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Refuge in a Place Without Refugees

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Jordan: Geopolitics, International Relations, and the Future of the Middle East

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Abstract: The question of who should be given legal status as a refugee has consistently been veiled in discussions of ‘practicality,’ political motives, and inaction. Centered in these discussions tend to be state officials, international organization officials, and academics. More importantly, typically excluded from this assembly of decision makers and the thinkers are those actually and personally affected by the specifics of the term. In Jordan, this discussion is particularly interesting because the government does not legally recognize refugees since the United Nations refused to recognize Palestinians under the 1951 Convention definition. This paper aims to unpack the term refugee: both theoretically and what it actually means to be a refugee in Jordan.

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Introduction

The question of who should be given legal status as a refugee has consistently been veiled in discussions of so-called ‘practicality,’ political motives, and inaction. In 1951, an entire international refugee regime was created including a new United Nations (UN) agency called the United Nations High Commissioner for Refugees (UNHCR). This refugee regime was rooted in the 1951 Convention Relating to the Status of Refugees (1951 Convention) which defined the term refugee. Centered in these discussions tend to be state officials, international organization officials, and academics. More importantly, typically excluded from this assembly of decision makers and thinkers are those actually and personally affected by the specifics of the term. Refugees and people native to the countries who host hugely disproportionate numbers of refugees are never included in the conversation. Instead, the entire international system has been working based on this limited definition created for specific people at a specific time.

The term ‘refugee’ acts in both “descriptive and normative” ways.¹ The term conjures up images of situations and people far more diverse than those who are given legal protections which is where the descriptive and normative diverge. The (normative) 1951 Convention defines a refugee is as follows:

As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.²

Although at first glance this definition might seem sufficient to address a loss of political rights, the phrasing is limited to the socio-political sphere. This definition should be expanded to

¹ Emma Haddad, “Who is (not) a refugee?” *European University Institute, Florence* (2004), 6.

² “Convention and Protocol Relating to the Status of Refugees,” (United Nations, 1951), 14.

include more people facing horrific situations, but this cannot be done without considering what it means for countries like Jordan that host huge numbers of refugees. While the refugee regime has adapted over the years to expand beyond the exclusive limitations of the 1951 Convention definition, protection remains extremely limited to those who are agreed upon to be worthy of international protection largely on the basis of political considerations as opposed to human rights considerations or even theoretical considerations.

Jordan is a particularly interesting place to consider the concept of refuge because the government does not legally recognize any refugees. The Jordanian government refused to sign onto the 1951 Convention because a stipulation in this Convention was that Palestinian refugees would not be considered refugees under the forming United Nations High Commissioner for Refugees (UNHCR).³ While there are over 700,000 UNHCR registered refugees living in Jordan currently, the government itself never signed onto the 1951 Convention definition; the definition which is widely recognized as the main definition of a refugee.⁴ Further, the government has no domestic legislation recognizing refugees.⁵ While the government has taken significant steps toward creating somewhat of a safe haven for refugees, they officially refer to refugees as ‘guests.’ Another result of Jordan’s unique policies toward these refugees, or ‘guests,’ is completely inconsistent population counts. These numbers are skewed for political purposes, so while the government tries to claim millions of refugees are living in Jordan to receive more funding, UNHCR and large donor states like the United States respect only the number of registered refugees living in Jordan, and thus giving less funding than is needed. The huge

³ Dallah Stevens, “Legal Status, Labelling, and Protection: the Case of Iraqi ‘Refugees’ in Jordan,” *International Journal of Refugee Law* Vol. 25 No. 1, (2013): 2.

⁴ “Jordan,” UNHCR, The UN Refugee Agency, 2019, http://reporting.unhcr.org/node/2549#_ga=2.35935849.89996431.1556463246-1319048574.1555834550

⁵ Stevens, 2.

migration of people from neighboring countries to Jordan in the past decade has had serious economic, social, political, and environmental repercussions domestically. So while the definition needs to be expanded, the reality of the current refugee regime also needs to be considered. Without properly redistributing resources and offering refuge in other countries outside of those neighboring conflicts, an expansion of the definition would do nothing more than transfer problems around smaller areas. This problem is incredibly urgent and relevant. As scholar Emma Haddad says, “the issue of who is or is not included in the category may for some individuals be a matter of life and death.”⁶

The purpose of this paper is to consider what the term ‘refugee’ means and ought to mean, while taking into account the reality of host country situations, such as the situation in Jordan. It seeks to include voices of refugees and members of a host population in this conversation as a way to move the discourse beyond that of the privileged decision makers and removed academics. Questions of the definition of a refugee have been heavily discussed by academics since even before the 1951 Convention. After an overview of these conversations and some history of the term, this paper will discuss the research methods used. From there, it will analyze the results gathered through a series of interviews on the topic and put the results in context. The paper will end with an expansion of the conversation to the international system; how is this discussion politicized internationally and if the politics were side-stepped or changed, could an expansion of the definition be possible? It will end with recommendations for future research and a conclusion.

Literature Review

⁶ Haddad (2004), 26.

The literature relevant to the question of the definition of a refugee spans a few different topics. While there have been theoretical arguments made about the unfair distinctions between different types of suffering, the reality of refugee life, specifically in Jordan, needs to be considered for the purposes of this paper. Further, the needs of the host countries and the imbalance of the burden must be considered. It will begin with a discussion of the current status of the refugee regime, characterized by the limitations from the 1951 Convention. From there, it will discuss the specific situation in Jordan, differentiating based on crises. The following theory section will provide an overview of the theoretical reasoning behind the need for expansion, presenting the framework for the thesis of this paper.

