

Abstract:

This study aims to interpret and analyze Jordan's policies and treatment of Syrian Refugees, including Palestinian Refugees who fled from Syria to Jordan. We attempt to examine Jordan's legal, Constitutional and International obligations toward these Refugees, in addition to studying its impact on the reality of Refugees, in terms of their rights and freedom. Meanwhile Jordan perceives the presence of Syrian Refugees on its ground as a threat to its national security. Thus, this research argues that reinforcing Refugees' legal and humanitarian rights does not conflict with the host country's national security, but rather strengthens it.

In order to comprehend the different aspects of this research, it is crucial to point out that this study is based on fieldwork research conducted in Jordan, where the researcher conducted several interviews. The interviewees ranged from Syrian Refugees to Researchers in the field, in addition to a Government Official. This study consists of two main chapters in addition to the introduction. In the conceptual framework, we recaptured the relationship between Refugee and the State, based on

the relationship between law and politics which conforms to what is called "state of exception."

The first chapter reviews Refugees' place in the legal context in general, and the position of Syrian Refugees particularly in Jordan, that is according to the International agreements Jordan has signed in addition to the memorandum of understanding it also signed. I also review Jordan's practices towards Palestinian and Iraqi waves of Refugees, considering that these are the most significant waves of displacement in the region.

Meanwhile the second chapter focuses on the reality of the international protection provided to Syrian Refugees in light of Jordanian legislations, based on the concept of human security which the international community has given a tremendous amount of attention to, and its context basically focuses on individuals' security.

The results of this research supports the main hypotheses of this study, for instance the first hypothesis stated that "the institution of Refuge in Jordan focuses mainly on political considerations which is linked to the Government's decisions, rather than being reflecting legal obligations."

The results of this study indicated that despite the fact that Jordan did

not ratify the 1951 Refugee Convention, it is not exempted from its International and Human obligations according to International Humanitarian law. In particular the Fourth Geneva Convention relative to the protection of civilians in time of war, in addition to Human Rights agreements Jordan has signed. It is important to mention that Jordan's policies towards the waves of Palestinian, Syrian, and Iraqi Refugees was not the same despite the similar condition under which these Refugees fled, and despite the fact that the legal text relative to the protection of civilians is the same.

Furthermore, Jordan's policy towards Palestinians who fled from Syria is a pure reflection of the nature of the Jordanian– Palestinian relations, in which a Palestinian is perceived in Jordanian as a threat to Jordanian identity, and reflects their, and the Palestinians', rejection of Jordan as an alternative homeland for Palestinians.

In Jordan there is a distinction between Palestinian Refugees and Syrian Refugees who fled from Syria whether in terms of their rights to cross the border, living in Refugee Camps, or even depriving them from world rights in comparison with other Refugees and this constitutes a violation

to the principle of non-discrimination which is stated in most of the agreements which Jordan has signed.

The status quo of the Syrian Refugees in Jordan is not that different from the status of Palestinian Refugees, even though the latter fits more with the concept of exception mentioned in the theoretical framework of this study. Theoretically, Syrian Refugees' rights fall within the content of the memorandum which Jordan has concluded with the office of the United Nations High Commissioner for Refugees, in addition to its contractual and customary obligations. Unfortunately the reality of Refugees lies in Jordan's financial capabilities in addition to the amount of aid it receives; in addition to the random practices of the security forces which claim certain measures are necessary for security reasons.

Regarding the second hypothesis, which states that refugees' exclusion from national, regional and international protection systems leads means that their human security is jeopardized and their rights and freedoms are endangered. Based on the fieldwork research and the literature review it was concluded Syrians are constantly feeling the lack legal protection, and their rights unprotected. This situation increased their desire to return to Syria, in fear that situation will be prolonged further.

The high costs of living and the rough life in Syrian refugee camps, in addition to the difficulty of finding a decent job, and the constant fear of being deported or detained, has in a way left them with three options: returning to the refugee camps, returning to Syria, or searching for illegal ways to migrate to Europe in search for a decent life.

Even if we reach the conclusion that Jordan's practices towards Syrian refugees residing on its territory is incoherent with its international obligations, this should not be interpreted as a condemnation to Jordan which has taken the burden of hosting Syrian refugees more than any other country in the region, and despite its deteriorating economic capabilities.