

HUMAN RIGHTS WATCH

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Appendix I: Letter to Government Coordinator for Human Rights

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January 31, 2018

Basel Tarawneh
Government Coordinator for Human Rights
Amman, Jordan

RE: Treatment of Non-Citizen Children of Jordanian Mothers

Your Excellency,

We are writing to you to inquire further about the status of non-citizen children of Jordanian mothers, three years removed from the November 9, 2014 Cabinet decision promising an easing of restrictions on their access to employment, education, health, investment, property ownership, and obtaining driver's licenses. We are also writing to share with you the preliminary findings of research carried out by Human Rights Watch into their treatment following the decision's implementation.

Human Rights Watch is an independent, non-governmental organization that monitors and reports on human rights abuses in more than 90 countries around the world. We have worked for many years on documenting human rights conditions in Jordan and we value and appreciate open channels of communication with the government and authorities.

We have examined 32 cases of non-citizen children of Jordanian mothers who say that they have been denied fundamental rights. Researchers carried out interviews with 42 people between July 2017 and August 2017, including 15 Jordanian mothers, 24 non-citizen children of Jordanian mothers, and three foreign spouses. We also reviewed local and international laws pertaining to nationality, as well as Jordanian laws,

regulations, and decisions governing foreign nationals' residency status and their access to relevant government services.

According to Ministry of Interior numbers from 2014, there are over 355,000 non-citizen children of Jordanian mothers in Jordan. By May 2017, the government reported that it had issued slightly over 66,000 identification cards recognizing individuals as such, leaving out over 80 percent of non-citizen children of Jordanian mothers. We identified three major barriers limiting access to the card and its purported benefits: some individuals were unable to obtain a long list of necessary documents required to apply, others simply couldn't afford the costs involved in procuring the necessary documents, and others were rejected because of the government's requirement that their Jordanian mothers must have legally resided in Jordan for no less than five years prior to applying – a requirement that the Jordanian National Commission for Women considered a form of discrimination against women, violating both their citizenship rights and right to freedom of movement.

Even for those who did obtain the identification cards, many reported no discernible improvement in their access to basic rights and government services. By and large, government agencies continue to subject them to the same laws and regulations that govern provision of services for foreigners. Cumbersome annual renewal of residency permits remains a requirement, and those who require work permits continue to confront significant legal and regulatory barriers that prevent them from obtaining employment for which they are otherwise qualified.

It is only in public hospitals and at public schools that non-citizen children of Jordanian mothers reported noticeable improvements. In both cases however, those who cannot procure identification cards or meet the mother's five-year residency requirement are not eligible to benefit from these provisions, and some non-citizen children reported paying higher "foreigners fees" at public hospitals despite presenting identification cards proving their status. The promised reforms did not improve access to higher education – non-citizen children of Jordanian mothers must pay costly international student fees to study at Jordan's public universities. Despite inclusion in the cabinet decision's provisions, no positive changes were reported in the areas of property ownership, investment, or obtaining a driver's license.

While we recognize and appreciate successive Jordanian governments' demonstrated intent to improve the conditions of this segment of society, our research indicates that insufficient change has taken place on the ground.

For a report that Human Rights Watch plans to publish in March 2018, we would be grateful for any response to the following requests that you could provide us by February 22, 2018:

1. Please provide statistics on the number of applications for government-issued identification cards for non-children of Jordanian mothers that civil status' authorities have rejected since January 2015.
2. Please explain why authorities did not publish the cabinet decision regarding "tasheelat" for non-citizen children of Jordanian women itself in the official gazette.
3. Please clarify whether mere possession of the identification card facilitates access to the six areas mentioned in the cabinet decision.
4. Please indicate how, if at all, the cabinet decision eased restrictions on the areas of ownership and investment.
5. Please indicate what portion of the work permit fees non-citizen children of Jordanian mothers are now exempted from paying? Do work permit fees differ by nationality of the applicant?
6. Despite theoretically allowing non-citizen children of Jordanian mothers to work in professions otherwise available only to Jordanians, providing there is no Jordanian alternative, the cabinet decision did not clarify how possession of the identification card would allow them to obtain the permission to practice closed professions. Given restrictions around professional associations, how, if at all, does possession of the identification card allow non-citizen children of Jordanian mothers to practice their professions in Jordan?
7. Please provide clear information on Ministry of Health regulations related to non-citizen children of Jordanian mothers:
 - a. Are all non-citizen children of Jordanian mothers in possession of an identification card charged the uninsured Jordanian prices for health care in government facilities? Or just those of them who are minors?
 - b. Are all children, both Jordanian and non-Jordanian, under the age of six treated free of charge at public hospitals?
8. Article 4 of Jordan's nationality law allows citizens of Arab countries who have resided continuously in Jordan for no less than 15 years to apply for citizenship. Article 12 of the law allows for any non-Jordanian who has resided in the country for no less than four years to apply. The majority of non-citizen children of Jordanian

mothers would fall under either of those categories, yet none of the individuals we interviewed believed they could obtain Jordanian citizenship under these articles of the Nationality Law. Two individuals said they were not even allowed to apply and were instead told this option was no longer available by Ministry of Interior officials. A Human Rights Watch analysis of announcements of citizenship acquisition in the Official Gazette between 2012 and early 2017 revealed that Jordanian citizenship had been granted to only 33 individuals during that period. Could you please clarify how the law is being applied in this regard? On what basis are non-citizen children of Jordanian mothers who have resided in Jordan for over 15 years being turned away when attempting to apply?

We thank you for your time and consideration of this matter.