The 1951 Convention Relating to the Status of Refugees

The Convention Relating to the Status of Refugees (the 1951 Convention) was drafted in the immediate aftermath of World War II and was designed largely to address the needs and circumstances of European refugees.⁷ Despite the obvious limitations of this definition given the specific circumstances it emerged from, it remains the main definition used, and UNHCR remains the lead actor for refugee services and such. Sara Davies analyzed the circumstances that the main definition, still in use today, emerged from in her book *Legitimising Rejection*.⁸ Her first chapter, “The Eurocentric 1951 Convention,” examines the legal parameters around the definition of a refugee until the 1951 Convention was written and ratified. This time period also marked the start of the Cold War which highly politicized the entire concept of refuge: Western European nations and the United States wanted to accept Eastern European refugees as a way to undermine the Soviets.⁹ So while the definition should have been created to address ways for

⁷ Emma Haddad, *The Refugee in International Society*, Cambridge: Cambridge University Press, 2008, 68.

⁸ Sara Davies, *Legitimising Rejection: International Refugee Law in Southeast Asia* (Boston: Brill, 2007).

⁹ Davies, 33.

people to escape horrific conditions, it was instead politicized and created “a Eurocentric interpretation of the refugee experience which led to a very narrow interpretation of the ‘refugee.’”¹⁰ While the Convention was signed onto by 145 countries¹¹ and some edits were made to reduce the Eurocentrism of the definition, the U.S. remained the largest funder of UNHCR and therefore wanted to maintain as narrow of a definition as justifiable.¹²

A number of objections from nine ‘non-western’ states were not addressed in the convention. As an act of protest, those states did not attend the conference on July 25th in Geneva, thus rendering their rejections invisible. Scholar Emma Haddad also considers these foundations in her book *The Refugee in International Society*. In this book, Haddad considers the entire international state system in her understanding of the refugee crisis. When talking about non-European refugees, she says

The refugee regime that became immortalised in the 1951 Convention was formulated as a specific response to the post-war situation in Europe, and, accordingly, the refugee continued to develop as a concept invented in and for Europe. Indeed, it first applied only to European refugees and it was not until 1967 that the refugee concept was ‘universalised’ with the removal of the geographical limits of the 1951 Convention via the Protocol.¹³

She goes on to further discuss how the supposedly ‘universalised’ refugee regime in 1967 was not actually so as evidenced by refugee statistics of the time. Given these Eurocentric origins, it seems imperative that these political foundations be reconsidered and that parties’ concerns originally missing from the discussion table be brought back.

¹⁰ Davies, 44-45.

¹¹ “States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol,” (UNHCR, United Nations High Commissioner for Refugees): 1, <https://www.unhcr.org/en-au/3b73b0d63.pdf>.

¹² Davies, 47.

¹³ Haddad (2008), 148.

Jordan is a unique place to try and understand what the term ‘refugee’ means and what it should mean because Jordan was one of the countries that did not sign onto the 1951 Convention. The United Nations was and remains an incredibly politicized international body. Through the existence of permanent security council members, it helps to maintain the power and hegemony of these few nations by making them the most powerful in the United Nations. As a result of the concentration of power in the United Nations, the international agency helped facilitate the creation of Israel. After the creation of Israel, the United Nations created a specific organization to hypothetically address the needs of the Palestinian people they displaced called United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).¹⁴ After the 1951 Convention was written, the Palestinians were not given refugee status because the UN said they were covered under the Palestine specific agency, and therefore would not be considered refugees. As a sign of disagreement, Jordan did not sign onto the 1951 convention. This act of protest and the fact that Jordan never created any domestic legislation meant that the government does not legally recognize any refugees.¹⁵ While there are many refugees living in Jordan, the fact that the government does not agree with the UNHCR definition provides an opening to probe further into the question of who should be a refugee, an a place without refugees.

Jordan and the Refugee Regime

As mentioned previously, Jordan is uniquely situated as a country that never signed onto the 1951 Convention as a political stance. Despite the lack of legal recognition, however, Jordan has welcomed a huge number of refugees into the country. After accepting Palestinian refugees

¹⁴ “UNRWA,” United Nations Relief and Works Agency for Palestine Refugees in the Near East, <https://www.unrwa.org/>.

¹⁵ Stevens, 2.

(people that the 1951 Convention refused to recognize as refugees) they allowed for Palestinian refugees to become citizens of Jordan, while in most other places, Palestinian refugees were left stateless.¹⁶ But as a major receiver of refugees, Jordan learned how to “adroitly [leverage] refugee populations to obtain greater political and economic support from patron nations.”¹⁷ International aid became a major source of income for the country, and used their proximity to conflicts as a source of survival.¹⁸ While there are refugees of many backgrounds in the area, there are hugely significant populations of Palestinian refugees, Iraqi refugees, and Syrian refugees. In 1998, Jordan and UNHCR signed a Memorandum of Understanding which essentially allowed UNHCR to function in Jordan as if it had signed the 1951 Convention.¹⁹ Jordan adheres to the principle of *non-refoulement*, “however, [the memorandum] does not constitute a legal obligation.”²⁰ This position of legal vulnerability and the absence of some rights (including the right to work) has caused a number of internal debates.

Within this national context, the responses to different crises have varied. The three major refugee crises from which Jordan received significant numbers of refugees were the Palestine-Israel conflict, the Iraq War, and the recent Syrian conflict.²¹ The Palestine-Israel conflict has existed and displaced Palestinians from the beginning of the 20th century until now. The Iraq War began in 2003 and while it is technically not still ongoing, horrific circumstances continue to displace people in Iraq.²² The Syrian conflict began in 2011 and is ongoing to this

¹⁶ Jalal Al Hussein and Riccardo Bocco, “The Status of the Palestinian Refugees in the Near East: The Right of Return and UNRWA in Perspective,” *Refugee Survey Quarterly*, Vol. 28, Nos 2 & 3, UNHCR (2010): 261.

