

# Addressing Egypt's migrant workers' challenges in Jordan

## POLICY BRIEF



Photo credit: Rawan Rbihat, April 2023, Jordan valley, Jordan.

### SUMMARY

This policy brief on Egyptian workers in Jordan was developed with input from NGOs and Egyptian workers. It aims to improve their rights, address labour issues, and enhance Jordan's global standing in combating slavery and human trafficking.

### KEY TAKEAWAYS

1. Ensure equal treatment and non-discrimination, removing border crossing restrictions.
2. Grant Egyptian workers the right to switch employers or return to Egypt without the arbitrary approval of the employer.
3. Establish administrative mechanism to protect workers' rights.
4. Reduce independent work permit fees to combat contract trading.
5. Restore family visitation rights with compliance measures

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Egyptian migrants working taking a break during their work in Jordan valley farms in Jordan. Photo credit: Dima Al-Qutub, April 2023, Jordan Valley/Jordan.

## Capturing the attention of the Jordanian government

The Information and Research Center King Hussein Foundation (IRCKHF) employed a strategic approach to secure the support of the Jordanian government by establishing a link between migrant rights and Jordan's global standing in terms of contemporary manifestations of slavery and efforts to combat human trafficking.

Numerous international reports evaluate the legislative frameworks and operational procedures implemented by countries across the globe in relation to migrant labour, coerced labour, modern forms of slavery, and human trafficking. The Global Slavery Index holds significant prominence among these reports. [Based on the 2023 report](#), Jordan was positioned at the 23rd rank in relation to incidences of contemporary enslavement, with a prevalence rate of 10 per 1,000 individuals. According to [the 2022 Trafficking in Persons Report by the U.S. State Department](#), Jordan has been classified under Tier 2. This categorization indicates that the Jordanian government falls short of fully meeting the minimum standards for eradicating human trafficking, although it is actively undertaking substantial endeavours towards this goal.

A significant factor influencing these evaluations is the level of control that employers exercise over migrant workers through legislation and practical measures, as well as the safeguards in place to prevent employer exploitation. The review and amendment of legislation and associated practices will have a substantial impact on enhancing Jordan's position in international indices pertaining to slavery, human trafficking, human rights, and the Sustainable Development Goals. This will bolster Jordan's dedication to international conventions and obligations, alongside attaining favorable economic and social outcomes.

## Legal framework for Egyptian workers in Jordan

The legal framework governing the rights and protections of Egyptian migrant workers in Jordan is primarily established by the Labour Law No. 8/1996 and supplementary regulations. According to article 12 of the Labour Law, the Minister of Labour can approve the employment of migrant workers in cases

where the required work demands specialized skills and proficiency that are not readily accessible among Jordanians, or when the available number of Jordanian workers is inadequate. The regulation of Egyptian labour in Jordan is characterized by distinct legal provisions, which sets it apart from the treatment of labour from other nationalities. The present agreements and memoranda of understanding established between the governments of Jordan and Egypt serve to govern the entry of Egyptian workers into Jordan through distinct procedures and mechanisms.

In order to employ Egyptian workers, employers in Jordan are required to formally submit a recruitment request to the Labour Directorate within their respective jurisdiction, accompanied by the requisite documentation. The committee of the Ministry of Labour then grants approval. Once the employer has fulfilled the obligation of covering the work permit fees, the Egyptian worker is provided with an electronic employment contract by the Egyptian Ministry of Manpower. Subsequently, the worker is required to affix their signature on the contract within a period of two months. The contractual agreement necessitates that the employee's arrival in Jordan must occur within a period of 45 days, subsequent to the signing of the contract.

Upon arrival in Jordan, Egyptian labourers are required to submit a deposit of \$250 USD (or its equivalent in Jordanian Dinar) as a means of guaranteeing adherence to the terms and conditions set forth by their respective recruiters. The worker has the opportunity to retrieve the deposit within a period of 45 days subsequent to their arrival in Jordan, provided that they engage with the employer and obtain the necessary work permit.

According to existing administrative protocols, Egyptian workers are exclusively permitted to enter Jordan via the Nueiba-Aqaba Sea crossing. This policy is applicable to Egyptian workers coming to Jordan for the first time, workers who intend to visit Egypt, and those who possess valid work permits. The aforementioned procedures are in direct opposition to the terms outlined in the memorandum of understanding between Jordan and Egypt. According to the agreement, it is stipulated that only the initial entry of Egyptian workers should occur via Nueiba, while subsequent entries allow the workers to select any mode of transportation they deem suitable.



## Seeking an employer release

The work permit granted to Egyptian workers in Jordan for a duration of one year imposes limitations on their ability to change employers. In order to change employers, their work permit must be revoked, to reflect a mutual agreement between the employer and the worker. In addition, when their work permit expires, migrant workers need to obtain clearance from the current employer in order for the worker to transition to a new job.

