



Evaluation Study for non-regular migrant labor

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Table of Contents

Content	Page No.
Introduction	
Definition of the phenomenon of non-regular migrant workers	
International standards on the rights of migrant workers:	
The legislative framework of migrant workers in Jordan	
The most prominent practices relating to non-regular migrant workers	
Impressions of employers and non-regular migrant workers about the reality of non-regular employment and related practices	
Recommendations	

1 - Introduction

The subject of non-regular migrant labor occupies an important place of official and non-official efforts in Jordan for many reasons, political, economic, social, cultural, and humanitarian. This category of migrant workers now has a visible presence in the Jordanian labor market, which by its very nature is subject to exploitation in various forms and manifestations than others. There have been many different attempts to understand this phenomenon, its causes, its conditions, and its varied effects. As for this study, it is trying to diagnose practices relating to non-regular migrant workers in Jordan, and the impact of these practices on the growth of this phenomenon and the conditions of the non-regular migrant workers in Jordan.

In other words, the primary objective of this study is to diagnose the most important practices and related laws, and evaluate them in the light of recognized international standards in the field of protection of the rights of migrant workers, non-regular workers in particular, and human rights.

The main researcher of this study conducted a previous one in the same area for the benefit of the Center to Enabled Legal Aid and Human Rights two years ago, but the current study, though shares some points with the previous one, but it differs in many aspects.

The main purpose of the first study was to identify the conditions of non-regular migrant workers and the reasons lying behind them, but this study is designed to identify the practices in the field of non-regular migrant labor, evaluate it, and stand on their effects on the existence of this group of workers and the problems being experienced. This study benefited from its predecessor in some respects, and developed the aspect of the legal framework deeper and more consistent with the current study and its objectives and assumptions.

As for the methodology used in this study, it is the analysis of the legislative framework governing migrant workers in Jordan, compared to Jordan's international obligations arising from human rights conventions and international labor conventions to which it is committed, especially since a large part of which was published in the Official Gazette and became legal rules in force within the Jordanian legal system.

The process of analysis focuses on studying of the relationship between legal rules in force in Jordan and actual practices in dealing with migrant workers, and the impact of these relationships on the emergence of practices related to non-regular employment and affects its existence and actual conditions.

The methodology used in this study also adopted an experimental approach, particularly for the field work, to uncover the most important practices related to non-regular migrant employment force actually in force at the public and private sectors (government agencies and private employers), so the study adopted a mechanism based on three interactive dialogue workshops, and interviews of specific nature with a number of migrant workers and employers included in form prepared in advance.

With regard to the interactive dialogue workshop, Amman Centre for Human Rights Studies organized it between 19-20/3/2012, in collaboration with the Enabling Center for Legal Aid and Human Rights in order to study and consider the gaps between the Jordanian legislation and international standards on the rights of migrant and fleeing workers followed in this field. The workshop included representatives of the Judicial Council, the Ministry of Justice, Ministry of Interior, Ministry of Labor, Public Security Directorate, lawyers for a number of Arab and non-Arab embassies, which are sources of migrant workers in Jordan, labor unions, the union of owners of employment offices, the International Labor Organization, the International Organization of Migration, the Jordanian women 's Union , Justice Center for Human Rights Studies, Employers and Owners Organizations, Union of Support Services Companies . The study benefited a lot of the discussions that took place in this workshop on the practices related to non-regular workers and its proposed recommendations.

As for the interviews, the study team conducted (130) Interviews with migrant workers and employers in order to detect their opinions related to the practices of non-regular workers and how to address and deal with them. The study team prepared a special form of the information to be collected during the interviews.

The study, in fact, faced a number of difficulties and challenges, the most important of which was access to non-regular workers because they do not reveal themselves easily, the unwillingness of many workers and employers to respond to the study team and interviews, and the absence of accurate records of gathering and places of distribution of non-regular employment. Furthermore some of the information to be given may not be completely accurate. The study team has, nonetheless, analyzed the information available and matched it with reality in order to challenge its accuracy and credibility.

This study is divided into six sections:

- Definition of the phenomenon of non-regular employment.
- International standards on the rights of non-regular workers.

- The national legal framework on non-regular migrant workers.
- The main practices related to non-regular migrant workers and the problems emerging from those practices.
- Impressions of employers and migrant workers about practices in the field of non-regular migrant labor.
- Recommendations.

2 - Definition of the phenomenon of non-regular migrant workers

The phenomenon of non-regular employment is related to certain reasons, which are mostly common reasons at global level, non-regular immigrant worker as defined by the UN Convention on the Protection of the Rights of Migrant Workers and Members of their Families (1990) is the one who does not have permission to enter, stay, or work for a fee.

Non-regular worker idea is linked with the worker not obtaining the formal papers that enable him to exist within the territory of a certain state or work there legally.

Following addressed is the elements relating to the concept of non-regular worker and reasons leading to this phenomenon.

Unauthorized access:

An outstanding example of unauthorized access is smuggling people across the border, where people are brought from outside the state to its territory without a visa issued by the competent authorities in this country. And not necessarily that smuggling is negative - as is the case in human trafficking - a person who is the object of smuggling seeks or wishes to enter the country where legal channels to enter the territory are closed.

Smuggling is an illegal crossing of the borders, which in effect is a violation of the rights of the state.

Unauthorized residence:

Unauthorized residence is when someone enters the country illegally and remains in that condition, or when they enter legally but continues to stay after the authorized duration of stay as entering on a tourist visa of three months period and continues to stay after the expiry of the three months.

Unauthorized work:

Unauthorized work is when the worker enters the country legally or illegally, and is not in possession of a visa or work permit, and even though works within the state in which he resides. This is also realized when the

worker is authorized to work in a particular sector or area and he works in another field or sector.

It should be noted that the conditions of non-immigrant employment resulting from unauthorized entry, residence, or work is often related to forced labor. This means that the phenomenon of indirect employment practically constitutes a gateway to the phenomenon of forced labor. Forced labor means any work or service which is obtained by any person under the menace of any penalty and the person doing it would not be satisfied doing it. And the threat, according to experts, may take more than one form, such as physical coercion, moral coercion, or threat of reporting non-regular worker to the police or to the competent authorities of immigration and foreign affairs.

Forced labor is a severe violation of human rights which so far does not include cases of pure economic need that push workers to stick to their survival job, and to their sense of not being able to leave because of a real fear of falling into unemployment.

Reasons:

The phenomenon of non-regular migrant workers was characterized by a number of reasons and practices, the most important of which are:

- 1) Lack of accurate and reliable information by people to work outside their country, or limited access to this information.
- 2) High cost of legal immigration procedures, its complications, and too many conditions imposed on it.
- 3) Lack of the necessary financial resources for those wishing to work to immigrate for work to pay for legal use.
- 4) State policies in the field of labor, where some countries adopt policies that restrict the use of migrant workers.
- 5) Fraud and deception practiced by agents generally use those seeking to migrate for work.

Regarding Jordan, the reasons for the existence of the phenomenon of non-regular migrant labor is due to many reasons, we have already analyzed in a previous study entitled "who tolls the bell, non-regular workers in Jordan between marginalization and the need for integration". And it can be summarized as follows:

1. Illegal entry by using forged documents: Jordanian authorities usually impose high control on its borders and crossings, which makes illegal access to the Jordanian territory difficult. Nevertheless, it is conceivable in a few cases that some people enter with false or illegal

documents. They enter by presenting forged documents, mostly in cases involving human trafficking.

Instability and armed conflicts in some of the neighboring countries of Jordan, such as Syria and Iraq, contributed in the entry of some persons illegally or with false documents.

2. Born to a non-regular immigrant father: This reason, in principle, is one of the main reasons for the existence of non-regular migrant labor in many countries, especially Western countries; but it is not so important in Jordan. Due to the poor economic conditions of non-regular migrant workers in Jordan, it is unlikely for non-regular migrant worker to stay for a long time in Jordan that he would have sons and daughters as non-regular migrant workers.

Despite this difficulty, there are a number of non-regular migrant workers who are married to Jordanian women and have children that might become in the future non-regular immigrant labor.

3. Withdrawal or loss of nationality: it is one of the common reasons for the existence of non-regular migrant workers in Jordan; the Jordanian authorities withdraw the Jordanian nationality from the Father, which consequently affects the nationality of his wife, daughters, and sons.

Withdrawing Jordanian nationality from those of Palestinian origin has become common and familiar, and led in many cases to the occurrence of many families in the development of non-regular immigrant. The fact indicates that a number of those whose Jordanian nationality was withdrawn have now because of that specific reason become non-regular migrant workers in Jordan , making an impact on their legal situation and living conditions.

4. Actual not legal movement of employer and/or to new work: strikingly Jordanian law makes the employer responsible for the migrant worker, and makes the worker actual and legal subject and follower to the employer; the migrant worker could not renew the work or resident permit to stay without the consent, and the procrastination, of the employer. He cannot either go to another employer or a new job without the consent of the former employer. The survival of a migrant worker in action is conditioned by a fixed-term employment contract that legally prevents the changing from one work to another or from one employer to another unless certain severe conditions are met notably the approval of the employer. Even

when this contract expires, a migrant worker could move to a new job only after the approval of the former employer.

Article (12) of the instructions and conditions of using and the introduction of non-Jordanian workers and the amendments thereto for the year 2009 - for example - excluded domestic workers and qualified industrial zones from its scope of application, as a result it limited these two categories in the free transition from one employer to another at all, as it does not allow workers in these sectors to move from job to job without the consent of the old employer. These restrictions would deprive the worker of the freedom of choice of employment and allow employers to put migrant workers in the use of unfair conditions resembling slavery.

The consequences of depriving a migrant worker in Jordan of his right in the selection of his work and move from job to another seriously, especially domestic workers and the Qualified Industrial Zones, that the migrant worker would move actually not legally from one work to another through evasion or other ways to leave a job and go to a new job, and becomes after actually not legally moving a non-regular migrant worker.

Other causes that contribute to the phenomenon of actual not legal moving and cause the emergence of non-regular employment, ill-treatment of employers to migrant workers working for them; which makes workers strive to change employers to get rid of ill-treatment and harsh working conditions imposed on them.

5. The transition from open professions to the closed professions: instructions, regulations, and practices in force in Jordan in the field of recruitment and employment of migrant workers distinguish between occupations are closed and the other open to them.

Practice has shown that the idea of closed professions significantly contribute to the existence of non-regular migrants workers. An employer in need of workers to work for him in a closed profession uses a worker in this profession, but he originally brings him on the basis of use in an open profession.

The worker himself might do this to enter Jordan on the grounds that the profession will be open knowing that he will work in a profession other than the one mentioned in the contract of employment or for that he has been officially brought to work.

The list of closed professions may actually be the reason for the existence of non-regulars workers, quite a number of workers enter

Jordan to work in the agricultural sector because farming falls within the list of open occupations but after entering they work in other occupations that are closed, and this is done with the knowledge of the employer who brought them.

Practice revealed A phenomenon in Jordan named 'defining'; where the migrant worker pays a sum of money between JD (600) - (1000) to the employer who brings or uses him provided that the latter defines him actually not legally and leave him work in any other job with another employer.

Migrant workers in Jordan are prone to practices that are not consistent with their human rights, especially when they become non-regular. Laws and practices in Jordan try to create a good environment and help turn them into regular workers.

6. Reduced fees for work permits in some professions: the instructions in force on charge of work permits and employment in certain professions, as Agriculture, are lower than work permits in other occupations, and employers issue work permits for migrant workers working for them in a profession whose permit fees are less than others in their desire in savings on the fees paid for the issuance of work permits. The workers might do this provide when they themselves pay the fees of their work permits.

After obtaining permission to work in a profession with preferential duties, the worker to works in a profession other than the one stated by the permit and for this reason he becomes a non-regular migrant worker, because of his move to work in the profession other than the one in which he is authorized to work.

The desire, workers and employers alike, to pay lower fees contributes to the emergence of non-regular immigrant labor.

7. Financial implications of fines for non-renewal of residence permit: the law requires that an employer to renew the establishment of migrant workers annually, and employers usually avoid doing so for financial reasons or their desire to turn them into non-regular workers to exploit them. Those fines may prevent non-regular workers to rectify their conditions, for legal conditions relating to this matter include payment of fines. Note that these entail fines on them because of the failure of employers to renew their workers' resident permission on time as imposed by law.
8. The desire of employers to increase their control and exploitation over migrant workers: it is recognized that the use of non-regular

migrant workers is usually accompanied with a high degree of exploitation, non-regular immigrant worker is in a weaker position than the regular; For this reason, he would seem more prone to exploitation by employers, and employers are often keen on the use of non-regular migrant workers or convert regular workers to non-regular through the non-renewal of authorization of residence and work permits, for labor exploitation, the use of non-regular migrant workers involves exploitative practices such as long working hours, depriving the worker leaves and overtime allowances. Employers also exercise the powers over illegal workers wider than those they practice on regular migrant workers. They exercise significant powers on regular workers by the fact that their residence and work is bound by the approval of the employer but the powers could be more arbitrary and unjust for non-regular workers.

It is noticeable through the information available that a large number of domestic workers become non-regular due to failure of employers to renew their residence or work permit. These practices by employers showed that these cases of domestic workers were mistreated and have been deprived of access to their salaries and wages, and were victims of assaults and sexual harassment, and have been deprived of their personal liberty by preventing them to get out of the house; so they resorted, under these circumstances, to flee and to work for another employer illegally or working in part with continued exposure to various forms of exploitation.

3 - International standards on the rights of migrant workers:

Human rights conventions and a number of International Labor Organization conventions include a set of standards to ensure that the number of rights to be protected and respected by states for the benefit of individuals, including migrant workers. Following is the presentation of the most important of these standards that apply to migrant workers as human beings, to whom additional criteria apply as migrant workers.