¹⁷ Alexandra Francis, “Jordan’s Refugee Crisis,” *Carnegie Endowment for International Peace* (2015): 5.

¹⁸ *Ibid.*

¹⁹ *Ibid.*, 6.

²⁰ *Ibid.*

²¹ Francis, 5.

²² “The Current Situation in Iraq,” *United States Institute of Peace* (March 29, 2019), <https://www.usip.org/publications/2019/03/current-situation-iraq>.

day. While there are other significant refugee producing crises that Jordan has provided refuge from, this paper will focus only on these three major conflicts to provide an introductory overview of the status of refugees in Jordan.

While most countries in the Arab league providing refuge to Palestinians intentionally left Palestinians without citizenship in order to uphold the legitimacy of Palestinian statehood, Jordan allowed Palestinians to become “[f]ormal citizens in Jordan since 1949.”²³ The intention was not to undermine Palestine but to show solidarity and allow them to become “refugee-citizens” or “temporary-citizens.”²⁴ Granting Palestinians citizenship gave them legal rights and protections, including political participation, that Palestinian refugees experienced almost nowhere else. The United Nations organization designated to address the needs of Palestinians, United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), also fell far short of giving remotely adequate protections. Additional resolutions written by the Arab League included legal protections equivalent to those of native citizens in neighboring host countries.²⁵ While these resolutions were not often adhered to, they gave Palestinians significantly more than UNRWA did.²⁶ These conditions, again, point to the politicized nature of the refugee regime. Ten Palestinian refugee camps are still operating in Jordan today and the people living in these camps need more resources and support.²⁷ Because these camps fall under UNRWA instead of UNHCR, however, the Jordanian government is responsible for running these camps.²⁸ While a significant number of Palestinians have also become fully incorporated

²³ Al Hussein and Bocco, 263,

²⁴ *Ibid.*

²⁵ *Ibid.*, 264.

²⁶ *Ibid.*

²⁷ “Where we Work,” United Nations Relief and Works Agency for Palestine Refugees in the Near East, <https://www.unrwa.org/where-we-work/jordan>.

²⁸ *Ibid.*

members of Jordanian society, more resources are still needed to be able to give people their full rights.

During the Iraq War in the early 2000s, Jordan opened their shared border to allow in any Iraqi refugee. However, the Iraqis who did move to Jordan were not called 'refugees' officially but instead called 'guests.'²⁹ Dallah Stevens' article "Legal Status, Labelling, and Protection: the Case of Iraqi 'Refugees' in Jordan" analyzes this situation. After accepting hundreds of thousands of Iraqis, the need for resources became quite apparent. So in 2007, public opinion began to change.³⁰ The border closed and the response to the Syrian refugees in 2011 was very different from the start. Syrian refugees who crossed into Jordan were put into refugee camps as an attempt to make Jordan more of a temporary refuge and less of a permanent home. However, the conflict has continued on for so long that even the camps are becoming permanent homes to some extent.

Jordan depends on refugees in a way that makes the entire situation even more politicized.³¹ The economic dependence upon the refugee regime is perhaps somewhat of a trap. Increasing the population through accepting large numbers of refugees provides the international support that Jordan needs to sustain the country and its growing population. However, many of the problems the country is facing are due to resource scarcity on account of the environment, but *also* the growing population. Growing the population to get the resources the need to address the already present effects of overpopulation will only continue to exacerbate an already tense political situation. Work permits and the general inability to work and sustain oneself is a major

²⁹ Stevens, 13.

³⁰ *Ibid*, 12.

³¹ Francis, 7.

source of contention within the country, both among Jordanians and refugee populations.^{32 33 34} Even when work permits are issued, finding jobs is extremely difficult in the current economic situation. But as a lack of work continues and people are entirely aid dependent, resources will continue to be depleted and social tensions will rise. While this context might suggest that an expansion of the definition could be harmful to the situation, with a more cooperative international approach and increased burden-sharing so that Jordan does not have to continue over-exerting itself, an expansion could be possible. Considering the different counts of refugees in Jordan, between the millions of Palestinian refugees who are not considered refugees under the 1951 definition to all the refugees living in Jordan not registered with UNHCR, it is clear that the actual 1951 definition used to determine refugee status is limited and does not support the full population that it needs to.

Jordan is a unique context to look at what the term ‘refugee’ can and should mean. From its history with the UN to its current situation as one of the largest hosts of refugees, it provides an interesting lens to understand so-called refugee crisis. The following theory section will establish the theoretical framework for the human rights based idea of who a refugee should be based on a discussion of fundamental human rights.

Theory: Refuge and Human Rights

The entire idea of providing refuge to people fleeing horrific circumstances is based in the idea of human rights. So to gain a better understanding of the idea of a ‘refugee,’ the theoretical origins of human rights and the implications need to be considered. The concept of

³² Sara, in conversation with the author, April, 2019.

³³ Haifa, in conversation with the author, April, 2019.

