regulations.

### 2.8.3 *Limited role of the courts in Jordanian nationality*

Individuals have been able to challenge nationality revocations in court, but with varying success over time. One lawyer noted that many defendants won such cases in the period after the disengagement, including based on legal challenges to the disengagement itself.<sup>102</sup> However, in 1990 Jordan's High Court of Justice ruled that the disengagement was an act of the state "as a sovereign and not as an administrative authority" and was thus outside the court's jurisdiction.<sup>103</sup> The decision was justified on the basis that "According to Article 9(b) of Law No. 11 of 1989 which instituted the High Court of Justice, the Court is not empowered to review [an] act of state".<sup>104</sup> Although "sovereign acts of state (أعمال السيادة)" were originally imported from French law and served to remove judicial review from decisions on foreign affairs, Arab states, such as Egypt and Jordan, have used these acts to encompass state decisions concerning internal security and the "safeguarding" of the state (Brown and Schaaf forthcoming, 11). These acts allow public officials to operate with "an authority unbound by law", thereby preventing individuals from deploying laws against the most politically sensitive decisions issued by executive officials (Brown and Schaaf forthcoming, 11).

In practice, Jordanian legal expert Ayman Halaseh (2016) finds that this ruling means that the revocation of nationality, as an administrative decision, "can be challenged before the administrative court". Thus, "if there is a mistake in the implementation of the instructions, the decision can be abolished". However, "the disengagement decision, under which the written instructions were issued, is a sovereign decision that does not fall within its jurisdiction and may not be appealed".<sup>105</sup> This means that an individual can challenge a revocation based on an administrative error (e.g., by proving that the defendant was living on the East Bank in 1988), but an individual cannot challenge a revocation based on questioning the legality of the disengagement.

Despite the distinction between challenges against nationality revocations based on an administrative error and those based on questions concerning the legality of the disengagement itself, some administrative cases have been dismissed because they are characterized as challenging the disengagement's legality. For example, one lawyer noted that the High Court has rejected some of these administrative cases on the basis that a nationality revocation that is connected to the disengagement "should not be discussed in the High Court" since it is "a matter of state sovereignty".<sup>106</sup> Another lawyer explained that the government told the High Court to say that it does not have to take these cases because the revocations are an "act of state" and because "all actions under emergency law are exempt from litigation".<sup>107</sup>

In addition, among the revocation cases that have been heard by the administrative courts, many of these cases have been dismissed. Specifically, one lawyer found that the cases

<sup>102</sup> Author interview with a Jordanian lawyer and rights activist (XL28), January 2016.

<sup>103</sup> E.J. Karmel and Ali al-Batran, "Policy Paper: The 1988 Disengagement Regulations and Their Effects on Identity and Participation in Jordan," Identity Center, 2014, accessed 30 March 2019, <<https://haqqi.info/ar/haqqi/research/policy-paper-1988-disengagement-regulations-and-their-effects-identity-and>>. High Court of Justice, "Decision 164/90," *The Palestine Yearbook of International Law* 1990–1991, 70.

<sup>104</sup> High Court of Justice, "Decision 164/90," *The Palestine Yearbook of International Law* 1990–1991, 70.

<sup>105</sup> Ayman Halaseh, "Revoking Jordanian Citizenship: Disengagement or Discrimination," *The Legal Agenda*, 16 February 2016, accessed 30 March 2019, <<http://legal-agenda.com/en/article.php?id=3127>>.

<sup>106</sup> Author interview with a Jordanian lawyer and rights activist (XL28), January 2016.

<sup>107</sup> Author interview with a Jordanian lawyer (MU65), April 2017.

he could bring to court were often lost due to procedural reasons.<sup>108</sup> However, losing cases due to procedural reasons is a common trend across administrative court cases, not just those concerning nationality (Schaaf forthcoming).

Furthermore, terminology, as it connects to existing legislation, seems to play an important role in influencing when a procedural rejection occurs. For example, when individuals challenge an administrative decision to “revoke (سحب)” nationality, they have been more successful because it more clearly connects to the nationality law’s provisions on the conditions under which one can lose Jordanian nationality (فقدان الجنسية الاردنية). Thus, the individual can succeed in reversing the nationality revocation if he or she can prove that those stipulated conditions were not in place. However, when the administrative decision was to “change (تغيير)” nationality, they have lost due to procedural issues that indicate such a decision is outside the court’s jurisdiction, because the term implies that the individual never had Jordanian nationality and it is not an instance of *losing* nationality but rather of *correcting* an error in that individual’s legal status.<sup>109</sup> More research is needed to better understand the ways these terms interact and reflect how officials govern nationality revocations.<sup>110</sup> However, there does seem to be a tendency for individuals to lose their cases on procedural grounds when the administrative decision was to “change (تغيير)” not “revoke (سحب)” nationality.<sup>111</sup>

Regardless, even when a case is won, the Jordanian judicial system treats cases as isolated, distinctive events. Thus, no single case or ruling serves as a standard-setting precedent for others. This stems in part from Jordan’s civil law system as well as from Jordanian judges’ reluctance to engage in policymaking.<sup>112</sup>

Although a relatively small number of individuals have challenged their revocations in court, most have not. This has occurred both because individuals cannot find a lawyer who thinks they have a chance at winning and because individuals do not think the state would rule in their favor (Schaaf 2021). One lawyer also described this reluctance as based on individuals’ beliefs that social connections (“*wasta* واسطة”) were more effective than the courts.<sup>113</sup> Altogether, these findings suggest that courts have not played an active role in shaping nationality in Jordan, nor have they been a consistently effective venue for challenging how the state implements nationality revocation policies.

Overall, the ambiguity surrounding the disengagement and its regulations makes it difficult to pinpoint why such nationality revocations have occurred and continue to occur. In addition to economic and political reasons, the revocations may reflect more mundane challenges in systematizing bureaucratic practices without an established law regarding the disengagement. Jordan’s frequent turnover in Cabinet members, which produces different ministers of interior with different views—whether political or not—on how to implement the

<sup>108</sup> Author interview with a Jordanian lawyer (NP92), December 2017.

<sup>109</sup> For example, an individual successfully overturned the revocation (سحب) of nationality (due to the revocation being issued by the improper authority, i.e., the MOI, not the Cabinet) in 2014 (Jordanian Administrative Court, Judgement Number 49, Year 2014, Case Number 49/2014). However, in 2017 an individual lost the reversal of a change (تغيير) of nationality due to procedural issues (Jordanian Administrative Court, Judgement Number 112, Year 2017, Case Number 112/2017).

<sup>110</sup> Judges have described the process by which someone lost their nationality as “correcting (تظهير)” nationality in the details of the contexts leading up to both cases referenced in the above footnote. Thus, “correcting (تظهير)” nationality may refer to the CSPD’s or FUID’s *implementation* of the revocation, i.e., how they refer to the procedure in their offices, while the decision to “revoke (سحب)” or “change (تغيير)” nationality is the formal legal administrative decision that one can challenge in court. It is unclear when and why officials use one term rather than the other in these formal decisions.

<sup>111</sup> Author correspondence with Steven Schaaf, October 2021.

<sup>112</sup> Author correspondence with Steven Schaaf, December 2020.

<sup>113</sup> Author interview with a Jordanian lawyer (NP92), December 2017.

disengagement, likely aggravates these bureaucratic challenges. These factors help contextualize the challenge of pinpointing the disengagement's effects on nationality in Jordan, as well as the specific circumstances under which one could lose Jordanian nationality.

## 2.9 The 2020 nationality law amendment

The 2020 nationality law amendment is the last, and by far the most recent, amendment to the 1954 law. This amendment only changed Article 15 of the law to state that every Jordanian may give up his or her Jordanian nationality and acquire the nationality of a foreign country after obtaining the approval of the Minister of Interior, rather than that of the Cabinet (as the law previously stated).<sup>114</sup> It is unclear why the government adopted this amendment, but some suggest that it occurred in response to a sizeable number of Jordanians needing to renounce their nationality in order to receive German nationality.<sup>115</sup> Although in practice Jordanians could reacquire their nationality after securing the German one, the large number of requests may have burdened the Cabinet and demanded that the MOI take over this responsibility.

In addition, if government officials view a “nationality correction (تظهير الجنسية)” as an instance of voluntarily giving up or relinquishing (يتخلى) Jordanian nationality,<sup>116</sup> then it is possible that this amendment also could serve to relocate this “correction” power from the Cabinet to the MOI. If this is the case, then it would address one of the areas where critics have challenged the legality of many of the nationality revocations since the disengagement. However, additional research is needed to evaluate whether this has occurred.

## 3. The current citizenship regime

Citizenship in Jordan continues to be marked by concerns regarding the final status of Palestinians and uncertainties surrounding the emergence of a Palestinian state, as well as patriarchal nationality and authoritarian governance. These traits are apparent in the nationality law's focus on *jus sanguinis a patre* (rather than *jus soli*), limited naturalization, and the ambiguities surrounding citizens' rights to retain their nationality.

### 3.1 Law-Making in Jordan

Jordan is an authoritarian regime governed by a limited hereditary constitutional monarchy with a parliamentary form of government.<sup>117</sup> Jordan continues to have a bicameral parliament, referred to as the National Assembly (مجلس الأمة الأردني), with a Senate as its upper chamber (مجلس الأعيان) and a House of Deputies as its lower chamber (مجلس النواب). Senators are appointed by the king for four-year terms, and deputies are elected by the people at least every four years,

<sup>114</sup> "قانون معدل رقم 18 لسنة 2020 قانون معدل لقانون الجنسية الاردنية" تاريخ العدد "22-04-2020" رقم العدد "5636"

“Amended Law Number 18 of 2020 – Amended Law for the Jordanian Nationality Law,” Issue Date “22 April 2020” Issue Number 5636.

<sup>115</sup> Author correspondence with Ayman Halaseh, Attorney at Law and Professor in Public International Law and Human Rights, June 2021.

<sup>116</sup> However, since Palestine is an Arab (not a “foreign”) country, it is not clear why Article 15, rather than Article 16, would apply to these cases.