International conventions on human rights:

International conventions on human rights constitute an important basis and a pivotal role to protect the rights of migrant workers, whether regular or non-regular, under the basis that they are human beings and individuals under the jurisdiction of the states parties to these agreements. Jordan commits to seven conventions of basic nine human rights conventions: the

United Nations Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social, and Cultural Rights; the International Covenant on Civil and Political Rights; Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and other cruel, inhuman, and degrading treatment; the Convention on the rights of the Child; and the Convention on the rights of Persons with Disabilities. All these agreements, covenants, and conventions have been published the Official Gazette years ago and have become part of the Jordanian legal system, these agreements include the following:

Convention on the Elimination of All Forms of Racial Discrimination on 1965:

This agreement is one of the important agreements in the field of the protection of migrant workers both regular and non-regular, and the most important rights listed in the convention and relating to migrant workers as follows: non-discrimination and equality before the law for all; non-discrimination in freedom of movement; the right to a nationality; the right to equal treatment before the law; the right to freedom of thought, conscience, and religion; the right to freedom of opinion and expression; the right to freedom of peaceful assembly and association; the right to personal security and protection against any kind of violence; the right to form trade unions; the right to social security and social services; the right of public health and medical care; the right to education and training; the right to equal participation in cultural activities; and the right of access to any place or service dedicated to the public, such as transport, restaurants, theaters, etc.

The Convention prohibits discrimination on the basis of color, race, or national origin in the enjoyment and exercise of the rights referred to. This means that migrant workers, whether regular or non-regular, have the right to exercise these rights on an equal basis with others.

International Covenant on Civil and Political Rights of 1966:

This covenant includes a number of rights that prove to migrant workers all equal with other individuals under the jurisdiction of the States parties, namely: non-discrimination and equality of everyone to the enjoyment of civil and political rights; the right to life; prohibition of torture and other cruel, inhuman, or degrading treatment; prohibition of slavery and forced labor; the right to liberty and person security and the prohibition of illegal

and arbitrary detention; freedom of movement; protection of children's rights to register, have a nationality, and a name; the right to a fair trial; the right to equality before the law; the right to privacy; freedom of thought, conscience, and belief; freedom of peaceful assembly and association; and protection of the family .

The basic principle governing the work of the provisions of the Covenant is that those under the jurisdiction of the States Parties enjoy the rights guaranteed in the Covenant with the exception of political rights set forth in Article (25), which states may guarantee for its citizens and not others.

International Covenant on Economic, Social, and Cultural Rights of 1966:

This Testament includes a number of rights that States Parties should guarantee for migrant workers under its jurisdiction like others, namely: equality and non-discrimination in economic, social, and cultural rights; the right to work, including fair and satisfactory working conditions; freedom to form and join trade unions; the right to social security protection of the family; maternity protection; the right to a decent standard of living for his family; the right to health; the right to education; and the right to participate in cultural life and to enjoy the fruits of scientific progress and its applications.

Convention on the Elimination of All Forms of Discrimination against Women of 1979:

This agreement includes a number of provisions related to women migrant workers and their human rights, and these rights can be summarized in the following:

Prohibition of discrimination on grounds of sex; freedom of movement; the right to equality before the law, including the legal capacity; the right to work; the right to equal employment opportunities, such as those available to men; the right to free choice of employment; the right to equal treatment at work of equal value; the right to equal treatment in the assessment of the quality of the work; the right to social security; the right to paid leave; the right to occupational safety and health protection at work; prohibition of dismissal because of pregnancy or maternity leave; and the protection of women, and the fetus, during pregnancy from harmful work.

United Nations Convention against Torture and other cruel, inhuman, or degrading treatment or punishment in 1984:

This convention contains a number of provisions that can be applied to migrant workers, both regular and non-regular, for Article (1/1) of the convention is related to the concept of torture and discrimination, if the immigrant worker suffers severe pain by a person having official status, or as a result of his silence, complicity, or issued orders on a discriminatory basis for whatever reason, the behavior may be considered torture.

The article (6) of the Convention also requires States parties to take all appropriate measures to prevent any acts of treatment cruel, inhuman, or degrading within its territory or any territory under its jurisdiction, and the Committee against Torture, which oversees the Convention, in its second periodic concluding observations report on Jordan, issued on 25/5/2010, linked between the situation of women in homes and Article 16 of the Convention, and recommended that Jordan should strengthen the measures aimed at preventing violence and abuse against migrant domestic women workers, including ensuring that employers and representatives of recruitment offices who harm these workers are brought to justice. The Committee itself emphasized that in the questions approved by the end of 2012, for which Jordan should provide information in its third periodic report.

United Nations Convention on the Rights of the Child in 1989:

Under Article I of the convention, a child is every human being who has not reached the age of eighteen years unless considered an adult before that under the law in force.

The convention is an important legal basis for the children of migrant workers to enjoy a number of the rights recognized in the convention, and in the forefront is the best interest of the child.

According to the convention, children should be protected whatever their national origin or citizenship from all forms of physical and mental violence, neglect, damage, abuse, exploitation, and sexual violence.

The protected rights of children in the convention are: the right to life; the right to a nationality; the right to protection of the law; the right to freedom of thought, conscience, and religion; the right to freedom of opinion and expression; the right to family life and not to be separated from his family unless the child's best interest requires it; the right to serve the child 's private life; the right of the child to health; shared responsibility for the father and mother of the child; and the prohibition of child trafficking and use in harmful acts to their health, growth, and development.

International Convention for the Protection of the Rights of Migrant Workers and Members of Their Families of 1990:

This agreement combines the fundamental rights and freedoms contained in the instruments of the United Nations for Human Rights and the World Health Organization (WHO) at the same time, and it compels the States parties to respect and protect the interests of migrant workers and members of their families.

The agreement approved explicitly the integration and interdependence of civil and political rights on the one hand, and economic, social, and cultural rights on the other hand, and it approved the protection of migrant workers, both regular and non-regular, despite the different legal status of each respective range.

Article (1/2) of the Convention defined a migrant worker as a "person who is engaged or has been engaged in a remunerated activity in a country of which he is not a citizen." This definition applies on present conditions and others in the past or in the future, for every person will do a job in the future outside his country falls within the scope of this definition. The definition also includes those whose contracts will expire in the near future and those who prepare to return to their home countries.

Protection listed in the Convention is not limited to migrant workers only, but include their family members as well. Material (4) defined "family members" as "persons married to migrant workers or having with their relationship that, according to the law in force, effects equivalent to marriage, as well as their children and other dependent persons who are recognized as members of the family in accordance with the applicable legislation, bilateral agreements, or collective agreements between the countries concerned."

As for the recognized rights, the agreement included general protection to all migrant workers and members of their families, including non-regular migrant workers, on the grounds that they are human rights that must be protected for all workers, and additional protection of regular migrant workers and their family members.

The Convention approved the principle of equality between migrant workers and citizens of the state in a number of areas covered by the Convention, such as unemployment benefits, benefit from the projects to fight unemployment, seeking judiciary, and other rights and freedoms.

The agreement also acknowledged, in Article (7), the principle of prohibition of discrimination against migrant workers and their family

members, who are under the jurisdiction of the State party, in all rights covered by the Convention.

The Convention also recognized a number of fundamental rights like the right to life; prohibition of torture and other cruel, inhuman, or degrading treatment; and the prohibition of enslavement and exploitation of the migrant worker or member of his family. Article (11/2) also prohibited that the migrant worker, or any member of his family, be subject to forced labor, as is well known, the migrant workers are usually vulnerable to trafficking, which led to the Convention to prohibit human trafficking.

The agreement also ensures for migrant workers and their families the right to a fair trial, personal freedom, and the right to be treated humanely in detention, Article 17 of the Convention included an addition not found in the similar text of the International Covenant on Civil and Political Rights, as it conditioned, in the addition, the necessity to treat migrant workers and members of their families, who are deprived of their liberty, with humanity and with respect for the inherent dignity of the human person, that such treatment is consistent with their cultural identity.

The Convention also approved for a migrant worker and his family the right to the inviolability of private property, and the right to fair and adequate compensation in the case of confiscation of their property. It also recognized their right to legal personality, the right to own property, inheritance rights, and intellectual property rights.

The Convention also pointed to the right of migrant workers and their family members in working and living conditions not less than those enjoyed by the citizens, and that they are consistent with the standards of proper health, safety, and principles of human dignity and ensured them by the end of their stay in the state of employment, the right to transfer their money and savings. The Special Rapporteur of migrant workers rights acknowledged the idea of the contribution of these workers in their country of origin, particularly through remittances that they send to their families and relatives who are in their country of origin. This latter right should be enjoyed by all migrant workers regardless of their legal status or whether they are regular or non-regular.

One of the most important other aspects of protection afforded by the Convention for Migrant Workers and Members of Their Families is to protect the migrant worker's family. This principle (Family Protection) means that the migrant workers are not just economic tools but they are human beings accompanied by members of their families who enjoy their human rights like others. The migrant worker's family protection is based on

the idea of the unity of every family and every right guaranteed to the migrant worker moves automatically to his family members. Article (17 /6) of the Convention stressed that "if a migrant worker is deprived of his liberty, the competent authorities of the states concerned should pay attention to the problems that may arise for members of his family, especially his wife and minor children."

Article (45) of the Convention is keen to ensure that members of the families of migrant workers in the state of employment enjoy equality of treatment with nationals of that state in a number of economic, social, and cultural rights. Article (29) acknowledges for the children of migrant workers the right to get the name, to be registered immediately after birth, and to a nationality.

The Convention prohibits the collective expulsion of migrant workers and members of their families. And only permits individual expulsion and following a decision taken by the competent authorities in accordance with the law. According to the Convention, expulsion may only be resort to as a last resort and after consideration of all other alternatives, or other available means. The person may appeal against the decision to deport him unless it is a definitive decision of a judicial authority, and the competent authority is to review the decision unless the necessities of national security require otherwise. He is entitled pending the review request to stop the expulsion decision. The decision of expulsion itself shall not affect the acquired rights of a migrant worker or members of his family, including the right to receive wages and other entitlements due to him.

Of the other rights guaranteed by the Convention is the right to choose to work. The agreement confirmed in Article (49/2) that migrant workers who are allowed to work in the state of employment have the freedom to choose the remunerated activity, not to be considered in a non-regular situation, not to lose their stay permit by the end of the remunerated activity before the expiry of their work permits. And the state of employment may limit the access of migrant workers into specific jobs as long as such is necessary for the interests of the state, and as provided in the legislation in force.

The agreement granted other rights for migrant workers, such as the right of migrant workers to sue employers who do not respect their contractual obligations with these workers. Moreover, the lack of a migrant worker's compliance with its contractual obligations is not in itself a sufficient reason to expel the worker from the territory of the state of employment and migrant workers have the right to join trade unions. Migrant workers may

not be distinguished from nationals of the state in wages for work of equal value.

As for non-regular migrant workers, the preamble to the Convention indicated that workers who do not have the necessary documents or who are in an non-regular situation are being used mostly on terms less than the use of other regular workers, and that some employers find in that a temptation to look for this type of employment for the benefits of unfair competition.

The Convention has taken the idea of minimum protection for all migrant workers, including non-regular workers and workers who do not have documents. This limit relates to the necessity of protecting the basic human rights of non-regular workers on the grounds that they were human beings. Article (30) of the Convention - for example - acknowledges for each child of a migrant worker the right to access education on the basis of making the non-regular situation of the worker a reason to prevent or restrict enrollment in public schools. Article (28) warns of depriving migrant workers and their family members to get urgent medical attention because of any violation relating to stay or employment.

The Convention holds the countries of origin responsible for a number of commitments, including: the State of origin should provide the migrant workers and their family members, in the preparation phase of migration, with the necessary information related to their stay, the jobs that they may practice for a fee, the requirements that they must meet and information relating to the linguistic, cultural, judicial, social, political, and economic systems in the country of employment.

Of the other obligations incumbent on the state of origin is that the official bodies to organize the process of using workers in other countries and to exchange information with the competent authorities of other States Parties.

It should be noted that Article (2) of the Convention does not permit the waiving of the rights of migrant workers and their family members, and not even pressuring them to compromise any of the rights recognized in the Convention. It also does not permit the erosion of these rights under any contract.

With regard to the position of Jordan of this Convention, it did not join them until now, although it is the most important and comprehensive agreement in the field of the protection of migrant workers. Many states believe that this agreement is not more than an additional tool to protect the rights of humanity recognized in other conventions related to human rights, which emphasizes that it is for this reason that offer adequate advanced human rights protection through the ratification of human rights conventions prior

to this agreement. But this belief is not completely accurate, the Convention promotes the United Nations system of human rights as it involves additional protection for migrant workers that is not present in the predecessor human rights conventions such as the prohibition of collective expulsion, and the prohibition of holding passports of migrant workers, it is not easy to say that a country ensures the protection of the rights of migrant workers and members of their families without being a state party to this Convention. Jordanian legal system is not sufficient in the field of the protection of migrant workers both regular and non-regular unless Jordan joins this Convention and publishes it in the Official Gazette.

United Nations conventions and protocols relating to the problems of migrant workers:

In addition to human rights conventions and additional protocols, the UN approved a number of international conventions that relate to a number of problems of migration and migrants, on top of which is migrant workers. These are specific agreements about training, trafficking, and forced labor, and the following is a presentation of the most important criteria listed in a number of these agreements:

Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Convention against Transnational Organized Crime for the year 2000:

The basic purpose of the Protocol is to prevent and combat the smuggling of migrants, and promote the disparity between the States parties to this end.

The Protocol defined "smuggling of migrants" as bringing a person to the territory of a state party illegally where that person is not a resident and that is in order to obtain material benefits, either directly or indirectly. And illegal entry means in this context crossing the border without following the conditions required by the state receiver to enter its territory.

The Protocol applies to the prevention of smuggling, as well as to investigate and prosecuting smuggling operations. It also applies to the protection of victims of trafficking.

Convention for the suppression of trafficking in persons and exploitation in prostitution of others for the year 1949:

This agreement sought to address the problem of trafficking in persons for prostitution. It is well known that practice showed that the class of migrant workers is among the most vulnerable to exploitation in prostitution.

The Convention calls for States Parties to punish anyone suspected of involvement in any acts of exploitation of others for prostitution, and this provision also includes persons who finance the exploitation of others for prostitution or facilitating its commission in any way.

The agreement encourages the exchange of information among States Parties on several violations of its provisions and the procedures taken in the framework of the investigation and prosecution of persons suspected of being involved in work on the exploitation of the prostitution of others.

The agreement also calls for States Parties to strengthen its procedures and measures on immigration and the entry of foreigners in order to facilitate the process of detecting crimes of trafficking in persons for the purposes of exploitation of prostitution. The Convention also encourages the states to control agencies of employment offices in order to prevent the occurrence of those seeking to get to work, and in particular women and children, in the exploitation of prostitution nets.

Protocol to Prevent, Suppression and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention on the fight against Transnational organized crime for the year 2000:

This Protocol aims to: prevent and combat trafficking in persons, especially women and children, to protect and assist victims of trafficking and their human rights, and to promote cooperation among States Parties in order to achieve the above objectives.

The Protocol defines trafficking in persons as: "to recruit, transfer, or receive people by threat, use of force, or other forms of coercion, abduction, fraud, deception, abuse of power, or abuse of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, taper or percussion-like practices, servitude, or the removal of organs."

According to the protocol, the consent of a victim of trafficking has no consideration. In cases of child recruitment, transportation, transfer, or harboring for the purpose of exploitation, the situation is considered trafficking in persons even if the case did not use any of the means set forth in the definition.

The Protocol addresses the issues of prevention and treatment in cases of trafficking in persons. It deals with the obligations of state parties relating to

the prevention of trafficking, to investigate them when they occur, and to prosecute and punish the perpetrators. As well as the protection of victims and enabling them to obtain an effective remedy to compensate them for what damage they have suffered.

It should be noted that this Protocol is part of the Jordanian law because it is published in the Official Gazette years ago, and the Jordanian authorities should put the obligations arising from it under application to prevent practices that befall migrant workers, which may fall within the concept of trafficking in persons as stated in the protocol.

International Labor Organization (ILO) conventions related to migrant workers:

International Labor Organization (ILO) was established as an integrated and comprehensive system of international standards aimed at protecting migrant workers, including protection against trafficking and forced labor. Among the most important international conventions relating to these standards are the follows:

Convention of Migration for work in the year 1949:

This Agreement (Agreement No. 97) aims to regulate the terms and conditions of migration for labor and to create a system to protect the most vulnerable category of workers, the category of migrant workers.

The Convention does not discriminate in its provisions between permanent and temporary migrant workers, although some of its provisions are relate only to migrant workers and members of their families who were accepted for migration on a permanent basis, such as the provisions that protect these workers from being expelled for inability to work.

With regard to the measures to be taken to regulate the conditions of migration for work, it includes: measures to protect the public relating to the maintenance and perpetuation of free services to help migrant workers, special measures to provide information, measures against false advertising to transfer their savings, and measures relating to the expulsion of permanent immigrants.

Convention No. 143 on Migrant Workers (Supplementary Provisions) for the year 1975:

This agreement addresses the circumstances and conditions under which immigration should go, and it includes provisions that recognize the special protection for each vulnerable group of workers during their work in a

country other than their country of origin. This agreement is one of the pioneering attempts by the international community to deal with a number of problems arising from the phenomenon of non-regular migrant workers and illegal use of migrants. It has approved a minimum level of protection for migrant workers both regular and non-regular, so it held committed the States parties to respect the basic human rights of all migrant workers (Article 1), which are protection measures for the benefit of migrant workers who have lost their jobs (Article 8), or who are in a non-regular situation (Article 9).

Although the Convention emphasized the right of States Parties to organize the waves of immigration to it, but it also recognized the right of migrant workers to protection whether they entered the State are legally or not, with legal documents or not. It also recognizes the principle of equal opportunities for migrant workers access to business, trade unions, cultural rights, and individual and collective freedoms. The Convention generally recognizes for every migrant worker the right to minimum protection for fundamental human rights and a number of labor rights without discrimination for any reason.

Convention No. 118 on Equal Treatment (Social Security) for the year 1962:

This Convention includes provisions regarding the nine social security (social insurance) ingredients, namely: medical care, benefits for the disease, benefits relating to maternity, benefits on unemployment, benefits of aging, benefits for accidents at work, benefits on disability, benefits for death and benefits related to the family.

The State party to the Convention ensures the nationals of any other State Party within their territory, equality in social security with its citizens. States Parties are required to ensure providing social security services in some areas of its citizens and those of any other State Party outside its territory, provided that the other State Party has accepted this commitment for the same field, and the principle is not conditional on reciprocity.

Convention on Private Employment offices No. 181 for the year 1997:

Given the growing role now played by private employment offices in the area of recruitment and employment of migrant workers, it has become necessary to protect migrant workers from abusive behavior, fraud, and deception that these offices has practiced against them. This agreement included a set of standards to guide the States Parties to establish legal frameworks to address the illegal use and trafficking in human beings,

especially women and children. The end core of which is the protection of migrant workers and allowing employment offices to carry out their work without any abusive practices and in accordance with basic human rights standards.

The agreement emphasized the necessity for the States parties to guarantee the treatment of employment offices for workers without discrimination on the basis of race, color, sex, religion, political opinion, nationality, social origin, or any other cause of the reasons set out in national law.

The employment offices, according to the agreement, may not, in principle, charge the workers either directly, indirectly, in whole, or in part for any fees or costs, and the Convention contains some specific exceptions exclusively.

The Convention requires States Parties to adopt the necessary measures to provide appropriate protection in order to prevent abusive practices against migrant workers by private employment offices. These measures should include the enactment of laws and regulations that recognize sanctions against abusive practices of the employment offices.

The United Nations recommendations of the Rapporteur on Human Rights of Migrants:

Human Rights Commission (before it was cancelled and replaced by the Human Rights Council) founded in 1999 the position of Rapporteur on human rights of migrants. The Rapporteur was tasked with studying ways and means of overcoming the existing obstacles and difficulties which prevent to ensure full and effective protection of the human rights of migrants, including those relating to the return of migrants without documents or existing illegally.

The Committee also requested the Rapporteur to take into account the bilateral and collective negotiations aiming to address a number of problems in the forefront of which was the return and reintegration of migrants, whether they are non-regular migrants or not obtaining documents.

All governments were called to cooperate fully with the Rapporteur by providing the required information and immediately responding to his urgent requests.

The Rapporteur issued several reports containing specific recommendations relating to the prevention of violations of the human rights of migrants, justice for the victims of these abuses, and promoting work with international standards on the protection of migrant workers and members of their families. The Rapporteur also visited several countries, including:

Canada, Ecuador, Mexico, Philippines, Spain, Morocco, Iran, Italy, Burkina Faso, Belgium, Peru, and Sierra Leone.

International law contains a number of international standards relating to the rights of migrant workers. The basic principle underlying all these criteria is that all persons under the jurisdiction of the other countries should enjoy human rights without discrimination for any reason. Migrant workers in Jordan, whether regular or non-regular, enjoy the rights recognized in human rights conventions, with the exception of political rights, for it is not permissible, for example, to be subjected to torture, cruelty, inhuman, or degrading treatment, they may not be deprived of a fair trial, be left vulnerable for economic exploitation or sexual abuse, may not be deprived of their personal freedom arbitrarily or illegally, may not be detained in inhumane conditions, may not be deprived of their right to practice their religion, and the right to health, education, and satisfactory and equitable working conditions. These rights are all confirmed for them and their families.

It should be noted that the protections contained in the above mentioned international conventions, are the minimum level of protection that States Parties could not forsake or derogate from under their national executive, administrative, and judicial laws and practices in force.

Under these agreements states parties are obliged to respect the human rights of migrant workers and not bring any behavior that deprives them, or members of their families, from these rights. They are also obliged to protect these rights and guarantee them in special relationship, which means preventing ordinary people from abusing them or depriving migrant workers and their family members from exercise them. This commitment is a key element in determining the scope and nature of the legal protections that states must provide for migrant workers and members of their families, whether they are regular or non-regular, Jordan is bound under this "horizontal application" to take all measures, including legislative and judicial measures to prohibit the violation of the rights of migrant workers and their families by ordinary people, such as employers and recruitment offices.

4 - The legislative framework of migrant workers in Jordan

In addition to a number of international conventions on human rights and workers' rights, when examining the practices relating to migrant workers in Jordan, the local legislative environment related to foreigners and workers in

Jordan should be taken into account, whether they are regular or non-regular.

Jordanian legal system includes a number of laws, regulations, and instructions that address the situation of migrant workers. It is not possible to diagnose the situation practices relating to migrant workers in Jordan without analyzing these laws and regulations, especially as they may be the reason behind arbitrary practices or causing a number of problems experienced by migrant workers in Jordan. Furthermore they may be - as mentioned earlier - the cause of the reasons leading to the phenomenon of non-regular migrant workers.

Of the most important legislations and laws related to the situation of migrant workers are: the Constitution, civil law, labor law, social security law, the Penal Code, Law on Prevention of Human Trafficking, the Act of residence and foreigners affairs, and the law of the abolition of slavery, as well as a number of other laws that include partial protection in specific topics concerning migrant workers.

Jordanian Constitution:

The Jordanian Constitution contains a special chapter on the rights and freedoms which is the second chapter, entitled Rights and Duties of Jordanians. It is noticeable on most of the provisions contained in this chapter that they address the Jordanians and recognizes their human rights. Article (116) of the Constitution stipulates that "Jordanians are equal before the law, without distinction as to their rights and duties on grounds of race, language, or religion," that is, the principle of equality is only meant for Jordanians and is not recognized for all those who are under the jurisdiction of Jordan.

The Jordanian constitution, contrary to the constitutions of the vast majority of countries, including Arab countries, does not recognize the principle of equality among all people, whether they are citizens or foreigners as to human rights, which, as a result, does not theoretically give the migrant workers as foreigners the same rights granted to Jordanians and does not consider them equal.

Article (316) of the Constitution, indicates that the Jordanian State shall ensure work and education within their means and equal opportunities for all Jordanians, and thus incompatible with Jordan's obligations arising from international human rights law, which obliges States to ensure equal education and employment opportunities for all persons subject to its jurisdiction, whether they are citizens or foreigners.

It is further noted that Article (7/2) of the Constitution makes "every attack on the rights and public freedoms or sanctity of private life of Jordanians a crime punishable by law, which is an interesting text for the sanctity of private life is one of the recognized rights for all human beings citizens and foreigners and should not be guaranteed for Jordanians only.

Article (15/1) of the Constitution restricts the right to freedom of opinion and expression to Jordanians only, and thus violates international standards that recognize this right to other individuals subject to the jurisdiction of the State and the same thing is said for the right of assembly, the right to form associations and trade unions, and the right to address the public authorities, as Article (16/1) and (16/ 2) and (17) recognize all of these rights for Jordanians without others, which leaves the migrant workers in Jordan denied to join trade unions and to express their views on a purely constitutional level. Moreover, Article (20) of the Constitution makes primary education compulsory for Jordanians, although this right - as mentioned earlier - should be secured to all other individuals within the state.

On the other hand, the Jordanian Constitution ensures of migrant workers whatever their legal status a number of human rights because they are human beings, and the most important of these rights are: personal liberty, the prohibition of denying personal liberty except in accordance with the provisions of the law, proper humanitarian treatment of persons deprived of their liberty, prohibition of physical or moral torture or abuse, invalidity of statements made under torture, abuse, or threat, the sanctity of residence, the sanctity of private property that it should not be exploited only for public benefit and paying fair compensation, prohibition of forced or compulsory labor, the freedom to perform religious rites and beliefs in accordance with the customs followed in the kingdom, the right to satisfactory and equitable working conditions, and the right to litigation and access to the courts.

The Jordanian Constitution does not recognize a large number of human rights recognized in international human rights law, such as the right to life, the right to a fair trial, and other rights, it also, within the framework of the rights of migrant workers, lacks a number of them, although it ensures a number of rights and freedoms - as mentioned above – for the benefit of migrant workers, whether they are regular or non-regular.

It is to be concluded from the foregoing that one of the main causes of the problems affecting migrant workers in Jordan is the absence of a constitutional framework on the rights of this category. This absence is on two levels: the first is that the Jordanian constitution does not guarantee the

internationally guaranteed human rights to the rest who are in the Jordanian territory, and the other level is non-recognition of the Constitution of the most important rights that should be respected and secured for this category of foreigners. Jordan also still does not comply with the most important international conventions on migrant workers and members of their families, but part of its provisions become customary international law that States are obliged to recognize in their national legal systems.

Labor Law:

The Jordanian Labor Law number (8) for the year 1998 defines the worker as: "Every person, whether male or female, who performs work for remuneration and be a follower of the employer and under his command" this means that the law did not make the concept of worker linked to his nationality or legal status, it accommodates Jordanian workers and immigrants, as it applies to regular and non-regular migrant workers alike.

What confirms this understanding is that Article (3) of the same law confirms that its provisions apply to other workers without making it restricted to the worker as Jordanian or not, or the legal status of a migrant worker, for the provisions of the Jordanian Labor Law and the Provisions of the rights of workers apply to all workers in Jordan, whether Jordanians or migrants, including non-regular migrant workers. It is noted in this regard that Jordanian courts when looking into workers lawsuits, for example, do not consider the case and the application of the provisions of the labor law conditional on the legal status of the worker, if a migrant worker claimed labor rights and he did not have a residence permit and/or a work permit, the lawsuit advances according to law and usual procedures, and judges never take into consideration whether the worker is regular or non-regular for the purposes of applying the provisions of the labor law proceedings.

It is also noted that Article (12) of the Jordanian labor law does not permit the use of any non-Jordanian worker without the consent of the Minister of Labor or his authorized representative, with several other conditions, including that the job requires work experience and competence that are not available to Jordanian workers, and that the non-Jordanian worker should obtain the work permission from the Minister or his authorized representative for a period of one year, renewable before the worker is brought or used. The permit fee is met by the employer. This article has considered using non-Jordanian worker without a work permit or in a profession other than the profession authorized as violation of the provisions of the labor law.

It is clear from the legal provisions contained in Article (12) that the use of migrant workers without a work permit or in an unauthorized job constitutes a violation of the labor law and makes the worker non-regular. But the law, on the other hand, did not make his non-regular status a basis for depriving him of his rights set forth herein.

It should be noted in this context that Article (12) makes the work permit one year renewable , although contracts of migrant workers are usually for two years, and international standards applicable in this context requires to grant migrant worker a permit for a period of equal duration to the use, and they make the fee of the permission the responsibility of the employer, although all the workers who were interviewed in the context of all the information for this report emphasized that they paid the fees not the employers, and the idea employers are responsible to pay the permission fees made a lot of them refrain from issuing a new work permit for the worker after the expiration of the old permit.

Social Security Law:

None of the provisions of the Social Security Law include, explicitly or implicitly, a condition that the use of the law is limited to regular workers and not others, the law does not at all require the beneficiary of the social security to be a Jordanian worker or a regular migrant workers, it is enough for the law that the working group work in an enterprise subject to the law and have obtained a work permit to be included in the compulsory social security.

The Social Security Law does not make obtaining a residence permission a condition for the worker to be covered by its provisions, for the migrant worker may have work permit without a residence permit, although in practice it is rare for a worker to have a work permit without a residence permit.

It could be argued that all migrant workers and employers who were interviewed in the context of the preparation of this report pointed out that non-regular migrant worker do not usually benefit from the Social Security Law because they do not possess permits to work normally. And their status to be included in social security by employers is not clear, for many of the employers who are using non-regular workers do not start to straighten their status to be included in this law. It seems that one reason for employers ' preference for the use of non-regular workers is to get rid of the financial burden arising from the use of non-regular workers, in the forefront of which is social security.

Residency and Foreigners Affairs Law:

The Residency and Foreigners Affairs Law is important because it is greatly related to the status of migrant workers in Jordan, whether regular or non-regular. This law, in force since 1973, conditioned that the foreigner should enter into the territory of the Kingdom lawfully by land, sea, or air, and to be in possession of a visa. Paragraph (16) banned hiring any foreigner unless he obtains a residence permit in the kingdom, the law has identified the duration of the residence permit of one year, subject to renewal. The law also authorized the Minister of Interior to decide to grant a residence permit for a period of five years for each foreigner who had lived in the Kingdom for a period of ten years or more legitimately.

This law does not permit in terms of the principle hiring non-regular workers, as hiring of migrant workers, according to the provisions of this law, is conditional upon obtaining a residence permit. The law also makes the duration of the stay a year renewable, although the contracts for the employment of migrant workers are often for two years, which make it easier for employers of migrant workers convert worker from regulars to non-regulars as soon as the first year of the contract ends and do not renew the residency permit of their migrant workers.

Article (35) of the law imposed on every employer, who uses a foreigner without a residence permit or is not allowed to work in the Kingdom, a fine of (50-70) dinars for each worker in violation. It is noticeable that the amount of the fine imposed by the law is very small when compared to the benefits that accrue to the employer of the non-renewal of the residency of workers and turn them into non-regular workers.

It should also be noted that Article (34) of the Law imposed on every foreigner that entered the Kingdom illegally and did not get a residency permission, overstay his residency permit, or did not apply for renewal of residence within one month of expiry, a fine of 45 dinars for each month, or part of a month, the fine of JD (1.5) for each day of that part.

It is noticeable that the Residency and Foreigners Affairs Law looks at the migrant non-regular worker as a criminal, Article (31) which authorizes the arrest of all those who entered the territories of the Kingdom from non-border posts, ports, and airports designated for that purpose without an arrest warrant and delivered to the administrative governor who would decide deporting him, recommends granting him permission to stay, or refers him to the Magistrate's Court. If the court convicts him, he shall be punished by imprisonment (1-6) months, a fine of JD (10-50), or both.

Article (31) allows granting the non-regular migrant worker, who entered the Kingdom of places other than those designated for entry, a permission to stay pursuant to the discretion of the administrative governor. The governor will also refer the worker to the competent criminal court as a criminal.

It should be noted in this context that the Jordanian Penal Code criminalizes illegal entry to the Kingdom.

Article (36) of the Residency and Foreigners Affairs Law includes a provision that supports the view that the law deals with a migrant worker who has become non-regular due to his violation of the provisions of the of Residency and Foreigners Affairs Law as a criminal, this article also provides imprisonment from one week to a month, a fine, or both penalties to any person who violates the provisions of this law.

Jordanian law adopts against non-regular migrant workers punitive approach unlike some countries that are dealing with this category of workers as violators of administrative non-punitive orders, like Austria for example.

It is important to note in the context of the relationship between migrant workers and the Residency and Foreigners Affairs Law in Jordan, that the non-regular migrant workers in Jordan are subject to deportation and expulsion without an investigation by the Jordanian authorities of the relevant international standards in this subject, and in particular those provided for in Article (3) of the United Nations Convention against torture and other cruel, inhuman, or degrading treatment. The latter does not allow that any State Party shall expel or deport any person who is in the territory under its control to any other country where this person is exposed to the risk of torture or ill-treatment. A commitment that burdens the executive and judicial authorities with investigating the absence of reasonable grounds calling for this belief before deporting any person. It appears from the practice that this commitment is not taken into account in the all cases of deportation. The European Court of Human Rights - for example – decided that the person who is expelled or deported to a state where health care has no similar treatment to those which he received in the country of removal, the expulsion or deportation in this case may be such as cruel and inhuman that prevents deporting or expelling him, especially if the disease is one that causes severe pain or cannot be tolerated by the patient.

In short, the residency and foreigners affairs law does not address how to deal with non-regular migrant labor in a manner consistent with international standards of human rights, especially since it makes the issue of correcting the situation of non-regular migrant workers voluntary and subject to estimation of the competent authorities in addition to looking to this

category of workers from the perspective of a penalty. The penal approach adopted by the law entails a number of practically dangerous results; a number of women non-regular migrant workers, in some cases, registered their new born to other women who have legal status in Jordan. The cause of this behavior is actually the law which deals with non-regular workers as a criminal, which is driving these women to avoid arrest and their desire to continue to work.

It can clearly be emphasized that some provisions of the Residency and Foreigners Affairs Law, which look to a migrant worker who entered Jordan illegally as a criminal, greatly push the non-regular migrant workers to do acts prohibited under the law, and lead to their prosecution and held them accountable criminally.

Regulations and instructions concerning migrant workers:

In addition to laws and regulations referred to above, the Jordanian legal system includes a number of rules and regulations concerning migrant workers in Jordan, and the most important of these rules and regulations are the following:

- The system of domestic workers.
- The system of regulating recruitment offices of non- Jordanians working in homes.
- The system of fees for permits of non-Jordanian workers.
- System of labor inspectors.
- The conditions and procedures for hiring non-Jordanian workers.
- The conditions and procedures for the recruitment and use of non-Jordanians in the Qualified Industrial Zones.
- Decisions on the minimum wage.
- Decisions on the professions closed for Jordanians.

There is no doubt that the regulations, instructions, and decisions mentioned have a significant role in the area of non-regular migrant workers in Jordan, part of which contributes to the aggravation of this phenomenon. Take the subject of professions closed to the Jordanians, they have a significant impact on the presence of non-regular migrant workers in Jordan, migrant workers are not granted permits to work in these professions because they are confined only to Jordanians. It is not permissible to use migrant workers in: medical professions, engineering professions, administrative and accounting occupations, including clerical, printing, secretarial, switchboards and telephones, connections, warehouses works, sales in all segments, hairdressing, decoration, education, except of scarcity when there

is no Jordanian to fill the position, selling of fuel in major cities, electricity, mechanics, auto repair, drivers, guards, reporters, and buildings guards and servants, but the reality does not agree in any way with the reality of the use of migrant workers in Jordan. Migrant workers are working in a number of these professions and in large proportions, but their work is unauthorized and therefore they are non-regulars. In other words, the rules and practices in Jordan on closed professions inevitably lead to the presence of non-regular immigrant labor because it will never be licensed to work in this profession resorting to work non-regularly. In addition to the wages of employing migrant workers in closed non-regular professions will be less than their use in the open professions, because it is constrained to them and just because the employer accepts their work, it would be an important issue for migrant workers looking for money and a form of expansion of this category of work in terms of the number of occupations available to them.

It is also noted in this area that the minimum wage was determined in Jordan as JD (150) except for workers in the garment sector, and domestic workers, cooks, gardeners, and the like, these exceptions have been identified to a minimum wage of JD (110). Which constitutes a kind of discrimination between workers in principle, but it also contributes to the confusion of labor market conditions for migrant workers, this disparity will lead, as a result, to accepting the idea of using migrant workers who are paid less than the minimum wage.

The above instructions have other effects on the situation of non-regular migrant workers in Jordan. For example, the exception of domestic workers and workers in the garment industry from the scope of application of the conditions and procedures for instructions to hire and bring non-Jordanian workers for the year 2009 led to real problems. Moreover, Article (10) of the law stipulated that hiring, recruiting, or renewal of a work permit for non-Jordanian workers is conditioned to the needs of the labor market, taking into account the list of closed professions. The consequences of this text is that the migrant workers may be used for a contract of two years and their work permit is for one year of course, the problem here is that in accordance with Article (10) the work permit may not be renewed after the expiration of the first year of the contract because of the needs of the Jordanian market. For this reason, the work permit should be considered and be compatible with the duration of the contract between the employer and Jordanian migrant worker, in addition to that this situation would enhance the phenomenon of non-regular migrant workers in Jordan.

It is further noted that the article (11/ b) of the same instructions obliges the employer who uses migrant workers to inform the Directorate of Labor concerned as soon as the worker leaves work or flees during the period of validity of the work permit. As paragraph (c) of the same article obligated that the migrant worker concerned shall inform the Directorate where he issued a work permit, leaving the employer he is authorized to work for immediately as soon as he leaves him. If the worker does not do this he is not to be granted a work permit to work for any other employer.

It should be noted that it is not possible for a migrant worker in cases in which they leave work for their authorized employer, to get a new work permit to work for the new employer unless the former employer approves it.

We can generally say that the Jordanian law includes numerous restrictions on the movement of migrant workers from one employer to another. In addition to the restrictions mentioned above, the instructions above all have a clear and tangible impact on restricting the freedom of migrant workers to choose their work, which leads good number cases to the escape workers from employer to another in the desire of migrant workers to practice the work they see most appropriate for them or more financially beneficial.

It should also be noted in this regard that the system of workers in homes, like cooks and gardeners, held the employers responsible for the costs of residence permit, work permit fees, and ticket after a worker spends the full duration of the contract, which is two years. In contrast Residency and Foreigners Affairs Law holds punishable the failure of the employer to renew the residence permit of a migrant worker and/or work permit. If the employer delayed the renewal of the residency permit of the worker the fines are to be paid by the migrant worker himself, although in the cause of the violation is due to the employer who refrained from renewing it, and the law makes it the employer's responsibility.

The system (system of personnel in homes) determines the daily hours of work as ten hours, in which it is not consistent with the provisions of the labor law that makes daily hours of work for eight hours. Taking into consideration that the system of domestic workers is an executive system for labor law and issued pursuant thereto. It shall not be contrary to the original law which was issued in implementation of its provisions.

The system of domestic workers does not provide the required protection of migrant workers; it does not include safeguards and mechanisms to ensure that the employer renews the work and residence permits. There may not be compulsory home inspection but conditional on the consent of the owner of

the house. It is noteworthy in this context that the Law on Protection from Domestic Violence did not include domestic workers, and the special reporter on Violence against Women, the Committee against Torture, and the Human Rights Committee of Jordan called to the definition of domestic violence to include workers and domestic workers, and to the prosecution and trial of anyone suspected of involvement in domestic violence against this group of migrant workers.

From the analysis of the Jordanian legal system related to migrant workers, it is concluded that this system does not provide the required protection for positive international standards for this category of workers, whether they are regular or non-regular. As well as that it is not based on the idea of equality in human rights for migrant workers in a non-regular situation. More importantly, this system contributes to creating a stimulating environment and helps the emergence of non-regular migrant workers. There are also a number of regulations and directives in force involve a clear discrimination against this group of workers, and contributes to make migrant workers in Jordan are subject to the will of employers.

There is a clear absence in the Jordanian legal system for a number of rights to be recognized for migrant workers, and there are no better practices arising related to this system in dealing with non-regular migrant workers.

It can clearly be said that the Jordanian legal system generally considers the non-regular migrant workers as persons who actually committed a crime through illegal entry or lack of commitment to work to which they were authorized. It also does not recognize for the migrant workers the right to freedom of choice of employment.

The apparent deficiency of this legal system might be due to the lack of Jordan's accession to the Convention on Protection of the Rights of Migrant Workers and Members of Their Families. The convention - as mentioned earlier - is the most sophisticated international instrument in the field of the protection of migrant workers and members of their families. Any process designed to provide minimal protection for migrant workers in Jordan must be accompanied by Jordan's accession to this Convention and to take legislative, executive, and judicial powers to put them into practice. Jordan's not joining the Convention does not stop without Jordan's commitment to the application of its provisions which is customary in nature, and in particular those provisions contained in the Convention applicable to migrant workers, both regular and non-regular alike. They are provisions involving basic human rights and all states are to respect and guarantee them to migrant workers they have whatever is their legal status.

5 - The most prominent practices relating to non-regular migrant workers

There is no doubt that the non-regular migrant workers are vulnerable to all forms of exploitation, and this applies to this category of workers in Jordan, like other places. These workers usually work in inhumane and unfair conditions, they work for long periods every day, they are deprived of extra work, social security, and annual and sick leave, and the most dangerous point is that they are fragile labor easily bossed around by employers, especially since Jordanian laws in general make migrant workers under the will of the employer. As well as a lot of employers try to convert regular migrant labor to non-regular migrant labor to achieve the greatest benefit at the expense of this category of workers.

Regarding the number of non-regular migrant workers in Jordan, the Ministry of Labor indicated in its annual estimation of 2011, that the number of migrant workers reached at the end of 2011 about (280,263) worker, and these are migrant workers registered with the ministry, of course, the estimate came as the number dropped from 335 342 in 2010 to 280 263 in 2011.

It is estimated by the ministry that the Egyptian migrant workers amounted to 67.96 % of the total migrant workers, Sri Lankan amounted to (9.19 %), followed by Indonesian (5.55 %), and followed by the Philippines (5, 05%). Migrant workers are concentrated, according to the report mentioned in the following sectors: agriculture and fishing (31.9 %), social and personal services (26.1 %), industry funding (20.9 %), trade, restaurants, and hotels (11.5 %), and building and construction (6.8 %).

Regarding the distribution of migrant workers registered with the ministry by social status and sex, the number of unmarried is: 218 481 males and 50535 females, compared to a small number of married: 10846 males and 374 females.

Strikingly, the estimate of the Ministry for the year 2011 did not include an estimate of the numbers of non-regular migrant workers in Jordan, contrary to that in 2009 which stated that the employment rate licensed to a total of expats estimates of (76-81 %), which means that migrant workers who are not registered by the Ministry are (19-24 %) of the total migrant workers in Jordan, which is estimated (77 - 90) thousand workers. In any case, it is hard to give exact figures on the number of non-regular migrant workers in Jordan, the Minister of Labor said in a statement in 2011 that they amount to almost 300 thousand workers.

The health minister said on August 4th /2013, the numbers of non-regular migrant workers in Jordan mounted to one million and two hundred workers. The minister based his statement on the existence of this number through the ministry's health checks of one million and two hundred migrant workers between 2007 and 2010. And that the majority of these workers live in the Jordan Valley. As stated by the Minister of Labor on 27.07.2013 in the proceedings of a symposium that the number of migrant workers who work in contravention of the law of reaches (175) thousand workers.

It is to be concluded from the foregoing that the numbers of non-regular migrant workers in Jordan are not known, and it is not easy to be identified to reach the approximate number of them, especially in the absence of organized and systematic efforts to count their number. As well as this category of workers prefer hiding and does not announce itself because have a sensitive situation that they might be subject to deportation if uncovered.

The interviews that were made in the context of the preparation of this study with a number of non-regular migrant workers and employers, in addition to the workshop organized by the Amman Center for Human Rights Studies in Amman between 19-20/3/2012, revealed a variety of problems faced by migrant workers in Jordan, particularly non-regular migrant workers. In addition, of course, a number of reports on the situation of migrant workers in Jordan, issued by non-governmental organizations working in the field of protection of the rights of migrant workers and members of their families .

It can be said that the most prominent practices that cause problems and that was the object of consensus among the various people who gave their views on the problems faced by migrant workers in non-regular situations and practices for dealing with this category of work, is the following:

Recruitment of migrant workers without pre-briefing on the details and conditions of employment:

The process of recruitment of migrant workers in Jordan is usually an application by employers from recruitment offices in the case of domestic workers, or through the process of bringing them directly by the factory owners as factory workers; in addition to that there is a number of them, particularly the Arabs, who come directly.

For female migrant domestic workers, the mechanism of hiring them is that the employers seek the recruitment offices and submit a request to bring a domestic worker after informing the owner of the house on existing applications in the office and sent through recruitment offices in the countries of origin. And as soon as the recruitment application arrives to

recruitment agencies operating in the country of origin, the recruitment office have the worker sign a two-year employment contract and a specific wage. The worker is usually required to be trained in her country on the performance of her work to be in Jordan, and be subject to a medical examination in the country of origin as well.

The practice related to the recruitment mechanism showed that there are a number of glitches and gaps that clearly affect the situation of migrant domestic workers and turned them to non-regular migrant workers. Among the most prominent aspects of the disorder: the migrant workers sign another contract upon arrival to Jordan different from the one signed in the country of origin, and that is with the knowledge of the agency, which received the worker in Jordan. It is also that migrant domestic workers have no knowledge of the nature of the house where will work, the conditions of use in this work, the number of family members, or their true financial capabilities.

In addition to that, the recruitment offices operating in countries of origin do not bear any legal responsibility when the worker leaves the house where she is brought to work, especially when you do this in the first three months of work, which is the period of the experiment.

Generally speaking, migrant domestic workers often become non-regular workers due to these recruitment mechanism, which also contribute to creating a number of problems for them; for having them sign a contract in Jordan of which they do not know the content, conditions, or what arises of it as to human rights or obligations may cause problems as soon as they arrive for the family where work conditions often do not agree with them, which usually leads workers to flee and work in another house. It is observed that in quite a number of cases of recruitment that there was no harmony between worker and the employer, so the worker escapes and changes her work.

Withholding the passport of migrant workers and restricting their freedom of movement:

Migrant workers in Jordan suffer from a common problem that is employers who withhold their passports and restrict their liberty to keep them exclusive for the same employer. This practice is a common phenomenon for domestic workers and factory workers.

The real reason behind this phenomenon is the belief that the employers of migrant workers may have paid for the recruitment fees, and they, the workers, gained experience working for them and it is not for them to decide

and work for other employers. For this reason, they withhold their passport as collateral for their stay in the work.

The owners of recruitment offices contribute to this phenomenon, as they also withhold the passports of migrant workers, particularly migrant domestic workers.

The phenomenon of withholding passports of migrant workers, whatever the cause or motive to it, leads to many problems, the most important of which is that migrant workers are unable to renew their residency and work permits if they do not have them, and they become non-regular migrant workers.

The interviews in the context of this study revealed that many migrant workers have been unable to maintain the status of regular migrant worker because they did not have their passports with them. More importantly, some of them lost his passport years ago and does not know who has it, or withholds it, and as a result because without passports and thus non-regular migrant workers.

Mistreatment of employers to their migrant workers:

There is a clear complaint by migrant workers, regular and non-regular, of mistreatment by their employers. Interviews conducted in the context of the preparation of this study, in addition to numerous domestic and international reports, had shown that abuse is rampant and widespread in Jordan. If we take the category of non-regular migrant workers, they are subjected to humiliating treatment such as insults and verbal rebukes, cruel and inhuman treatment such as beating, sexual harassment, and restriction of freedom of domestic workers, as well as this group of migrant workers are usually prone to non-legal and arbitrary deprivation of freedom by public security or administrators rulers.

And the non-regular migrant workers are also vulnerable to exploitation and trafficking, and they complain of long working hours, lack of sleep, and poor living and health conditions.

The relationship between the employers of migrant workers, non-regular workers in particular, is predominantly based on violence either physically, psychologically, or mentally. And the reality of domestic workers in Jordan pays tribute to this clearly, for the Committee against Torture pointed it out in their concluding observations on Jordan's second periodic report to as it: "expresses its concern at reports that pay tribute to the prevalence of hurting women migrant domestic workers ... who are commonly abused physically, psychologically, and sexually." The Committee recommended, in this regard, that Jordan takes measures aimed at the prevention of violence and

abuse against women migrant domestic workers. Give them the right to lodge complaints against the abusers, and to ensure that all employers and representatives of employment agencies who annoy these workers are brought to justice.

As a result of ill-treatment, as mentioned above, migrant workers leave work, the employer reports the escape the security centers in the belief that it would free his responsibility from paying the fines that may result from it. In other cases, especially when domestic workers escape, employers make a complaint that the worker stole from them. It is noted that employers resorted to this latter practice when a worker has wages paid, when the employer has abused the treatment of labor, or sexually harassed a domestic migrant worker.

The security forces, as a procedure in cases of escape or allegations of theft, arrest migrant workers involved in the situation and arbitrarily or illegally hold them in inhumane conditions. Interestingly, the detention may continue for a long time in quite a number of cases.

Economic exploitation:

Migrant workers in general and non-regular migrant workers in particular suffer various forms of economic exploitation. Non-regular migrant workers, especially domestic workers, are vulnerable to economic exploitation by employers and recruitment and employment agencies alike.

One of the most common forms and widespread economic exploitations is not paying the wages of a worker, especially overtime wages, in addition to the lack of proportionality between the usual remuneration for the regular migrant workers with the value of the work they do.

This problem may discourage a large number of non-regular migrant workers to turn into non-regulars. A group of non-regular migrant workers, of Sri Lankan nationality (seven workers), said that they chose to leave work at the houses where they worked regularly because they did not receive their wages or the employers delayed payment of wages a lot. They also emphasized that being non-regular workers they received better financial returns than in their regular status, as they now work as day laborers and receive daily wage ranging from JD (20) - (25) without the burden of extra work or more than eight hours of work.

The desire among migrant workers in obtaining a wage commensurate with the value of their work leads them to become non-regular workers, even though they become more vulnerable to economic exploitation.

Other features of economic exploitation include demanding immigrants to do extra work outside the original agreement of work. The employer and the domestic worker might agree to work only in one house, but after that she is used to work in the homes of his brothers, sisters, and relatives without extra pay and without her consent or approval.

It should be noted in this context that a number of migrant workers are subjected to forced labor because of the fragility and vulnerability of their situation, as employers exploit their non-regular workers for forced work, and benefit from them on a non-voluntary basis. Some examples referred to by one of those interviewed in the context of this study show that a shopkeepers uses non-regular workers and has consistently used them for long hours, more than (14) hours a day, and whenever they asked for the allowances of extra work, increase of wages, or reduced hours the employer would threaten them of telling the police about them because they are not in possession of a residence permit.

It is clear from talk workshop held by the Amman Center on the situation of migrant workers between 19-20/3/2012 that participants may agree to the presence of defects and deficiencies in the examination mechanism of migrant labor. They pointed out that the medical examination of migrant workers in the country of origin prior to their arrival to Jordan is incompetent as in fact a number of migrant workers arrived suffering from chronic diseases before they came to Jordan, but it may not be possible for non-regular migrant workers to obtain necessary health care because of poor financial conditions and lack of health insurance in general, knowing their health status before they came to Jordan is an important tool to deal with their health.

Participants in the workshop also pointed out to the absence of instructions to specify the nature of the medical examination that migrant workers should undergo, make it mandatory for them, and the diseases that must be covered. As well as the examination does not usually cover the issue of pregnancy for women migrant workers.

It should be noted in this regard that in case a worker gets a chronic, epidemic, or endemic illness or if injured seriously, the Ministry of Health usually contacts the Ministry of Interior to take the necessary measures to return the worker to the country of origin and the Ministry of Interior in turn contacts the Ministry of Labor. The participants in the workshop confirmed that this procedure takes a long time before returning the worker to his country.

Generally speaking, non-regular workers lack the required health care. And despite the fact that migrant workers resorted generally to health centers and government hospitals, but non-regular workers, for many reasons, may be reluctant to resort to these centers and hospitals although access to health services there is not conditional on the person seeking service to be regular or non-regular.

The absence of guest houses or shelters for migrant workers:

Of the important issues highlighted by the participants in the workshop organized by the Amman Center, as well as a number of male and female workers who were interviewed in the context of this study, the question of the lack of a guesthouses or shelters to receive migrant workers upon arrival to the country. These places - according to participants – are important to provide a chance for the workers to know the customs and social traditions followed in Jordanian society before moving on to work for employers and it seems that this idea has particular importance for domestic workers because many of them do not have know how to deal with employers and because social customs and life in their country is different from what prevails here Jordan.

In the case the worker fled or had a conflict with the employer, the current procedure is to shelter the worker in his embassy. Which means that the guesthouses may replace the embassies in sheltering migrant workers and giving them better access to the labor market and.

Guest houses or shelters also have an important role in receiving female migrant workers, including non-regulars, those who wish to return to their country, they may be received in such places so that they can collect the rest of their rights before leaving Jordan.

It is further noted that non-regular migrant workers in Jordan are mostly exposed to administrative detention because of their illegal situation pending deportation, which may take some time in a number of cases, so they can resort to guest houses or shelters and put them there until the procedures are complete to deport them or straighten their situation.

Prolonged litigation in labor issues related to migrant labor:

A number of workers who were interviewed as part of this study, as well as the participants in the workshop, pointed out that litigation in cases involving migrant workers may continue for years. This would add extra financial burdens to the non-regular migrant workers like fines for violating the conditions of residence, in addition to the inability of a number of them

to spend on themselves during the period of litigation because of the loss of his work.

One of the reasons that contribute to prolonging the litigation is the absence of labor court specialized in issues of labor and this ensures prolonged litigations, and the absence of such a court to look into such cases, which have the legal urgency, during the three months stipulated in the law.

Trafficking non-regular migrant employment

It can be said that there is more than one contributing factor in the trafficking of non-regular migrant employment in Jordan. The first of these factors is the law itself, human trafficking preventing Act No. (9) for the year 2009 involves a number of defects and deficiencies. The law did not contain provisions that include an important role for the institutions of civil society in the prevention of crime and combating trafficking of human beings and contribute to the rehabilitation of the victims. Added to this is that the law does not include direct sanctions to the partner, instigator, intervener, and the initiation of committing the crime, which means applying the general principles in this regard.

Despite the fact that the law defined the crime of trafficking in human beings, but there are difficulties concerning the application of the definition by the prosecutors and the courts. This is added to the difficulty of proving the crime in some cases. The law also does not include a text on clear and detailed measures and procedures regarding the assistance and redress of victims of human trafficking, and did not refer to the establishment of a fund for the protection and support to help these victims.

The factors that facilitate trafficking of non-regular employment are not only of legislative environment, there are economic, social, and cultural reasons that play a central role in it. It is for these reasons non-regular workers need money, and their desire not to reveal themselves to the public authorities and announce the situations of exploitation to which they are exposed because of their illegal status. In some cases, non-regular workers believe victims of human trafficking will be treated as criminals rather than as victims.

In any case, there are many cases of exploiting and trafficking of non-regular workers, particularly in prostitution, where women are brought from different countries to work in certain professions, and then find themselves victims to work in prostitution and cannot reveal it to avoid being treated as criminals, as they believe of course, but they are in a very appalling conditions that they give up to such practices against them.

6 - Impressions of employers and non-regular migrant workers about the reality of non-regular employment and related practices

The field work of this study aimed at identify the impressions of non-regular employment and the practices relate to it in more than one side: the reasons for the emergence of the problem of non-regular employment in Jordan; the role of laws and legislative and administrative procedures for solving the problem of non-regular employment and prevent the aggravation; the extent to which "non-regular employment" compared with its counterpart "regular employment" the rights enshrined in the international Covenant on Economic, Social, and Cultural Rights; the extent Jordanian legislation ensures for non-regular employment the rights enshrined in the International Covenant on civil and Political Rights; the efforts of civil society organizations in defending the rights of non-regular employment; and the look of the Jordanian society towards non-regular workers .

The methodology used in the field work of study

A questionnaire was designed to included 6 key questions aiming in general to look at some aspects of the rights of non-regular employment in Jordan, specifically non-regular expats, look into the problems of this category in Jordan, see if they are exposed to violations or break the law, according to legislation and local laws on the organization of work, or violations their human rights that are prohibited by the international Bill of Human Rights in most of the Convention, Treaties, and the Declarations.

This form see took into consideration the views of this class directly, and it was necessary to take into account access to the views of the apposite class, which is of course the stakeholders of trade and investment of various types and sizes, and unconditionally to know if they employ non-regular workers or not, and all that in about an equal number with the first category of non-regular migrant workers. It also takes into account the views of regular workers both Jordanians and non-Jordanian.

It posed four open questions and two closed ones, with the freedom of answering with "I do not know", or mention other reasons, in order to meet the required data.

The results of the survey were distributed to 3 sections:

Section I: General results that include collecting answers of both targeted categories of employers and non-regular workers.

Section II: Results of the answers of the category of migrant workers.

Section III: Results of the answers of the category of employers.

It should be noted that the form has been brought to a small practical testing before starting to implement effectively, as the reflections and observations arising from this experience were reflected in the form, in addition making a preliminary test to make sure of the clarity of the questions to respondents, and all the comments received from this test were taken into account to determine the final shape of the form (see Appendix form).

The population and sample of the field study

The study population consisted of 84 respondents of a random sample, as is shown in table (a), which included the survey sample on two categories, with the size of each category, and was implemented on the ground in the capital Amman and Irbid Governorate north of the Kingdom, according to the following:

Category I: includes migrant workers, regular and non-regular, whose nationalities and proportion are identified in the framework of 50%.

Category II: includes stakeholders of trade and investment of various types and sizes, and unconditionally to know if they hire non-regular workers or not, and in an equal number with the first category of migrant workers in non-regular situations by 50%.

The survey was limited to male class in both categories, because of the difficulty of access to the category of females, who refuse to talk or answer clearly for several reasons, the most important of which is fear.

Table (a): Distribution of Frame by Category

Category	Amman		Irbid		Total	Total
Non-regular workers	30	71.5%	12	14.5%	42	50%
Employers	34	81%	8	19%	42	50%
Total	64	76%	20	24%	84	100%

Data collection and processing

This questionnaire used the method of field data collection by directly meeting the targeted sample, as researchers with experience and competence conducted direct interviews with respondents away from biasness or suggesting the answers and that is to ensure the accuracy and quality of data, as they were introduced in advance to all concepts and terms in the form, and the forms were checked to ensure comprehensive and consistent answers. Questions were coded; especially open questions, which often include other items in some of the questions. A program was prepared to enter data using the package program (CSPro 4.1), taking into account

checking the input data in terms of frequency questionnaire forms entered, check for the term for each question in the form, and some of the rules of consistency and comprehensiveness, and then transfer data to the statistical program package (SPSS) to prepare statistical tables, analyze the data, and extract the final results of the report.

Basic characteristics of the respondents

Table (b) below and after the survey shows that the category of non-regular workers, in Amman and Irbid, are distributed according to the following nationalities:

Table (b): Distribution of the first category according to location and nationality						
Nationality	Amman		Irbid		Total	Total
Egyptian	18	43%	5	12%	23	55%
Syrian	7	16.5%	7	16.5%	14	33.5%
Asian	4	9.5%	0	0	4	9.5%
Yemeni	1	2%	0	0	1	2%
Total	30	71%	12	28.5%	42	100%

Table (c) shows the whereabouts of the employers surveyed in Amman and Irbid in number and percentage in both cities:

Table (c): Distribution of the second category by location						
City	Amman		Irbid		Total	Total
Number and percentage	34	81%	8	19%	42	100%

Main difficulties faced by the field study and general observations:

Field experience shows that when the researchers fill out the forms for study in the field they face many problems and obstacles, in addition to the observations that have been recorded, most notably:

1. The majority of those who were offered to fill out the form, either of a class of employers or category of non-regular workers, refused to disclose and to answer questions in the form, and the reason, according to the opinion of the research team coordinator, is due to the presence of a number of violators of the law and the Ministry of Labor of the two categories targeted, or fear of the monitoring of the Ministry of Labor on them by conducting surveys.
2. The majority of the respondents, who answered the questions of the form from both categories, provided some answers and other reasons

- cautiously and without mentioning their names, their institution, or business sector, and others boldly answered, researchers noted.
3. Coordinator of the of researchers' team from had to use public relations to reach the targeted sample, so the sample is random and not organized.
 4. The researchers filled out the forms in the capital Amman and Irbid, north of the Kingdom, because a large number of non-regular workers are in those cities, but the category of employers was mostly concentrated in Amman.
 5. The answers did not include a private box for those who refuse to answer some questions, and it was so good to get more observations and answers.
 6. 150 copies of the model form were distributed in the first phase of the survey, 15 forms were damaged, for it was a mini field experiment to test the form, and then 140 forms were mobilized, 48 of which were excluded as they were proven to be not suitable because of the weakness and lack of answers or clarity, only 92 forms were left, and then 100 forms were copied again in order to whiten the forms and clarify the answers once again by researchers without tampering or change the content of the answers, and finally another 18 forms were deleted for the presence of flaws and defects in their answers.
 7. Many of the respondents and private class employers reiterated that they have seen form of the same subject more than once with other research institutions, but with a little different questions and conclusions.
 8. It was observed that the questions respondents refused or hesitated to answer are the fifth question concerning the adequacy of efforts by civil society organizations defending the class expats, and the sixth question on increasing feelings of hatred towards non-regular expats.
 9. It was observed that non-regular workers who are working in Irbid have somewhat different from their peers working in Amman, and it also applies to the class of employers.

Key findings of the study:

1. Reasons for the emergence of non-regular employment problem in Jordan:

The total outcomes of the two targeted categories of respondents to the first question on the causes of the emergence of the problem of non-regular employment in Jordan, as shown in Table (1) below, that the greatest

percentage, 41.5%, believe that (the entry of persons illegally and not correcting their legal status) is one of the reasons that led to the emergence of this problem, while 32% see that the reasons is that (some people illegally work despite having a residence permit), and, very closely, 31% believe that the reason is that (persons overstay their residence permit), while (29) respondents(34.5%) refer it to other reasons,.

Table (1): In your opinion, the reason for the emergence of non-regular employment problem in Jordan is:

Answer	Number	Percentage
persons enter illegally and do not correct their legal status	35	41.5 %
Legal entry of persons and overstaying their residence permit	26	31%
People illegally work despite having a residence permit	27	32%
Other reasons	29	34.5%

2. The role of law, legislative, and administrative measures to resolve the problem of non-regular employment and prevent its aggravation:

The table number (2) below shows very close ratios in the answers, but the majority percentage (41.5%) do not believe that the government of Jordan is taking sufficient legislative and administrative measures to solve the problem of non-regular employment in order to prevent its aggravation, followed by a rate of 35.5% who believe the opposite, while 31% answered (do not know).

Table (2): Do you think that the Jordanian government is taking sufficient legislative and administrative measures to resolve the problem of non-regular employment and prevent aggravation?

Answer	Number	Percentage
Yes	30	35.5%
No	35	41.5%
I do not know	26	31%

3. The extent to which "non-regular" compared to its counterpart "regular" employment enjoy the rights stipulated in the International Covenant on Economic, Social, and Cultural Rights:

The highest percentage (39%) of respondents from both categories approve that non-regular employment compared with regular employment, that have a work permit, suffer from (conditions of work environment where Terms of

Occupational Safety and Health are not guaranteed), while 26% see that non-regular employment does not suffer from it, 8% strongly agrees that non-regular workers suffer from those conditions, and 3.5% of the total respondents disagreed strongly, as shown in Tables (3) and (4) below.

The highest percentage (54.5%) also agrees that non-regular employment accepts less wages for the same work of regular workers, 10.5% agree strongly on this matter, 8.5% oppose this opinion, only 2% strongly oppose it, while quarter of the sample (25%) answered (I do not know).

The highest percentage (43%) also agrees that the non-regular worker suffers from long working hours, 6% strongly agree, 21% oppose this, 4% strongly oppose it, and more than a quarter of respondents answered (I do not know).

About the lack of access of non-regular workers compared with regular worker to social security, more than half of the sample 53.5% agree on it, 14 % strongly approve, 9.5% oppose it, and 27% nearly a quarter of the sample answered (I do not know).

As for the lack of access to health care, the highest percentage of 35.5% agree, 7 % strongly agree, 24 % oppose it, and 32 % answered (I do not know).

The majority of the respondents (34 %) expressed a lack of knowledge of the potential for non-regular worker compensation for work injuries and occupational diseases when they answered (I do not know), 26% approve it, 9.5% agrees strongly, and 19% oppose.

The majority oppose the idea that workers suffer various forms of physical abuse, 25% immediately answered (I do not know), 21.5% agree on their exposure to such forms of abuse, while 10.5% strongly oppose this.

The majority of 38% appose that non-regulars workers are exposed to various forms of business that fall within forced labor and slavery, 22.5% agree on the occurrence of such a work, the same percentage answered (I do not know), while 14 % of the sample strongly oppose this.

Table (3): In your opinion, non-regular employment in comparison with regular employment, which has a work permit, suffers from (in numbers):

Answer	Strongly agree	Agree	I do not know	Appose	Strongly appose
Safety and occupational health are not guaranteed by the work environment conditions	7	33	22	22	3

Accepting less wages for the same work	9	46	21	7	1
Long working hours	5	36	23	18	2
No access to social security	12	45	20	8	1
No access to health care	6	30	27	20	1
No compensations for work injury and illness	8	22	29	16	1
Physically abused	1	18	21	36	9
Work as forced labor or slavery	1	19	19	32	12

Table (4): In your opinion, non-regular employment, compared with regular employment, which has a work permit, suffer from (in percentages)?

Answer	Strongly agree	Agree	I do not know	Appose	Strongly appose
Safety and occupational health are not guaranteed by the work environment conditions	8%	39%	26%	26%	3.5%
Accepting less wages for the same work	10.5%	54.5%	25%	8.5%	2%
Long working hours	6%	43%	27%	21%	4%
No access to social security	14%	53.5%	24%	9.5%	2%
No access to health care	7%	35.5%	32%	24%	2%
No compensations for work injury and illness	9.5%	26%	34%	19%	2%
Physically abused	2%	21.5%	25%	42%	10.5%
Work as forced labor or slavery	2%	22.5%	22.5%	38%	14%

4. How much does Jordanian legislation ensure for non-regular labor of the rights stipulated in the International Covenant on Civil and Political Rights:

The results of the two tables below (5) and (6) show that the majority of the respondents (58%) do not think that the Jordanian legislation relating to non-regular employment ensure freedom of movement, objectors are (18%) and they believe that the legislation guarantees them that, while about (24 %) replied (I do not know).

In the second class (57%) believed that the legislation does not guarantee the right to appeal against deportation, (8%) disagree, and (31%) answered (I do not know), and in the same proportion (57%) do not believe that legislation ensures non arrest and detention, (18 %) disagreed, and (24%) answered (I do not know).

In third place, (54.5%) do not believe that legislation ensure for the non-regular the right to appeal against the decision of deportation, (9.5%) disagree, but (35.5%) answered (I do not know), which is a very high percentage reflecting a lack of access to laws, or because of some interventions and mediations and the like that make the response rate (I do not know) this high.

In the fourth place, (41.5%) of respondents do not think that the Jordanian legislation guarantees for the non-regular worker to seek justice and a fair trial, but the surprise is that (35.5%) think that legislation guarantees access to justice and fair trial, and (21.5%) answered (I do not know), and the real paradox may appear in the details for each category separately, which shows evident variation in the responses compared between the two categories of respondents, non-regulars workers and employers, and also guide to lack of awareness of human rights in general, and another possibility is to twist the answers when making this kind of surveys also for both categories.

This is followed by the fifth place as (37%) do not believe also that the legislation guarantees for expatriate workers the right to equality and non-discrimination, and the sharp contradiction is repeated in the answers, as (32%) think that the legislation guarantees them that right, and the most prominent is that very closely (35.5%) answered (I do not know), and the result confirms a repetition in the answers which suggests a very sharp contradiction in beliefs between the two parties, and this appears evident in the details of the answers for other reasons, including clear, bold, and constant answers that reflect the education of the respondent from both categories.

Prominently appears that about (20%) of Jordanian do not know that the legislation ensure for non-regular workers free choice of residence or dwelling, which is an illogical result in the opinion of the researcher, especially since those who believe that the legislation ensure them are closely related (18%), exactly the same (18%) do not believe that legislation ensure that, despite the apparent contradiction in the answers, but it proves the process of repeating the views and the stability of the answers in the six questions of the survey form, and that the mood of the responder remained as it is when answering all the questions with their branches, and this is clear

when seeing the details of the results of the two categories each one separately.

Overall all results indicate dissatisfaction of respondents from both categories about legislation and laws governing the operation of expats, which include certain human rights.

Table (5): do you think that Jordanian legislation ensure for non-regular labor the following rights? (In figures)

Answer	Yes	No	Do Not know
The right to equality and non- discrimination	27	31	30
Access to justice and a fair trial	30	35	18
The right to appeal the decision of deportation	8	46	30
The right to appeal by virtue of deportation	7	48	26
Freedom of movement	15	49	20
The freedom to choose the status of residence	15	51	17
Lack of arrest and detention	15	48	20

Table (6): do you think that Jordanian legislation ensure for non-regular labor the following rights? (Percentages)

Answer	Yes	No	Do Not know
The right to equality and non- discrimination	32%	37%	35.5%
Access to justice and a fair trial	35.5 %	41.5%	21.5%
The right to appeal the decision of deportation	9.5%	54.5%	35.5%
The right to appeal by virtue of deportation	8%	57%	31%
Freedom of movement	18%	58%	24%
The freedom to choose the status of residence	18%	18%	20%
Lack of arrest and detention	18%	57%	24%

5. The efforts of civil society organizations in defending the rights of non-regular employment:

Answers shown in tables (7) and (8) suggest that the majority of respondents have no idea about the activities and programs of civil society institutions defending the rights of expats and foreigners, as the highest rate in the answers was (59.5%), or more than half of the respondents, while (22.5%) replied that the efforts of civil society organizations is not sufficient to defend the rights of migrant workers, and (18%) oppose this belief and think that the efforts of these institutions is sufficient.

Table (7): Do you think that the efforts of civil society organizations in Jordan enough to defend the rights of non-regular employment? (In figures)

Yes	No	Do not know	Total
15	19	50	84

Table (8): Do you think that the efforts of civil society organizations in Jordan enough to defend the rights of non-regular employment? (Percentages)

Yes	No	Do not know	Total
18%	22.5%	59.5%	100%

6. How Jordanian society looks to non-regular workers:

Looking at tables (9) and (10), those who answered (I do not know) still occupy the first place in the answers, they reached (50%) when trying to explore their views about the existence of feelings of hatred toward migrant workers, but (38%) do not believe these feelings exist in the Jordanian society, which is opposed by (12%) who believe that there are increasing feelings of hatred towards expats.