³⁴ Mahmoud, in conversation with the author, April, 2019.

human rights, or, rights granted to individuals on the basis of their humanness has long been accepted as a universal, at least among ‘western’ scholars. Jack Donnelly’s book *Universal Human Rights in Theory and Practice* examines this foundational argument and rejects the idea of universal human rights as a concept of ‘western’ origin.³⁵ However, as scholar Pinar Bilgin acknowledges in her book, *The International in Security, Security in the International*, we need to move beyond the idea that universal human rights have a western origin. She says “One way of rendering prevalent notions of human rights less exclusionary would be... to problematise the assumptions regarding the ‘Western’ origins of human rights... and the assumption that ideas have a single origin as opposed to ‘beginnings.’”³⁶ The harmful narrative that universal human rights are a ‘western’ concept is not only false, but also inaccurate because as Donnelly points out, many ‘western’ traditions of human rights were not really human rights but rights granted on the basis of duties and obligations rather than on the basis of humanness.³⁷ Regardless of the contested beginnings of human rights, their existence is generally accepted and should be granted on the basis of humanness.

From the now largely accepted idea of universal human rights, whatever their origins, we can begin to consider what human rights are fundamental to the point that they require protection above all others. In 1980, Henry Shue wrote a book called *Basic Rights* in which he considered this question. He found that there are three rights that are so basic and fundamental that the absence of one meant an inability to enjoy any other right. These three rights are basic liberty, basic security, and basic subsistence.³⁸ He limits basic rights to these three because “rights are

³⁵ Jack Donnelly, *Universal Human Rights in Theory and Practice*, Second Edition (Cornell: Cornell University, 2003).

³⁶ Pinar Bilgin, *The International in Security, Security in the International* (New York: Routledge, 2017).

³⁷ Donnelly, 82.

³⁸ Henry Shue, *Basic Rights* (Princeton: Princeton University Press, 1980).

basic in the sense used here only if enjoyment of them is essential to the enjoyment of all other rights. This is what is distinctive about a basic right.”³⁹ Basic liberty and basic security are often agreed upon by many parties as absolutely fundamental which is why security, and to some extent liberty, are rights protected through the definition of a refugee. If someone is lacking liberty or security, they often qualify for refuge in another country. He says “By... subsistence, I mean unpolluted air, unpolluted water, adequate clothing, adequate shelter, and minimal preventive public health care.”⁴⁰ Opening up refuge to people on the basis of a lack of basic subsistence is threatening to our entire system, because it would acknowledge poverty as a human rights concern in a way it typically is not acknowledged.⁴¹ Further, as climate change continues to destroy the environment and the number of natural disasters increase, the number of asylum seekers will likely jump to an alarmingly high number. Yet, considering the role that major powers of the world including the United States, much of Europe, and China play in causing climate change, the responsibility to help people after destroying their lives and livelihoods should largely fall to these countries.⁴² While these problems are not as easy to attribute direct blame to, Shue says “Guarantees of security and guarantees of subsistence are equally essential to providing for the actual exercise of any other rights.”⁴³ These problems need to be addressed on an international scale because “this is society’s business because the problems are serious and general.”⁴⁴ Since we currently have no framework to address shortages of subsistence rights, the framework or at least regime needs to expand to address more injustices.

³⁹ Shue, 19.

⁴⁰ Shue, 23.

⁴¹ Shue, 19.

⁴² Lisa Friedman, Nadja Popovich and Henry Fountain, “Who’s Most Responsible for Global Warming?” New York Times, (April 26, 2018), <https://www.nytimes.com/2018/04/26/climate/countries-responsible-global-warming.html>.

⁴³ Shue, 26.

⁴⁴ Shue, 25.

Haddad sees the issue of the refugee somewhat differently than most other scholars. To her, the problem stems from the actual international system that was created. Further, she sees the relationship between refugee and international as somewhat irrelevant. She says “Fundamental criterion necessary for refugee status is a breakdown in the state-citizen relationship within a sustaining political community, but that the crossing of an international border should not be a defining factor.”⁴⁵ The international state system built up throughout the 20th century is entirely dependent on the state-citizen relationship. Anyone who falls outside of this system (a stateless person) such as a refugee is inherently a threat to the assumptions that underpin it. Haddad believes that refugees inherently challenge the the international system that the entire world holds up; “by imagining the refugee as fluid and between categories [the refugee] can be seen to constitute a threat to established boundaries. [The refugee] challenges the assumption that all individuals belong to a state and brings into question the concepts of nation, state and national identity.”⁴⁶ To challenge the international state system in this way is to also challenge the notion of crossing borders as compulsory to who fits under the term refugee. Many people have tried to differentiate between refugee and migrants based on false dichotomies; moving to seek out a better life versus moving to survive⁴⁷ and moving out of distress or not are two common ones.⁴⁸ But these distinctions are futile because they are perhaps not distinct at all but two sides of the same story. The idea of who should receive legal protections need not be an international concept. “Rather, the relationship between the state and the citizen may have broken down without a border crossing having taken place, hence the false dichotomy between

⁴⁵ Haddad (2004), 2.

⁴⁶ Haddad (2008), 61.

⁴⁷ Haddad (2004), 7.

⁴⁸ Haddad (2004), 8.

‘refugee’ and ‘internally displaced person’.”⁴⁹ Considering the arbitrariness of the international state system, it makes little sense to distinguish who gets protection based on whether or not they cross a border. Some people might not be capable of crossing one or only move within their state to seek out protection, which is why refugee status on the basis of fleeing one’s country is insufficient. While there are often political conflicts which prohibit international aid from sufficiently reaching inside of borders, many countries do allow aid in. As more and more people are without subsistence rights due to climate change, a different set of perhaps less politically charged needs will appear.

