

**THE KAFALA SYSTEM:
EXPLORING INTERSECTIONALITY IN THE INTEGRATION OF MIGRANT WORKERS
TO THE LABOR MARKET IN JORDAN**

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Abstract

This research project will explore migrant workers' experiences with the patronage-based kafala system in the Hashemite Kingdom of Jordan. While many research attempts have delved into disclosing the restricted and exploitative aspects of the varying experience of the migrant workers, there is still a dearth of attempts that explore the way the migrant workers flexibly and strategically employ their multiple and intersecting identities to seek upward professional and social mobility. Through the implementation of an intersectional and actor-centered approach, and the use of a qualitative design, this project seeks to explore the dynamic interaction between migrant actors and representatives of institutions in Jordan. By pursuing a qualitative and intersectional analysis of the migrant workers' experiences with the kafala system, the project aims to contribute to a better understanding of the interplay of transborder mobility and institutional dynamics.

Keywords: mobility; migration; institutions; Jordan; intersectionality

Discipline: cultural anthropology

Absztrakt

A KAFALA RENDSZER: MIGRÁNS MUNKAVÁLLALÓK INTEGRÁCIÓJA A JORDÁN MUNKAERŐPIACON AZ INTERSZEKCIONALITÁS PERSPEKTÍVÁJÁBÓL

A tanulmány a migráns munkavállalók tapasztalatait vizsgálja a patronázs-alapú kafala rendszerrel kapcsolatban a Jordán Hashemita Királyságban. Számos kutatás foglalkozott már a migráns munkavállalók korlátozó és kizsákmányoló aspektusainak feltárásával, azonban még mindig kevés az olyan kísérlet, amely azt vizsgálja, hogy a migráns munkavállalók miként alkalmazzák rugalmasan a stratégiaileg többszörös és

egymást keresztező identitásukat a szakmai és társadalmi mobilitás érdekében. Jelen tanulmány interszekcionális és szereplőközpontú megközelítés alkalmazásával felépített kvalitatív terv alkalmazásával igyekszik feltárni a migráns szereplők és az intézmények képviselői közötti dinamikus kölcsönhatást Jordániában. Az elemzés célja a migráns munkavállalók kafala-rendszerrel kapcsolatos tapasztalatainak minőségi és interszekcionális megismerése, annak érdekében, hogy hozzájáruljon a határokon átnyúló mobilitás és az intézményi dinamika kölcsönhatásának jobb megértéséhez.

Kulcsszavak: mobilitás, migráció, intézmények, Jordánia, interszekcionalitás

Diszciplína: kulturális antropológia

Background and Literature Review

The Hashemite Kingdom of Jordan is a country strategically located in the Middle East. Historically, Jordan has been at the crossroads of migration, influenced by geopolitical and economic factors in its neighborhood that have determined its migration reality and policy (De Bel Air, 2016). Conflicts and instability in the neighboring countries have been the main drivers of migration, while economic factors in the adjacent Gulf countries have also played a key role, particularly with regard to outflows (I1). Over the past decades, Jordan has become a regular destination for migrant workers, particularly from Egypt, Syria, South and Southeast Asia.

Jordan relies on foreign migrant workers – many of whom are undocumented – in several sectors, including construction, agriculture, textiles, and domestic work; according to an NGO in 2018, workers in these sectors are the most vulnerable to trafficking because of informal work agreements and frequently changing employers. In 2020, officials estimated the total number of foreign workers in Jordan could be as high as 1.5 million. The Ministry of Labor reported issuing 246,646 work permits for foreign workers in 2020 and 425,220 in 2019 (I2).

The population of Jordan comprises 9.5 million people (I3), including around 2,100,000 Palestinians (I4), 655,990 Syrians (I5), and approximately

315,000 registered migrant workers (I6). Egyptians represent a large majority of the total migrant workforce (61.63%), followed by Bangladeshis (15.66%), Filipinos (5.37%), Sri Lankans (4.72%), and Indians (3.65%) (I7). The number of undocumented migrant workers is estimated to be anywhere between 150,000 and 250,000 (I8), bringing the total number of migrant workers much higher than the figure officially disclosed, to a gross estimate ranging from 440,000 to 540,000 migrant workers.