Field research has provided evidence indicating the lack of a legal or administrative framework in place to protect Egyptian workers from employers who arbitrarily withhold clearance certificates or engage in extortion by demanding monetary compensation in exchange for providing these certificates. Clearance certificates are frequently utilized by employers as a means to limit their employees' rights and claims, thereby favouring the employers. Employers also possess the authority to impose limitations on both leave and travel beyond the borders of Jordan.

It should be noted that Egyptian workers are unable to initiate legal proceedings against the Ministry of Labour or the judiciary in order to safeguard themselves against employer mistreatment and secure clearance certificates.

The imposition of the clearance certificate requirement has a significant impact on the rights of Egyptian workers to switch employers, thereby leading to instances of rights violations.

*Zaid (an alias), an Egyptian national, relocated to Jordan to pursue employment at a plastics manufacturing firm. Nevertheless, the employer neglected to fulfill their obligation of remunerating Zaid according to the agreed-upon terms. Subsequently, Zaid initiated legal proceedings by submitting a formal complaint to the court against his employer. The presiding judge rendered a decision in support of Zaid, granting him a monetary award of approximately 3,000 Jordanian dinars, as mandated by the court for the company to fulfill.*

*Following the court's decision, the employer declined to furnish Zaid with a clearance certificate unless he consented to relinquishing the compensation rightfully owed to him. Upon seeking assistance from the Ministry of Labour, Zaid was duly informed that the ministry lacks the requisite authority to enforce the issuance of a termination letter by the employer, as this matter lies beyond their jurisdiction.*

It also presents a conflict with the principles outlined in the International Covenant on Economic, Social, and Cultural Rights, which affirms the entitlement of workers to exercise their autonomy in selecting their employers and to freely depart from any country, including their country of origin. Furthermore, this action is in contravention of the Forced Labour Convention, the International Labour Organisation Convention on Discrimination in Employment and Occupation and the 1985 Jordan-Egypt Labour Cooperation Agreement. These conventions stipulates that migrant workers are entitled to equivalent treatment, privileges, rights, and responsibilities as those afforded to domestic workers.



An employee requesting his employer to grant clearance certificate for his release and the employer refused. Graphic via IRCKHF.

## Labour contract trading

The existing policies and legislation permit certain individuals to engage in the trading of labour contracts. Jordanian employers and intermediaries provide permits to Egyptian workers in return for monetary compensation. On a regular basis, multitudes of employees in Jordan consistently contravene labour regulations across diverse employers. This situation poses significant challenges for Egyptian labourers in obtaining legal entitlements.

Intermediaries play a substantial role in the employment process. The majority of workers interviewed perceived their influence as predominantly adverse. Intermediaries capitalise on workers needs by inflating contract prices through the practice of "contract trading."

The aforementioned exploitation hinders the acquisition of clearance certificates, thereby impeding employers from renewing work permits and fulfilling their social security obligations.

In order to renew their work permit, workers are subject to a requirement imposed by their employer, who facilitate their entry into Jordan, to pay a sum that is twice the original cost. As a consequence of this irregular circumstance, workers may be deprived of Social Security Corporation benefits.

It is crucial to highlight that, as stipulated by Jordanian Social Security Law No. 1/2014, compulsory enrolment in the social security system is applicable to all individuals employed in Jordan, irrespective of their nationality. One of the primary advantages that Egyptian migrant workers derive from their affiliation with the Social Security Corporation is health insurance against work injuries and the provision of a lump-sum payment upon their permanent departure from Jordan. In order to obtain the aforementioned sum, it is imperative that migrant workers possess a valid work permit for the entire duration of their employment in Jordan, as well as a non-objection letter issued by the Ministry of Labour.

It is incumbent upon employers to issue work permits and to duly register migrant workers to ensure the fulfilment of their social security obligations. The loss of rights and social benefits among migrant workers is a consequence of prevailing practices that exploit their vulnerability.

*"I have only one employer in Ma'an Governorate. He's a middleman, connected through intermediaries, who got me the work permit. But this whole process, starting from one intermediary to another, definitely makes it more expensive. From this to that to that, it costs around 2,400 JD."*

*- A worker in the construction sector holding an agricultural permit.*



The intermediary requested 2,500 USD to change the sector of his employment from construction to agriculture. Graphic via IRCKHF.

## The entitlement to annual leave and the preservation of family ties

The maintenance of family cohesion holds significant importance among Egyptian workers in Jordan, particularly in relation to the acquisition of exit and re-entry permits.

Egyptian workers in Jordan possess the entitlement to exercise their right to leave. This includes the opportunity to choose between paid or unpaid leave. It is contingent upon mutual agreement with their employer and utilize it for returning to Egypt. The acquisition of exit and re-entry permits is subject to specific procedures established by the Ministry of Labour, as delineated in Ministerial Decision No. 15/2022.

According to the stipulations outlined in law, an Egyptian worker has the ability to acquire an exit and re-entry permit for a period of time as specified by their employer. There exists no definitive upper bound on the duration for which a worker may be absent from Jordan as long his work permit remains valid. Nonetheless, it is imperative that this duration remains within the confines of the work permit's validity period and does not surpass its expiration date. Migrant workers are required to repatriate to Jordan before their exit and re-entry permit expires. In order to acquire this permit, the worker is required to remit a payment of 10 Jordanian dinars, as stipulated in Article 5/b/1 of the Non-Jordanian Work Permit Fees Regulation No. 142.