All of these factors significantly complicate the idea of a refugee. While it seems that there could not possibly be any good definition of who fits under the term refugee, Haddad also argues that merely discussing the difficulty of this problem only furthers it through passing time. Her working definition is as follows: “A ‘refugee’ is an individual who has been forced, in significant degree, outside the domestic political community indefinitely.”⁵⁰ Compared to the 1951 definition, this statement is incredibly general. However, this generality is crucial to including in the definition for legal protection, those who need it. She asks “[h]ow to name a concept which by definition defies definition, since it is impossible to generalise about the vast array of horrific events that force individuals to become refugees?”⁵¹ This definition needs to serve the refugee, and not the academic community which is why, for once, specificity is the most harmful possible outcome of a definition.

Methods

⁴⁹ Haddad (2004), 24.

⁵⁰ Haddad (2004), 22.

⁵¹ Haddad (2004), 2.

Because of the limits of the conversation around the term refugee, the research was designed to interview those typically left out of the conversation, including native Jordanians and refugees. The researcher also interviewed a UNICEF program director to understand his perspective on the refugee situation in Jordan and an English teacher at this UNICEF program. For the purposes of this paper and to reflect the language used by people within the organization, the organization will be referred to as ‘the charity.’ The interviews at the charity consisted of the manager, two adult students, and an English teacher. Two refugees unrelated to the charity were interviewed as well. The researcher learned through the interview with the manager that the public education system in Jordan is currently stretched thin due to the massive sudden increases in population that Jordan experienced over the past decade. The system the government created to address this problem is a two-shift system. Jordanian students attend school in the morning shift and refugee students in the evening shift. However, with this system the amount of classroom instruction time is incredibly limited. The charity offers educational programs to supplement the public education and also services for adults. Through this organization, the researcher met three adult students who were interviewed with the translation help of an English teacher.

To ensure the protection of the interviewees, they will each be referred to only by their first name and no identifying characteristics will be divulged. The questions were designed so as not to ask about personal circumstances which may induce stress or remind the interviewees of previous trauma. Instead, only the term refugee and services provided in Jordan were asked about to better understand what they think is missing and where Jordan is succeeding. The consent form was translated so that the interviewees could understand what they were agreeing

to and the stipulations included to protect them, including the fact that they could end an interview at any time. The blank consent form is in appendix A for further reference.

The research process included a number of obstacles because most of the individuals present at the charity were either too young to be interviewed without parental consent and would not be able to substantially answer my questions. As a result, one of the refugees was a student while the other two were both adults who themselves fled from their respective countries. The researcher's positionality also played a role in the research. As an evidently seemingly young, American woman of European origin, she was immediately marked as an outsider. While warmly welcomed, there was also some hesitation when asking the Jordanians about the services provided to refugees. Given the long American tradition of over-critiquing anything outside the "west," their hesitation is obviously valid but must also be considered in the analysis of the interviews. The final obstacle encountered were the translation issues during the charity interviews. Two of the interviewees spoke some English as a second language and one of these people acted as the translator during the other three interviews with people who spoke only Arabic. The translator did an amazing job, however, my interviewees did not quite understand what I was asking when I was asking about the scope of the 1951 definition of a refugee.

Interview Results and Analysis

The interviews conducted by the researcher had two objectives. First, to gain a better understanding of the refugee situation here in Jordan from various perspectives and second, to begin to include voices in the conversation of who is a refugee that have not traditionally been included. To work towards these objectives, the researcher interviewed a male UNICEF-affiliated community based organization manager, a female English teacher at the same

organization, a native Jordanian woman, a Palestinian-Jordanian woman, a female Iraqi refugee, and a male Syrian refugee. Each interview was centered around the refugee experience in Jordan and the term refugee. All of the individuals had interesting insights into the term refugee with a general consensus that the definition and the protections granted to refugees need to be greatly expanded. Considering the researcher's positionality as an American, however, it seems important to acknowledge the fact that the United States has done practically nothing to help refugees, and a lot to create the conflicts that displace people. While there are many services lacking and much needs to be done for refugees, it stems from the huge population increases and demand for services that Jordan has faced, especially throughout the course of the last two decades. Based on the results described in this section, it seems that the definition of the term refugee needs to be expanded by becoming more general and vague, thus fitting more people.

The UNICEF affiliated organization visited to conduct a number of the interviews offers a variety of educational and social services.⁵² They offer schooling for refugee children in the morning and formal schooling for 'any child' in the afternoon. The phrase 'any child' is put in quotation marks because while they are not selective based on nationality or citizenship in the afternoon, they are selective in that the child must have an ID number and therefore be a legally recognized refugee or a Jordanian citizen. Not only is this a UNICEF, governmental, or bureaucratic requirement, but an employee actually said that 'illegal' refugee children are "dangerous."⁵³ While the need to work within the bounds of the legal tape and requirements of funders is understandable, the fact that children are described as "dangerous" demonstrates an important semantic or perceptive difference between a "refugee" and "illegal migrant." The way

⁵² Osam, in conversation with the author, April, 2019.

⁵³ *Ibid.*

they understand the limits of the term “refugee” is within the bounds of the legal. Those who are not given refugee status by UNHCR are not refugees and therefore are ‘illegal’ and ‘dangerous.’

Another interesting component of the charity is the pairing of refugee and Jordanian children in an attempt to foster community. While there are obvious and noticeable social tensions due to more difficult role of host that native Jordanians must play, this program attempts some form of social cohesion. The status of refugee offers a number of benefits which, while still small overall, may be more than some poorer Jordanians are offered. The fact that these same services are offered to both refugees and native Jordanians makes sense in terms of working towards easing social relations.