Sincerely,

[Signature]

Sarah Leah Whitson
Executive Director
Middle East and North Africa Division
Human Rights Watch

Appendix II: Summary of Responses to Human Rights Watch Inquiries

Response from the Ministries of Finance / Department of Lands and Survey to section (4) of the HRW's letter:

As regards to section four of the questions posed in the attached letter, pertaining to the treatment of non-citizen children of Jordanian mothers, in particular the section about ownership—

I would note that non-citizen ownership of fixed assets is regulated by the Law of Fixed Asset Leasing and Sales for Non-Citizens and Persons number 47 for 2006 and its provision apply to non-Jordanians regardless of the citizenship of the mother, under the regulations set by law, and in all cases, all non-Jordanians must obtain security approvals for ownership.

Response from the Ministry of Health to section 7 A) and B)
Treatment of non-citizen children of Jordanians

All Jordanian children who possess a national number under the age of six are treated free of charge as per Article 27 of the Health Insurance Code number 83 for 2004, at Jordanian Ministry of Health centers and hospitals.

As per Cabinet decision number 6150 dated 1/22/2018 which stipulates that if the treatment required for these children is not available at the health centers and hospitals, they are to be transferred via a mechanism established by the Minister of Health to either the Prince Hamza Hospital, Royal Medical Services or the Al Hussein Cancer Center.

As regards to Syrians and children from the Gaza Strip under the age of 6 they are to be treated free of charge at Ministry centers or hospitals.

Early screening for disabilities is provided to all children and minors under the age of 18 residing in the Kingdom free of charge at Ministry screening centers.

Vaccination services according to the National Vaccination Program are provided free of charge to all children and minors in the Kingdom.

Newborn survey program services and anemia and thalassemia screening and treatment services are free of charge.

School health services including regular medical tests and vaccinations and treatment are free of charge for all students in the Kingdom.

Children of Jordanian women married to foreigners with an ID card under the age of six receive free treatment and medical care.

Minor children of Jordanian women married to foreigners under the age of 18 are treated as uninsured Jordanians.

Response of the Ministry of Labor to sections 5 and 6:

Question 5:

Please clarify what part of the work permit fee non-citizen children of Jordanians are exempt from?

The Ministry of Labor has provided facilitations to the children of Jordanian women through the decision of the Prime Minister exempting the children of Jordanian women from paying for work permits, and they may obtain a work permit without any payment.

In addition to the decision's covering the spouses of Jordanian women it exempts them from paying back-fees for previous years in which the Jordanian women's spouse was not issued a work permit, a fee of 100 dinars for each year.

We would also note that in the case of actions against children of Jordanian women in the labor market without a work permit, a deportation order is not carried out and the Ministry merely fines the employer to bring them into compliance.

Do work permit fees differ by the nationality of the applicant?

The provisions of Article 12 stipulate that:

“B. A non-Jordanian worker must obtain a work permit from the Minister or his deputy before recruitment or employment, and the period of the permit may not exceed a renewable period of one year, with the new period to be set upon renewal as of the date of expiration of the previous obtained work permit.

C. 1. The Ministry will charge employers a fee for work permits issued to each non-Jordanian worker, or renew such fee, including workers subject to the provisions of section (B) of Article 3 of this law, and this fee shall be deposited with the Treasury at a sum set by law.”

Thus and in accordance with the preceding, Jordanian labor law does not discriminate on the basis of the nationality of the foreign worker in terms of work permit fees, and the Ministry charges each employer a fee for issuing a work permit to any non-Jordanian.

Question 6:

Closed professions:

Among the facilitations provided by the government to the children of Jordanian women is the possibility of working in professions closed to foreign workers.

If a Jordanian is not available, then preference is given to the children of Jordanian women to work in such professions.

Professional Associations:

The Ministry of Labor does not have any oversight of professional associations, as they are established under law based on the constitution. The authorities of the Ministry of Labor are limited to workers' unions and employer associations.

Response of the Ministry of Interior to sections 1,2,3, and 8:

In regard to the inquiries posed above, we would note that they are related to the decision of facilitations granted to the children of Jordanian women, as follows:

The number of children of Jordanian women who have obtained ID cards is 72,673 individuals of different nationalities, and the number of appeals about applications made to the committee formed for this purpose is around 250.

Cabinet Decision number 6415 in session held on 11/9/2014, was circulated and published among all official bodies as Prime Minister's Administration Announcement number 2 A 11/4/39299 dated 11/11/2014, and the directives pertinent to the execution of the Cabinet's decision were published in the official gazette number 5320 issued on 12/31/2014.

An ID card special for the children of Jordanian women was issued, enabling them to obtain benefits from government bodies for the facilitations covered by the Cabinet's decision, and merely by presenting this card the individual would obtain these facilitations as per the Cabinet's decision.

The Cabinet’s decision included providing the children of Jordanian women with facilitations related to ownership and investment, in accordance with the provisions of the law, regulations and decisions in force, as all offered facilitations must be consistent with law.

As to the inquiries posed in sections 5, 6, and 7, the relevant authorities are the Ministries of Labor and Health.

As regards the granting of citizenship or not to the children of Jordanian women married to non-Jordanians, this matter is governed by a number of political, economic and social considerations. And whereas specific international law gave states absolute freedom to exercise sovereignty over their territory as it relates to the question of the regulation of entry and residence of foreigners and the granting to them of citizenship and passports, so long as it does not conflict with human rights, Jordan has—in light of the political circumstances that the region has been witnessing for decades—opted to not grant political rights to the children of Jordanian women while taking into consideration the humanitarian issue and granting them civil rights including the right to residency, work, health insurance, investment, property, the right to obtain a driver’s license, to attend government schools, in addition to the right to pursue a university education.