Since the 1970s, Jordan had opened its door to an increasing number of migrant workers. In contrast to the Gulf Cooperation Council States (GCC), which experienced a significant influx of migrants following the discovery of oil and the subsequent start of significant infrastructure projects, Jordan does not have an oil sector. The country has nevertheless drawn a notable number of unskilled and semi-skilled migrant workers to fill positions that offer low wages such as domestic work, agriculture, construction, and services. However, Jordan adopted a protectionist policy in 2007 to supplant migrant workers with Jordanian citizens as a result of high unemployment rates and the massive influx of unskilled foreign workforce (I9).

Similar to the GCC countries, crucial characteristic of Jordan lies in the fact that its labor market regulations are closely intertwined with

immigration control (Ngeh and Pelican, 2018). A key institution for regulating labor migration is the patronage-based *kafala* or sponsorship system, which dictates the entry, employment, and residence of migrants in Jordan. This immigration system, codified in law No. 24 of 1973, regulates the entry and stay of foreigners (I10). The *kafala* has been described as “essentially an employer-led, large-scale guest worker program that is open to admitting migrant workers, but at the same time restrictive in terms of the rights granted to migrants after admission” (Ruhs, 2013, 98.).

Though Jordanian Labor Laws protect all workers, regardless of their nationality, there have been recorded instances of exploitation and harsh working conditions (Coleman, 2022). Employers have the power to cancel migrant workers’ visas, revoke their legal residency in the Kingdom and leave them to face deportation. While in principle all migrants are confronted with the same system of migration control and with a labor market geared to international workers, previous studies show that the latter’s experiences and strategies vary significantly (Coleman, 2022). According to the Law on Residence and Foreigners’ Affairs, which applies to all workers, the Public Security Directorate (PSD) is responsible for all matters related to the residency of foreigners (Article 3(a) of the Law No. 24 on Residence and Foreigners’ Affairs of 1973.) To enter Jordan, all migrant workers must first be sponsored by an employer and are not allowed to change employment nor exit the country without permission from the employer, usually in written form. The worker nevertheless can leave the country (with the exception for Egyptians) unless their employer issued a felony complaint. By doing this, the worker will lose several rights including social security and their return ticket. In case the worker leaves their employment, the sponsor must report to the immigration authorities. It is also the sponsor’s job that the worker leaves Jordan after the contracts

end, including paying for their flight ticket home (I11: Migrant Forum Asia: Policy Brief No. 2: Reform of the *kafala* (sponsorship) system).

Even if the working contract is signed for a longer period, residence permits are issued after presentation of a Jordanian work permit are given only for a period of one year and subjected to renewal. Employers are responsible for the annual renewal of the permits. However, if the migrant worker overstays the legal residency duration without submission for the annual renewal within a month of its expiry will be subjected to a fine of JOD (\$64). As a result, the migrant worker poses practical issues in case their residence permits are not renewed while legally, it is their employer’s responsibility to do so. This very factor has led many migrant workers to a dilemma: they cannot leave the job, and at the same time are unable to obtain a legal residence permit to continue staying in the country.

According to Jordanian Law No. 8 of 1996 (Labor Code), it is difficult for a worker to leave their job without obtaining prior permission from the employer to “release” them (“Release” is a term employed by countries applying the *kafala* system to refer to the mandatory permission that an employer has to give to the worker in order for him to change employer). If the employee wants to terminate before the working contract expires, their employer has the rights to claim the damages arising from that termination “provided that the amount that the employee shall pay shall not exceed the wage of a half month for each month of the remaining period of contract”. Considering that contracts are generally signed for more than two years, one can imagine the considerable financial means that a worker must pay if he wants to break the contract or transfer to another employer. While the purpose of this provision is to protect the rights of the employer who has paid recruitment costs, it also disproportionately puts the burden on workers who are often unable to pay and left with

no other choice than to finish the term of their contract (I10).