<sup>117</sup> This section draws from Frost 2020a, 90–96.

though the King may suspend or delay elections (Sakijha 2020). However, most deputies are pro-regime, giving the parliament more of a “rubber-stamp” than substantive function.<sup>118</sup>

Law-making in Jordan is confined mainly to the executive branch. The King has the power to “promulgate and ratify laws, direct the enactment of regulations, ratify treaties and agreements, declare war, conclude peace, dismiss the Prime Minister, appoint Senators, adjourn or suspend the Chamber of Deputies, and command the armed forces” (Isaias and Jennings 2013). The King is the single most powerful decision-maker in Jordan, as the person in charge of appointing all ministers, security leaders, and senators, of approving all constitutional amendments, laws, and bylaws, and of directing the implementation of laws.

The hierarchy of legislation in Jordan has the constitution (الدستور) and its provisions at the top, then laws (القوانين), bylaws (الأنظمة), regulations (التعليمات), and decisions (قرارات). Article 31 of the constitution specifies that the King ratifies and promulgates the laws as well as directs the enactment of bylaws that may be necessary for their implementation, provided that these bylaws are not inconsistent with the provisions of the law.<sup>119</sup> International agreements technically come above Jordan’s domestic legislation.

### 3.2 International and Regional Agreements

Jordan has *not* signed several key international conventions relating to citizenship, and more specifically to nationality. These include the 1954 Convention relating to the Status of Stateless Persons, 1961 Convention on the Reduction of Statelessness, 1951 Geneva Convention on Refugees, and the 1967 Protocol Relating to the Status of Refugees. However, Jordan has signed other conventions with implications for citizen and noncitizen rights, including the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (acceded in 1974), 1966 International Covenant on Civil and Political Rights (signed in 1972), 1966 International Covenant on Economic, Social, and Cultural Rights (signed in 1972), and 1979 Convention on the Elimination of All Forms of Discrimination against Women (signed with reservations in 1980).

In addition, Jordan is party to regional conventions concerning citizenship and nationality. These include the 1952 Arab League (AL) Convention Concerning the Nationality of the Children of Arab States Residing in States Other than the One to which They Originally Belong (signed in 1953 and ratified in 1955),<sup>120</sup> as well as the 1954 AL Nationality Convention (signed in 1953 and ratified in 1955).<sup>121</sup>

The 1952 convention stipulates that any person belonging by origin to one of the AL states who has not acquired a nationality shall be considered a subject (الرعايا) of his country of origin (بلده الأصلي). However, this does not prejudice that person’s right to reside in or acquire

<sup>118</sup> Jordan banned political parties between 1957 and 1992, which contributed to the weakness and fragmentation of political parties in Jordan today. Electoral laws and procedures also help ensure that the House is pro-regime.

<sup>119</sup> Independent Election Commission (Jordan), “Legislation: Constitution”, Amendments through May 2016 <<https://www.iec.jo/en/legislation>> (English) <<https://www.iec.jo/ar/%D8%A7%D9%84%D8%AA%D8%B4%D8%B1%D9%8A%D8%B9%D8%A7%D8%AA>> (Arabic). Since the Arabic text uses the term “الأنظمة”, I translate the term as bylaw for consistency with the rest of the section.

<sup>120</sup> For the text of the 1952 Arab League Convention Concerning the Nationality of the Children of Arab States Residing in States Other than the One to which They Originally Belong, see: <[http://www.lasportal.org/ar/legalnetwork/Pages/agreements\\_details.aspx?RID=65](http://www.lasportal.org/ar/legalnetwork/Pages/agreements_details.aspx?RID=65)>.

<sup>121</sup> For the text of the 1954 Arab League Nationality Convention, see: <[http://www.lasportal.org/ar/legalnetwork/Pages/agreements\\_details.aspx?RID=66](http://www.lasportal.org/ar/legalnetwork/Pages/agreements_details.aspx?RID=66)>.

the nationality of another state, according to that state's legislation, though by acquiring the country of residence's nationality that person forfeits the nationality of his or her origin country. This provision implies that parties to this convention prohibit dual nationality. However, it is vague about who these Arabs are that have not acquired a nationality, and it does not specify if they are in other Arab states or what it means to forfeit a nationality that one does not hold.

There are some plausible scenarios to which this provision may refer.<sup>122</sup> First, it could reflect elongated nation-building processes of connecting individuals in AL states to one specific state. Specifically, cross-border kinship ties, migration, and nomadic customs, particularly in the aftermath of European colonialism that often drew arbitrary borders between states, may have demanded such a measure. For example, if individuals had not obtained legal documents, including nationality, since states' independence, then such a provision could apply to undocumented subjects.

Second, state officials may have wanted to hinder transnational movements and activism by creating nation-state boundaries that clearly did not include all Arabs. This could have made sense during the 1950s, when state leaders worried about growing pan-Arab sentiments and the potential for such sentiments to strengthen opposition forces against them. In this scenario, emphasizing nationality could have been one way to heighten senses of national identity over ethnic-cultural identities.

Third, the provision also could have had Palestinians in mind. The Palestinian refugees outside of Jordan largely did not gain access to the nationality of their host states (e.g., Lebanon, Syria, Iraq, Egypt, and Saudi Arabia), but, without a Palestinian state, they could not obtain the nationality of their country of origin either. This convention may have aimed to prevent other Arab states from nationalizing Palestinians or to prevent Palestinians from naturalizing by suggesting that, in doing so, they would forfeit their right to Palestinian nationality.

Although it is unclear why the 1952 convention emerged and what impact it had on the Jordanian nationality law, the 1954 convention seems to provide some clues by including several indirect and direct provisions prohibiting dual Arab nationality. The indirect provisions concern the nationality of Arab women and children. First, Article 2 states that an Arab woman obtains the nationality of her Arab husband and loses her previous nationality (unless she asks to retain her nationality in the marriage contract or within six months of the marriage contract). It adds that such a woman could recover her previous nationality if her husband's government withdraws her new nationality. Likewise, she can keep her original nationality if her husband does not have a nationality.

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<sup>122</sup> Although the provision could refer to "*bidoon* (بدون)," meaning "without," populations, which are those *without* nationality, it seems to predate debates about this issue. The *bidoon* mainly include groups (often with migrant histories) or tribes (usually with cross-border ties) who a state considers as foreigners. This means that a state, such as Kuwait or the United Arab Emirates (UAE), does not recognize them as being their citizens (even though they have resided within their borders for many generations, and often prior to the modern state's independence) and instead views them as nationals of another country, such as Iraq or Saudi Arabia, from which they allegedly originated. The provision could provide states with a legal justification for considering the *bidoon* as from their alleged country of origin and allowing them to reside within their borders, while these states' nationality laws, or at least the way they implement them, could prevent these groups from naturalizing. However, the 1952 Convention likely predates such concerns because the main countries with this issue, e.g., Kuwait and the UAE, had not gained their independence yet (1961 for Kuwait and 1971 for the UAE). Likewise, this issue, albeit on a smaller scale than in the Arab Gulf states, was not prominent in Jordan until the late 1960s and 1970s. Thus, this issue likely does not explain why this provision emerged, but it could be a relevant concern linked to this provision today.

Second, Article 3 also allows Arab women to recover their previous nationality if her marriage ends and she returns to that country and requests it, in which case, she loses the nationality she obtained through marriage. Third, Article 4 stipulates that minor children follow the nationality of their father, even if he changes nationalities (though after turning 18 years old, they can recover their previous nationality). These provisions treat nationality as a mutually exclusive status tied primarily to men.<sup>123</sup>

The direct provisions preventing dual Arab nationality are in Articles 6, 7, and 8. Article 6 states that a subject (الرعيا) of an AL state cannot obtain the nationality of another AL state except with the agreement of his or her government and after dropping his or her previous nationality. Article 7 stipulates that every Arab born outside of an AL state has the right to choose the nationality of the country where he or she was born within a year of turning 18 as long as the governments of these two countries agree to it and he or she drops his or her previous nationality. Article 8 requires those who have two Arab nationalities to pick one. It stipulates that these individuals must do so within two years after the convention enters into force. If they do not choose in this timespan, they only retain their most recent nationality, and if there is a tie, then they only retain the nationality of the country where he or she normally resides.

However, it is unclear whether the 1954 convention is in force. On the one hand, the AL website indicates that only two states ratified the convention (Jordan and Egypt),<sup>124</sup> and Article 11 of the convention requires that three states ratify it before it comes into force. On the other hand, the 2018 Arab Declaration on Belonging and Legal Identity—which emerged out of a ministerial conference led by Tunisia, in coordination with the Secretariat of the League of Arab States and the Office of the United Nations High Commissioner for Refugees—references the 1954 nationality convention directly and calls for it to be updated.<sup>125</sup> In addition, Jordanian government officials have referenced this provision, during personal interviews, as the reason why Palestinians cannot hold both Palestinian and Jordanian nationalities.<sup>126</sup>

Thus, regardless of its legal status, the 1954 convention seems to play a role in Jordanian nationality policies. Although MOI officials likely would say that Jordan does not permit dual Arab nationality because of the 1954 convention, in practice, there are Jordanians who hold other Arab nationalities.<sup>127</sup> This practice may reflect legal ambiguities concerning the 1954 convention, Jordanians not reporting that they hold another Arab nationality, or dual

<sup>123</sup> However, Article 5 states that children born to Arab women in Arab states can take their mother's nationality if the father has not established legal paternity over the child. If the father does establish legal paternity before the child turns 18, then the child acquires the father's nationality and loses the mother's nationality. This article also connects those found, without parents, with the nationality of the state in which they were found (and presumably, unless proven otherwise, where they were born).

<sup>124</sup> I am grateful to Lucas Jan van der Baaren for pointing out this discrepancy in the number of ratifying states. <http://www.lasportal.org/ar/legalnetwork/Documents/%D8%A7%D9%84%D8%AA%D8%B5%D8%AF%D9%8A%D9%82%20%D8%B9%D9%84%D9%89%20%D8%A7%D8%AA%D9%81%D9%80%D8%A7%D9%82%D9%80%D9%8A%D8%A9%20%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%80%D9%80%D9%8A%D8%A9.pdf>.