The most consistent and seemingly pressing concern that every person interviewed discussed is the inability of refugees, besides Palestinian refugees, to work in Jordan.^{54 55 56} Considering the limited sources of support that are available for refugees anywhere, including Jordan, the lack of income options available is incredibly straining. This problem was mentioned across the board as a major issue that needs to be addressed somehow. However, another major issue that is closely related is the lack of jobs and the harsh economic situation that currently characterizes Jordan. Even if work permits were issued, the ability to find work is seriously restricted and a lack of regulation could lead to serious undercutting of wages as people offer to work for less. Besides the lack of work rights, there are serious gaps in educational systems, particularly for refugee children and youth, and legal hurdles from the inability of refugees to buy a house or a car, things that would allow them to have perhaps a more settled life.

⁵⁴ Sara, in conversation with the author, April, 2019.

⁵⁵ Haifa, in conversation with the author, April, 2019.

⁵⁶ Mahmoud, in conversation with the author, April, 2019.

The interview with Syrian refugee, Mahmoud, was conducted at his home in Amman. Mahmoud left Syria in 2013 as the conflict intensified and after his son was killed in a Assad bombing in Damascus. He and his wife and daughter fled to the Jordan border without any documentation. They were met there by the Jordanian army who helped them cross and took them to Zaatari camp.⁵⁷ He registered as a refugee his first day at that camp, but the following day he left for the city because he saw no future for himself in Zaatari. However, because he left the camp where there might be some Syrians he knew, he found no sources of unofficial aid or support. For the first two years in Jordan, from 2013 until 2015, he took no aid from UNHCR. However, as times continued to remain tough, he began accepting aid in 2015. He receives \$10 a month per person, so a household total of \$30 per month. Like all of the interviewees, he mentioned barriers to legal work as a major challenge. Although some work permits are issued to Syrians, the types of professions a non-Jordanian can work in are extremely limited and the permits themselves difficult to obtain.⁵⁸ As a result, he works illegally as a barber and has to hide whenever the ministry of labor goes to the shop. Further, despite having lived in Amman for the past six years, he is unable to invest in anything that might make life more stable or easy such as a house or car because of his refugee status.

The next interviewee, Sara, is an Iraqi refugee in an attempt to consider perhaps different perspectives on the refugee experience. Sara has been in Jordan since 2015. She came in 2015 because she was worried about her daughter's safety. She said that ISIS was kidnapping children and youth.⁵⁹ When ISIS agents went to her house in Mosul before she left for Jordan, she hid her

⁵⁷ *Ibid.*

⁵⁸ Izza Leghtas, "Out of Reach," Refugees International, Field Report (September, 2018) <https://reliefweb.int/sites/reliefweb.int/files/resources/Jordan%2BReport%2B2018%2B-%2B9.10.2018%2B-%2B647%2Bpm.pdf>, 14.

⁵⁹ Sara, in conversation with the author, April 2019.

daughter in their water tank. While her daughter was hidden, the agents killed Sara's husband in front of her. She and her daughter fled these horrific circumstances and ran to the Jordan border.⁶⁰ The border was officially closed in 2015, however, some Jordanian army officials let her over. She thinks this was because she was with her teenage daughter. Like Mahmoud, they were first taken to a camp, where they registered with UNHCR. They received some financial and service-based support from UNHCR, but it is not much. The UNHCR medical center will not give medical records which she needs, and since she cannot go to a public hospital that is only for Jordanians, she might have to pay to get a medical record.⁶¹ She says that all of the unofficial support she has received has been from Jordanians. Sara held a couple of jobs since her time in Jordan, but she left her last job at a clothing shop to try to find more time with her daughter. Now that she is looking for a job again, however, she is finding much difficulty. Because of the economic situation, she is applying to leave Jordan through UNHCR, but she remains so grateful for all the help she received in Jordan. However, the situation is worsening, as her daughter might not be able to attend school in the fall. Jordanian public schools are stretched so thin that services for her sixteen year old daughter might end. The UNHCR school in Amman specifically for Iraqi refugees has also closed leaving almost no options for her. She mentioned repeatedly the stress that this life is causing her. Considering all of the obstacles that she is facing, this seems extremely fair, perhaps an understatement.

At the charity, the researcher interviewed two students, Maha (pseudonym) and Mais. Maha, 19, lived in Jordan her whole life, but is of a Palestinian refugee background. She used to attend classes at the charity but now acts as a volunteer at the charity. Although somewhat reserved, she mentioned the lack of work rights as a serious problem that hurts many refugees in

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

Jordan. She specifically mentioned the good education opportunities for Iraqi students but did not mention anything about Syrian students or students of any other educational background.⁶²

Mais, an 18 year old Jordanian student from Amman thought that all refugees have been given their rights. She is involved in the charity which supports both refugees and Jordanians, which means that many of her peers are refugees. She initially became involved because her mother is a volunteer. When asked about her interactions with refugees outside of the charity, she did specifically mention how she knows when someone is refugee. She mentioned dialect, accent, and appearance as often distinct identifying characteristics of refugees.⁶³ This differentiation points to the social tensions that exist among the different social groups. Beyond these answers, she was hesitant, perhaps due to her young age, to comment on the status of refugees in Jordan or who should be considered a refugee.

The interview with Haifa, an English teacher at the charity, provided insight into how she views refugees as someone responsible for the well-being of so many refugee and Jordanian children. Particularly interesting was her understanding of the term 'refugee.' She differentiated between a traditional understanding and a perhaps more realistic understanding.⁶⁴ While she said that it seems like an adequate traditional definition of the term because it addresses political conflicts - which she sees as the most valid of situations requiring escape - the reality of how people move and what people need when they finally do find a place of refuge is lacking. She said that the reality of how people see refugees and what they need is *not* covered in the 1951 Convention definition. She was in favor of some sort of expansion to the 1951 Convention definition, the one that administers who her students are seeing as it's a UNICEF organization.