Indeed, one key and problematic issue emerging from the immigration and employment laws is related to the worker's freedom to leave the employer after the beginning of the contract. Under those laws, the contract of employment can only be terminated if both parties agree to terminate it, if the duration of the contract has expired, or if the worker dies or is no longer capable of working due to a disease or disability certified by a medical authority (ILO, 2012, 126-127.). As a result, migrant workers in Jordan are stuck in a loop and pose problems in mobility as well as basic human rights when it comes to forced labor.

In his research on domestic workers in Jordan, Lara (2022) concluded that the migrant workers are placed in a position of liminality. On the one hand, the law recognizes the precarious situation of migrant workers and even takes action against employers who violate non-human Jordanian's rights. Researchers and human rights activists have widely acknowledged that Jordan stands out in the area for including domestic workers in the Labor Law. Lara (2022) also points out that this is even attributed to Jordan's status as a migrant worker sending country. On the other hand, the law also treats migrant laborers as criminals when the terminology "slavery" implies that they are not truly free in the Kingdom. Employing the approach of Black feminists on his research, Lara also suggests that the domestic workers' identity is only associated with their labor, and that the domestic worker sector in Jordan is highly gendered and racialized. In the case of Jordan, women from particular ethnicities such as Filipina and Ethiopian are much preferred because of a gendered and racialized expectation on them. The "girls" are then ranked and categorized as mere commodities. I would argue that while most of Lara's findings can be true, he might have overlooked the aspect of how the domestic workers

themselves could use their social positionings to strategize their professional and social mobility. Sweidan (2018) analyzed the migration population data conducted by the Department of Statistics in Jordan and cited that migration can help raise women and men from the lower to the lower-middle class socio-economic ranks (ILO, 2004; De and Ratha, 2005). Many migrant women take the opportunity to purchase land or real estate using their earnings in their countries of origin (e.g. Indian and Filipina migrants). Many others tend to remit more of their earnings than men, and to exercise control of their household income by ensuring the remittances are spent on food and clothes for the family back home (IOM, 2005b). My research aims to explore such cases wherein the same women could escape the domestic place to pursue upward mobility both in Jordan and in their home countries.

While there have been several research attempts aiming to explore the migrant workers' experience with the kafala system in the Middle East, the number of studies that employed intersectional analysis and methodology are relatively rare. The studies so far have expressed an inclination to shed light on the restricted mobility and exploitative aspect of the kafala while attempts that put an emphasis on the migrant workers' flexibility in maneuvering through that system are not enough abundant.

Ngeh and Pelican (2018), in their study on African migrants' integration to the labor market in the United Arab Emirates, have contended that while Gulf societies are characterized by social hierarchies and multiple vectors of inequality such as ethnicity, gender, and class, African migrants have flexibly used their intersecting positionalities, in particular ethnicity, nationality, race, and gender, to renegotiate their place in the segregated UAE economy and seek upward professional and social mobility. The notion of migrant workers being able to employ the very positionalities that are usually

used against them to pursue upward professional and social mobility, are particularly influential to the foundation of my research project. Ngeh and Pelican argue that, [...while in the beginning African migrants are generally channeled into low-paying, elementary occupations, they are not clearly positioned in the UAE labor market. There is leeway for negotiation and upward professional and social mobility]. My research aims to explore similar notions in Jordan but focus more on the varying experiences of migrants from the Global North and the Global South through three case studies: migrants from Europe, from South and Southeast Asia, and from other Arab countries.

This research project aims to explore the experience of migrant workers' experience with the kafala system in Jordan; it seeks to explore the role of the kafala system in the social positionings of migrant workers, what experience and how the migrants incorporate it into their survival strategies. Going beyond existing research, the project focuses on institutions of migrant self-organization and considers the kafala system not only in terms of its restrictive dimensions but also in terms of how migrants productively incorporate it into their strategies.

By exploring the experiences of migrant workers, this research project aims to: (1) describe the experiences of migrant workers with the kafala system in Jordan, (2) identify values, rationales, and theories behind the interplay of the migrants' mobility and institutional dynamics, and (3) compare and contrast the gathered data with the existing literature on migration, intersectionality, and institutional interaction in the region.