<sup>125</sup> For the text of the 2018 Arab Declaration on Belonging and Legal Identity, see: <<https://www.refworld.org/pdfid/5a9ffbd04.pdf>>

<sup>126</sup> The 28 February 2018 Arab Declaration on “Belonging and Legal Identity,” which emerged out of a ministerial conference led by Tunisia, in coordination with the Secretariat of the League of Arab States and the Office of the United Nations High Commissioner for Refugees, references the 1954 Arab Convention on Nationality and calls for it to be updated. This suggests that the 1954 Convention remains valid, though states may still not enforce it.

<sup>127</sup> Author correspondence with Ayman Halaseh, Attorney at Law and Professor in Public International Law and Human Rights, June 2021.

Arab nationality holders having personal connections in the government that allow them to hold both nationalities regardless of the government's official position on the matter.

Jordan also is party to other regional agreements related to citizenship. These include the Declaration on the Protection of Refugees and Displaced Persons in the Arab World (1992)<sup>128</sup> and Arab Convention on Regulating Status of Refugees in the Arab Countries (1994).<sup>129</sup> These agreements highlight the importance of protecting refugee women and children as well as treating refugees no worse than foreign residents. However, they also tend to focus on the conditions under which a country does not have to grant refugee rights to an individual, including when governments deem such actions as threats to national security (Frost and Shteivi 2018).

In addition, Jordan has been a party to the Arab Charter of Human Rights since 2004 (the year it was adopted), which includes nationality protections. Specifically, Article 29 protects individuals from arbitrary or illegal nationality revocations as well as people's rights to obtain a nationality, subject to domestic legal procedures. It also requires that states, as they deem appropriate, allow a child to acquire its mother's nationality, in accordance with their domestic laws and with regard to the best interests of the child. Further, Article 3 stipulates that states should protect individuals' rights and freedoms without discrimination based on race, color, sex, language, religious belief, opinion, thought, national or social origin, wealth, birth, or physical or mental disability.<sup>130</sup> However, the Charter's reference to domestic laws and what states deem "appropriate" creates opportunities for states to evade these protections.

### 3.3 Primary modes of acquisition and loss of nationality

#### 3.3.1 *Jus sanguinis a patre*

The primary mode of nationality acquisition in Jordan is through paternal descent. Article 3 stipulates that those born to a father enjoying Jordanian nationality are considered Jordanian, and Article 9 affirms that this is true wherever they are born. Until 1987, if a Jordanian father changed their nationality, their children would also automatically acquire the new nationality.<sup>131</sup> Jordanian law explicitly ensures that the children of Jordanian men are Jordanian.

The only exceptions to *jus sanguinis a patre* are when a child's parents are unknown (and the child is presumed to have been born in Jordan), or when the child has a Jordanian mother and a father who is of unknown nationality, has no nationality, or whose affiliation has not been legally established. The first exception is the only provision that permits *jus soli*. This means that a foundling can access Jordanian nationality, but the child of a Jordanian mother and a known father with a non-Jordanian nationality cannot.

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<sup>128</sup> For the text of this Declaration, see [http://www.lasportal.org/ar/legalnetwork/Pages/agreements\\_details.aspx?RID=51](http://www.lasportal.org/ar/legalnetwork/Pages/agreements_details.aspx?RID=51).

<sup>129</sup> For the text of this Declaration, see [http://www.lasportal.org/ar/legalnetwork/Pages/agreements\\_details.aspx?RID=53](http://www.lasportal.org/ar/legalnetwork/Pages/agreements_details.aspx?RID=53).

<sup>130</sup> For the text of the Arab Charter of Human Rights in Arabic, see [http://www.lasportal.org/ar/legalnetwork/Pages/agreements\\_details.aspx?RID=69](http://www.lasportal.org/ar/legalnetwork/Pages/agreements_details.aspx?RID=69); For the text in English, see <http://hrlibrary.umn.edu/instree/loas2005.html>.

<sup>131</sup> However, the 1963 amendment allowed children to keep their Jordanian nationality (instead of taking their father's new nationality, which was acquired under "special circumstances (ظروف خاصة)"), provided they chose to keep it within two years of turning 18.

In addition, if a father is Palestinian, the Jordanian government does not recognize that father as stateless, even if he does not have the nationality of any sovereign state. As Jordan's High Court of Justice ruled in 1983, "the brutal occupation does not change his [the Palestinian father's] nationality, just as the father is not considered to be of unknown nationality or stateless, but rather his nationality is known".<sup>132</sup> It is unclear if the government applies this provision for other stateless fathers. However, officials do allow women to confer their nationality when the father is unknown or unregistered, including when the child is a result of sibling relations, in which case the father cannot be registered.<sup>133</sup>

### 3.3.2 Discrimination toward women

Jordan has never allowed women to pass their nationality onto their children (through descent) or spouses (through facilitated naturalization). Instead, nationality can pass only through Jordanian men. As mentioned above, the sole legal exception is for children of a Jordanian mother and a father who is of unknown nationality, has no nationality, or whose affiliation has not been legally established.<sup>134</sup> However, the government has ignored this policy in the case of stateless Palestinian children because Jordan does not view Palestinians as stateless, even if they do not carry any Palestinian legal documents and even if they have never been to Palestine.<sup>135</sup> Previous legislation also prevented women from choosing their nationality after marrying a foreigner. However, the 1987 nationality law amendment removed this restriction, following partial efforts to mitigate this discrimination in 1961<sup>136</sup> and 1963<sup>137</sup> (see the sections above for details on those amendments). These discriminatory provisions were originally copied from the British Nationality and Status of Aliens Act of 1914, though the United Kingdom has since removed them, while Jordan has only partially done so.

### 3.3.3 Naturalization: Many options in law, few in practice

The nationality law specifies several forms of naturalization, though most of them are rarely applied in practice. These include facilitated naturalization for Arabs, expatriates, and foreign

<sup>132</sup> Jordanian High Court, Judgement Number 41, Year 1983, Case Number 41/1983. Ayman Halaseh (أيمن هلسا), "The Case of Children of a Jordanian Mother and a Non-Jordanian Father (حالة أبناء الأردنية من أب غير أردني)," The Legal Agenda (المفكرة القانونية), 29 December 2015, last accessed 19 September 2021, <<https://legal-agenda.com/%d8%ad%d8%a7%d9%84%d8%a9-%d8%a3%d8%a8%d9%86%d8%a7%d8%a1-%d8%a7%d9%84%d8%a3%d8%b1%d8%af%d9%86%d9%8a%d8%a9-%d9%85%d9%86-%d8%a3%d8%a8-%d8%ba%d9%8a%d8%b1-%d8%a3%d8%b1%d8%af%d9%86%d9%8a/>>.

<sup>133</sup> Author correspondence with Ayman Halaseh, Attorney at Law and Professor in Public International Law and Human Rights, September 2021.

<sup>134</sup> As discussed in section 4 of this report (specifically in the subsection entitled "Current Nationality Debates: Women's Nationality Rights"), since 2014, Jordanian officials have recognized the children of Jordanian women and non-Jordanian husbands as having certain "privileges," but not as having access to Jordanian nationality.

<sup>135</sup> Ayman Halaseh (أيمن هلسا), "The Case of Children of a Jordanian Mother and a Non-Jordanian Father (حالة أبناء الأردنية من أب غير أردني)," The Legal Agenda (المفكرة القانونية), 29 December 2015, last accessed 19 September 2021, <<https://legal-agenda.com/%d8%ad%d8%a7%d9%84%d8%a9-%d8%a3%d8%a8%d9%86%d8%a7%d8%a1-%d8%a7%d9%84%d8%a3%d8%b1%d8%af%d9%86%d9%8a%d8%a9-%d9%85%d9%86-%d8%a3%d8%a8-%d8%ba%d9%8a%d8%b1-%d8%a3%d8%b1%d8%af%d9%86%d9%8a/>>.

<sup>136</sup> The 1961 amendment allowed Jordanian women to keep their nationality until they received their husband's. It also allowed foreign women to keep their nationality after marrying a Jordanian and announcing this request to the MOI.

<sup>137</sup> The 1963 amendment included the conditions (discussed above) under which a Jordanian woman could confer her nationality to her children. It also allowed a Jordanian woman whose husband was or is being naturalized in another country, because of special circumstances, to retain her Jordanian nationality.



wives of Jordanian men, as well as ordinary naturalization. The only one that the government routinely implements is the one for foreign wives of Jordanian men.

Each option includes enough discretionary conditions for naturalization that the government could reject applicants if needed. As such, many individuals decide that it is not worth the time, money, and effort to try to naturalize. Among those who have tried, some have noted that the process ended when MOI officials discouraged their application or when applicants submitted the first round of paperwork and never received a response (Frost 2020c; Al-Fadilat 2013). Overall, in practice, major noncitizen groups in Jordan do not have access to nationality through most forms of naturalization, including the Gazan refugees, Iraqi refugees, Syrian refugees, long-term migrant workers, stateless nomadic populations, and the families of Jordanian women married to non-Jordanians.

### 3.3.3.1 Arab Naturalization

Article 4 of the nationality law stipulates special provisions for Arabs wishing to naturalize. Arabs are defined as every person who has a father of Arab descent and holds the nationality of an AL member state. These individuals can obtain Jordanian nationality by a decision of the Council of Ministers, upon the recommendation of the Minister of Interior, after they have resided continuously in Jordan for no less than 15 years. The process also requires that they renounce their original nationality by a written declaration in accordance with that country's laws. The 1963 amendment also added a list of provisions requiring that applicants: are of good conduct and have never been convicted for offences that violate honor and morals, have a lawful means of subsistence, are of sound mind and do not suffer from an impairment/handicap that would make them dependent or a burden on society, and take an oath of allegiance to the King.