It is important to acknowledge that the obtaining a permit rests with the employer. As such, employers' authorization for leave outside of Jordan can undermine the principle of family unity and impede the worker's capacity to establish physical connections with their family members, particularly their children. Furthermore, workers often encounter difficulties in obtaining authorization for brief vacations. Our research shows that a notable

obstacle impeding workers from accessing their entitled leave is the requirement of obtaining the employer's consent. From a legal perspective, there are no existing limitations that prohibit an employer from exercising discretionary authority in granting or refusing leave. As an illustrative example, a service sector employee reported that his employer consistently rejected his leave requests, even in the unfortunate circumstances of his mother and brother's demise, thereby depriving him of the opportunity to bid them a final farewell.

*"The employer asked me for 500 JD to grant me leave. But where would I get that amount of money to give him so I can go see my family? It has been four years since the last time I saw my family."*

*- Construction worker, working in Jordan for 22 years.*

The issue surrounding employer authorization for taking leave becomes increasingly challenging when migrants obtained their work contract through an intermediary. In these instances, the worker must pay both the intermediary who facilitated the contract as well as their employer, resulting in supplementary financial burdens to return to Egypt.

In relation to the capacity of migrant workers to bring their family members to Jordan, it is noteworthy that the Jordanian Ministry of Labour and the Egyptian Ministry of Manpower entered into a collaborative agreement in 2009. The primary objective of this agreement was to establish a framework for the regulation of family visit permits to Jordan. The agreement entailed imposing stringent requirements on migrant workers, including mandatory registration with the Social Security Corporation, a minimum monthly income of 350 Jordanian dinars, and not employed in the agriculture or cleaning sectors, which are the primary sectors employing Egyptian workers. Even in cases where these requirements are fulfilled, the Jordanian authorities maintain discretionary authority to prohibit the entry of the worker's family into Jordan.

Shortly after the implementation of the agreement, it was subsequently suspended. In recent years, the Jordanian government has implemented a policy that restricts the entry of Egyptian workers' families into the country, unless the migrant worker possess an investor's card.

The imposed limitations exert an adverse influence on the cohesion of Egyptian labourers' households, particularly in regard to the well-being of their children.

## Policy recommendations

This policy brief presents a set of recommended policies and actions aimed at effectively addressing the challenges encountered by Egyptian workers in Jordan.

First, it is imperative to establish a comprehensive and equitable framework that promotes equal treatment and non-discrimination for migrant workers. This framework should guarantee the safeguarding of their rights, irrespective of their employment classification or industry. The brief proposes the removal of discriminatory policies, specifically the restriction on the movement of Egyptian workers via

the Nuweiba-Aqaba border crossing, in order to afford them the autonomy to choose their preferred mode of entry. The extension of the data verification system, currently employed at the Nuweiba-Aqaba border crossing, should be considered for implementation at airports. This measure would serve to guarantee that employees who arrive at the airport strictly comply with the stipulated recruitment conditions.

Second, regarding the termination of employment contracts, the brief suggests the instatement of a specific time frame for employers to provide notifications of contract termination. This time frame is typically set at 45 days for workers who wish to move to a new job location. After the designated timeframe has elapsed, the migrant worker would have the right to exercise the option to either transfer to a different employer or to permanently return to Egypt, without the need to obtain a clearance certificate from the current employer.

Third, it is imperative to establish a just and inclusive mechanism, facilitated by the Ministry of Labour, to safeguard Egyptian migrant workers against the capricious denial of their right to return to Egypt on a leave or exercise their freedom to seek employment with a different employer.

Fourth, to address the extensive adoption of contract trading, there should be a reduction in the fees associated with independent work permits. This approach would effectively mitigate instances of non-compliance on the part of employers and provide protection for workers against arbitrary actions by their employers.

Fifth, the Jordanian and Egyptian government should restore the previously established agreement on visitation rights of Egyptian workers' families in Jordan. The objective should be to promote cohesion within these familial units. This would be applicable for both temporary visitation and extended periods of residence. To promote compliance with the designated duration of visitors' stay, it is recommended to reintroduce past protocols. One potential measure entails mandating the primary household representative, currently residing in Jordan, to furnish a monetary assurance to a financial institution. The reimbursement of this guarantee is contingent upon the verification of the family's departure from Jordan and subsequent return to Egypt.

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The content of this policy brief was disseminated to the Human Rights Unit at the Jordanian Prime Ministry, the Ministry of Labor, the Ministry of Foreign Affairs and Expatriates, the Egyptian Embassy in Jordan, and other relevant public entities.

## Partners

The Information and Research Center King Hussein Foundation (IRCKHF)

## Cover images

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<sup>1</sup> MIDEQ (2023), IRCKHF, Egyptian migrant workers in Jordan. Available online [https://www.mideq.org/en/resources-index-page/egyptian-migrant-workers-in-jordan/]