This project will simultaneously explore: (a) how kafala works as of today, (b) the effects it has on the migrants' social positionings, and (c) strategies and methods that the migrants extract from the system. Research questions will concentrate on the dynamic interactions of the

migrants and the kafala system. How do migrant workers seek information relating to employment in Jordan? Where do they obtain the information needed and why do they use the sources they do? Which institutions that facilitate their journey? What experience confronted the migrant workers and what is the outcome? Are the differences among the integration strategies of migrant workers from the three case studies?

Methodology and Conceptual Framework

Inspired by the work on African migrants in the United Arab Emirates by Ngeh and Pelican, I would like to employ intersectionality as both a conceptual and methodological framework for my analysis. Coined by Crenshaw in the late 1980s in the context of the rise of critical race legal studies, intersectionality has evolved beyond legal studies to become a conceptual framework effective to identify multiple factors of advantage and disadvantage. Intersectionality highlights the interlocking and mutual constitution of different forms of social positioning such as gender, class, and several others as opposed to viewing them as separate and essentialist categories (Ngeh and Pelican 2018.) Scholars, such as Moraga and Anzaldúa (1981) were the precursors to introduce intersectionality to anthropological analysis where in other categorizations are included. Despite a lack of consensus on the definition of intersectionality, its key proponents agree that members of minorities tend to experience inequalities in varying configurations and degrees of intensity (Ngeh and Pelican 2018.) The crucial influence on my topic draws from the notion that social actors not only endure disadvantage and constraints, but actively negotiate and employ their multiple and intersecting identities (Lutz 2015; Ngeh and Pelican 2018). In recent years, intersectionality has shown itself to be an approach compatible to migration studies (Anthias 2012; Bastia 2014). While much of the theoretical analysis has drawn

on research in the United States and Europe, there is still a shortage of studies focusing on other parts of the world. A notable exception is the volume edited by Plüss and Chan (2010), which looks at intersectionality in transnational contexts in different parts of Asia. In the case of Jordan, I could not find any studies that put an emphasis on how intersectionality plays out in the Kingdom. By adopting intersectionality as an analytical and methodological approach, this research project aims to identify the social positionings relevant for migrants in the Hashemite Kingdom of Jordan, and to understand how they intersect and interact with each other. Adopting the methodological proposals of Anthias (2012) and Lutz (2014) and the work of Ngeh and Pelican, this research project will focus on not only individuals' structural constraints but also on how they negotiate and utilize their multiple and intersecting identities.

Methodologically speaking, this project will center on a set of qualitative data gathered from fieldworks in Jordan (one month every summer from 2023-2025, three months in total.) I found Amman, the capital city of Jordan, the ideal location for my field site to take place, given my personal connection and the fact that most migrant workers live here and that there exists a significant number of recruit agencies located in the city. The use of social media will also be employed, given the existence of several social groups of migrant workers (e.g. Indian and Filipino) on Facebook and Telegram. I plan to join these groups and gather general information about their lives in Jordan based on posts and comments, to further develop connections to later meet in Amman or through online platforms. I will also research local agencies in Amman and other countries to explore the recruiting system and how it works.

Upon researching migration and transborder mobility, auto-ethnography will also be applied

for its usefulness in featuring and exploring the migrant workers' experiences and perspectives as a means of insight, and in using emotions and bodily experience as means and modes of understanding. Focus group interviews of purposively sampled peer groups may also be employed as a mode of data collection, for it may render the participants more comfortable than one-on-one interviews and allow us to explore social sharing of information among peers—a concept central to the theory of Information Grounds. In-depth individual interviews will be employed, if necessary, in order to access individuals with perspectives of theoretical value who are unwilling or unable to participate in a group setting. Interviews will be facilitated in a semi-structured manner, embedded with open-ended probes to allow other themes to emerge. By pursuing a qualitative and intersectional analysis of migrant experiences with the kafala system, the project promises to contribute to an intricate understanding of the interplay of international mobility and institutional dynamics.