The long residency requirement reflects the Jordanian government's concerns with the spread of pan-Arab nationalism when the nationality law was adopted in 1954, as discussed above. The AL also adopted a nationality convention in 1954 that prevented individuals from holding two Arab nationalities at once.<sup>138</sup> The specific addition of the Arab category to Jordan's nationality law in 1954 likely reflected efforts to connect domestic law to the AL convention as well as to recognize the popularity of Arab nationalism (Gandolfo 2012, 46–48; Davis 1997, 71), and no amendments have changed this since then. In addition, the 1963 amendments likely reflected similar concerns.

### 3.3.3.2 Expatriate Naturalization

Article 5 describes the conditions under which an expatriate can naturalize. An expatriate is, as discussed in detail above, every Arab born in Jordan or the usurped part of Palestine who migrated from or fled these countries, as well as the children of such persons. The King can, on the recommendation of the Council of Ministers, grant Jordanian nationality to an expatriate who submits a written request for it, provided that this person renounces any other nationality he or she holds when submitting this request. This naturalization process has rarely been used and this Article has never been amended.

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<sup>138</sup> However, as discussed above, this Nationality Convention technically never seemed to come into effect due to the low number of states that ratified it.

### 3.3.3.3 Ordinary Naturalization

Article 12 describes the provisions for ordinary naturalization, as discussed in the historic sections above.<sup>139</sup> It states that any person who is not a Jordanian or “incompetent (فاقد الأهلية)”<sup>140</sup> and meets the following conditions may apply to the Council of Ministers for a certificate of naturalization for Jordanian nationality:

- “(1) The person has been regularly resident in Jordan for a period of four years preceding the date of the application;
- (2) They must not have been convicted for offences that violate honor and morals;
- (3) They intend to reside in Jordan;
- (4) They know how to read and write the Arabic language;
- (5) They are of good conduct and have a good reputation;
- (6) They are of sound mind and do not suffer from an impairment/handicap that would make them dependent or a burden on society; and
- (7) They have a lawful means of subsistence, without competing with Jordanians in the professions in which a limited number of positions are available”.<sup>141</sup>

Article 13 stipulates that the Council of Ministers may grant or reject a naturalization application, and it can, with the King’s approval, dispense with the four-year residence requirement if the applicant is Arab or if the naturalization benefits the public interest. This Article also states that only individuals who renounce their former nationality at the time of the naturalization will receive their naturalization certificate, which is granted by the Council of Ministers and bears the signature of the Minister of Interior or the Minister’s deputy. The naturalization certificate is not available to those who acquired Jordanian nationality by naturalization but later lost it by opting to acquire the nationality of a foreign state. This provision remains intact, despite Article 17 allowing for dual nationality.

Although few people successfully naturalize through the ordinary procedures, once they do, they do not receive equal political rights. As Article 14 indicates: A person who acquired Jordanian nationality by naturalization is considered Jordanian in all respects, except that he/she is not allowed to assume political or diplomatic positions and public jobs that are determined by the Cabinet or be a member of the National Assembly (parliament) within ten years of acquiring Jordanian nationality; he/she is also not entitled to run for municipal and village councils and for the professional unions within five years of acquiring Jordanian nationality. This measure was added to the nationality law in 1987.

<sup>139</sup> “Ordinary” in this context refers to the regular naturalization process, as opposed to “facilitated” ones, such as when the applicant has a Jordanian spouse or can identify as an expatriate. Facilitated naturalization processes typically allow the applicant to skip or expedite some or all of the steps required under ordinary naturalization.

<sup>140</sup> Article 2 of the law defines this as: a person who is a minor, insane (مجنونا), imbecile (معتوها), or has lost legal capacity (فاقد الأهلية القانونية).

<sup>141</sup> قانون رقم 6 لسنة 1954 قانون الجنسية الأردنية وتعديلاته "تاريخ العدد" 16-02-1954 "رقم العدد 1171" "Law Number 6 of 1954 – Jordanian Nationality Law and Its Amendments," Issue Date "16 February 1954" Issue Number 1171.

### 3.3.3.4 Spousal Extension

The fourth form of naturalization is through spousal extension, which applies only to foreign women married to Jordanians, and is used regularly. Article 8 states that a foreign woman who marries a Jordanian citizen may obtain Jordanian nationality with the approval of the Minister of Interior if she announces her desire in writing and has been married for three years (if she holds an Arab nationality) or five years (if she holds a non-Arab nationality). These provisions reflect the 1987 amendment, which added a residency requirement for spousal extension and differentiated this requirement based on the wife's ethnicity. The 1987 amendments also allowed women to select their nationality under any circumstance, rather than automatically acquire their husband's nationality. Table 1 indicates the number of naturalizations based on spousal extension between 2012 and 2019.

Year	Naturalized Wives
2012	3,245
2013	* <sup>142</sup>
2014	4,160
2015	3,942
2016	4,316
2017	4,442
2018	4,187
2019	4,036
Total	28,328

*Table 1: CSPD data on naturalizations through spousal extension*

### 3.3.4 Dual nationality and investors

As described in detail above, Jordan changed its nationality law in 1987 to allow dual nationality. Article 17 of the nationality law states that “a Jordanian who acquired the nationality of a foreign country shall retain his/her Jordanian nationality unless he/she renounces it in accordance with the provisions of this law”.<sup>143</sup> In addition, those who had lost their Jordanian nationality when they acquired another nationality could submit a request to the Minister of Interior to return their Jordanian nationality. The Minister of Interior can then recommend that the Cabinet return that person's Jordanian nationality. Table 2 provides available data on the number of individuals who recovered their Jordanian nationality between 2012 and 2019.

<sup>142</sup> I could not locate an annual CSPD report for this year.

<sup>143</sup> There are no provisions in this or the elections law enabling Jordanians to vote from abroad. However, many Jordanians in Jordan do not vote, and there is a widespread sense that the House of Deputies is weak and ineffectual. As such, there has not been substantial advocacy to extend this right to Jordanians abroad.

<b>Year</b>	<b>Recovered Nationality</b>
2012	27
2013	* <sup>144</sup>
2014	41
2015	43
2016	-- <sup>145</sup>
2017	--
2018	--
2019	25
Total	136

*Table 2: CSPD data on cases of a recovered nationality*

### 3.3.4.1 Nationality by Investment

The dual nationality policy, as discussed above, reflected the Jordanian government's efforts to increase the investment of Jordanian nationals abroad in Jordan's economy. Although these efforts were not very successful, they did direct the government's attention to improving its relations more specifically with investors abroad. This approach yielded several policies granting Jordanian nationality to investors, including noncitizen Palestinians, though these policies have never appeared in the nationality law.

The first of these policies regarding nationality by investment was adopted in July 1999, five months after King Abdullah II took the throne following his father's (King Hussein's) death. This policy, entitled "Basic rules and procedures for the award of Jordanian nationality through investment," enabled Arab investors to obtain Jordanian nationality through one of three ways.<sup>146</sup> First, by depositing 500,000 U.S. dollars (USD) in the Central Bank to invest in production sectors (except for trading in stocks, real estate, and land); the investment project also had to ensure 10 ongoing employment opportunities for Jordanians. Second, by making a fixed deposit in the Central Bank for an amount equal to 750,000 USD for five years and without interest. Third, by owning one project or more in production sectors in which the total investments would be at least 500,000 USD. This policy change was one among a flurry of economic reforms that King Abdullah II enacted, occurring about a year before Jordan joined the World Trade Organization and secured a Free Trade Agreement with the United States.

After a large wave of Iraqis came to Jordan following the U.S. invasion in 2003, the Jordanian government decided to support Iraqi investors in obtaining Jordanian nationality under conditions similar to those decided in the 1999 policy. Although several former ministers of interior confirmed that this policy existed,<sup>147</sup> the terms of it are not available online.

<sup>144</sup> I could not locate an annual CSPD report for this year.

<sup>145</sup> Data were not reported on this metric in the annual CSPD reports for these years (2016–18).

<sup>146</sup> "Basic rules and procedures for the award of Jordanian nationality through investment," CARIM-South Project, <<http://carim-south.eu/database/legal-module/basic-rules-and-procedures-for-the-award-of-jordanian-nationality-through-investment/>>.

<sup>147</sup> Author interview with a former Jordanian minister (TV54), November 2017. Author interview with a former Jordanian minister (UA75), November 2017. Author interview with a former Jordanian minister (ZE98), June 2017.

The next publicly available nationality by investment policy emerged in 2018. This policy enabled an individual to secure Jordanian nationality if he or she: (1) made a zero-interest, five-year 1.5 million USD deposit at the Central Bank of Jordan (CBJ), (2) bought treasury bonds of the same amount at an interest rate to be decided by the CBJ for no less than 10 years, (3) bought securities worth 1.5 million USD from an active investment portfolio, (4) invested 1 million USD in small- and medium-enterprises for at least five years, or (5) invested 2 million USD in Amman, or 1.5 million USD if the project was registered in any governorate other than Amman, provided that the project created at least 20 job opportunities and remained operational for at least three years. This policy also enabled individuals to obtain permanent residency if they bought a property worth at least 200,000 Jordanian dinar (JD), as confirmed by the Lands and Survey Department, for 10 years without selling the property or disposing of it in any manner.<sup>148</sup>

The most recent published nationality by investment procedures are from October 2019. As in the previous cases, these procedures do not appear in the nationality law,<sup>149</sup> but in regulations released by the government, in this case by the Jordan Investment Commission (JIC). JIC's Arabic language website specifies the conditions for obtaining nationality by investment.<sup>150</sup> These conditions (limited to 500 investors a year) include satisfying one of the following four options, as well as a security and financial solvency check:

“(1) Making a zero-interest, three-year 1-million-dollar deposit [the term “dollar” likely refers to USD; it explicitly does not refer to Jordanian dinar] at the CBJ that the investor does not withdraw during that period and buying treasury bonds of the same value at an interest rate to be decided by the CBJ for 6 years.

(2) Buying shares/stocks worth at least 1 million dollars in Jordanian companies and investing 750,000 dollars in small and medium enterprises for no less than three years (with certification of these purchases provided by the relevant authority).

