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# High-Skilled Migration to and from Jordan

*Mohamad Y. Olwan*

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**CARIM Analytic and Synthetic Notes 2010/05**

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**Highly-Skilled Migration Series**  
*Legal Module*



**CARIM**  
**Consortium for Applied Research on International Migration**

**Analytic and Synthetic Notes – Highly-Skilled Migration Series**  
**Legal Module**

**CARIM-AS 2010/05**

**High-Skilled Migration to and from Jordan**

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This publication is part of a series of papers on Highly-Skilled Migration written in the framework of the CARIM project and presented at a meeting organised in Florence: 'Highly-Skilled Migration into, through and from Southern and Eastern Mediterranean and Sub-Saharan Africa' (30 November – 1 December 2009).

These papers will be discussed in two other meetings between Policy Makers and Experts on the same topic in early spring 2010. The results of these discussions will also be published.

The entire set of papers on Highly-Skilled Migration are available at <http://www.carim.org/HighlySkilledMigration>.

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The Consortium for Applied Research on International Migration (CARIM) was created at the European University Institute (EUI, Florence), in February 2004 and co-financed by the European Commission, DG AidCo, currently under the Thematic programme for the cooperation with third countries in the areas of migration and asylum.

Within this framework, CARIM aims, in an academic perspective, to observe, analyse, and forecast migration in Southern & Eastern Mediterranean and Sub-Saharan Countries (hereafter Region).

CARIM is composed of a coordinating unit established at the Robert Schuman Centre for Advanced Studies (RSCAS) of the European University Institute (EUI, Florence), and a network of scientific correspondents based in the 17 countries observed by CARIM: Algeria, Chad, Egypt, Israel, Jordan, Lebanon, Libya, Mali, Mauritania, Morocco, Niger, Palestine, Senegal, Sudan, Syria, Tunisia, and Turkey.

All are studied as origin, transit and immigration countries. External experts from the European Union and countries of the Region also contribute to CARIM activities.

CARIM carries out the following activities:

- Mediterranean and Sub-Saharan migration database;
- Research and publications;
- Meetings of academics and between experts and policy makers;
- Migration Summer School;
- Outreach.

The activities of CARIM cover three aspects of international migration in the Region: economic and demographic, legal, and socio-political.

Results of the above activities are made available for public consultation through the website of the project: [www.carim.org](http://www.carim.org)

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## **Abstract**

This study explores the legal aspects of high-skilled migration to and from Jordan, but it must be remembered that it is difficult to deal with this subject without taking international migration more generally into account. The study is structured in four sections: Jordanian migrant workers in the GCC countries and migrant workers in Jordan – numbers, qualifications and remittances; legal framework pertaining to border-controls in Jordan and the GCC countries; the human rights of migrant workers in Jordan and the GCC countries; and finally the bilateral workforce cooperation agreements between Jordan and Arab receiving countries.

## **Résumé**

Cette étude explore les aspects juridiques de la migration hautement qualifiée de et vers la Jordanie. Il s'agit néanmoins de garder en mémoire qu'il est difficile d'aborder un tel sujet sans tenir compte des migrations internationales dans leur ensemble. L'étude est structurée en quatre parties : les travailleurs jordaniens migrants dans les pays du Conseil de Coopération du Golfe et les travailleurs migrants en Jordanie – effectifs, qualifications et transferts financiers ; le cadre juridique relatif au contrôle des frontières en Jordanie et dans les pays du Golfe ; les droits humains des travailleurs migrants en Jordanie et dans les pays du Golfe ; et enfin, les accords bilatéraux de coopération en matière de main d'œuvre entre la Jordanie et les pays arabes de destination.

## Introduction

Jordan is both a labor-sending and a labor-receiving country. It is a destination country for immigrant workers especially Egyptians, foreign domestic workers, and migrants working in Jordan's Qualified Industrial Zones (QIZs). The country has seen several migratory waves of Palestinians since the creation of the state of Israel in 1948, and received another wave of Palestinians during the 1967 war which resulted in Israel seizing the remaining parts of historical Palestine (namely the West Bank from Jordanian sovereignty and the Gaza Strip from Egyptian administration). Finally, following the Iraqi invasion of Kuwait in August 1990 about 300,000 Jordanians living in this country and in Saudi Arabia fled to Jordan. Most returnees expected to stay only briefly in the Kingdom, but Kuwait, after its liberation, did allow them to resume their jobs.