In the following section, I would like to introduce two case studies that would further illustrate how intersectionality comes at play in the integration of migrant workers in the Middle East both in its restrictive and dynamic nature. Please note that all names, except for the authors, in the case studies are altering for the sake of anonymity.

Case study 1: Corazon being domesticated as a housekeeper in Jordan

Conducted by Jeromel Dela Rosa Lara in 2022, his study focusing on Filipina domestic workers in Jordan has shed light on the restrictive and exploitative aspects of the sponsorship system implemented in the Kingdom. In 2015, there were 53,882 registered migrant domestic workers and approximately 50,000 worked in irregular situation in Jordan (Ministry of Labour Statistics on the number of work permits delivered to foreign

domestic workers, per nationality, 2015). The majority of Filipina workers are employed in the “care service” category that involves: “...*cleaning the house, cooking, washing and ironing clothes, taking care of children, or elderly or sick members of a family, gardening, guarding the house, driving for the family, and even taking care of household pets.*”

According to Lara, it is the human body that is commodified in the market labor in comparison to other commodities such as water and oil. Domestic workers in the Middle East in general and in Jordan in particular are often taken for granted by the society that benefits from them to the point where they are *invisibilized* (Lara, 2022, 7.). For the case of Corazon, a single mother, Filipina domestic worker employed by a Jordanian family, she went to Jordan to make a better living for her children still in elementary school back in the Philippines. In an interview with Lara, Corazon shared that she had never had the simple and basic ability such as leaving the house on her own. Corazon’s world in Jordan was restricted in a small room where she could only tell what happened outside through the vantage view of a window because her employers would lock the house every time they went outside to make sure that Corazon would never leave. In this situation, Corazon’s spatial mobility was entirely restricted.

Upon arriving to Jordan and meeting her employers, Corazon’s personal items such as passport, work and residence permits, and mobile phone were immediately confiscated. The husband of the female employer eventually allowed her to use the mobile phone but with one condition: the female employer should never find out that Corazon was able to communicate with the outside world via the internet.

Corazon’s salary was sent directly back to her family in the Philippines with whom she was not allowed to stay in touch and could only contact them in secret after a long time. From this aspect, Corazon’s social mobility was also restricted.

From this case study, we can see that upon employment searching, Corazon could easily find a job as a housekeeper from the recruitment agency in the Philippines, given the existence of a preferred racial hierarchy for housekeepers in Jordan where Filipina women stay on top (Lara, 2022). Unfortunately, that was all Corazon could employ for her journey to Jordan where it stopped at her incarcerated three years employed by the Jordanian family. This case study of Corazon shows the restrictive and exploitative of the Kafala system where migrant workers are denied fundamental rights such as spatial and social mobility. Lara concluded that migrants working in the domestic sphere in Jordan are being *domesticated* and *invisibilized* in the Jordanian household.

The second case study would illustrate another side of the Kafala system that has not shown a substantial amount of research attempts: how the migrant workers strategically and effectively employ their multiple and intersecting identities to navigate through life in the Middle East.

Case study 2: Myla employing her East Asian identity to start a K-pop business

During my trip to Jordan to conduct a fieldwork for my master’s thesis (Tran, 2020, 59.) in 2020, I met Myla, a twenty-six-year-old woman from Chongqing, China. She was a member of the Jordan K-pop Lovers community (JKL) where young Jordanians meet to share and discuss their fervent interest in Korean Pop Music. Myla arrived to Jordan in 2016 “*out of boredom*” and to keep a distance from her mother because she is “*very controlling and makes my life miserable.*” Back in Chongqing, Myla attended Chongqing Jiaotong University for three semesters studying Business Administration before dropping out because attending college was never what she wanted but rather her mother’s. With the help of a relative, Myla made her way to Jordan to work in an Asian grocery store in Jabal Amman. Based on the nature

of the Kafala system, Myla is tied to her employer in terms of legal status and mobility. In theory, her employer could have dictated her employment mobility, limited her social life, or even confiscated her passport (though prohibited by laws), Myla was nevertheless given the freedom after work and was neither exploited nor physically and mentally abused like many migrant workers in Jordan. “...*oh my boss is also Chinese, he is super cute and lets me do whatever I want. We Chinese are supposed to take care of each other you know.*”

As we can see from here, Myla had effectively employed her identity as a Chinese woman from her very first attempt at entering the country using the connection with other Chinese locating in and outside Jordan (her relative and her employer.)