⁶² Maha, in conversation with the author, April 2019.

⁶³ Mais, in conversation with the author, April, 2019.

⁶⁴ Haifa, in conversation with the author, April 2019.

When I pushed her on who the expansion should include, she said it should include “everyone who has serious conflicts, especially political.”⁶⁵ Haifa also acknowledged the difference in treatment between refugee groups. She thinks that Syrian refugees are treated somewhat better than Iraqi refugees, partially because the conflict in Syria is much more recent. She framed the treatment of refugee groups in terms of the rights that one might receive or not receive. So while she believes that the Syrians have been given all their ‘rights’ - those she believes refugees deserve or are legally entitled to, she thinks Iraqi refugees have not received all of their ‘rights.’⁶⁶ However, even within the consideration of rights, she thinks not nearly is enough is being done. When pressed on what is needed, she first mentioned the need for work rights, followed by training programs and ways for refugees to be introduced into the workforce. Besides these resources and legal rights, she mentioned the need for basic subsistence in the form of livable homes, not tents. Overall, however, she said more help is needed, again circling back to the inability of Jordan to support all the people the country is now playing host to without adequate outside support.

Of those who commented on the 1951 definition, all but Maha agreed that the definition is far too limited and subjective. Maha thought that the definition covered everyone it needed to but did not comment any further.⁶⁷ Sara, Mahmoud, and Haifa all found it far too limited. Haifa, in particular, thought that it was accurate to describe how refugees are talked about, but it does not protect all of the people who need protection.⁶⁸ She did differentiate though between suffering and political persecution which she especially thinks ought to be covered. Sara and Mahmoud both talked about the struggles they saw with people trying to cross the border into

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ Maha, in conversation with the author, April 2019.

⁶⁸ Haifa, in conversation with the author, April 2019.

Jordan. It was there that it was made obvious that the definition is far too limited. As Mahmoud put it, it does not match with everyone who needs protection.⁶⁹

Both the Palestinian student and the Jordanian student agreed that the 1951 Convention definition of a refugee covers everyone who should be protected. The English teacher at the charity, the Syrian refugee, and the Iraqi refugee all found the 1951 definition to be inadequate, however. While these results may have perhaps been expected given their relative positions in Jordanian society, an age difference also falls along these lines. The students who thought that the definition was sufficient were 18 and 19, while the English teacher and the refugees are all adults, in their 30s and 40s. Due to the two sets of parallels, it is unclear whether it is the background or the age that made the difference in the understanding of the definition. If I am to understand the disparity along background lines, it makes more sense that a Jordanian who has to sacrifice a good deal in order to support refugees would be against implying any sort of expansion is needed. Palestinians and Palestinian Jordanians also have become integrated into Jordanian society in a way that differentiates them from Iraqi and Syrian refugees. To understand along age lines, however, suggests that they have not had to think too much about the term refugee. Claiming the definition is too narrow could indicate an expansion in the numbers of refugees that Jordan has to support which is something Jordan currently cannot handle.

Those who are more recent refugees and have a clearer memory of the circumstances they were fleeing and are less established in Jordan might be more empathetic to others in awful situations who do not receive protections. Once established, however, offering up even more support than is clearly sustainable in the country could be threatening. Those who did say the definition is not sufficient, however, said so because it does not include everybody who needs to

⁶⁹ Mahmoud, in conversation with the author, April 2019.

be included. Mahmoud, the Syrian refugee, said It does not match many people who should be given legal protections and is far too subjective. Sara also found that it was too narrow, and within the different conflicts were varying and subjective levels of protection. Her experience as an Iraqi refugee arriving in Jordan in 2015 demonstrated that Syrian refugees are given more protections than Iraqi refugees. Haifa, similarly, agreed with this disparity in treatment and the limitedness of the definition. From what she saw, Syrian refugees have, at least recently, been treated better than Iraqi refugees in Jordan.

Limitations of the Study

While this research attempted to include more voices in the discussion of who should be a refugee and what the term should mean, actually very few were included. While the presence of refugee voices is unique and significant, the fact that only three voices were included is an obvious limitation. Given more time and connections, a wider and more diverse panel of refugee voices could have been included. Further, this study is obviously limited geographically to Jordan. Only Jordanians and refugees living in Jordan were talked to. Because the legal, and to some extent social, responses to refugees change so profoundly between different states, the findings cannot be stated beyond these borders. Most importantly, it is impossible to consider all the horrific situations that people might find themselves in - whether on the basis of political, social, or economic collapse, natural disaster, environmental hazards, and everything else unimaginable. For this reason, as Emma Haddad puts it, only a working definition of the term refugee can be created. What matters most is that those put in these horrific situation are given adequate resources and chances at life, which is something we can acknowledge the whole system has failed to deliver.

Recommendations for Future Research

Many criticisms of any attempt at expanding the definition of a refugee include an acknowledgement of the current refugee regime situation. Those who are given legal status as refugees are not taken care of, sometimes to the point of the loss of another basic right. Of course, if legal refugee status fails to actually protect people and instead merely moves people around and prohibits certain rights such as the right to work, then it does not make sense to expand this type of protection. The international response to refugees and refugee producing situations needs to change significantly. Much has been written on the topic of burden-sharing. Combining these theories with a whole new concept of what it means to be a refugee could be a strong theoretical basis for future policy.

In terms of the burden sharing discussion, the reality of who creates the conditions of displacement needs to be addressed in a way that could possibly hold more people accountable. The 'super-powers' including the United States should be held accountable given the amount of power that these countries have to either help or hurt situations. Further, many of these countries are some of the biggest consumer nations in the world and therefore major contributors to climate change. As natural disasters hit and landscapes change, the number of climate refugees will rise drastically. Because of all of this responsibility in creating circumstances which produce refugees and because of the economic means, more research on the role and potential role of these countries could be an interesting basis of further research.