As a country of origin, Jordan exports human expertise and skilled manpower to other Arab countries and in particular to the Arab Gulf States (GCC countries) that are today among the most important destinations for Jordanian migrants. Jordan is not worried about the emigration of its human capital because it has significantly more educated persons than the local market can absorb.

This study explores the legal aspects of high-skilled migration to and from Jordan<sup>1</sup>, but it must be remembered that it is difficult to deal with this subject without taking international migration more generally into account<sup>2</sup>. The study is structured in four sections: Jordanian migrant workers in the GCC countries and migrant workers in Jordan, including a study of numbers, qualifications and remittances; legal framework pertaining to border-controls in Jordan and the GCC countries; the human rights of migrant workers in Jordan and the GCC countries; and finally the bilateral workforce cooperation agreements entered into between Jordan and Arab receiving countries.

## 1. Jordanian migrant workers in the GCC countries and migrant workers in Jordan

### A. Numbers

The Jordanian Ministry of Labor (MoL) has estimated that 350,000 Jordanians work abroad, mainly in the Gulf countries<sup>3</sup>.

In the two last years, the Gulf States have witnessed the effects of the global economic crisis. Many workers have been laid off or have seen reductions in pay; however, this crisis has generally not affected Jordanians. The figures released by the Jordanian Ministry of Labor show that the number of Jordanians who left their jobs in the Gulf States is 2,516 in 2008 and 685 in 2009 (up until 1/9/2009). These figures include those who have returned voluntarily<sup>4</sup>.

Most of the Jordanian workforce in the Gulf States work in white-collar jobs and have middle to higher-level qualifications. There are a high number of university graduates, technicians, physicians and engineers in various sectors of the economy including construction, information technology, education, and tourism.

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<sup>1</sup> This study excludes the large numbers of students who emigrate temporarily to or from Jordan to pursue their education

<sup>2</sup> See M.Y. Olwan, "Jordan: the legal dimension of international migration" CARIM-AS 2006/01, RSCAS, European university Institute, Florence, available on [www.carim.org](http://www.carim.org)

<sup>3</sup> There are 3,502 Jordanians in Oman, 54,834 in the UAE, 30,979 in Qatar, 18,888 in Kuwait and 180,126 in Saudi Arabia. There is also a considerable number in Libya, 3,550. Ministry of Labor, internal memo, 24.09.2009. For department of statistics figures, see the Jordan Times, 25.08.2009

<sup>4</sup> Ministry of Labor internal Memo dated 1.10.2009

The recruitment of skilled Jordanians in the Gulf States is carried out in several ways. The most important are direct contacts between the prospective employer and employee, the MoL and the Jordanian National Centre for Recruitment. There are also specialized recruitment committees that conduct interviews with prospective employees and recently, and particularly in Amman, 38 recruitment bureaus have been licensed by the MoL in employing Jordanians outside the country.

The number of international legal migrants to Jordan reached 303,325 at the end of 2008 after reaching 313,926 in 2007; the largest foreign workforce is Egyptian at 67.70% of the total foreign workforce<sup>5</sup>.

## **B. Qualification**

Information about the education level of migrants in Jordan is not readily available or verifiable. The MoL Annual Report of 2008 reveals that of 303,325 regular migrant workers, 1387 are bachelor degree holders, 16 are High Diploma holders, 68 are Master degree holders, and 448 are Doctorate holders. Most of the bachelor holders, 1063, are Egyptians followed by Iraqis, 125. The same is true when it comes to the Masters degree with 24 for Egypt, and 20 for Iraq. But the number of Ph.D. holders is much higher among Iraqis at 333 compared to 47 Egyptians<sup>6</sup>. Other MoL internal statistics reveal that 477 foreign nationals are working as faculty in Jordanian universities of whom 389 are Iraqi. By contrast, the Ministry of Higher Education and Scientific Research reveals in its annual statistical report on higher education in Jordan that the number of faculty staff in the Jordanian universities for the year 2008/2009 reached 7,613; Jordanian citizens teaching staff number is 6,716: Arabs are 800 and the remaining non-citizens are 97. All these skilled migrants acquired their education in their countries of origin before migration to Jordan.

Jordanians attach much importance to higher education as opposed to vocational training and the education policy of the country is not adequately geared to job creation. Jordan has a surplus of university graduates and as a result of a mismatch between education and employment, university degrees holders cannot be absorbed into productive employment. In the absence of adequate employment opportunities, they do not have any other option but to emigrate and, if possible, to stay permanently abroad. This situation leaves Jordan with a skilled labor shortage, but as Jordan is a low-income country, qualified migrant workers in the region prefer higher-income GCC countries. The result is that most migrants to Jordan are employed in medium and low-skilled labor. The country also hosts many refugees<sup>7</sup>.

Jordan's best graduates abroad acquired their education in Jordan and their education is of a higher level than the education of migrants to Jordan.

## **C. Remittances**

Jordan's economic growth has been stimulated by outward-bound migration and the Jordanian labor market relies on its workforce abroad and on remittances sent by Jordanians to their families.

Remittance income to Jordan has traditionally been the most important source of foreign exchange and a pillar of the country's economic development. Remittances exceed export income and they account for about 20 percent of the Kingdom's GNP.

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<sup>5</sup> Ministry of Labor, Annual Report 2008, P.30. <http://www.mol.gov.jo>

<sup>6</sup> Ministry of Labor, Annual Report 2008, 1.78. The same figures reveal that 266,791 migrant workers are without any education, and that about 4500 migrant workers have only primary education: fewer than a thousand have secondary education.

<sup>7</sup> See Mohamed.Y. Olwan, "Iraqi refugees in neighboring countries: A New forced protracted displacement in the region", CARIM Research report 2009/13, Robert Schuman centre, European University Institute, Florence, 2009.

Jordanians abroad pump billions of dollars into their home country and remittances accounted for JD1.777 billion in 2005, JD2.043 billion in 2006, JD2.434 billion in 2007 and JD2.692 in 2008<sup>8</sup>. They are expected to remain at about JD 2.7 billion in 2009<sup>9</sup>.

Savings in the GCC countries are much greater than the wages Jordanians would receive if they stayed in their home country and a migrant's income is not taxable in these countries. But Jordanians tend to take their families with them when working abroad and they cannot, therefore, send a large share of their income to their families back home. The 'replacement labor', on the other hand, composed of low-skilled workers from Egypt and South East Asia transfers most of its wages to origin countries because workers are not typically accompanied by their families.

## 2. Legal framework pertaining to border controls in Jordan and GCC countries

Domestic rules ordering how the Jordanian borders are managed and those governing the treatment of migrants within Jordan's borders have been dealt with in previous articles<sup>10</sup>.

Article 12 of Jordanian labor law no.8 deals with the recruitment of non-Jordanian workers. It requires the approval of the Ministry of Labor (MOL) for any recruitment and approval that depends on evidence that the Jordanian work force lacks the necessary experience and ability that foreign workers are bringing into Jordan<sup>11</sup>.

Jordan also applies stricter rules to the admission of foreign nationals for the purpose of employment in the public sector because of the socio-economic conditions prevailing in the country. The country reserves certain categories of employment for its own labor force, particularly categories that involve the exercise of public functions and occupations connected with national security or defense<sup>12</sup>. The same is true for the 'free professions' such as lawyers, doctors, dentists, engineers, etc.

In both Jordan and the GCC countries certain types of migrant labor and public-sector workers are excluded from the purview of labor laws.

In the GCC countries non-nationals may not engage in any work within the state except when national workers are not available and among foreign migrants preference in employment is given to Arab workers<sup>13</sup>.

Non-nationals may not be employed in these countries without an employment permit which is not granted unless the worker possesses professional competences or education qualifications needed by

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<sup>8</sup> Alghad daily Newspaper, 6.7.2009

<sup>9</sup> The Jordan Times, 28.7.2009. These figures do not take into consideration remittances in kind or remittance income exchanged by money changers rather than by banks. It is worth mentioning that remittances from Jordanians who mostly work in the GCC countries dropped 3.4% to JD 776.9 million in the first four months of 2009 compared with a year earlier according to the Petra Agency. The drop was 3.7 percent in the first seven months of the year to reach JD1.48 billion, compared with JD1.53 billion registered during the same period last year. The decline in expatriate transfers is attributed to several factors, including labor conditions in the GCC countries, which have been affected by the global economic crisis, as well as new financial policies in Jordan (low interest rates on deposits). See The Jordan Times, 4.10.2009.

<sup>10</sup> See in particular Mohamad Y. Olwan, op.cit, available on [www.carim.org](http://www.carim.org)

<sup>11</sup> A closed professional list is adopted by the MoL, it includes the following: medical professions, engineering professions, administrative and accounting professions, clerical work including typing secretarial work, warehouses, sales works, including all group, haircutting work (coiffeurs), decoration work, the teaching professions, including all specialties except for those where there is no Jordanian available, fuel selling in main cities, the electricity professions, mechanical and car repair professions, drivers, guards, and building servants.

<sup>12</sup> Article 43 of the by-law or civil service no (3) of the year 2007.

<sup>13</sup> Article of the labor law no 8 of 1980 of UAE.



the country<sup>14</sup>. Furthermore, the relevant labor departments may not give their approval to the employment of non-nationals until they are satisfied that there are no unemployed and registered nationals who are capable of performing the required work<sup>15</sup>.

For years, these states have been pursuing and implementing job localization policies, which include investing heavily in the university education and the vocational training of locals so as to meet market needs. They particularly encourage their nationals to continue their education at foreign institutions such as those in the US, Canada, and Australia by offering scholarships, resulting in an increase in the number of students from these countries attending universities abroad. Some states even impose fines on businesses that do not employ a certain percentage of nationals,<sup>16</sup> but so far, these attempts to ‘localize’ the workforce have enjoyed only limited success, and have not led to lower immigration<sup>17</sup>.

Jordan faces high rates of unemployment among the educated young. Indeed, unemployment in the country rose to 14 percent during the third quarter of this year, according to the Department of Statistics (DoS). The survey of the DoS revealed that the unemployment rate was particularly high among university degree holders: 19.2 percent of those who hold bachelor degrees and higher had no jobs during the same period<sup>18</sup>.

GCC nationals do not need a prior permit to enter the Kingdom and they are issued a visa upon arrival in Jordan<sup>19</sup>, but Jordanian nationals wishing to visit the Gulf States must go through an application process that can take several days or months and that is not always successful.

These countries compete with each other to attract the most skilled and the highest educated from economically less developed countries in the region and other countries<sup>20</sup>, including western countries. They have to offer good wages to attract and retain qualified labor.

Most Jordanians choose the Gulf States as their destination countries for reasons of geographical proximity, historical ties and expected earnings. Qualified migrants willing to migrate will look into working in countries where they can use their professional training experience effectively and where they expect a degree of respect for human rights. They are, therefore, able to choose among competing countries in the region.

### 3. Human rights for High-Skilled migrants

Jordanians living in the Gulf States have the right to subscribe to the Jordanian social-security program and social-security laws apply to both Jordanian citizens and non-citizens. Jordan has been

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<sup>14</sup> Article 13 of the same law.

<sup>15</sup> Article 14 of the same law. See also for similar provisions article 32 of the Saudi Statute of Labor regarding the Employment of non-Saudis

<sup>16</sup> For example, in Qatar as of 31/3/2009, all non-specialized jobs are to be taken by Qataris. Qatar may further take a similar decision regarding supervision jobs, see [www.onlineqatar.com](http://www.onlineqatar.com) accessed on 25.09.2009

<sup>17</sup> N.Shah, “Restrictive labor Immigration Policies in the Oil-Rich Gulf, Implications for Sending Asian Countries”, paper prepared for IUSSP international population conference, Tours, France, (8-23 July 2005).

<sup>18</sup> See the *Jordan Times daily* newspaper, 2.10.2009.

<sup>19</sup> Gulf States citizens are classified as unrestricted nationalities in the Jordanian Ministry of the Interior’s recent classification. See the *Jordan Times*, 14.08.2009

<sup>20</sup> Beatrice Knerr, Rasha Istaiteyah, and Nadim Zaqq, "Out-migration of highly-skilled labor forces as a tool for sustainable economic development: the case of Jordan". see <http://iussp2009>, Princeton. Edu. Accessed on 15.10.2009

part of the ILO convention no.118 concerning equality of treatment for nationals and non-nationals in social security (1962) since 1963<sup>21</sup>.

Foreign workers in the Gulf States are, on the other hand, excluded from the purview of local laws on social security and pension.

Migrants cannot enter GCC countries or take up employment there without a *Kafeel* (sponsor) who is normally the employer of the migrant. The sponsor has significant power over the migrant worker who is not allowed to transfer his or her sponsorship or to work for any other employer. Violation of this rule is a sufficient ground for cancellation of the work permit and consequent deportation. Expatriate workers are then entirely dependent on the *Kafeel* system for their residence and work permits<sup>22</sup>.

Migrant workers are always vulnerable to dismissal by their sponsor, which leads to the residence permit being withdrawn and to immediate deportation: if deported the migrant cannot return to the country for two years even as a tourist.

The sponsors hold migrant workers' passports. But it seems that the UAE has prohibited this practice and in Qatar sponsors do not have the right to keep the passport of their employees except to perform official business or if there is a written agreement between employee and employer.

Migrant laborers do not have a free choice in employment, nor do they have access to welfare benefits that citizens typically enjoy. The migrant earns lower wages than citizens with identical or similar skills and experience, though those wages exceed those wages that migrants would receive in their country of origin. Furthermore, migrant workers from different countries are paid different wages for the same work and they may be offered employment conditions that are different.

The right of the migrant to bring his family with him is dependent on how long the migrant will stay in the county and on the migrant's salary. Migrants are deprived of cultural rights, the right to public health care and public education and the right to join trade unions. Most of these rights are reserved for citizens, though in practice some rights, like the right to join a trade union, are not fully available even to locals. Unions in the Arab world are weak in representing their members and in a country like Jordan, university professors and school teachers are not unionized. The right to strike is not recognized in all these countries and the law, in some cases, punishes striking workforces.

There is no right to stay permanently in host countries even if the migrant has worked in the country for many years. Migrants have only temporary residence status and they live with the constant fear of deportation. In regards to Jordanians working abroad, they are 'long-term' migrants,<sup>23</sup> and may stay in the destination country for years.

Citizenship laws in Arab countries make it difficult for non-citizens to acquire citizenship no matter how long they have lived in a given country. An Arab woman married to a non-citizen (even if he is an Arab) does not have the right to transmit her citizenship to her children. An Arab husband of an Arab wife is not generally permitted to apply for the citizenship of his wife. Birth in the territory of a given country does not automatically confer citizenship either.

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<sup>21</sup> <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-byconv.cfm?conv=C118&lang=EN>

<sup>22</sup> See Martin Ruhs, "Migrant rights, immigration policy and human development" United Nations Development Program , Human Development Reports. Research paper 2009, 23, June 2009 p.19, 20  
[http://hdr.undp.org/en/reports/global/hdr2009/papers/HDRP\\_2009\\_23.pdf](http://hdr.undp.org/en/reports/global/hdr2009/papers/HDRP_2009_23.pdf)

<sup>23</sup> On the distinction between "long-term migrants" and "short-term migrants", see UN statistics division 1998:187 Recommendation on statistics of international migration, revision 1.ST/USA/STAT/SERM/58/Rev.United Nations; New York

International law imposes certain limitations on the power of states to regulate international migration and it has a considerable role to play in the field of migrants' human rights.

Jordan and most countries receiving Jordanian workers are party to the 1966 International Covenant on Civil and Political Rights which reserves political rights, including access to public service to citizens (Article 25). They are also party to the International Covenant on Economic, Social and Cultural Rights (ICESR) of 1966 and the Convention on Elimination of all Forms of Discrimination (CERD) of 1965. Both Conventions prohibit discrimination against non-citizens in the field of work<sup>24</sup>.

It is worth mentioning that ICESR allows that 'developing countries with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals'. This means that a country like Jordan can, under certain circumstances, restrict the economic rights of non-nationals. However, the same is not applicable to the Gulf countries hosting Jordanian and other foreign workers<sup>25</sup>, because they can guarantee everyone's economic rights regardless of citizenship.

Migrant workers are entitled to the protection afforded by these international instruments because they are universals and should apply everywhere and to every human being.

As workers they are also entitled to the protection provided by international instruments specifically addressing the rights of migrant workers: the UN'S International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (CMW), adopted in 1990 and the ILO's Convention no. 79 on Migration for Employment (revised) (1949) and Convention no. 143 on Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Worker (1975). But neither Jordan nor the GCC countries have ratified these most significant international agreements<sup>26</sup>. In fact, all these states remain reluctant to ratify international conventions that limit their ability to restrict the rights of migrants living and working in their territories. Jordan also refuses to adhere to the CMW Convention for fear of their nationals abroad losing jobs.

#### **4. Bilateral cooperation agreements concerning workers entered into between the Governments of Jordan and various Arab states**

In addition to a number of bilateral agreements concluded between Jordan and sending countries<sup>27</sup>, Jordan has also entered into various bilateral agreements and protocols with those high-income receiving countries. Only the second type of these agreements have as their focus the recruitment of Jordanian workers and the streamlining of procedures pertaining to our study.

The terms of these agreements are couched in general terms. Their salient features, however, are as follows:

- The party States undertake to reinforce cooperation in the various fields concerning workforce issues and to organize recruitment and worker movement.

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<sup>24</sup> Article 2 par.3 of the ICESR

<sup>25</sup> On the status of the ratification of Human Rights instruments as of 8 October 2009, see [www.ohchr.org](http://www.ohchr.org)

<sup>26</sup> On the status of the ratification of these conventions adopted by the ILO, as of 14 October 2009: the ILO's mission has been to champion the cause of migrant workers see [www.ilo.org](http://www.ilo.org).

<sup>27</sup> See for these agreements CARIM website, Jordan also adhered to several Arab League agreements including the Agreement, no.(2) of the year 1967 regarding the migration of manpower, agreement no.(4) of the year 1975 regarding the same issue. See the Ministry website. See examples: Article 1, Bilateral Agreement between Jordan and the UAE 15/3/2006

- There is particular emphasis on vocational training and the exchange of expertise and information. In particular<sup>28</sup>, the Protocol between the Jordanian and Algerian Governments 18/7/2004, focuses on the exchange of research, information and labour laws as well as model experiments, Article 3.
- One of the main features of these agreements is the facilitation and simplification of the recruitment process between the party States<sup>29</sup>.
- Another feature is the establishment of a joint committee to oversee the application of the relevant agreement<sup>30</sup>.
- Some of these agreements feature the creation of recruitment bureaus in order to meet the recruitment needs of the employer<sup>31</sup>. However, most of them deal with this issue in general terms with the relevant authority in one state informing its counterpart in the other of any employment offers it has received<sup>32</sup>.
- The employer is allowed to appoint a representative in the sending country to oversee the recruitment process<sup>33</sup>.
- It is interesting to note the absence of any specific mention of highly-skilled workers; instead the terms of these agreements are drafted generally to cover the receiving country's labor needs.

#### **The offer and employment terms:**

- These invariably include the conditions, job specifications as well as the length of employment<sup>34</sup>, the job description, pay and any other benefits. Some agreements highlight transport and accommodation benefits<sup>35</sup>.
- Employment terms are naturally subject to the laws of the host country, which results in some variance among the agreements. For example, the agreement between Jordan and the UAE, specifically stipulates that a UAE employer is exempt from putting up a bank guarantee when employing Jordanians<sup>36</sup>.
- The employer must cover the employee's travel expenses from the home country to the host country.
- Most agreements guarantee a worker's rights to remit his or her income to his or her home country, subject to the financial regulations of the host country<sup>37</sup>.

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<sup>28</sup> Article 1, Bilateral Agreement between Jordan and the UAE, Article 1, Bilateral Agreement between Jordan and Kuwait 21/5/2001

<sup>29</sup> See for example Article 1 Bilateral Agreement between Jordan and Qatar 5/5/1997, Article 2, Bilateral Agreement between Jordan and the UAE as above.

<sup>30</sup> Article 11, Bilateral Agreement between Jordan and Sudan 6/2/2003, Article 12, Bilateral Agreement between Jordan and Yemen 10/9/1997

<sup>31</sup> Article 4(1), Bilateral Agreement between Jordan and the UAE.

<sup>32</sup> Articles 4, Bilateral Agreement between Jordan and Sudan, Bilateral Agreement between Jordan and Yemen, Article 4(1), Bilateral Agreement between Jordan and Tunisia 22/4/1988. and the Bilateral Agreement between Jordan and Morocco.

<sup>33</sup> Article 6, Bilateral Agreement between Jordan and Kuwait, Article 3(3), Bilateral Agreement between Jordan and Qatar, Article 4(b), Bilateral Agreement between Jordan and the UAE.

<sup>34</sup> Article 5, Bilateral Agreement between Jordan and Kuwait, Article 4, Bilateral Agreement between Jordan and Syria 30/12/2007.

<sup>35</sup> Article 5, Bilateral Agreement between Jordan and Yemen, Bilateral Agreement between Jordan and Morocco.

<sup>36</sup> Article 5.

<sup>37</sup> Article 11, Bilateral Agreement between Jordan and Qatar, Article 9, Bilateral Agreement between Jordan and Syria.

- The employee is guaranteed the right of seeking other employment upon termination of his or her contract, but only in accordance with the laws of the receiving country<sup>38</sup>.
- One of the few concrete outcomes of these agreements is the establishment of a joint committee to oversee the execution of these agreements<sup>39</sup>. The other binding obligation on the party States is the exchange of information.
- Understandably, the onus of establishing rights and obligations between the employer and employee rests upon the employment contract as applied by local laws. The party States obligations do not extend beyond the general supervision of these Agreements.
- A departure from this rule is again the Bilateral Agreement between Jordan and Libya which implicitly imposes the obligation on the party States to amend their laws and regulations in order to meet the stated obligations of parity and equality between Libyans and Jordanians.

## Conclusion

This study examined Jordan's and GCC countries' legal policy in regards to migration and immigration. It shows that as a destination country Jordan follows relatively open and liberal policies. As a source country, Jordan supports the immigration of Jordanians for employment purposes. Jordan is more open as an exporter of labor expertise and skilled manpower to other countries than it is as a receiving country. Jordan appoints labor counselors in the Jordanian diplomatic missions in GCC countries and in Libya, counselors whose mandate it is to give advice to the Government on the labor markets in those countries and to search out jobs there for Jordanians<sup>40</sup>.

In the GCC countries efforts aimed at 'localizing' the workforce have not yet proven successful and these countries are still dependent on the foreign workforce<sup>41</sup>.

It should also be mentioned that political tensions between Arab countries have had a considerable impact on migration. Kuwait, for instance, denied Jordanians and Palestinians, who left the country after the Iraqi invasion, the possibility of reentering the country and resuming their old jobs. Kuwait's pretext for this action was Jordan's backing of the Iraqi invasion. Another example of the impact of political tension on international migration between Arab States is seen in Qatar. Qatar made it difficult for Jordanians to renew permits or to obtain visas. There is still no way to compensate Jordanians and other migrants of labor-exporting nations for the negative effects of these illegal measures and policies.

Finally, it is important to note that Jordan acts as a sending country for most Gulf countries and there is rarely any movement of labor in the opposite direction. However, the bilateral work agreements between Jordan and receiving countries are drafted in such a way as to impose reciprocal rights and obligations on party States that may give the impression that there is a free-flow of labor in both directions. This is not though a true reflection of the situation on the ground.

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<sup>38</sup> Article 9, Bilateral Agreement between Jordan and UAE. Article 10, Bilateral Agreement between Jordan and Qatar where the stipulation of a 30 day limit is made.

<sup>39</sup> Article 12(1), Bilateral Agreement between Jordan and Qatar, Article 10, Bilateral Agreement between Jordan and the UAE, Article 8, Bilateral Agreement between Jordan and Kuwait.

<sup>40</sup> Ministry of Labor Annual Report 2008, p.56.

<sup>41</sup> But it seems that the dependence of a country like Kuwait on migrant workers is increasing. Statistics show that the number of migrants in this country decreased in 2009 for the first time in 19 years. It is worth mentioning that foreign nationals represent 68% of the total population of Kuwait. See *Alrai daily newspaper*, 19.10.2009.

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