In 2018, K-pop started to enjoy worldwide influence as idol groups such as BTS and Black Pink successfully broke into international markets. Backed with a substantial fund from the Korean Ministry of Culture, K-pop had reached more and more audience with its colorful music videos and catchy songs; the genre had quickly spawned a large number of communities around the world, and Jordan K-pop Lovers is one of them (Tran, 2020, 59.). During its nascent days, the JKL was just simply an online community that was later transferred into the physical world by its leaders. Myla joined the community in 2019 and quickly became a regular attendant to almost all the JKL's offline meetings. According to Myla, making friends in the community was “extremely easy” because of her identity as an Asian woman, given that most of the members are female and that gave her such a significant advantage over her male counterparts.

“...you know what's interesting? Everyone in these meetings just wants to talk to me, probably because I am Asian, and it is the closest thing to K-pop they could ever find here...”

Myla became quite popular in the JKL community where she had made a remarkable number of friends. With the connections newly

established, Myla started her own business where she purchases K-Pop merchandise such as CDs, posters, and K-Pop-themed accessories from China and resells it to her friends in Amman. These purchases are then shipped together to Jordan with the products from the grocery store in an agreement with her employer. With K-Pop grows exponentially in its popularity, Myla's business has only thrived ever since. She works no longer for the grocery shop but nevertheless still pays her employer monthly fees (that would cover her tax duties in Jordan), and this very transaction is what has kept her stay in Jordan legal. It is even more significant to mention that her employer does not ask for any additional fees and offers to transfer Myla's purchases from China for free because they are “both Chinese and are supposed to help each other.”

Drawing from the story of Myla in Jordan, we can see that she has effectively employed her multiple and intersecting identities (e.g. Chinese and woman) to navigate through life in Jordan. She first found a job in Jordan aided by a relative in China (1), worked in an Asian grocery shop in Amman (2), effectively made friends in the K-Pop community using her popularity as an Asian *and* woman (3), and has her employer helping her keep her legal status alive by keeping the job functional on paper (4). With the Kafala system still being restricted, Myla has successfully navigated through the system to thrive in Jordan using her multiple and intersecting identities.

Conclusion

This research attempts to explore the experience of migrant workers with the Kafala system in the Hashemite Kingdom of Jordan, in particular the city of Amman. While there exist racial and gendered categories of which workers do which jobs and many migrant workers in Jordan are deprived of spatial and social mobility, there are cases of migrants strategically and effectively employing their multiple

and intersecting identities to navigate through the sponsorship system. There has been much research focusing on the restrictive and exploitative nature of the Kafala system so far, but at the same time, we still lack a substantial amount of research attempts that effectively delve into other aspects of the system where it can be beneficial for the migrant workers themselves. Regarding my research attempt, I would argue that the experience of migrant workers in Jordan varies greatly and are contingent on the intersectional nature of each and every migrant's multiple identities.

To further understand how intersectionality comes into play in the experience of migrant workers in Jordan, I have shown two case studies that expressed the varying experience among the migrant workers in Jordan. While Corazon was deprived of her fundamental rights such as spatial and social mobility, Myla thrived through the system. On one hand, the kafala system took a toll on Corazon's mobility in its restrictive and exploitative characteristics given the rampant confiscation of passports and personal items as well as the tricky nature of the work contract. On the other hand, the system appears to not have been "that strict" given how effectively Myla used her identities and connections to develop her own business without having to report the business to the authorities at all. This is to suggest that current research on the dynamic nature of the relationship between the kafala system and the social actors is still lacking, and the expectation of new research attempts will be much needed for a better understanding of the sponsorship system.

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