(3) Setting up an investment project or investment projects in any productive economic sector (according to existing legal provisions for non-Jordanian investments) and paying 1.5 million dollars if the project(s) is registered in the Amman (capital) governorate (or paying 1 million dollars in other governorates), provided that the project(s) creates at least 20 job opportunities

<sup>148</sup> “Granting citizenship to investors ‘will boost growth,’” *Jordan Times*, 21 February 2018, <<http://www.jordantimes.com/news/local/granting-citizenship-investors-will-boost-growth>>.

<sup>149</sup> Although the nationality law does not address this route to nationality, the bylaw regulating nationality fees, as of 2004, does. In this most recent bylaw on nationality fees, Article 2(9) specifies the cost of granting nationality to an investor in the Kingdom as 3000 dinars. This provision is interesting because the passports law, since its 2014 amendment, explicitly provides an avenue for investors to receive Jordanian passports in Article 12(A), but it also explicitly states that these passports do not confer nationality onto their holders in Article 12(C).

"نظام رقم 107 لسنة 2004 نظام رسوم الجنسية وتعديلاته" تاريخ العدد "16-09-2004" رقم العدد "4675"  
 “Bylaw Number 107 of 2004 – Nationality Fees Bylaw and Its Amendments,” Issue Date “16 September 2004” Issue Number 4675.

"قانون رقم 2 لسنة 1969 قانون جوازات السفر وتعديلاته" تاريخ العدد "16-02-1969" رقم العدد "2150"  
 “Law Number 2 of 1969 – Passports Law and Its Amendments,” Issue Date “16 February 1969” Issue Number 2150.

"قانون معدل رقم 12 لسنة 2014 قانون معدل لقانون جوازات السفر" تاريخ العدد "01-04-2014" رقم العدد "5278"  
 “Amended Law Number 12 of 2014 – Amended Law for the Passports Law,” Issue Date “1 April 2014” Issue Number 5278.

<sup>150</sup> Jordanian Cabinet letter concerning “Regulations on Granting Citizenship (تعليمات منح الجنسية)” to the Minister of Interior on 3 October 2019, <<https://www.jic.gov.jo/wp-content/uploads/2020/04/2.pdf>>.

registered with the Social Security Corporation for Jordanians and remains operational for at least three years.

(4) Having an overall average total value of fixed assets in an existing project or an overall share/dividend of an existing project (according to certified annual budgets) during the last three years that is worth at least 1 million dollars in the Amman (capital) governorate (or 700,000 dollars in other governorates) for each partner that also provided at least 20 jobs for Jordanians (or 15 jobs in other governorates) during the last three years, according to the Social Security Corporation”.<sup>151</sup>

In addition, an investor who obtains Jordanian nationality under one of these provisions can obtain Jordanian nationality for: his wife; any unmarried, widowed, or divorced daughters who live in his care; any unmarried sons no older than 18 years old when applying; and his parents, if they are dependent on him. An investor whose investment exceeds 3 million dollars can also obtain Jordanian nationality for his sons who are no older than 30 years old when applying, as well as those sons’ wives and children. There also are provisions for obtaining residency and a temporary passport rather than, or on the way to, nationality.

Although these provisions explicitly only reference male investors, the same provisions do apply to female investors. Lawyers have recognized these provisions as gender insensitive, and there are ongoing efforts at Jordan’s Legislation and Opinion Bureau (ديوان التشريع والرأي) to address this insensitivity. In addition, there are ongoing discussions about making Jordanian legislation gender neutral more broadly, rather than using male pronouns to refer to male and female individuals, which is currently the case.<sup>152</sup>

Although this form of naturalization does not appear in the nationality law, government officials may defend it based on Article 13(2) of the law. This provision stipulates that the Council of Ministers, with the approval of His Majesty, can dispense with the four-year residence requirement if the applicant’s naturalization benefits the public interest. However, this provision does not allow the Cabinet to waive the other naturalization conditions. Although the actual application for investment nationality does not require proof of these other conditions (see the above section on naturalization conditions), government officials may contend that they have been met based on a review of the application or an accompanying security check.

As of December 2020, over 200 investors had obtained Jordanian nationality through this program (*Jordan Times* 2020). In addition, JIC reported that these investors had added a total of 867 million Jordanian dinar (1.2 billion USD) to the Jordanian economy, while employing 7,326 workers (*Jordan Times* 2020). The investors included those whose original nationalities were Syrian, Iraqi, Palestinian, Finnish, Canadian, Lebanese, Yemeni, American, Kittitian, Pakistani, and Indian (*Jordan Times* 2020). During the first half of 2021, an additional 26 investors received Jordanian nationality, along with 98 of their relatives (*Jordan Times* 2021a). These investors invested approximately 37 million JD in 2021, as well as depositing or purchasing treasury bonds worth 11 million JD; 19 of these investors obtained nationality based on existing investment projects, which were valued at about 26 million JD and provided 1,105 job opportunities (*Jordan Times* 2021a).

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<sup>151</sup> Ibid.

<sup>152</sup> Author correspondence with Ayman Halaseh, Attorney at Law and Professor in Public International Law and Human Rights, September 2021.

### 3.3.5 Nationality revocation and renunciation

The nationality law specifies several conditions under which a Jordanian can lose his or her nationality. Article 18 stipulates these as follows:

“(1) Any person who enters the military service of a foreign state, without the prior permission or leave of the Jordanian Council of Ministers, and refuses to leave that service when so directed by the government of Jordan, shall lose his/her nationality.

(2) The Council of Ministers may, with the approval of His Majesty, declare that a Jordanian has lost Jordanian nationality if:

(a) He/she enters the civil service of a foreign state and refuses to leave that service when so directed by the government of Jordan;

(b) He/she enters the service of an enemy state;

(c) He/she commits or attempts to commit an act deemed to endanger the peace and security of the state”.<sup>153</sup>

Article 19 adds conditions under which a naturalized citizen can lose his or her nationality. It states that:

“The Council of Ministers may, with the approval of His Majesty, cancel the naturalization certificate granted to anyone:

(1) If he/she does or tries to do an act that is considered a danger to the security and safety of the state.

(2) If fraud/forgery appears in the data used to obtain the naturalization certificate”.<sup>154</sup>

The investment nationality cabinet decision No. 6800 of 2 October 2019, referenced above on the JIC website, also specifies in its tenth article that if any of the conditions listed to obtain investment nationality are breached, then that nationality will be withdrawn.

In addition, Jordanians can renounce their nationality voluntarily. Article 15 states that “every Jordanian can renounce his/her Jordanian nationality and naturalize to the nationality of a foreign country after obtaining the approval of the Minister of Interior”. Likewise, Article 16 stipulates that “every Jordanian can renounce his/her Jordanian nationality and naturalize to the nationality of an Arab country”. Similarly, Article 8(2) allows Jordanian women who marry a non-Jordanian to renounce their Jordanian nationality in accordance with Articles 15 and 16. The same applies to a Jordanian who acquires the nationality of a foreign country and who wants to renounce his/her Jordanian nationality, according to Article 17(a).<sup>155</sup> Table 3 provides available data on the number of individuals who renounced their Jordanian nationality between 2012 and 2019.

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<sup>153</sup> قانون رقم 6 لسنة 1954 قانون الجنسية الأردنية وتعديلاته "تاريخ العدد" 16-02-1954 "رقم العدد 1171"

“Law Number 6 of 1954 – Jordanian Nationality Law and Its Amendments,” Issue Date “16 February 1954” Issue Number 1171.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

Year	Renounced Nationality
2012	135
2013	* <sup>156</sup>
2014	159
2015	169
2016	-- <sup>157</sup>
2017	--
2018	--
2019	286
Total	749

Table 3: CSPD data on cases of nationality renunciation

Overall, the MOI CSPD does not consistently provide data about nationality renunciation and rarely provides data on ordinary naturalizations and nationality revocations. In addition, it is unclear whether the disengagement regulations “revoke” the nationality of Jordanians of Palestinian descent. This is particularly unclear because, as discussed above, government officials often refer to this process as “changing” or “correcting” a person from having Jordanian to Palestinian nationality (تظهير الجنسية). As such, they may consider it a voluntary renunciation of Jordanian nationality.

However, even if they do not consider it voluntary, CSPD officials can add these nationality “corrections” to their much broader, general figures on “corrections/*tathaheer* (تظاهير)”, which include many different types of corrections, as discussed above. The CSPD does not disaggregate this figure in its reports, making it unclear how many “corrections/*tathaheer* (تظاهير)” might refer to “correcting” someone’s nationality.<sup>158</sup> This blurring of the data on nationality naturalizations, revocations, and renunciations adds to the numerous legal concerns surrounding these processes and ultimately empowers the state while diminishing individuals’ rights.

### 3.4 Specific rules for certain groups

#### 3.4.1 Arabs and expatriates

Arabs and expatriates are two special co-ethnic groups in Jordan’s nationality law. However, their explicit distinction in law does not necessarily privilege them. As noted in the naturalization section above, Arabs have a much longer residency requirement (15 versus 4 years) to naturalize. In addition, although expatriates could naturalize with the King’s and Cabinet’s approval after simply submitting a written request, this procedure rarely occurs in

<sup>156</sup> I could not locate an annual CSPD report for this year.

<sup>157</sup> Data were not reported on this metric in the annual CSPD reports for these years (2016–18).

<sup>158</sup> The CSPD annual reports often provide a figure for “corrections/*tathaheer* (تظاهير)”, which is very high. For example, the 2017 CSPD annual report lists this figure as 98,446, and the 2018 report lists it as 109,632. CSPD, “Annual Reports (التقارير السنوية).” Last accessed 24 September 2021. <[https://www.cspd.gov.jo/Ar/List/%D8%A7%D9%84%D8%AA%D9%82%D8%A7%D8%B1%D9%8A%D8%B1\\_%D8%A7%D9%84%D8%B3%D9%86%D9%88%D9%8A%D8%A](https://www.cspd.gov.jo/Ar/List/%D8%A7%D9%84%D8%AA%D9%82%D8%A7%D8%B1%D9%8A%D8%B1_%D8%A7%D9%84%D8%B3%D9%86%D9%88%D9%8A%D8%A)>.



practice. The main scenario in which Arabs are privileged over other foreigners is in the case of non-Jordanian wives of Jordanian men, who can naturalize after 3 years if they hold an Arab nationality (versus 5 years if they do not).

As discussed in the historical background, it is not surprising that Jordanian law distinguishes between Arab and non-Arab foreigners as well as between Arab foreigners and expatriates. These distinctions reflect the Hashemite objectives of establishing an Arab state in Greater Syria, starting with Transjordan and Palestine. This approach to nation-building, combined with membership in the Arab League (Gandolfo 2012, 46–48; Davis 1997, 71),<sup>159</sup> demanded a special status for Arabs, particularly those coming from Palestine, when the 1954 nationality law was adopted. However, the legacies of European mandates and nation-state projects after World War I, along with intra-Arab political tensions, prevented the realization of this vision. In addition, Jordanian leaders came to view other pan-Arab movements as threatening, particularly those led or inspired by Egyptian President Jamal ‘Abd al-Nasir. These conditions mean that, despite the continued Arab and expatriate categories in Jordanian law, their “special” treatment does not necessarily translate into expedited naturalization.

### 3.4.2 Differentiated rights for naturalized citizens

As discussed in the historical background, naturalized citizens in Jordan have conditional, rather than equal, political rights. The nationality law, as of 1987, conditions naturalized citizens’ ability to run for office on the time since they naturalized. Article 14 lists these conditions as follows:

“A person who has acquired Jordanian nationality by naturalization is considered Jordanian in all respects, but he/she may not hold any political or diplomatic position or any public office specified by the Cabinet, and may not become a member of the National Assembly for at least 10 years after acquiring Jordanian nationality. He/she also is not entitled to be nominated for the municipal or village councils or the professional unions until at least five years have passed since acquiring Jordanian nationality”.<sup>160</sup>

Some of these restrictions were new and others were not. Specifically, the 1987 nationality amendment added that individuals had to have been a citizen for five years to run for a seat on local councils, as well as in professional unions. It also added that individuals could not hold any political position, diplomatic position, or public office specified by the Cabinet until they had been naturalized citizens for at least 10 years.

However, the restriction on becoming a member of the National Assembly was only partially new. The 1960 elections law for the House of Deputies required a candidate for the House to have been Jordanian for at least five years, according to Article 17.<sup>161</sup> In addition, the 1986 elections law for the House of Deputies echoed this requirement but extended it to ten

<sup>159</sup> Other Arab League members, such as Bahrain, Iraq, Kuwait, and Syria, include special provisions for those of Arab descent in their nationality laws. The list likely would be longer if looking only at the nationality laws governing between roughly 1945 and 1965, rather than those governing today.

<sup>160</sup> قانون رقم 6 لسنة 1954 قانون الجنسية الأردنية وتعديلاته "تاريخ العدد" 16-02-1954 "رقم العدد 1171"

“Law Number 6 of 1954 – Jordanian Nationality Law and Its Amendments,” Issue Date “16 February 1954” Issue Number 1171.

<sup>161</sup> "قانون رقم 24 لسنة 1960 - قانون الانتخاب لمجلس النواب" تاريخ العدد "11-06-1960" رقم العدد "1494"

“Law Number 24 of 1960 – Election Law for the House of Deputies,” Issue Date “11 June 1960” Issue Number 1494.

years, in Article 18.<sup>162</sup> Thus, the 1987 nationality law amendment aligned its provisions with the 1986 elections law for the House of Deputies, but at the same time also extended this requirement to the Senate. Aside from these political rights, Article 14 of the nationality law stipulates that a person who has acquired Jordanian nationality by naturalization is considered Jordanian in all respects.

### 3.4.3 Diminished rights of Jordanians of Palestinian descent and Jordanian women

Despite the nationality law's, as well as the Constitution's, consideration of all Jordanians as equal (with the exception of naturalized citizens' rights to hold certain political offices), these provisions are not always upheld. Specifically, Article 6(1) of Jordan's constitution stipulates that "Jordanians shall be equal before the law with no discrimination between them in rights and duties even if they differ in race, language, or religion".<sup>163</sup> However, there are several areas where Jordanians are not treated equally, particularly Jordanians of Palestinian descent and Jordanian women.

#### 3.4.3.1 Discrimination toward Jordanians of Palestinian descent

First, as discussed in the previous sections, Jordanians of Palestinian descent have experienced differential treatment regarding their access to electoral rights (Abu Odeh 1999, 230; Fathi 2005, 892; Ryan 2018, 114–144) and public sector work, including in the military and civil service, at public universities, and in appointed political posts (El-Abed et al. 2014, 51–52), as well as regarding their exposure to nationality revocations (Gandolfo 2012, 57–59). Their disproportionately low access to public sector work also gives Jordanians of Palestinian descent reduced access to the long-term benefits connected to these positions, including free health insurance (El-Abed et al. 2014, 77–79), cheaper consumer goods, subsidized housing, subsidized higher education, and social security (Baylouny 2008, 288–89).<sup>164</sup>

In addition, Jordanians of Palestinian descent can face greater competition when applying to public universities due to the number of official and unofficial quotas set aside for primarily Transjordanian groups. These groups include the children of Jordanians serving in (or retired from) the armed, security, or civil defense forces; students who attended "weak" secondary schools where less than 40 percent of the students passed the *tawjihi* (توجيهي) matriculation exam; and children of officials and retirees from the Ministry of Education (El-Abed et al. 2014, 73–74). These groups make up approximately 65 percent of all undergraduate places, making the remaining places much more competitive (El-Abed et al. 2014, 73–74).

These policies typically do not materialize in direct discrimination in laws against Jordanians of Palestinian descent. Further, when the discrimination is located in the law, such as in the case of electoral gerrymandering, there is no explicit link between the disproportionately less represented districts and Jordanians of Palestinian descent. However, evidence for these policies exists in lower levels of legislation (Frost 2020a), including ministry regulations (such as those regarding the disengagement and university quotas), as well as in

<sup>162</sup> "قانون رقم 22 لسنة 1986- قانون الانتخاب لمجلس النواب" تاريخ العدد "17-05-1986" رقم العدد "3398"

"Law Number 22 of 1986 – Election Law for the House of Deputies," Issue Date "17 May 1986" Issue Number 3398. This law also made East Bank Palestinian refugee camps into separate electoral districts that counted toward the West Bank's quota of House seats (Brand 2006, 198; Frost 2020a, 370–382).

<sup>163</sup> "الدستور الاردني" تاريخ العدد "08-01-1952" رقم العدد "1093"

"Jordanian Constitution," Issue Date "January 8, 1952" Issue Number 1093.

<sup>164</sup> These benefits extend into one's retirement, even if one pursues other work following retirement from the military or civil service (Baylouny 2008, 288–89).

practice, such as the actual number of Jordanians of Palestinians descent in the Cabinet, Senate, and House and the number of voters each member of parliament (MP) represents. For example, under the 2012 elections law, an MP in Amman, where most Palestinian-Jordanians live, represented approximately 96,000 voters, while an MP in Tafila, which is a predominantly Transjordanian area, represented about 22,000 voters (Valbjørn 2013, 314). Although the 2016 elections law increased representation for Jordan's largest cities (i.e., 28 seats for Amman, 19 for Irbid, and 12 for Zarqa), it still retained the tradition of overrepresenting rural, Transjordanian areas and underrepresenting urban areas that are home to most Palestinian-Jordanians (Ryan 2018, 137).

### 3.4.3.2 Discrimination toward Jordanian women

Second, there is discrimination toward women in the nationality law, among other areas.<sup>165</sup> As discussed above, Jordanian women cannot pass their nationality onto their children or spouses, potentially in breach of Jordan's constitution. Some legal activists argue that the constitution implicitly prohibits gender discrimination based on an interpretation of "Jordanians" in Article 6(1) as referring to both men and women (HRW 2018, 19–20). In fact, the Jordanian government itself has drawn on this interpretation. In its reply to issues raised by the Committee on the Elimination of Discrimination against Women, Jordan explicitly claimed "The word 'Jordanians' appearing in article 6 (i) [of] the Constitution refers to both sexes, without distinction between them" (UN Treaty Body Database 2017; HRW 2018; Frost and Brown 2020). Debates about the constitutionality of discrimination toward women in the nationality law, as well as surrounding whether this discrimination toward women should be removed, have made this a major current citizenship issue in Jordan.

## 4. Current Debates

There are three major political debates surrounding nationality in Jordan today. These debates concern women's nationality rights, stateless groups in Jordan, and access to Jordanian nationality by investment.

### 4.1 Women's nationality rights

Jordan has resisted nationality law reform in this area despite the persistent efforts of Jordanian women campaigning for equal nationality rights. Nimah Habashneh spearheaded these efforts and founded the campaign "My Mother Is Jordanian, and Her Nationality Is a Right for Me" ("أمي أردنية وجنسيّتها حق لي"). She created a Facebook page for the group in 2009, which has gradually gained traction, starting with 25 likes in 2009, moving up to 8,644 in 2014, and increasing to 16,634 in December 2021.<sup>166</sup> This campaign emerged out of her blog describing the problems she faced in caring for her children, who could not receive Jordanian nationality because their father was Moroccan (Frost 2018).

<sup>165</sup> Other areas of law that discriminate against women include in terms of personal status law (Forester 2019), housing, national health insurance, and social security (Gandolfo 2012, 54–56; Amawi 2000, 162–165; Sonbol 2003, 253).

<sup>166</sup> For more information on this group, see: <<https://www.facebook.com/MomJordanian/>>.

In February 2013, Habashneh’s campaign joined other groups to form the coalition “My Nationality is the Right of My Family” (جنسيتي حق لعائلي).<sup>167</sup> This coalition consists of 12 civil society organizations and advocates for constitutional and legislative amendments that affirm gender equality and enable Jordanian women married to non-Jordanians to pass their nationality on to their spouses and children. In 2014, the coalition teamed up with MP Mustafa Hamarneh, and his *Mubadara* (مبادرة) movement to add women’s nationality conferral to the legislative agenda (Frost 2018).<sup>168</sup>

These efforts generated a firestorm of criticism from other parliamentarians. Prominent among these criticisms was the claim that a reform of Jordan’s nationality law would ensure “Israel’s ultimate plan of creating a substitute homeland for Palestinians in Jordan” (Husseini 2014). This opposition, with the backing of many government officials, framed women’s equal nationality as a threat to Jordan’s identity. Specifically, they argued against reforming the nationality law because many of the women married to noncitizens are married to Palestinians (62% according to government estimates). Thus, if women could pass on their nationality, then government figures suggest that this would nationalize about 222,500 Palestinian children (Husseini 2014). This nationalization in turn would hurt the Palestinian cause and provide support for right-wing Israeli claims that Jordan “is Palestine” and the “alternative homeland (الوطن البديل)”.

Ultimately, the forces against the reform prevailed and the government decided not to reform the nationality law (Frost 2022b), noting that the reform “might affect the demographic balance in Jordan and might lead to empty[ing] Palestine from its people” (Husseini 2014). Instead, the Council of Ministers passed a decision that granted the children of Jordanian women married to non-Jordanians (and residing in Jordan for at least 5 years)<sup>169</sup> a set of “advantages” or “privileges” (مزايا), officially described as “facilitations” or “easing of restrictions” (تسهيلات).<sup>170</sup> In addition, the government promised to provide special identification (ID) cards to facilitate obtaining these services. These privileges offered the children of Jordanian women greater citizenship in the sense of increased formal rights, such as access to public education and driver’s licenses, but not in terms of nationality (Frost and Brown 2020).

However, many of the “new” privileges still defer to existing legislation. For example, the rights to investment, ownership, and obtaining a driver’s license all come only in accordance with existing laws, bylaws, and decisions—which often are the rights that pertain to all foreigners (Frost and Brown 2020). Most children also have not experienced any facilitated access to work due to the special ID cards, and many of the new ID-holders reported that government agencies continued to subject them to the same laws and regulations that govern foreign nationals (HRW 2018, 33–40).

In addition, many of these children and their Jordanian mothers could not obtain the ID cards in the first place (Frost and Brown 2020). Some could not secure the numerous documents required to apply, including passports from their fathers’ countries of origin, residency permits, work permits, certified birth certificates, and security clearances (HRW 2018, 4).<sup>171</sup> Others could not afford the costs required to collect these documents, which cost some women 230 Jordanian dinar (about 324 USD) per child in permits, medical tests, and transportation (HRW 2018, 30). By the end of 2019, the CSPD had issued just over 100,000 of

<sup>167</sup> For more information on this group, see: <<https://www.facebook.com/jinsiyatijo>>.

<sup>168</sup> *Mubadara* translates to “initiative”.

<sup>169</sup> In 2018, the MOI removed this condition, allowing mothers to remain eligible even if they have lived outside of Jordan. These amended regulations are on file with the author.

<sup>170</sup> The accompanying regulations for this decision are in the *Official Gazette*, Number 5320, issued on 31 December 2014. Copies of these are on file with the author.

<sup>171</sup> This policy changed in September 2018. The amendment only removed the mother’s residency requirement.

these ID cards,<sup>172</sup> representing less than 30 percent of the estimated number of potential beneficiaries (HRW 2018, 4). Table 4 shows the distribution of cards annually between 2015 and 2019.

Year	ID Cards for Children of Jordanian Women (البطاقات التعريفية لأبناء الأردنيات)
2016	66,219
2017	7,492
2018	13,540
2019	12,829
Total	100,080

Table 4: CSPD annual data on ID cards for the children of Jordanian women

Activists continued to protest against the unenforced privileges and to advocate for the nationality law's reform. However, these efforts suffered a huge loss in 2015 when Nimah Habashneh passed away (Frost 2018). Since then, activists close to her organized a new campaign in her memory (entitled the Nimah Campaign), and they continue to work with other women's rights groups. For example, in May 2021, the Solidarity is Global Institute (SIGI) organized a conference advocating for nationality law reform with the Nimah Campaign as part of its "Equality in Nationality and Citizenship Rights" program (Husseini 2021). The conference emphasized that access to nationality and citizenship rights for families of Jordanian women married to non-Jordanians remains a major demand that activists will continuously pursue (Husseini 2021).

Although activists have not secured a nationality law reform that would enable women to transmit their nationality, they have achieved some additional rights. An amendment to Article 12 of the labor law in May 2019 now exempts the children of Jordanian women (married to non-Jordanians) from needing a work permit.<sup>173</sup> Although these children continue to only have access to work sectors open to foreigners, this represents a substantial legal victory, particularly when considering that the parliament decided not to adopt the same provision for Gazan refugees.

## 4.2 Stateless groups in Jordan

Similar to the children of Jordanian women, and in some cases falling in both categories,<sup>174</sup> there are about 5,000–7,000 other stateless, or "*bidoon* (بدون)," persons in Jordan today (Al-Uthamat 2021). The term *bidoon* means "without" in Arabic, which in this case, refers to being

<sup>172</sup> According to cumulative figures of these ID cards issued in the CSPD's annual reports between 2015 and 2019. [https://www.cspd.gov.jo/Ar/List/%D8%A7%D9%84%D8%AA%D9%82%D8%A7%D8%B1%D9%8A%D8%B1\\_%D8%A7%D9%84%D8%B3%D9%86%D9%88%D9%8A%D8%A9](https://www.cspd.gov.jo/Ar/List/%D8%A7%D9%84%D8%AA%D9%82%D8%A7%D8%B1%D9%8A%D8%B1_%D8%A7%D9%84%D8%B3%D9%86%D9%88%D9%8A%D8%A9).

<sup>173</sup> "قانون معدل رقم 14 لسنة 2019 قانون معدل لقانون العمل" تاريخ العدد "16-05-2019" رقم العدد "5573" "Amended Law Number 14 of 2019 – Amended Law for the Labor Law," Issue Date "16 May 2019" Issue Number 5573.

<sup>174</sup> Individuals can fall into both categories when they both lack nationality due to their father's nomadic or otherwise undocumented past and have a mother with Jordanian nationality. In some of these cases, individuals have reported that they could not obtain nationality through their mothers even though their fathers did not have a nationality, which should qualify them for nationality according to Article 3(4) of the nationality law (Al-Uthamat 2021).

without nationality. It is important to note that the terms Bedouin (بدوئي) and *bidoon* (بدون) are distinct. Most Bedouins in Jordan have Jordanian nationality, as evidenced by the many prominent Bedouin tribes with representatives in the parliament and on the Cabinet. However, most of the *bidoon* in Jordan are Bedouin.<sup>175</sup>

In Jordan, this “bidoon” stateless group lacks nationality largely because they did not apply for it, typically because they were traveling and living in the desert, including across current state borders (Al-‘Uthamat 2021). Those in Jordan today primarily settled in the Northern Badia, located in Jordan’s northern Mafraq governorate, which borders Syria, Iraq, and Saudi Arabia. Thus, they also are referred to as “the children of the Badia (أبناء البادية).”<sup>176</sup> Historically, many within this stateless population did not try to obtain legal documentation. This differentiates Jordan’s “bidoon” population from the *bidoon* in Kuwait and other Gulf states, who have been systematically blocked from nationality and are considered “foreigners” that “illegally” live in these states (Beaugrand 2017).

It is unclear why this stateless group in Jordan never secured legal documents. It may reflect their disinterest or lack of awareness concerning the need to obtain them, particularly in the 1970s and 1980s (Al-‘Uthamat 2021). It also may have stemmed from them lacking proper documentation to start an application, including birth certificates and permanent addresses (Al-Hurra 2015), or being unable to afford a lawyer to manage their case.<sup>177</sup>

This stateless group also may not have qualified for (or the government may not have consistently implemented) the 1969 amendment to the nationality law, which considers as Jordanian: “All members of the North Bedouin clans (عشائر) mentioned in Paragraph (ي) of Article 25 in the Provisional Election Law No. 24 of 1960 and who were actually residing in the lands that were joined to the Kingdom in 1930”.<sup>178</sup> Likewise, there may have been reasons why they could not qualify for ordinary naturalization. For example, one of these stateless persons reported applying twenty times for nationality by naturalization with no success (Al-Fadilat 2013).

Uneven implementation of policies, or inconsistent behavior within families, may explain why some families have children with and without nationality. For example, one family reported that they had registered their older children, but they did not register their younger children because they were in the middle of the desert when those children were young (Al-‘Uthamat 2021). This ultimately resulted in the older siblings having nationality, while the younger siblings did not.

However, it is unclear what specific mechanisms led to this. For example, the older siblings may have received nationality due to the timing of their or their parents’ applications for nationality, which may reflect shifts in how the government has handled this stateless group

<sup>175</sup> Some stateless individuals in Jordan also may be so-called “gypsies (عجر)” (or “*nawar* (نوار)”, which is a more derogatory term by which some refer to them) rather than Bedouins. In such cases, like stateless Bedouin, they historically did not try to obtain nationality or other legal documents, and the government did not historically deny them access to nationality (Author correspondence with Ayman Halaseh, Attorney at Law and Professor in Public International Law and Human Rights, September 2021). However, this is not to diminish that “gypsies” historically have been marginalized and stigmatized in Jordan (Nahhas 2015).

<sup>176</sup> However, such stateless individuals could live in other areas of Jordan as well. Jordan prominently has Bedouin tribes from the south, center, and north of the country. Author correspondence with Ayman Halaseh, Attorney at Law and Professor in Public International Law and Human Rights, September 2021.

<sup>177</sup> Author correspondence with Ayman Halaseh, Attorney at Law and Professor in Public International Law and Human Rights, September 2021.

<sup>178</sup> "قانون معدل رقم 18 لسنة 1969 قانون الجنسية الاردنية المعدل" تاريخ العدد "16-06-1969" رقم العدد "2178"  
“Amended Law Number 18 of 1969 – Amended Jordanian Nationality Law,” Issue Date “16 June 1969” Issue Number 2178

over time or changes in requirements for families to register their children within a specific period. Changes in implementation, particularly since 2012, may reflect concerns that applicants are actually Syrian and have not lived in Jordan for decades;<sup>179</sup> this may have slowed down application processes and led government officials to require additional verification or documentation.

Regardless, the government has recognized this group as a stateless population that it needs to address. News reports suggest that the MOI formed a special committee to review their situation and applications for nationality (Al-Zayoud 2015). However, such reports are less clear about the results of this committee. It seems that instead of granting these applicants nationality, they provided them with temporary passports. Specifically, after receiving 2,950 requests, the committee reviewed 565 of them and approved those reviewed to receive temporary passports (Al-Zayoud 2015). Others report that Jordan's National Center for Human Rights found in 2018 that the committee had received 1,500 requests for nationality out of 7,000 cases (Al-'Uthamat 2021). The same news article found that one person had been holding a temporary passport since 2002 and had registered 5 passports since then (Al-'Uthamat 2021). There is also evidence that the committee switched to providing applicants with "housing identification cards (بطاقات تحديد سكن)" instead of temporary passports (Al-'Uthamat 2021). According to the 2019 annual human rights report issued by Jordan's National Center for Human Rights, 200 stateless persons obtained "housing identification cards (بطاقات تحديد سكن)" out of 919 eligible persons.

Overall, there are many uncertainties surrounding this stateless group. To start, it is unclear how many of them have been in Jordan over time. Likewise, it is unclear why some have been able to obtain nationality (thereby exiting the "bidoon" category), while others have not. In addition, it is unclear how the government has been responding to them, and which paths to nationality they can access (e.g., by being members of the North Bedouin clans referenced in the 1969 nationality law amendment, through ordinary naturalization, or through other provisions). However, there are many reports indicating that this stateless group has not received access to nationality in recent years, which suggests that this will remain an issue until the government adopts clearer, less temporary solutions.

### 4.3 Nationality by investment

While Jordanian officials have refused to enable women to confer their nationality, they have introduced measures to grant Jordanian nationality to investors (Frost 2021). The latest nationality by investment program, as described above, has granted over 226 investors Jordanian nationality (*Jordan Times* 2020; *Jordan Times* 2021a). In addition, government officials have been discussing proposals to re-engineer the program to simplify and facilitate the procedures for obtaining nationality as well as to improve the incentives for investors to pursue the program (Da'ja 2021a). These efforts highlight a trend of gradually reducing the conditions needed to receive nationality by investment since the current program started in March 2018.<sup>180</sup>

Proponents of nationality by investment claim that it is an important way to support Jordan's economy. For example, the Vice Chairman of the Iraqi Business Council in Jordan,

<sup>179</sup> Author correspondence with Ayman Halaseh, Attorney at Law and Professor in Public International Law and Human Rights, September 2021.

<sup>180</sup> The 2019 policy change reduced the total investment amounts required by the previous 2018 nationality by investment policy.

Saad Naji, stated that further facilitating investors' access to nationality is important and contributes to enhancing Jordan's competitiveness in attracting investments at the regional level (Da'ja 2021a). Likewise, the President of the National Association for Investor Protection in Jordan, Akram Karmoul, noted that facilitating the procedures for obtaining nationality is an important step toward enhancing Jordan's ability to attract more investors in light of regional competition (Da'ja 2021a).

However, critics of the policy consider it hypocritical and negligent. Women's activists are outraged that the government would grant nationality to investors—who could all be Palestinian or who could have no connection to Jordan—but not to the families of Jordanian women. They contend that before extending Jordanian nationality to investors, the government should have granted women equal nationality rights (Husseini 2018). Others highlight how it seems like the government privileges foreign investors much more than domestic ones, noting tongue-in-cheek that Jordanians should go abroad and become foreigners in order to return and benefit from investment incentives ('Ayish 2019).

These debates are ongoing, though the government seems to treat investment nationality more as an economic than a citizenship policy. This may reflect international pressures or advice. For example, the European Bank for Reconstruction and Development (EBRD) launched an Investment Climate and Governance Initiative (ICGI) in Jordan in 2014 to enhance the Bank's support for "improvements to the investment climate and economic governance".<sup>181</sup> This occurred in a context of extensive international coordination between the EBRD, World Bank, European Union, United Kingdom (including the Department for International Development), and U.S. Agency for International Development (including its contractor Development Alternatives Incorporated). In addition, in May 2018, the EBRD signed a memorandum of understanding with Jordan's government on implementing the ICGI, which included a pledge to support JIC and its efforts to promote investments among the Jordanian diaspora, as well as those who live in the Arab Gulf region.<sup>182</sup> The combined international and domestic support for this policy may have contributed to its adoption, and this support may motivate further reforms relaxing the requirements for investment nationality.

In fact, news outlets reported that the requirements to obtain nationality by investment changed on 12 September 2021 (*Jordan Times* 2021b). Although the regulations for obtaining nationality by investment have not changed on the JIC website, there seem to be new regulations based on a Cabinet decision that day. These changes include increasing the amount of shares/stocks to purchase from 1 to 1.5 million dollars in the second route to obtaining nationality by investment (see above for the full list of these "routes"); however, this second route also changed to no longer require an investment of 750,000 dollars in small and medium enterprises. Thus, the overall investment required by this route decreased from 1.75 to 1.5 million dollars.

The third route also changed to decrease the required investment in a new project outside of the Amman governorate from 1 million to 750,000 dollars, also reducing the number of jobs such a project is required to produce from 20 to 10.<sup>183</sup> Similarly, the fourth route shifted

<sup>181</sup> For details on the EBRD's "Support to the Jordan Investment Commission" Project Terms of Reference, see: <<https://www.ebrd.com/cs/Satellite?blobcol=urldata&blobkey=id&blobtable=MungoBlobs&blobwhere=1399793887713&ssbinary=true>>.

<sup>182</sup> For details on the EBRD's "Support to the Jordan Investment Commission" Project, see: <[https://www.ebrd.com/cs/Satellite?c=Content&cid=1395292102283&pagename=EBRD%2FContent%2FContentLayout&rendermode=live%3Fsrch-pg%3Fsrch-pg%3Fsrch-pg%3Fsrch-pg%3Dadv](https://www.ebrd.com/cs/Satellite?c=Content&cid=1395292102283&pagename=EBRD%2FContent%2FContentLayout&rendermode=live%3Fsrch-pg%3Fsrch-pg%3Fsrch-pg%3Fsrch-pg%3Fsrch-pg%3Dadv)>.

<sup>183</sup> Through this route, the investor receives a temporary passport for three years and has four months to complete the employment requirement. After complying with these conditions for three years, the investor receives Jordanian nationality (*Jordan Times* 2021b).



to decrease the required investment in an existing project outside of the Amman governorate from 750,000 to 500,000 dollars, and it reduced the number of jobs such a project is required to produce from 15 to 10. This route also shifted to require only 10 new jobs in the Amman governorate due to the challenges created by the COVID-19 pandemic; likewise, due to the pandemic, investors can combine the total number of jobs created by their separate projects, rather than relying only on the number of jobs created by one project (Da'ja 2021b).

The September 2021 changes also include a provision stating that if a partner enters or is ceded the company and is from within one degree of kinship to the original owner, then that new partner or owner can receive Jordanian nationality according to the applicable conditions (*Jordan Times* 2021b). Furthermore, the changes state that the provisions for nationality by investment will continue to be reviewed every six months and that new provisions will not apply retroactively (*Jordan Times* 2021b). Lastly, like the previous provisions, the new ones allow only 500 individuals to receive Jordanian nationality by investment each year.

Despite these recent changes, debates continue about whether these provisions are adequate for increasing investment in Jordan. For example, the Vice Chairman of the Iraqi Business Council in Jordan, Saad Naji, views these changes as a step in the right direction, but as a very small step where more changes are needed (Da'ja 2021b). Others recognize the low number of individuals who have received nationality by investment but in a less negative light. For instance, Minister of Interior Mazen al-Faraya stated that only about 200 individuals have received Jordanian nationality by investment and that these efforts are focused on settling and localizing investment (“توطين الاستثمار”) in Jordan (Da'ja 2021b). Overall, it is likely that the Cabinet will continue to provide updates about the nationality by investment provisions on an annual or biannual basis.

## 5. Conclusions

This report has examined how concerns with the final status of Palestine and Palestinians, legacies of patriarchal nationality, and authoritarian governance have shaped and continue to define citizenship in Jordan. In addition, although Jordan has only amended its current 1954 nationality law seven times, there have been many changes to conceptions of citizenship in Jordan, most notably in terms of what territory constitutes Jordan, as well as which residents constitute legal citizens and to what extent. The ambiguities surrounding the latter two questions are central dimensions of citizenship in Jordan. These ambiguities have created policies that say different things in law and in practice, as well as spectrums of citizenship that include “full” Jordanian citizens of Transjordanian descent, “second class” Jordanian citizens of Palestinian descent, and noncitizen Jordanian passport holders.<sup>184</sup>

The uncertainties surrounding citizenship in its broader sense are apparent in the discrepancies between published laws and implementing regulations. These discrepancies persist despite the constitution explicitly forbidding them. Article 31 of the constitution states that: “The King ratifies the laws and promulgates them. He shall direct the enactment of such regulations as may be necessary for their implementation, provided that such regulations are not inconsistent with the provisions thereof”.<sup>185</sup>

<sup>184</sup> Socio-economic, gender, and religious differences within these groups also affect their access to legal rights and statuses. These categories are not homogenous but are illustrative generalizations.

<sup>185</sup> “الدستور الاردني” تاريخ العدد “08-01-1952” رقم العدد “1093”  
 “Jordanian Constitution,” Issue Date “8 January 1952” Issue Number 1093.

Authoritarian governance helps to sustain these ambiguities without serious challenges from the courts. Although these ambiguities are not inherent to an authoritarian regime, and they likely can exist in democratic regimes, the centralization of law-making authority in the executive does provide more opportunities for creating and sustaining ambiguous policies. Ultimately, these ambiguities give state officials more flexibility and discretion, while disempowering those they govern. Future research would benefit from further unpacking these ambiguities, including tendencies to govern by regulations versus laws, as well as the sources and consequences of this approach.

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