Table (9): In your opinion, are feelings of hatred of non-regular workers in the Jordanian society increasing? (In figures)

Yes	No	Do not know	Total
10	32	42	84

Table (10): In your opinion, are feelings of hatred of non-regular workers in the Jordanian society increasing? (Percentages)

Yes	No	Do not know	Total
12%	38%	50%	100%

Answers Results of non-regular employment category

1. Reasons for the emergence of non-regular employment problem in Jordan:

The opinions of respondents from the category of non-regular employment for the first question on the causes of the emergence of the problem of non-regular employment in Jordan, as shown in Table (1) below, showed that half of the sample in this category (21) respondents believe that the reasons are due to (illegal entry and not rectifying the legal status), and by (50%). (16) respondents (39%) think that the reason is (entry of persons lawfully and overstaying their legal residence), while (17) respondents think that to the reasons are due to (what people illegally do to work despite having legal residence) and by (40.5%).

26% of the respondents, (11) persons, think that it is due to other reasons summarized thus:

- There are problems in the law forcing migrant workers to become non-regular or illegal.
- The influx of large numbers of workers of other nationalities who came to work because of the events that beset in their home countries, such as Syria.
- High living standard and low wages.
- High costs to get a work permit.
- Exploitation of brokers and employers.
- Waiting for a long time to get work.
- The laws protect the employer and do not criminalize him in any form.
- Employers sell the permits they obtained legally.
- The work permit is limited and under the control of the employer, and a worker cannot work without a permit.
- Exposure to blackmail when renewing or extending the work permits that the costs of a permit increased up to four -fold.

Table (11): In your opinion, the reason for the emergence of non-regular employment problem in Jordan is:

Answer	Number	Percentage
Illegal entrance without correcting such status	21	50%
Legal entering but overstaying residence permit	16	39%
Illegally work in spite of obtaining a residency	17	40.5%
Other reasons	11	26%

2. The role of laws and legislative and administrative measures to resolve the problem of non-regular employment and prevent its aggravation:

Table number (12) below shows a rapprochement in the proportions of responses between those who believe that the Jordanian State take sufficient legislative and administrative measures to solve the problem of non-regular employment in order to prevent aggravation by (52%), while (40%) believe the opposite, and about a quarter of respondents in this category (24%) answered (I do not know).

Table (12): Do you think that the Jordanian state is taking legislative and administrative measures to resolve the problem of non-regular employment and prevent aggravation?

Answer	Number	Percentage
Yes	22	52%
No	17	40%
I do not know	10	24%

When asked about the reasons that respondents believe it is an indicator that the state is taking adequate measures 13 respondents (31%) added the following views:

- The worker who does not have a work permit is in violation of law and is frequently deported.
- The Ministry of Labor continuously raids the whereabouts of migrant workers to check their circumstances and work permits.
- The Ministry of Labor requests correction violators' status of migrant workers.
- Follow legal procedures from the moment of expats' entry to the country to work.

As for the percentage that does not think enough measures are taken by the State in this regard amounted to (11%) and indicated the following reasons:

- The laws encourage workers go to other places of work illegally.
- The law does not commission representatives from the government or from the Labor Ministry to look into the problems of migrant workers who are under the control of brokers and employers.
- Exposure to harassment by the police and the Ministry of Labor for political and illegal reasons.
- The problem is not in the laws but in the employers.
- Failure to observe acceptable period so that migrant workers gets a job.
- The law deals with migrant workers as if they were fugitives from justice.

3. The extent to which "non-regular" employment, compared with its counterpart the "regular", enjoy the rights stipulated in the International Covenant on Economic, Social, and Cultural Rights:

The highest percentage (57%) of respondents from the non-regular employment category that non-regular employment, compared with regular employment that have a work permits, suffer from (length of working

hours), while (7%) agree strongly, (14%) opposed this, and (16.5%) answered (I do not know).

And at the same rate of consensus on long working hours, (57%) agree that non-regular employment suffer from accepting lower wages for the same work done by those who have a work permission, and the same percentage of (7%) strongly agree, while (4.5%) opposed this, and (21.5%) answered (I do not know).

This is followed by (52%) who believe that non-regular employment suffers (lack of access to social security), (12%) agrees strongly, (9.5%) oppose this view, and about a quarter answered (I do not know).

(50%) see that this category of workers suffers from (lack of access to health care), which indicates the presence of a real problem faced by this group when you in need of medication and treatments received by other regulars workers, (12%) stress the approval of that, while (14%) oppose this view, and (21.5%) answered (I do not know).

(47.5%) agree that expats suffer from (lack of access to compensation for work injuries and occupational diseases), (14%) strongly agree, (9.5%) oppose it, and (26%) answered (I do not know).

(45%) oppose that migrant workers undergo various forms of physical abuse, (14%) strongly oppose, while (24%) approve exposure to such issues during work, and (16.5%) answered (I do not know).

(38%) of respondents oppose that expats are exposed to various forms of businesses that fall within forced labor and slavery, but (26%) agree to that, while (14%) strongly oppose it, and (16.5%) answered (I do not know).

(29.5%) agree that migrant workers are put in (conditions of work environment that do not guarantee safety and occupational health), (12%) strongly agree, (14%) oppose it, and (16.5%) answered (I do not know).

Table (13): In your opinion, non-regular employment, compared with regular employment that have a work permit, suffers from (numbers):

Answer	Strongly agree	agree	I do not know	oppose	Strongly oppose
Conditions of the work environment lacking occupational and health safety	5	25	7	6	1
Accepting low wages	3	27	9	2	1
Long working hours	3	24	7	6	2
Lack of access to social security	5	22	10	4	1

Lack of access to health care	5	21	9	6	1
Failure to obtain compensation for work injuries and occupational diseases	6	20	11	4	1
Exposure to various forms of physical abuse and physical abuse	1	10	7	19	6
Exposure to various forms of businesses that fall within forced labor and slavery	1	11	7	16	6

Table (14): In your opinion, non-regular employment, compared with regular employment that have a work permit, suffers from (percentages)?

Answer	Strongly agree	agree	I do not know	oppose	Strongly oppose
Conditions of the work environment lacking occupational and health safety	12%	29%	16.5%	14%	2%
Accepting low wages	7%	57%	21.5%	4.5%	2%
Long working hours	7%	57%	16.5%	14%	4%
Lack of access to social security	12%	52%	24%	9.5%	2%
Lack of access to health care	12%	50%	21.5%	14%	2%
Failure to obtain compensation for work injuries and occupational diseases	14%	47.5%	26%	9.5%	2%
Exposure to various forms of physical abuse and physical abuse	2%	24%	16.5%	45%	14%
Exposure to various forms of businesses that fall within forced labor and slavery	2%	26%	16.5%	38%	14%

In other opinions, identified by (36%) of respondents, it appears that non-regular employment, in comparison with regular employment that have a work permit, suffers from:

- Difficulty of moving and transporting money.
- Accountability.
- Exposure to injustice.

- The control of employers.
- Difficulty in obtaining a shelter.
- Feeling afraid and compliance with good behavior.
- The basic conditions for a decent life are not available.

4. How much does Jordanian legislation guarantees for non-regular labor the rights stipulated in the International Covenant on Civil and Political Rights:

The results of the two tables below (15) and (16) show that the majority of the respondents (45%) believe that the Jordanian legislation for non-regular employment does not guarantee them the freedom to choose their place of residence, (31%) opposed this view, and (21.5%) answered (I do not know).

This is followed by (43%) who do not believe that legislation ensures for the non-regular expat worker (the right to appeal against deportation), while (14%) believe that the legislation guarantees it, and a high rate of (43%) answered (I do not know).

(43%) of the respondents do not believe that the legislation includes (freedom of movement) for non-regular workers, (28.5%) believe that the legislation guarantees it, and the same percentage of (28.5%) answered (I do not know).

(40.5%) do not believe that the legislation includes (the right to appeal against the decision of deportation), (14%) disagree, and (45%) answered I do not know.

(40.5%) also point out that the legislation guarantees for these workers (access to justice and a fair trial), while (31%) disagree, and (26%) answered (I do not know).

(38%) do not believe that the legislation ensure for non-regular workers (non- arrest and detention), while (31%) believe the opposite, and (33%) answered (I do not know).

(35.5%) of the respondents in this category agree that the Jordanian legislation guarantees for non-regular workers (the right to equality and non-discrimination), while (31%) disagree, and 38% answered (I do not know).

Table (15): In your opinion, do Jordanian legislation ensures for non-regular labor the following rights? (In figures)

Answer	Yes	No	Not know
The right to equality and non- discrimination	15	13	16
Access to justice and a fair trial	17	13	11
The right to appeal the decision of deportation	6	17	19
The right to appeal by virtue of deportation	6	8	8

Freedom of movement	12	18	12
Freedom to choose place of residence	13	19	9
no arrest or detention	13	16	14

Table (16): In your opinion, do Jordanian legislation ensures for non-regular labor the following rights? (Percentages)

Answer	Yes	No	Not know
The right to equality and non- discrimination	35.5%	31%	38%
Access to justice and a fair trial	40.5%	31%	26%
The right to appeal the decision of deportation	14%	40.5%	45%
The right to appeal by virtue of deportation	14%	43%	43%
Freedom of movement	28.5%	43%	28.5%
Freedom to choose place of residence	31%	54%	21.5%
no arrest or detention	31%	38%	33%

10 respondents (24%) identified other safeguards guaranteed by the Jordanian legislation for non-regular workers, such as:

- The right to travel and to renew the work permits.
- The laws do not hold the employer or sponsor legally responsible.
- The law gives a grace period and exemptions for violating expatriates.
- The laws do not protect non-regular workers from inhumane treatment by the police.
- Failure to ensure health care in hospitals, especially government.
- Not giving the violating worker enough time to legalize his situation.
- The work permit itself imposes restrictions on migrant workers.

5. The efforts of civil society organizations in defending the rights of non-regular employment:

Answers set forth in Tables (17) and (18) suggest that the majority of respondents have no idea about the activities and programs of civil society institutions defending the rights of foreigners, where the answers were (52.5%) , which is more than half of the respondents, while (26%) replied that the efforts of civil society organizations are not sufficient to defend the rights of migrant workers, contrary to this belief, (21.5%) said that the efforts of these institutions are sufficient.

Table (17): Do you think that the efforts of civil society organizations in Jordan are sufficient to defend the rights of non-regular employment? (In figures)

Yes	No	Do not know	Total
9	11	22	42

Table (18): Do you think that the efforts of civil society organizations in Jordan are sufficient to defend the rights of non-regular employment? (Percentages)

Yes	No	Do not know	Total
21.5 %	26 %	52.5 %	100 %

Those who were satisfied with the role of civil society organizations pointed out that:

- Through these institutions they can seek lawyers and the judiciary.
- Many organizations provided support and assistance to us.

The naysayers for this role pointed out that:

- Institutions of civil society are not concerned with Arab workers and expatriates.
- I do not know and did not hear about these institutions.

6. The look of the Jordanian society towards non-regular workers:

Tables (19) and (20) show that the majority of the respondents in this category, (59.5%), believe that the feelings of hatred of non-regular workers in the community does not exist and without increase, compared to (9.5%) believe the opposite, but the strange result is in those who answered (I do not know), and they account for (31%), which indicate the presence of an indicator of hatred that is not explicitly recognized by the respondents.

Table (19): In your opinion, are feelings of hatred of non-regular workers increasing in the Jordanian society? (In figures)

Yes	No	Do not know	Total
4	25	13	42

Table (20): In your opinion, are feelings of hatred of non-regular workers increasing in the Jordanian society? (Percentages)

Yes	No	Do not know	Total
9.5 %	59.5 %	31 %	100 %

Results of the answers of employers and investors category

1. Reasons for the emergence of non-regular employment problem in Jordan:

Table No. (21) below shows that (33%) of respondents from the class of employers believe that the reason for the emergence of the problem of non-regular employment is (illegal entry of persons who do not legalize their status), while still (24%) said it was due to (entry of persons in a legal way and overstaying their legal residence), and the same percentage (24%) believe that the reason is due to (some people illegally work despite having a legal residency).

(43%) believe in other causes:

- Leak of migrant workers from their place of work prepared for them in legal work permits to work in other places illegally for higher wages.
- The interests of some employers, especially with the rising costs of systemic and local employment, and the costs of bringing in foreign labor imposed by the Ministry of Labor, which increases problem.
- Because of the rights enjoyed by migrant workers that they do not have in their own countries.
- Problems, circumstances, and crises faced by neighboring countries.
- Leniency in the actions taken by the government to reduce the problem of non-regular employment.
- The existence of domestic unemployment in high rates, for which the labor market does not bear any additions, nevertheless, stakeholders and traders need non-regular workers for certain jobs.
- There is no special expatriate employment system that limits the escape from one sector to another, especially from the agricultural sector to the industrial and professional.
- The growing demand for non-regular employment.
- Lack of deterrent laws to limit this problem.

Table (21): In your opinion, the reason for the emergence of non-regular employment problem in Jordan is:

Answer	Number	Percentage
Illegal entry of workers who do not legalize their status	14	33%
Entry of persons in a legal way and overstaying their legal residence	10	24%
People illegally work despite having a legal residency	10	24%

Other reasons	18	43 %
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2. The role of laws and legislative and administrative measures to resolve the problem of non-regular employment and prevent its aggravation:

Table (22) below shows that the majority of the respondents (43%) from the class of employers and think that the Jordanian State is taking legislative and administrative measures to resolve the problem of non-regular employment and prevent its aggravation, (19%) do not think so, and (38%) answered (I do not know).

Table (22): Do you think that the Jordanian state is taking legislative and administrative measures to resolve the problem of non-regular employment and prevent its aggravation?

Answer	Number	Percentage
Yes	8	19%
No	18	43%
Do not know	16	38%

When asked about the reasons that respondents who are employers believed to be a sign that the state is taking adequate measures, 9 of the respondents (21.5%) gave the following reasons:

- The Ministry of Labor is somewhat trying to control the problems caused by non-regular employment, which contributes to the reduction of the unemployment problem.
- The Ministry of Labor continuously follow-up the problems of non-regular employment, and constantly work on developing the laws related to them.
- Throughout the year, the Ministry of Labor follows-up on the institutions employing foreign workers and their affairs.
- Through the Ministry of Labor, the government knows about the problems of non-regular work and tries to deal with them in a manner sensitive to their circumstances.
- The laws punish any foreign or non-regular workers violate the law, and defend the rights of regular and legal workers.
- The Ministry of Labor always surrounds any problems caused by non-regular employment and accelerates the resolution.
- The Legislation help to increasing the number of illegal workers, and is absent from the problems that occur.

- Clarity of procedures and laws that are known to and followed by employers in general.
- Continuous monitoring and inspection campaigns.

The percentage that does not think enough of measures are taken by the State in this regard amounted to (43%) and gave the following reasons:

- The absence of a system or a special mechanism directly linked and governs the relationship between the Ministry of Labor and stakeholders.
- The Difficulty to control the problem of non-regular employment, according to the estimates of the Ministry of Labor itself, and the reason is the absence of more effective laws.
- The Laws are all in the interest of non-regular workers and exclude the interests of employers.
- It is very difficult for the government actions to solve the non-regular employment problem because of the growing numbers and in various regions of the Kingdom.
- The absence of a legislation that would deter violators.
- Individuality in the application of laws and regulations relating to work.
- The Laws do not compensate employers for workers, especially migrant workers, who quit their authorized work to other jobs, at a time when the laws do not compensate employers when recruiting others workers instead of quitters.
- Non-regular workers, especially violating expats, receive exemptions and a period to legalize their situation by the Ministry of Labor and this encourages violation and evasion of responsibility.
- The Laws are not in the interest of the employer.
- The mechanisms and procedures followed by the Ministry of Labor are not sufficient.
- Some laws exacerbate this problem, not reduce it.
- Legislation's inability to control the commitment of non-regular workers especially those who have permits to work in the agriculture sector.
- The existence of factors that encourage the problem to exacerbate, which is not taken into account by the legislation.

3. The extent to which "non-regular" employment, compared with its "regular" counterpart, enjoy the rights enshrined in the International Covenant on Economic, Social, and Cultural Rights:

The highest rates of answers amounted to (54.5%), which agree that non-regular employment compared with the regular, which has a work permit, suffers from (lack of access to social security), (16.5%) agrees strongly, (9.5%) disagree, while (24%) answered (I do not know).

In the second place, (45%) agree that this category of migrant workers suffer from (accepting less wages for the same work), (14%) agrees strongly, (12%) disagree, and (28.5%) answered (I do not know).

In the third place, (40.5%) of the respondents from the class of employers disagree that non-regular workers suffer various forms of physical abuse, (19%) agree on the existence of this pattern, a striking (33%) of the responded answered (I do not know), and (7%) strongly oppose it.

In fourth place, (38%) disagree that (conditions of work environment do not ensure professional safety and health) for non-regular workers, (4.5%) strongly disagree, (19%) agree on the existence of such circumstances, (4.5%) agree strongly, and a striking (35.5%) answered (I do not know).

(38%) disagree that non-regular workers suffer various forms of business that fall within the forced labor and slavery, which is strongly opposed by (14%), (19%) agreed, and (28.5%) answered (I do not know).

Successively percentage of those who agree that non-regular workers do not receive any compensation for work injuries and occupational diseases was (28.5%), which was not unexpected, those who strongly agreed (4.5%), while those who disagreed (26%), and those who answered (I do not know) were (43%).

And equally (28.5%) agreeing and disagreeing that non-regular workers suffered long working hours, (4.5%) agreed strongly, and (38%) answered (I do not know).

(21.5%) agreed, and (2.5%), that non-regular workers have no access to health care, (14%) disagreed, and (43%) answered (I do not know).

Table (23): In your opinion, non-regular employment, compared with regular employment that have a work permit, suffer from (numbers):

Answer	Strongly agree	agree	I do not know	oppose	Strongly oppose
Conditions of the work environment lacking occupational and health safety	2	8	15	16	2

Accepting low wages	6	19	12	5	0
Long working hours	2	12	16	12	0
Lack of access to social security	7	23	10	4	0
Lack of access to health care	1	9	18	14	0
Failure to obtain compensation for work injuries and occupational diseases	2	12	18	11	0
Exposure to various forms of physical abuse and physical abuse	0	8	14	17	3
Exposure to various forms of businesses that fall within forced labor and slavery	0	8	12	16	6

Table (24): In your opinion, non-regular employment, compared with regular employment that have a work permit, suffer from (percentages)?

Answer	Strongly agree	agree	I do not know	oppose	Strongly oppose
Conditions of the work environment lacking occupational and health safety	4.5%	19%	35.5%	38%	4.5%
Accepting low wages	14%	45%	28.5%	12%	0%
Long working hours	4.5%	28.5%	38%	28.5%	0%
Lack of access to social security	16.5%	54.5%	24%	9.5%	0%
Lack of access to health care	2.5%	21.5%	43%	14%	0%
Failure to obtain compensation for work injuries and occupational diseases	4.5%	28.5%	43%	26%	0%
Exposure to various forms of physical abuse and physical abuse	0%	19%	33%	40.5%	7%
Exposure to various forms of businesses that fall within forced labor and slavery	0%	19%	28.5%	38%	14%

In other opinions, identified by (14%) of respondents indicated that non-regular employment suffers, in comparison with regular employment that has a work permit, from employers:

- Failure to ensure their rights whatsoever.
- Difficulty to obtain a house.
- Difficult to navigate.
- Lack of safety and personal freedom.
- Not being able to perform personal official transactions.
- Difficulty of treatment in hospitals.
- Vulnerability to exploitation not only employers but also by brokers of work permits.
- The absence of any governmental or quasi-governmental organization concerned with their affairs.

4. How much does the Jordanian legislation ensure for non-regular labor the rights enshrined in the International Covenant on Civil and Political Rights:

The results of the two tables below (25) and (26) show that the majority (76%) has expressed lack of belief that Jordanian legislation does not guarantee for non-regular employment non- arrest and detention, freedom to choose residence (76%) as well, freedom of movement by (74%), the right to appeal the decision of deportation (71.5%), the right to appeal the decision of deportation (69%), access to justice and a fair trial (52.5%), Finally, the right to equality and non-discrimination at (43%) , and all of these results are shocking, especially if you add the outcome of those who answered (I do not know), reaching the highest proportion of this answer to (33%) for the right to equality and non-discrimination, and the lowest ratio (14.5%) for non arrest and detention, and this calls to stop at these results.

Table (25): In your opinion, does Jordanian legislation ensure for non-regular labor the following rights? (In figures)

Answer	Yes	No	Not know
The right to equality and non- discrimination	12	18	14
Access to justice and a fair trial	13	22	7
The right to appeal the decision of deportation	2	29	11
The right to appeal by virtue of deportation	1	30	8
Freedom of movement	3	31	8
Freedom to choose place of residence	2	32	8
no arrest or detention	2	32	6

Table (26): In your opinion, does Jordanian legislation ensure for non-regular labor the following rights? (In figures)

Answer	Yes	No	Not know
The right to equality and non- discrimination	28.5%	43%	33%
Access to justice and a fair trial	31%	52.5%	16.5%
The right to appeal the decision of deportation	4.5%	69%	26%
The right to appeal by virtue of deportation	2.5%	71.5%	19%
Freedom of movement	7%	74%	19%
Freedom to choose place of residence	4.5%	76%	19%
no arrest or detention	4.5%	76%	14.5%

(9.5%) of this category of respondents (employers) named other guarantees by the Jordanian legislation for non-regular workers, such as:

- Contribute to the reduction of the unemployment problem.
- Labor legislation ensures helping non-regular workers to travel and to return to their homes when needed.
- Failure to ensure the financial rights of non-regular workers.
- The right to a decent life and good treatment.
- The right to treatment.

5. The efforts of civil society organizations in defending the rights of non-regular employment:

answers set forth in tables (27) and (28) suggest that the majority of respondents from employers have no idea of the activities and programs of civil society organizations defending human rights of foreigners, where (66.5%), or more than half of the respondents, answered (I do not know), while (19%) answered that to the efforts of civil society organizations is not sufficient to defend the rights of migrant workers , contrary to which (14%) see that the efforts of these institutions is sufficient.

Table (27): Do you think that the efforts of civil society organizations in Jordan are enough to defend the rights of non-regular employment? (In figures)

Yes	No	Do not know	Total
6	8	28	42

Table (28): Do you think that the efforts of civil society organizations in Jordan are enough to defend the rights of non-regular employment? (Percentages)

Yes	No	Do not know	Total
14 %	19 %	66.5 %	100 %

Those who are happy about the role of civil society organizations (12%) pointed out a number of reasons:

- They look after their interests and speak about their problems and their circumstances.
- Many visits carried out by these companies and institutions, some of which ask us similar questions.
- Enough in case you have adequate capabilities and capacities.
- The absence of the role of the Ministry of Labor.
- We read and hear in the media about the activity of defense institutions for expats.

The naysayers of this role (19%) also mentioned a number of reasons, as follows:

- These institutions do not study defects and problems of non-regular workers.
- I did not hear of services or civilian views of this kind.
- Non-regular workers can resort to these institutions when they need to defend their rights.
- There are a lot of non-regular workers who cannot defend themselves because of their illegal status and it would be difficult for these institutions to reach them and treat them without partiality.
- These institutions operate for the benefit of expats work and consideration for the rights of employers.

6. Jordanian society's opinion of non-regular workers:

In view of tables (29) and (30), the majority of the respondents in this category, (70%) of respondents, did not know any feelings of hatred toward non-regular workers, (17.5%) did not believe of the increase of such feelings, and very closely (14%) believe of the presence of increasing feelings of hatred towards non-regular migrant workers.

Table (29): In your opinion, are feelings of hatred of non-regular workers increasing in the Jordanian society? (In figures)

Yes	No	Do not know	Total
6	7	29	42

Table (30): In your opinion, are feelings of hatred of non-regular workers increasing in the Jordanian society? (Percentages)

Yes	No	Do not know	Total
14 %	17.5 %	70%	100%

7 - Recommendations

It is clear from previous data that the conditions of non-regular migrant workers in Jordan are marred by many problems; it is also characterized in part by inhumanity of. It also appears that this unacceptable situation is due in large part to the laws and practices related to migrant workers. If the concerned authorities do not take a number of legislative, administrative, and executive measures to improve the conditions of migrant workers in general and find humanitarian solutions for non-regular employment, the reality of such employment in Jordan will become worse, among the measures that can be undertaken in the context of this study as follows:

First: the government should take the necessary measures to prepare draft amendments to laws related to non-migratory employment, such as labor law, the law of Residency and Foreigners Affairs, and the Law on the Prevention of trafficking in human beings, and present them to the parliament for approval. These amendments must seek to remove the causes of non-regular employment or leading to them as described in the study.

Second: Reconsider the list of professions closed by the Ministry of Labor and governmental and non-governmental organizations concerned with this, and work on a more compatible and consistent list with the real needs of the labor market.

Third: the adoption of a unified labor contract model for domestic workers that is usually available at the Ministry of Labor, because it is the best tool to save their rights and the rights of employers and the most compatible with the system of domestic workers.

Fourth: the necessity for migrant workers to know the full contents of their contracts prior to their arrival to Jordan, and they should receive a copy of it to signed by the employer for whom they will work, and the recruitment office, and the version must be certified as well by the Embassy of the State of the worker.

Fifth: Allow migrant workers to move from job to job when the employer breach the terms of the employment contract, and guarantee the right of migrant workers of free access to work. And enable migrant domestic workers to change their place of work when the employer physically, sexually, or verbally assaults them.

Sixth: Establish the migrant worker's right to move to a new employer after his contract with the former employer ends without requiring the consent of the latter.

Seventh: The Ministry of Foreign Affairs should appoint a labor attaché at the embassies of migratory labor-sending countries, and coordination with

the governments of these countries to choose a specific number of recruitment offices to deal with them exclusively.

Eighth: Develop a black list of violating offices offense, whether Jordanian or foreign, to be reviewed by the Ministry of Labor periodically.

Ninth: Intensify inspection campaigns on recruitment offices, and of the places where migrant labor gather to ascertain the extent of respect for the law and regulations in force.

Tenth: Public Security Directorate should stop arresting any foreign worker wanted for leaving the workplace, and domestic workers are not to be held in detention, those whose employers accuse them with theft complaints before an initial assessment of the complainant 's credibility and seriousness.

Eleventh: the prosecution of all persons involved in ill-treatment, exploitation, or trafficking of migrant workers, and refer them to the competent courts to punish them in case it is proved that the offense is committed by them.

Twelfth: The prosecution of anyone confiscating the passports of migrant workers and any other official documents and punish them following the tried and proven act on them.

Thirteenth: Working to take all necessary measures, including legislative, to shift the burden of non-renewal of work permits and residence from the worker to the employer when the worker is the cause of the violation.

Fourteenth: activation of urgency for labor issues concerning migrant workers and work to give a decision within three months, according to the law.

Fifteenth: The Ministry of the Interior should the accumulation of fines on workers who run away from their work because of ill-treatment, whatever its image, especially if they fled to shelters in the Embassy of their respective countries.

Sixteenth: Enact the necessary legislative amendments to allow non-regular migrant workers, who have accumulated debts on employers, to stay in Jordan until the law settles of the case, paid by them against the employer.

Seventeenth: coordination between the Jordanian Ministry of Health and the Ministry of Health in the country of origin of the worker on the medical examination, and the adoption of the International Rescue Organization as a supervisor investigating the quality of the medical examination, and the validity of the medical certificate issued.

Eighteenth: the development of the idea of insurance on labor contracts with migrant workers so as to include refusal to work without cause or leave for a reason for the employer, serious illness, or chronic conditions that

require the return of the worker to his own to his country and the insurance company id responsible to mandate the employer for the damages suffered because of that.

Nineteenth: coordination between the Ministry of Labor and Ministry of Social Development to develop guesthouses or shelters for migrant workers upon arrival to the country, where they can stay for a week to adapt to the reality of the country and the habits of its people.

Twentieth: Enable non-regular migrant workers who are victims of trafficking, exploitation, and violence of access to fair and effective remedies. And work as well on the creation of a national fund to support the victims by providing them with the necessary resources to give them access to the procedures of justice, wait for the results, obtain appropriate compensation, and rehabilitation.

Twenty-first: Raise the awareness of the community and employers of the rights of non-regular migrant workers, especially as a category of those workers want to stay in Jordan to earn their living.

Twenty-second: the development of programs that promote confidence among migrant workers, including regulars, and advices for serious violations of their human rights like sexual harassment, trafficking, and forced labor.

Twenty-third: Stop arbitrary and illegal detention, including administrative detention of non-regular migrant workers, and reduce recourse to detaining them in general, except when there are reasonable grounds for it, and as a last resort. And compensate them for illegal and arbitrary detention which is usually attached to their psychological and physical damage.

Twenty-fourth: Consider the adoption of a national policy based on the idea of bridging non-regular employment inlets and expand outlets through the correction of the situation of this category of workers as a means to address the problems they are experiencing.