Conclusion

The refugee regime is failing on a number of levels. This fact is crucial to acknowledge because it is literally a life or death situation for millions of people. While the term refugee is

generally understood to be far too narrow, the United Nations retains the monopoly over the refugee regime. While Jordan has stepped beyond the UN limitations, first by providing statehood to Palestinian refugee, then refusing to sign the 1951 Convention, and creating no domestic refugee legislation, Jordan is a country incredibly reliant on foreign aid and therefore subject to the political implications of the refugee regime. These implications are demonstrated by the fact that Jordan signed the 1998 Memorandum of Understanding with the UN.⁷⁰ But even within Jordan, much is still missing. The ability to work, adequate education, adequate healthcare, and adequate shelter are all absent in the lives of far too many refugees. The status of refugees needs to improve, but also ideas about who is a refugee.

From a descriptive point of view, the idea of a refugee is typically broad and more developed. Both of the more recent refugees interviewed for this paper acknowledged that the limited 1951 definition is not adequate and does not match with many people who need legal protection. There are protection gaps in the security and liberty rights protected under the 1951 definition which need to be filled, but also subsistence rights need to be added all together. Delicate distinctions between internally displaced peoples and refugees should also be considered in an expansion seeing as people unable or unwilling to cross an international border are left with few resources. This refugee regime created out of the international state system is failing on a number of levels and urgently needs to be dealt with both in terms of the structure and the semantics.

In order for any of this to be more than a scholarly discussion, significant burden-sharing practices need to be implemented, an acknowledgement of the politicization of the refugee regime made, and structural changes made. Jordan is a step ahead of many other nations as it

⁷⁰ “Refugee Law and Policy: Jordan,” Library of Congress, Section IV: Memorandum of Understanding Between Jordan and the UNHCR, https://www.loc.gov/law/help/refugee-law/jordan.php#_ftn7.

does not technically acknowledge the complete dominance of the UN in matters of refugees.

However, Jordan's continuously growing population will place further strain on the resource and environment in Jordan which suggests the need to equitably distribute resources across the globe.

Concepts of burden-sharing need to become far more developed and actually implemented.

While so much restructuring needs to be done in order to make any of this a reality, the current refugee regime is limited, Eurocentric, and harmful in nature. It needs to expand by becoming more vague. And in order to be inclusive, and the discussion needs to be representative of those who are refugees and host significant populations of refugees.

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Mahmoud (Syrian refugee). In conversation with the author. April 2019.

Mais (Jordanian student). In conversation with the author. April 2019.

Osam (charity manager). In conversation with the author. April 2019.

Sara (Iraqi refugee). In conversation with the author. April 2019.

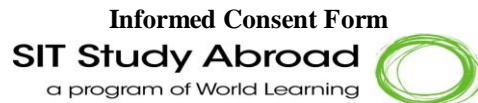
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Appendix A: Informed Consent Form



Title: Refuge in a Place without Refugees

Your Name/Homeschool: Jane Roarty '20, Macalester College

School for International Training—Jordan: Geopolitics, International Relations, and the Future of the Middle East

1. This research aims to unpack the concept of a 'refugee' in Jordan - a place without legal recognition of refugees. Despite the lack of legal recognition of refugees on the part of the government, the government still includes extremely high counts of refugees in their official reports. But the lack of legal recognition begs the question of who is a refugee when no actual definition of refugee status is agreed upon. By unpacking understandings of the term, this research will hopefully emphasize the precariousness and vulnerability of the term 'refugee.'
2. **Rights Notice**
If at any time, you feel that you are at risk or exposed to unreasonable harm, you may terminate and stop the interview. Please take some time to carefully read the statements provided below.
 - a. **Privacy** - all information you present in this interview may be recorded and safeguarded. If you do not want the information recorded, you need to let the interviewer know.
 - b. **Anonymity** - all names in this study will be kept anonymous unless the participant chooses otherwise.
 - c. **Confidentiality** - all names will remain completely confidential and fully protected by the interviewer. By signing below, you give the interviewer full responsibility to uphold this contract and its contents. The interviewer will also sign a copy of this contract and give it to the participant.

3. Instructions:

Please read the following statements carefully and mark your preferences where indicated. Signing below indicates your agreement with all statements and your voluntary participation in the study. Signing below while failing to mark a preference where indicated will be interpreted as an affirmative preference. Please ask the researcher if you have any questions regarding this consent form.

I am aware that this interview is conducted by an independent undergraduate researcher with the goal of investigating the term 'refugee' and discovering inconsistencies in understandings and interpretations.

I am aware that the information I provide is for research purposes only. I understand that my responses will be confidential and that my name will not be associated with any results of this study.

I am aware that I have the right to full anonymity upon request, and that upon request the researcher will omit all identifying information from both notes and drafts.

I am aware that I have the right to refuse to answer any question and to terminate my participation at any time, and that the researcher will answer any questions I have about the study.

I am aware of and take full responsibility for any risk, physical, psychological, legal, or social, associated with participation in this study.

I am aware that I will not receive monetary compensation for participation in this study, but a copy of the final study will be made available to me upon request.

I [do / do not] give the researcher permission to use my name and position in the final study.

I [do / do not] give the researcher permission to use my organizational affiliation in the final study.

I [do / do not] give the researcher permission to use data collected in this interview in a later study.

Date:

Participant's Signature:

Participant's Printed Name:

Researcher's Signature:
