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Subtracting Development through the Production of Il/legality of Young Refugees in Jordan and Lebanon

Cathrine Brun ⬦ *

ABSTRACT

This article analyses the production of legality and illegality of refugees and how it is experienced, negotiated, and shape young Palestinian and Syrian refugees' possibilities for development in Jordan and Lebanon. In the two countries, refugees' legal and illegal statuses are produced in the interaction between national and international security- and economic interests. This article discusses the meanings of development associated with protracted displacement. Despite increased emphasis on moving from a humanitarian approach towards development in long-term refugee situations, the experiences of young refugees in Lebanon and Jordan show that the production of legal status hampers the potential for development. This article analyses young people's experience of their legal status by addressing the labour of staying legal, the experience of moving in and out of legality and its impact on education and employment. The analysis shows how the production of (il)legality is a subtracting process that leads to debilitation and constrained agency rather than development. In conclusion, this article thus reflects on the problem of using the development discourse with a humanitarian lens and the need for more critical discussion on the meaning of development in protracted displacement.

KEYWORDS: legal status, protracted refugee situations, development, youth, Jordan, Lebanon

1. INTRODUCTION

"*[. . .] it is like a bird in a cage. My place is limited*" Fares, a young Syrian refugee in Lebanon says to describe their status of "being illegal" – of not being able to maintain a status that

makes their presence legitimate. "Being illegal" is an expression that young refugees we interviewed in Jordan and Lebanon used when describing their feeling of both spatial and temporal containment, of limited freedom of movement and constrained life opportunities. Being illegal, moving in and out of legality or struggling to stay legal is an experience shared among many displaced people in both Jordan and Lebanon. But even those who secure a legal residency status live with restrictions that limit their participation in social, economic and political life such as accessing education and employment. This article discusses the production of legality and illegality, how it is experienced, negotiated, and shape young Palestinian and Syrian refugees' life and possibilities for development amidst protracted displacement.

A humanitarian short-term approach married with the host governments' political interests in responding to long-term displacement has been profoundly criticised and deemed insufficient.[1] In international policies and national response plans, the so-called 'humanitarian-development nexus' is proposed as a strategy to respond to this critique. The nexus may help to reorient the policies towards more long-term measures. However, with limited discussion of what development means, I argue in this article that the minimalist version of development adopted in discussions and strategies of the humanitarian–development nexus exists within a short-term and depoliticised humanitarian logic. Cindy Horst[2] describes this logic as "don't die survival" – which aligns with Aradau and Tazzioli's[3] notion of "subtracting" that leads to the debilitation – rather than development of – young refugees. Hence, for young refugees in Jordan and Lebanon, the question becomes, what kind of development is possible within the particular production of legality and illegality that takes place in the two countries?

This article comes out of a collaborative project between researchers in Jordan, Lebanon, and the UK. We asked "what is the meaning of legal status for young people's trajectories from education to employment in the context of displacement in Jordan and Lebanon?" With funding from the Economic and Social Research Council (Global Challenges Research Fund) in the UK and the International Development Research Centre in Canada, we conducted a survey $(n = 1442)$ and qualitative interviews $(n = 293)$ with young people in Jordan and Lebanon. The qualitative interviews took place as a life history interview where the idea was to understand young people's trajectories and particular impact of their legal status on those trajectories.[4] The young people, between 15 and 29 years old, were Lebanese and Jordanian nationals, Syrian and Palestinian refugees, including Palestinian refugees from Syria. The research had ethics approval from the Lebanese American University. Beyond the formal ethical review board approval, the team worked closely with the research participants in order to understand their experience of the research process. The researchers worked with the research participants through collaborative analyses and artistic productions (including theatre, creative writing, and documentaries). The research participants were also invited to take part in research dissemination through public events and discussions.

In this article, I concentrate on the reflections regarding experiences of legality and illegality of those who identified as refugees in both Jordan and Lebanon. The analysis is not

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[1] J. Crisp, "Mind the gap! UNHCR, Humanitarian Assistance and the Development Process", *International Migration Review*, 35(1), 2001, 168–191; J. Hyndman & W. Giles, "Waiting for What? The Feminization of Asylum in Protracted Situations", *Gender, Place & Culture*, 18(3), 2011, 361–379; Brun, "There is no future in humanitarianism: Emergency, temporality and protracted displacement", *History and Anthropology*, 27(4), 2016, 393–410; C. Brun & M. Shuayb, "Exceptional and Futureless Humanitarian Education of Syrian Refugees in Lebanon: Prospects for Shifting the Lens", *Refuge* 36(2), 2020, 20–30.

[2] Hyndman & Giles, "Waiting for what?", 1.

[3] C. Aradau & M. Tazzioli, "Biopolitics Multiple: Migration, Extraction, Subtraction", *Millennium: Journal of International Studies*, 48(2), 2020, 198–220.

[4] See Z. Jordan and C. Brun, "Vital conjunctures in compound crises: Conceptualising young people's education trajectories in protracted displacement in Jordan and Lebanon", *Journal of Social Sciences*, 10(241), 2021, 1–17.

comparative, but rather reflects experiences of the production of legality and illegality that cuts across the two countries while reflecting on the specificities that the two contexts bring. The value of bringing Jordan and Lebanon together in this analysis is that the policy environments and approaches to development and legality and residency are different for Syrian and Palestinians in the two countries. Yet, as I show, governing through legality and illegality has specific material and symbolic outcomes that shape young people's futures, and young people share experiences and reflections across the two countries. The main bulk of empirical data were collected just before the COVID-19 pandemic, but the artistic productions and collaborative analyses were carried out during the pandemic and in the context of deep financial crisis in Lebanon. Insights from all parts of the research are reflected in this article, but the quotes and narratives from young people, translated from Arabic, are mainly from the qualitative interviews analysed by the help of NVIVO.

This article speaks to recent debates in humanitarian and forced migration studies on the management of mobile populations and the production of legality and illegality.[5] It also situates the governance of forced migration in relation to nation states' and the international community's interests to better understand the contexts in which young people experience their positions as refugees in the host states of Jordan and Lebanon.[6] I connect these governance mechanisms and experiences to discussions of development, asking what kind of development existing policy measures and legal statuses may allow for, and the role of refugee policies in this context.[7] This article can also contribute to a better understanding of the experiences of young refugees who negotiate the regimes of refugee governance on a daily basis, and, hence, also contributes to the growing literature on young refugees in the Middle East and beyond.[8]

[5]   N.P. De Genova, "Migrant 'Illegality' and Deportability in Everyday Life", *Annual Review of Anthropology*, 31, 2002, 419–447; N. De Genova, "Spectacles of Migrant 'illegality': The Scene of Exclusion, the Obscene of Inclusion", *Ethnic and Racial Studies*, 36(7), 2013, 1180–1198; N. De Genova & A. Roy, "Practices of Illegalisation", *Antipode*, 2020, available at: https://doi.org/10.1111/anti.12602 (last visited 29 July 2023); K. Coddington, "Landscapes of Refugee Protection", *Transactions of the Institute of British Geographers*, 43, 2018, 326–340; B.A. Collet & H. Bang, "The Securitisation of Refugee Flows and the Schooling of Refugees: Examining the Cases of North Koreans in South Korea and Iraqis in Jordan", *Compare: A Journal of Comparative and International Education*, 46, 2, 2016, 272–292; S. Linn, "Ambivalent (in)securities: Comparing Urban Refugee Women's Experiences of Informal and Formal Security Provision", *Refugee Survey Quarterly*, 41, 2022, 594–624; M. Tazzioli, "'Keeping on the Move without Letting Pass': Rethinking Biopolitics through Mobility. In Rethinking the Biopolitical: Borders, Refugees, Mobilities" (by C. Minca, A. Rijke, P. Pallister-Wilkins, M. Tazzioli, D. Vigneswaran, H. van Houtum, A. van Uden), *Environment and Planning: Politics and Space*, 40(1), 2022, 3–30; S. Secen, "Explaining the Politics of Security: Syrian Refugees in Turkey and Lebanon", *Journal of Global Security Studies*, 6(3), 2021, 1–21; M. Yahya & J. Kassir, "Unheard Voices", Carnegie Endowment for International Peace, https://www.jstor.org/stable/resrep26930.7 (last visited 29 July 2023).
[6]   M. Mostafanezhad, "Celebrity Humanitarianism and the Popular Geopolitics of Hope along the Thai-Burma Border", *Political Geography*, 58, 2017, 67–76; M. Sparke, "Geopolitical Fears, Geoeconomic Hopes, and the Responsibilities of Geography", *Annals of the Association of American Geographers*, 97(2), 2007, 338–349; M. Sparke, "Geoeconomics, Globalisation and the Limits of Economic Strategy in Statecraft: A Response to Vihma", *Geopolitics* 23(1), 2018a, 30–37; M. Sparke, "Globalizing Capitalism and the Dialectics of Geopolitics and Geoeconomics", *Environment and Planning A: Economy and Space*, 50(2), 2018b, 484–489.
[7]   V. Barbelet & C. Wake, *Livelihoods in Displacement: From Refugee Perspectives to Aid Agency Response.* HPG Report, Overseas Development Institute: London, 2017, available at https://cdn.odi.org/media/documents/11729.pdf (last visited 15 July 2022); E. Easton-Calabria & N. Omata, "Panacea for the Refugee Crisis? Rethinking the Promotion of 'self-reliance' for Refugees", *Third World Quarterly*, 39(8), 2018, 1458–1474; S. Ilcan & K. Rygiel, "Resiliency Humanitarianism: Responsibilizing Refugees through Humanitarian Emergency Governance in the Camp", *International Political Sociology*, 9, 2015, 333–351. W. Shand, L. van Blerk, L. Prazeres, B. Bukenya, R. Ibrahim, J. Hunter, A.A. Essaid & R. Kasirye, "The Effects of Limited Work Opportunities on Transitions to Adulthood among Young Refugees in Uganda and Jordan", *Journal of Refugee Studies*, 34(2), 2021, 1999–2017; S.J. Ndlovu-Gatsheni, "Perhaps Decoloniality is the Answer? Critical Reflections in Development from a Decolonial Epistemic Perspective", *Africanus*, 43(2), 2013, 1–12; L. Turner, "'Refugees can be entrepreneurs too!' Humanitarianism, Race, and the Marketing of Syrian Refugees", *Review of International Studies*, 46(1), 2020, 137–155; R. Zetter, "Theorizing the Refugee Humanitarian–Development Nexus: A Political Economy Analysis", *Journal of Refugee Studies*, 34(2), 2019, 1766–1786.
[8]   Jordan & Brun, "Vital conjunctures in compound crises," 4; V. Chopra & S. Dryden-Peterson, "Borders and Belonging: Displaced Syrian Youth Navigating Symbolic Boundaries in Lebanon", *Globalisation, Societies and Education*, 18(4), 2020, 449–463; J. Hart, "Locating Young Refugees Historically: Attending to Age Position in Humanitarianism", *European Journal of Development Research*, 26, 2014, 219–232; L. Herrera, "It's Time to Talk about Youth in the Middle East as *the Precariat*", *META* #9, 2017, 35–44; E. Pascucci, "Refugees in the IT Sector: Young Syrians' Economic Subjectivities and Familial Lives in

2. THE PRODUCTION OF (IL)LEGALITY AND THE MEANING OF DEVELOPMENT

The international humanitarian system and its assistance and protection for refugees tend to be structured to accommodate the sovereign nation-state.[9] Legality and illegality are utilised by nation-states as a strategy of exclusion and as a means of controlling mobile populations and particularly their labour.[10] The production of legality and illegality is then significant for the discourse on the humanitarian–development nexus, and particularly for the conditions in which development can take place in protracted refugee situations and how development may be defined.

Strengthening the humanitarian–development nexus was a key priority and commitment by the humanitarian system following the World Humanitarian Summit in 2016. Linking relief and development is not a new discussion,[11] but the renewed focus shows that it continues to be an unresolved dimension of protracted displacement.[12] Humanitarianism refers to saving lives in the short term. Development, on the other hand, is about intentional social change[13] in the long term and is generally more political compared to the ideals of neutrality, impartiality, and independence in humanitarianism. Currently, the discussion on moving from humanitarianism to development has, however, remained a discussion within humanitarianism with limited involvement from development actors.

With only a few exceptions, there is limited discussion concerning what development may mean in this context.[14] One exceptional discussion on the meaning of development in the humanitarian–development nexus is by Roger Zetter.[15] He states that the humanitarian–development nexus "tackles three enduring challenges in refugee crises.[16] The first is to mediate the impacts of protracted forced displacement on receiving countries and communities; the second is to address the longer-term livelihood needs of the displaced themselves in sustainable ways. The third, although understated, is particularly relevant in contemporary political rhetoric – the containment of refugees and other forcibly displaced people in their regions of origin." Employment generation lies at the core of the development strategy in the humanitarian–development nexus with a pressure by the international community on host states to open up their labour market to refugees with a promise and "optimistic suggestion that

Jordan", *Geographical Review*, 109(4), 2019, 580–597; Shand et al. "The Effects of Limited Work Opportunities", 7; L. van Blerk, W. Shand, L. Prazeres, B. Bukenya, A.A. Essaid, J. Hunter, R.W. Ibrahim & R. Kasirye, "Youth Transitions in Protracted Crises: Conceptualising the 'Rupture' of Refugees' Pathways to Adulthood in Uganda and Jordan", *Transactions of the Institute of British Geographers*, 47(2), 2022, 315–330.

[9] See, for example, M. Tazzioli & W. Walters, "Migration, Solidarity and the Limits of Europe", *Global Discourse*, 9(1), 2019, 175–190.

[10] De Genova, "Spectacles of Migrant 'illegality': The Scene of Exclusion, the Obscene of Inclusion", 4; De Genova & Roy, "Practices of Illegalisation", 4.

[11] M. Buchanan-Smith & S. Maxwell, "Linking Relief and Development: An Introduction and Overview", *IDS Bulletin*, 25(4), 1994, 2–16.

[12] M. Kaga & D. Nakache, "Protection and the Humanitarian-Development Nexus. A Literature Review". Local Engagement Refugee Research Network Paper No 1 December 2019. https://www.researchgate.net/profile/Midori-Kaga/publication/338052421_Protection_and_the_Humanitarian-Development_Nexus_A_Literature_Review/links/5dfbda324585159aa48a3ada/Protection-and-the-Humanitarian-Development-Nexus-A-Literature-Review.pdf (last visited 8 Feb. 2023); M. Erdilem, "Durable Solutions and the Humanitarian-Development Nexus. A Literature Review", Local Engagement Refugee Research Network Paper No. 2 – December 2019; https://www.researchgate.net/profile/Merve-Erdilmen/publication/340362816_Durable_Solutions_and_the_Humanitarian-_Development_Nexus_A_Literature_Review/links/5e84dedba6fdcca789e8c71b/Durable-Solutions-and-the-Humanitarian-Development-Nexus-A-Literature-Review.pdf (last visited 8 Feb. 2023).

[13] B. Hettne, "Development Discourses in History", in B. Hettne (ed.), *Sustainable Development in a Globalise World: Studies in Development, Security and Culture*, Vol 1, London, Palgrave Macmillan, 2008, 6–30.

[14] J. Shusterman, "Gap or Prehistoric Monster? A History of the Humanitarian–development Nexus at UNICEF", *Disasters*, 45(2), 2021, 355–377.

[15] Zetter, "Theorizing the Refugee Humanitarian–development Nexus: A Political Economy Analysis", 7.

[16] *Ibid.*, 4.

capitalism can help refugees."[17] Zetter and Soederberg and Tawakkol[18] show how this narrow understanding of development renders refugees market actors incorporating them into economic development processes as consumers and potential producers through initiatives such as entrepreneurship programmes.[19] Development in this context, Zetter points out, is taken as a given, is largely technical and assumed to be ahistorical and apolitical and without integrating refugees into national economic plans and strategies.

To advance a refugee-centred analysis of the impact of the production of legality and illegality on young people in the humanitarian–development nexus, I emphasise three critical dimensions of development. First, defining development has become intrinsically tied to the UN Sustainable Development Goals, whose aims are to eradicate poverty and deprivation and reduce inequality.[20] The understanding of how to realise social change to achieve those goals "vary according to class, culture, historical context and relations of power."[21] Development paradigms suggest different paths towards achieving change.[22] However, the discussion on development attached to the SDGs has become increasingly depoliticised and is approached as a technical and managerial exercise where the state is taken for granted as a willing change agent.[23] In the Arab Human Development Reports of 2016 and 2022,[24] the focus is on understanding how "Human development empowers people to pursue their own paths for meaningful lives, anchored in expanding freedoms [. . .]."[25] The report from 2016 focused specifically on youth and Linda Herrera's[26] analysis suggests: "The message to young people is that they should pull themselves together, become more self-reliant and take charge of their individual lives. In other words, they should become effective agents of change irrespective of structural impediments, lack of support by governments or other institutions, and without turning to politics and organizing." There is then limited space for engaging in debates on how to achieve systemic change or on the question of whether the state is the right custodian for achieving the SDGs.[27] As I have shown elsewhere,[28] refugees and displaced populations mobilise agency within the constraints that they encounter. I refer to the agency as the capacity to act based on the experience of displacement and critical reflection on available possibilities. A key question in this article is then to understand the role that the production of legality and illegality play in young refugees' access to and involvement with development and change.

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[17]   E. Pascucci, "Refuge: Transforming a Broken Refugee System", *Fennia*, 195(2), 2017, 197–201, 197.
[18]   *Ibid.*, S. Soederberg & L. Tawakkkol, "The Humanitarian–Development Nexus and the Jordan Compact: Tensions and Trajectories in Global Capitalism", *Journal für Entwicklungspolitik*, XXXVI (2), 2020, 129–154.
[19]   See also, Ilcan & Rygiel, "Resiliency Humanitarianism: Responsibilizing Refugees through Humanitarian Emergency Governance in the Camp", 7; Pascucci, "Refugees in the IT Sector: Young Syrians' Economic Subjectivities and Familial Lives in Jordan", 8.
[20]   UN, *The Sustainable Development Goals*, 2021, available at: https://sdgs.un.org/goals (last visited 22 Aug. 2022).
[21]   J. Nederveen Pieterse, *Development Theory*, 2nd ed., London, Sage, 2010, 3.
[22]   *Ibid.*
[23]   A. El-Zein, J. DeJong, P. Fargues, N. Salti, A. Hanieh & H. Lackner, "Who's Left Behind? Why Sustainable Development Goals Fail in the Arab World", *Lancet* 388, 2016, 207–2010; S. McCloskey, "The Sustainable Development Goals, Neoliberalism and NGOs: It's Time to Pursue a Transformative Path to Social Justice", in S. McCloskey (ed.), *Policy & Practice. A Development Education Review*, The Centre for Global Education, 2019, 152–159.
[24]   UNDP, *Arab Human Development Report 2016: Youth and the prospects for human development in a changing reality*, UNDP, 2016, available at: https://hdr.undp.org/content/arab-human-development-report-2016-youth-and-prospects-human-development-changing-reality (last visited 22 Aug. 2022); UNDP, *Arab Human development Report 2022. Expanding opportunities for an inclusive and resilient recovery in the post-Covid era.* UNDP 2022, available at: https://www.undp.org/press-releases/arab-human-development-report-2022-expanding-opportunities-inclusive-and-resilient-recovery-post-covid-era (last visited 22 Aug. 2022).
[25]   *Ibid.*, (2022), 19, 3, figure 2.
[26]   Herrera, "It's Time to Talk about Youth in the Middle East as *the Precariat*", 39, 8.
[27]   El-Zein et al. "Who's Left Behind? Why Sustainable Development Goals Fail in the Arab World" 18; McCloskey, "The Sustainable Development Goals, Neoliberalism and NGOs: It's Time to Pursue a Transformative Path to Social Justice", 23.
[28]   C. Brun, "Active waiting and changing hopes. Toward a time perspective on protracted displacement", *Social Analysis* 59(1), 2015, 19–37.

The second point in critically discussing the humanitarian–development nexus is that seeking a more refugee-centred understanding of development may not necessarily be found in development studies as migration and migrants have not played a prominent role in development discourses. When discussed, the place of migrants and refugees in development has concentrated on their contribution to development in their places of origin rather than the places where they live and work.[29] In the host states, refugees tend to occupy a marginal space and are governed differently from their immediate neighbours: They are subject to different rules, statuses, and management structures that separate and exclude them from the wider polity in which they are located. Yet, the development discourse tends to take membership and citizenship for granted when discussing how to create conditions for change and how individuals may contribute to development. Following this, refugees and migrants are generally not included in development indicators and youth are doubly excluded because the indicators are not age specific.[30] Additionally, refugees do not have a say in policy decisions concerning their lives. This "invisibility bargain"[31] has become a central tenet of the development discourse in the context of forced migration policy: migrants are accepted in a host society as long as they are economic producers, do not contribute to economic loss and remain politically and socially invisible. Political and economic interests operate together and materialise in the production of legality and illegality of non-citizens: forced migrants may often be presented as strictly politico-legal subjects, but, De Genova[32] shows, like all migrants – and all human life – they are made relevant in the context of capital and the embodiment of labour power.

Thirdly, both the humanitarian system and the development industry represent continuations of the colonial project[33] and entrenches colonial forms.[34] Bahdi and Kassis criticise the development industry for dehumanising others and denying responsibility for suffering. They ask in this context, if "it is possible to participate simultaneously in development aid and decolonisation?"[35] At the core of this profound dilemma is the possibility for development as decoloniality: When refugees are the subjects of development rather than the object and a problem to be solved, can development be a mode of shifting power away from the racially hierarchised Euro-American centric dominance to be conceptualised as lived liberation and freedom from domination and exploitation?[36] This project of development as change requires a two-pronged decolonisation strategy that first critically examines the different

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[29] A. Lindley, *The Early Morning Phone Call. Somali Refugees' Remittances*, New York, Berghahn, 2010; N. Van Hear, "Sustaining Societies under Strain: Remittances as a form of Transnational Exchange in Sri Lanka and Ghana", in N. Al-Ali & K. Koser (eds.), *New Approaches to Migration? Transnational communities and the Transformation of Home*, London, Routledge, 2003, 202–223.

[30] C. Denaro & M. Giuffré, "UN Sustainable Development Goals and the 'Refugee Gap': Leaving Refugees Behind?", *Refugee Survey Quarterly*, 41, 2022, 79–107; IRC, 2019 *Missing Persons: Refuges Left out and Left behind in the Sustainable Development Goals*. 2019, International Rescue Organisation, available at https://www.rescue.org/report/missing-persons-refugees-left-out-and-left-behind-sdgs (last visited 19 Sept. 2022); N. Salti, J. Chaaban, A. Irani & R. Al Mokadi, "A Multi-Dimensional Measure of Well-being among Youth: The Case of Palestinian Refugee Youth in Lebanon", *Social Indicators Research*, 154, 2021, 1–34.

[31] J.D. Pugh, "Negotiating Identity and Belonging through the Invisibility Bargain: Colombian Forced Migrants in Ecuador", *International Migration Review*, 52(4), 2018, 978–1010.

J.D. Pugh, 2020. "Dignity and Migration at The U.S. Border", *The Peace Chronicle. The Magazine of the Peace and Justice Studies Association*, Winter 2020, available at: https://www.peacejusticestudies.org/chronicle/dignity-and-migration-at-the-u-s-border/ (last visited 22 Aug. 2022).

[32] De Genova, "Spectacles of Migrant 'illegality': The Scene of Exclusion, the Obscene of Inclusion", 5.

[33] O.U. Rutazibwa, "What's There to Mourn? Decolonial Reflections on (the End of) Liberal Humanitarianism", *Journal of Humanitarian Affairs* 1(1), 2019, 65–67; J. Sidaway, "Post-development", in V. Desai & R.B. Potter (eds.), *The Companion to Development Studies*, London, Arnold, 2002, 16–20.

[34] R. Bahdi & M. Kassis, "Decolonisation, Dignity and Development Aid: A Judicial Experience in Palestine", *Third World Quarterly*, 37(11), 20176, 2010–2027.

[35] *Ibid.*, 2011.

[36] S.J. Ndlovu-Gatsheni, "Perhaps Decoloniality is the Answer? Critical Reflections in Development from a Decolonial Epistemic Perspective", 7.

interests of the international community and the host states that contribute to keeping refugees in marginal positions.[37] The second part of the two-pronged strategy is to think of new practices and opportunities to challenge and change colonial practices. The diverse political interests embedded in refugee governance internationally and nationally become an essential context for exploring the potential for development in protracted refugee crises. Sultana states that this two-pronged strategy "requires learning how to engage with constant struggle and constant critique simultaneously [. . .]."[38]

It is within this two-pronged strategy that the article will engage, by understanding the conditions for development for young refugees whose lives are regulated by particular forms of legality, the ways in which young people are affected by the production of legality and to learn how they mobilise agency and what this means for the discourse on development in protracted displacement.

3. BETWEEN FEAR AND PROMISE IN THE REFUGEE RESPONSE IN JORDAN AND LEBANON

Jordan and Lebanon share a history as major refugee-hosting states having received high numbers of Palestinian and Syrian refugees in addition to other groups. Both countries operate mainly on the logic that refugees are only temporarily present in the country and there is restricted access to naturalisation. Neither country has a national framework that sets out the rights owed to refugees or has signed the 1951 Refugee Convention – although they have signed MoUs with the United Nations High Commissioner for Refugees (UNHCR). The consequence of the absence of a comprehensive domestic legal framework is a multitude of different directives, policies, and rules that tend to change frequently and vary according to nationality, place of origin, and arrival date.[39] This form of governance represents a particular assemblage of legacies and memories and the presence of international humanitarian and development agencies and donors.[40] In this section, I set out some of the structural conditions related to legality and illegality that refugees in the two countries encounter and that constrain their lives. I elaborate, in particular, on the ways in which the interests of the two host governments and the international community enter into the governance of refugees. I also show how these interests are closely tied to development.

Two different and interacting approaches for governing refugees are acted out at national levels and encompass both national and international interests and practices. The first approach derives from a fear of permanence of the presence of refugees in both countries. This approach is referred to by researchers and commentators speaking from within and outside the region as a "securitisation approach" or what may be more loosely described as an approach dictated by security concerns.[41] The second approach is a humanitarian approach

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[37] See, Soederberg & Tawakkkol, "The Humanitarian–Development Nexus and the Jordan Compact: Tensions and Trajectories in Global Capitalism", 18.

[38] F. Sultana, "Decolonising Development Education and the Pursuit of Social Justice", *Human Geography*, 12(3), 2019, 31–46, 38.

[39] M. Clutterbuck, Y. Hussein, M. Mansour & M. Rispo, "Alternative Protection in Jordan and Lebanon: The Role of Legal Aid", *Forced Migration Review*, 67, 2021, 52–56; O. El-Abed, "The Discourse of Guesthood: Forced Migrants in Jordan", in A. Fabos & R. Isotalo (eds.), *Managing Muslim Mobilities: Religion and Global Migrations*, London, Palgrave Macmillan, 2014, pp. 88–89; C. El-Daif, M. Shuayb & M. Maalouf. *The Vulnerability of Refugees amid Lebanese Law and the Humanitarian Policies*. VULNER Research Report 1, 2022, available at Doi:10.5281/zenodo.5541066 (last visited 17 Sept. 2022).

[40] K. Lenner, "'Biting Our tongues': Policy Legacies and Memories in the Making of the Syrian Refugee Response in Jordan", *Refugee Survey Quarterly*, (39)3, 2020, 273–298; N. Stel, *Hybrid Political Order and the Politics of Uncertainty. Refugee Governance in Lebanon*, Abingdon, Routledge, 2021.

[41] C. Brun, A. Fakih, M. Shuayb & M. Hammoud, "The Economic Impact of the Syrian Refugee Crisis in Lebanon. What it Means for Current Policies," World Refugees & Migration Council Research Report, Ottawa, https://wrmcouncil.org/wp-content/uploads/2021/09/Lebanon-Syrian-Refugees-WRMC.pdf (last visited 29 July 2023); Collet & Bang, "The Securitisation of Refugee Flows and the Schooling of Refugees: Examining the Cases of North Koreans in South Korea and

which may be seen as a compromise between the humanitarian–development nexus of the humanitarian agencies and the nation states' economic interests. Both approaches are actively applied in the governance of refugees towards a domestic and an international agenda.

The first approach of security concerns is premised on how security imperatives such as demographic or sectarian fears contribute to the host states' governance of refugees. This politics of fear contributes to the production of legality and illegality of refugees. The presence of refugees is considered a threat to national and regional security – with fear of militarisation of Palestinians and Syrian refugees, but also as a threat to infrastructure, the economy, and demographic balance.[42] The politics of fear governed through legality is implemented in fundamentally different ways in the two countries.[43] Numbers are profoundly politicised and used and abused by governments, mainly to advocate for more assistance from the international communities. However, statuses and official numbers are helpful for providing insights into the experience of legality and illegality among young refugees: In Lebanon, there are believed to be between 174,422 and 280,000 Palestinians, predominantly without Lebanese citizenship.[44] There are 879,000 Syrians registered with the UNHCR, but altogether an estimated 1.5 million Syrian refugees reside in Lebanon and there are an estimated 40,000 Palestinian refugees from Syria.[45] Syrians are named "displaced," not refugees in Lebanon to distinguish them from the Palestinian refugees. It is estimated that there are up to five million Lebanese nationals living in Lebanon, although there has not been a census in the country since 1932.

The total population of Jordan was estimated to be 10.3 million by the end of 2018. Out of the total population, The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has registered 2.2 million Palestinians in Jordan but the number is believed to be much higher[46] and many – perhaps two-thirds of Palestinians residing in Jordan – have Jordanian citizenship.[47] Included in the total population number in Jordan is also an estimated 1.3 million Syrians of which 675,000 were registered with the UNHCR in June 2022[48] and 18,000 Palestinian refugees from Syria.[49]

Iraqis in Jordan", 5; T. Fakhoury, *The European Union and Arab Refugee Hosting States: Frictional Encounters*. Centre for European Integration Research. Working Paper, 2019, available at https://eif.univie.ac.at/downloads/workingpapers/wp2019-01.pdf (last visited 15 July 2022); T. Fakhoury, "Governance Strategies and Refugee Response: Lebanon in the Face of Syrian Displacement", *International Journal of Middle East Studies*, 49, 2017, 681–700; El-Daif et al., *The Vulnerability of Refugees amid Lebanese Law and the Humanitarian Policies*, 39; Secen, "Explaining the Politics of Security: Syrian Refugees in Turkey and Lebanon", 5; Yahya & Kassir, *Unheard Voices*, 5.

[42] El-Abed, "The Discourse of Guesthood: Forced Migrants in Jordan", 39; El-Daif et al., *The Vulnerability of Refugees amid Lebanese Law and the Humanitarian Policies*, 39; M. Janmyr, "UNHCR and the Syrian Refugee Response: Negotiating Status and Registration in Lebanon", *The International Journal of Human Rights*, 22(3), 2018, 393–419; S. Pasha, "Humanitarianism, Securitization, and Containment in Jordan's Za'atari Refugee Camp", *British Journal of Sociology*, 72, 2021, 1141–1155.

[43] Janmyr, "UNHCR and the Syrian Refugee Response: Negotiating Status and Registration in Lebanon", 42; A. Kvittingen, M. Valenta, H. Tabbara, D. Baslan & B. Berg, "The Conditions and Migratory Aspirations of Syrian and Iraqi Refugees in Jordan", *Journal of Refugee Studies*, 32(1), 2019, 106–124.

[44] J. Chaaban, N. Salti, H. Ghattas, A. Irani, T. Ismail & L. Batlouni, *Survey on the Socioeconomic Status of Palestine Refugees in Lebanon 2015*. American University of Beirut (AUB) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 2016, available online: https://www.unrwa.org/resources/reports/survey-economic-status-palestine-refugees-lebanon (last visited 22 June 2021).

[45] A. Irfan, *The Exclusion of Palestinian Refugees who Fled Syria*. Institute for Palestine Studies, 2021, available at https://www.palestine-studies.org/en/node/1651862 (last visited 26 Apr. 2022); UNHCR, *Return and Readmission of Palestinian Refugees from Syria (PRS) to Lebanon and Jordan*. UNHCR, 2021, available at: https://www.refworld.org/pdfid/5ab8cf9d4.pdf (last visited 26 Apr. 2022).

[46] MRG, *Jordan. Palestinians*. Minority Rights Group, 2022, available at: https://minorityrights.org/minorities/palestinians-2/ (last visited 22 Aug. 2022).

[47] UNRWA, *Where We Work – Jordan*, UNRWA 2021a, available at: https://www.unrwa.org/where-we-work/jordan (last visited 05 Feb. 2021); UNRWA, *Where We Work – Lebanon*, UNRWA 2021b, available at: https://www.unrwa.org/where-we-work/lebanon (last visited 05 Feb. 2021).

[48] UNHCR, *Total registered Syrian Refugees*. (Jordan), UNHCR 2022, available at: https://data.unhcr.org/en/situations/syria/location/36 (last visited 5 July 2022).

[49] UNRWA, *PRS in Jordan*. UNRWA 2022, available at: https://www.unrwa.org/prs-jordan (last visited 22 Aug. 2022).

In Lebanon, most Palestinian refugees are treated as foreigners. Some hold residency cards, others, who arrived after 1948, are considered illegal immigrants. Palestinians are officially excluded from Lebanon's politics, society, and economy and hence from significant sections of the labour market. In Jordan, there is a complex set of rules for different groups of Palestinians depending on where they left and the time of displacement. Most 1948 refugees and 1967 displaced Palestinians from the West Bank are Jordanian citizens, they have a Jordanian passport that must be renewed every five years and they have in principle full access to services and employment. Palestinians from the Gaza Strip (ex-Gazans) who fled during the 1967 war are not citizens, they can get a two-year passport in Jordan and have limited access to services and work. Jordan closed its borders to Palestinian Refugees from Syria (PRS) in 2013 and Lebanon did the same in 2014 and both countries do not recognise PRS who have subsequently arrived.[50]

In both countries, while executed differently, Syrians and Palestinians without citizenship need legal residency to stay in the country and a work permit to access employment, but even with a work permit, they can only work in some selected occupations. In both countries, most refugees work informally. In Jordan, Syrian refugees and ex-Gazans can access work permits free of charge in some occupations as a result of the Jordan Compact. Residency for Syrians who came to Lebanon after 2015 must be paid for or is attached to work permits through a sponsor. In Lebanon, you may be "recorded" by the UNHCR to qualify for assistance, but this does not allow for employment or count as legal residency.

A principal difference between the two countries is that the state is more present in Jordan and has taken a more regularised approach towards both Syrian and Palestinian refugees than in Lebanon whose approach towards Syrian refugees is described as a "non-policy policy approach".[51] Consequently, the number of refugees without residency, or what the research participants refer to as "illegal," is higher in Lebanon than in Jordan. Most Syrian refugees in Jordan have obtained lawful residency permits either in a camp or in the host community[52] while 84 per cent of Syrian refugees in Lebanon above 15 years of age are without lawful residency.[53]

In a politics of fear, the aim tends to be to maintain the status quo[54] in order to prevent refugees from becoming more integrated into society and thus it does in itself represent an obstacle to change and development. Both Lebanon and Jordan state that they "are at a breaking point" due to the largely uncontested understanding of the negative economic impact and the magnitude of the Syrian refugee crisis.[55] It is here that the second approach to governing refugees enters into close interaction with the politics of fear, that of a humanitarian approach which for both countries has enabled an incorporation of the states' economic interests. Both governments utilise the willingness of the EU and the international community to assist in return for hosting. Here, development aid is a way to support hosting communities to cope with the problem which is refugees – and to accept hosting refugees more

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[50] A. Irfan, *The Exclusion of Palestinian Refugees who Fled Syria*. Institute for Palestine Studies, 45; El-Daif et al., *The Vulnerability of Refugees amid Lebanese Law and the Humanitarian Policies*, 39.

[51] Stel, *Hybrid Political Order and the Politics of Uncertainty. Refugee Governance in Lebanon*, 40; Fakhoury, "Governance Strategies and Refugee Response: Lebanon in the Face of Syrian Displacement", 41.

[52] Clutterbuck et al., "Alternative Protection in Jordan and Lebanon: The Role of Legal Aid", 39.

[53] LCRP *Lebanon Crisis Response Plan 2017 – 2021, 2021 update*. 2021, available at https://reliefweb.int/sites/reliefweb.int/files/resources/LCRP_2021FINAL_v1.pdf (last visited 24 Feb. 2022).

[54] A. Ali, "Disaggregating Jordan's Syrian Refugee Response: The 'Many Hands' of the Jordanian state", *Mediterranean Politics*, 28(2), 2023, 178–201.

[55] In macroeconomic analyses, it is clear that the Syrian refugee crisis did not have significant negative impact on the national economies. This does not dispute the costs on specific sectors and local areas. See: Freier et al., "Refugee Commodification: The Diffusion of Refugee Rent-seeking in the Global South", 32; A. Fakih & M. Ibrahim, "The Impact of Syrian Refugees on the Labor Market in Neighboring Countries: Empirical Evidence from Jordan", *Defence and Peace Economics* 27(1), 2016, 64–86; C. Brun et al., "The Economic Impact of the Syrian Refugee Crisis in Lebanon", 4.

long term – the first and third aim for development as mentioned by Zetter above. Assistance is provided as both donation and loans and Jordan has been more successful than Lebanon in the endeavour to attract and utilise the funds for its benefit.[56] This strategy of attracting assistance has been described as 'refugee commodification'[57] and is institutionalised through compacts and aid agreements and materialised in the regional and national response plans formulated in collaboration between international and national actors. It is in these plans that the second promise of development as discussed by Zetter is formulated: as the aim to build resilient and self-reliant refugees[58]: the Regional Refugee & Resilience Plan (3RP) Strategic Overview published in December 2020,[59] for example, emphasises the role of education and employment for refugees but without challenging the regulations and policies of the hosting States.

The promise of development was also articulated in more specific ways in the London donor meeting for the Syria crisis in February 2016 with a central – yet unrealistic – promise related to education: "[...] by the end of the 2016/17 school year, 1.7 million children – all Syrian refugee children and vulnerable children in host communities – will be in quality education with equal access for girls and boys."[60] Indeed, education for refugees in both countries is mostly paid for by international funding (Official Development Assistance, ODA), although support has been steadily declining since its peak in 2016.[61] Syrian refugee children attend second shifts established specifically for them in government-run schools and many Palestinian children attend UNRWA schools in both countries. The enrolment of Syrian refugees in schools in both countries – particularly in secondary school and higher education – remains dramatically low,[62] with only 1.4 per cent in Lebanon and 4.8 per cent in Jordan in secondary school in the school year of 2017–2018.[63] In both countries, Syrian refugees are likely to obtain lower educational attainments compared to Palestinian refugees, mainly due to a more established education system for Palestinians.[64] Yet, our quantitative survey showed that refugees, both Palestinian (without citizenship) and Syrian in both countries,

[56]   A.M. Baylouny, *When Blame Backfires. Syrian Refugees and Citizen Grievances in Jordan and Lebanon*. Ithaca, Cornell University Press, 2021.
[57]   G. Tsourapas, "The Syrian Refugee Crisis and Foreign Policy Decision-Making in Jordan, Lebanon, and Turkey," *Journal of Global Security Studies*, 4(4), 2019, 464–481.
[58]   T. Fakhoury, "Refugee Governance in Crisis: The Case of the EU-Lebanon Compact" *Migration Governance and Asylum Crises*, 2020, available at https://www.magyc.uliege.be/wp-content/uploads/2021/01/D2.3-v1December2020.pdf (last visited 03 Mar. 2021).
[59]   3RP (Regional Refugee & Resilience Plan). *Regional strategic overview 2020-2021*, 2020, available at http://www.3rpsyria crisis.org/wp-content/uploads/2020/04/rso_150dpi.pdf (last visited 22 Aug. 2022).
[60]   M. Shuayb and C. Brun, "6 years after the London-Syria conference: Was it a gamble to invest in the crumbling Lebanese school system?", 2022, https://lebanesestudies.com/publications/6-years-after-the-london-syria-conference-was-it-a-gamble-to-invest-in-the-crumbling-lebanese-public-school-system/ (last visited 29 July 2023); UK Government, 2016. *Co-Hosts Declaration of The Supporting Syria and the Region Conference, London 2016*, available ta https://assets.publishing.service.gov. uk/government/uploads/system/uploads/attachment_data/file/498040/Supporting_Syria__the_Region_London_2016_-_ Co-hosts_Declaration__penultimate_.pdf (last visited 24 Apr. 2022).
[61]   Durable Solutions Platform and Development Initiatives, *Financing for Protracted Displacement in the Syrian Refugee Context in Jordan*. Durable Solutions Platform and Development Initiatives, 2022a, available at https://dsp-syria.org/financing-protracted-displacement (last visited 22 Aug. 2022); Durable Solutions Platform and Development Initiatives, *Financing for Protracted Displacement in the Syrian Refugee Context in Lebanon*. Durable Solutions Platform and Development Initiatives, 2022b, available at https://dsp-syria.org/financing-protracted-displacement (last visited 22 Aug. 2022).
[62]   A. Al-Hroub, *UNRWA School Dropouts in Palestinian Refugee Camps in Lebanon: A Qualitative Study*. Research Report. Policy and Governance in Palestinian Refugee Camps. Issam Fares Institute for Public Policy and International Affairs American University of Beirut, 2011. Available at https://scholarworks.aub.edu.lb/bitstream/handle/10938/21285/ 20111212ifi_pc_unrwa_research_report01_hroub_english.pdf?sequence=1 (last visited 24 Feb. 2022); E. Buckner, D. Spencer & J. Cha, "Between Policy and Practice: The Education of Syrian Refugees in Lebanon", *Journal of Refugee Studies*, 31, 2018, 444–465.
[63]   H.A. El-Ghali, F. Alameddine, S. Farah & S. Benchiba, *Pathways to and Beyond Education for Refugee Youth in Jordan and Lebanon*, Issam Fares Institute for Public Policy and International Affairs, Beirut, American University of Beirut, 2019.
[64]   M.Shuayb, C. Brun, M. Hammoud, O. El Abed, H.C. Abou Zaki, D. Batshon, N. Haider, C. Saab, H. Saleh, A. Kassir & Z. Jordan, "*From Education to Employment: Youth trajectories in Jordan and Lebanon in the context of protracted displacement*", Beirut: Centre for Lebanese Studies/Oxford: Oxford Brookes University, 2021, https://lebanesestudies.com/wp-content/ uploads/2021/07/Role-of-Youth-V.1.8-digital.pdf (last visited 29 July 2023).

are more likely than nationals to drop out from school.[65] The low enrolment rates are caused by poverty, lack of transport as well as administrative and legal constraints. While there are few restrictions on the education specialisations available to refugees, the limited occupations open to them for employment constrain their training choices.[66]

Supported by concessional financing, in the Jordan Compact from 2016, Jordan agreed to provide refugees access to work permits in some selected occupations. The Compact has become a paradigmatic example of the right for refugees to work and has been described by Lenner[67] as "the great compromise" between national and international interests. The Lebanon Compact from the same meeting also emphasised funding in return for a more favourable environment for refugees, including access to education and employment,[68] but there have been no similar work permits for Syrian refugees. Although some more refugees have been able to access permits to work in Jordan, there are still structural, legal, and regulatory barriers that prevent many Syrian refugees from formal employment, particularly for women.[69] Funds for vocational training and entrepreneurship have also become more prominent in assistance towards refugees.[70] Yet, the training has been of limited relevance due to the restrictions to work for non-citizens.[71] Generally then, the foundations for self-reliance remain out of reach for the vast majority of Syrian refugees.[72]

At the national level, the production of legality and illegality regulates the interaction between promise and fear. In the context of the worsening economic situation in both countries, but most notably in Lebanon,[73] the promise of development through education and employment is increasingly hollow. Jordan and Lebanon have managed the interaction between security and economic interests differently, but the young refugees with whom we worked in Lebanon and Jordan share experiences of what it means to access legal residency and living with the changing parameters for what legality means. It is to their experiences I now turn.

4. YOUNG PEOPLE NEGOTIATING LEGALITY AND ILLEGALITY BETWEEN FEAR AND PROMISE

What kind of legality and illegality is produced between fear and promise in Jordan and Lebanon? How is it experienced and negotiated by young refugees? What kind of

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[65] *Ibid.*

[66] MEHE. *National Strategic Framework for Technical and Vocational Education and Training (TVET) 2018–22*, Ministry of Education and higher Education, 2018, available at: http://planipolis.iiep.unesco.org/en/2018/national-strategic-framework-technical-and-vocational-education-and-training-tvet-2018%E2%80%932022 (last visited 22 June 2021).

[67] Lenner, "'Biting Our tongues': Policy Legacies and Memories in the Making of the Syrian Refugee Response in Jordan", p.282, 40.

[68] J. Bastaki & L. Charles, "The Privilege to Work: Syrian Refugees in Jordan, Technical and Vocational Training, and the Remote Loophole", *Refugee Survey Quarterly*, 2022, https://doi.org/10.1093/rsq/hdac017.; Durable Solutions Platform and Development Initiatives, *Financing for Protracted Displacement in the Syrian Refugee Context in Lebanon*, 61; C. El Daif, *Access to Legal Stay and Labor for Syrians in Lebanon: Status and Prospects*, Beirut, Refugee=Partners and Heinrich Böll Stiftung, 2022, available a https://refugees-partners.org/wp-content/uploads/2022/07/Access-to-legal-stay-and-residency-EN.pdf (last visited 22 Aug. 2022).

[69] Durable Solutions Platform and Development Initiatives, *Financing for Protracted Displacement in the Syrian Refugee Context in Jordan*, 61.

[70] MEHE, *National Strategic Framework for Technical and Vocational Education and Training (TVET) 2018–22*, 69.; MoE, *Education Strategic Plan 2018–2022*, Amman: Ministry of Education, 2017, available at: https://planipolis.iiep.unesco.org/en/2018/education-strategic-plan-2018-2022-6461 (last visited 22 June 2021).

[71] Durable Solutions Platform and Development Initiatives, *Financing for Protracted Displacement in the Syrian Refugee Context in Jordan*, 61.

[72] Durable Solutions Platform and Development Initiatives, *Financing for Protracted Displacement in the Syrian Refugee Context – Synthesis Report*. Durable Solutions Platform and Development Initiatives, 2022c, available at https://dsp-syria.org/financing-protracted-displacement (last visited 22 Aug. 2022).

[73] World Bank 2021. *Lebanon Sinking (to the Top 3)*. Lebanon Economic Monitor. Spring 2021. World Bank Group, MENA, 2021, available at: https://www.worldbank.org/en/country/lebanon/publication/lebanon-economic-monitor-spring-2021-lebanon-sinking-to-the-top-3 (last visited 15 Jan. 2022).

development does it and does it not allow for? Most displaced young people we interviewed are aware of their legal status and its restrictions and have learnt the hard way to understand the limits to their lives. Despite their unwillingness to be placed in the "refugee" category,[74] the category fundamentally influences their lives. Based on life history interviews conducted with young refugees in the two countries with the view to understand the impact of legal status on young people's education and employment trajectories, this section analyses their experience of their various legal statuses. The first part of the section describes the labour involved in living with particular configurations of legality and illegality. The second part discusses the implications young refugees felt their legal status had for their education and employment.

4.1. Labouring (il)legality: non-nationals' constant work for status in the securitisation regimes

The nearly 300 young people we interviewed, represent a wide diversity of the different legal statuses that people may have in Lebanon and Jordan ranging from Jordanian and Lebanese nationals, Jordanian Palestinians (with Jordanian citizenship), Palestinian Refugees in Lebanon with different ID cards, Palestinians (including ex-Gazans) without Jordanian citizenship, Syrian refugees in both countries, Palestinian Refugees from Syria and Palestinian and Syrian refugees with Lebanese or Jordanian mothers. Some interviewees reside in urban Palestinian camps (both Palestinian and Syrian), some Syrians resided in tented settlements in Lebanon and yet others in rented accommodations in towns and cities. As Janmyr and Mourad[75] show, each individual may have a variety of different labels imposed on them and attached to their status such as registered refugee, labourer, displaced, and foreigner.

> I have my Syrian Identity Card and a Syrian Passport. I have a UNHCR Card, a Security Card and a University Identity Card. (Youssef, Syrian in Jordan)

An individual's specific status determines access to services, work, and protection and comes with different documents with different meanings and various limited durations such as travel documents for international travel valid from a year and up to five years. The papers are meaningful for young people's sense of security and recognition. While some of the papers may overlap, others may complement each other. For example, a UNHCR card may be helpful to prove legitimate residency in Lebanon, but it would not be sufficient without a security card in Jordan called a "Ministry of Interior Card." The different documents also hold symbolic value but might not be useful for access to work or demonstrate residency. Research participants with a foreign passport, for example, valued this highly, despite their limited practical value in the host country. Nasima, a Syrian living in Lebanon managed to get a passport from Syria and they felt it made a difference: "When I received my passport, I felt I am powerful and independent."

ID cards and much of the paperwork come with an expiry date. Together with the perpetually changing rules for refugees' residency, the risk of moving in and out of legality is present for those without nationality. There is a constant requirement for renewal of status which is a process that takes time, is costly, difficult to access and hence demands extensive amount of labour in order to stay legal: this labour involves applying for the renewal of

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74   A. Kassir & H.C. Abou Zaki, *Why it's Important to see Displaced People as More than Just 'refugees'*. Open Democracy, 2021, available at https://www.opendemocracy.net/en/north-africa-west-asia/why-its-important-to-see-displaced-people-as-more-than-just-refugees/ (last visited 24 Feb. 2022).
75   M. Janmyr & L. Mourad, "Modes of Ordering: Labelling, Classification, and Categorization in Lebanon's Refugee Response", *Journal of Refugee Studies*, 31(4), 2018, 544–565.

residency or passport, renewing or finding a sponsorship, updating papers for work permits, extra paperwork for all foreigners when applying for a job or entering a school, university, or vocational training. These extra financial and time resources accompanied with the challenges of accessing information about the changing conditions of their residency determine access to legality. Sometimes the effort feels too much considering the continued second class and marginal status that even staying legal provides. Research participants feel there is so much wasted time: waiting for papers and decisions and the humiliation of being dependent on sponsors who represent the gateway to legality. This wasted time is accompanied by the complicated – and often changing – rules and regulations that require constant adjustments for maintaining a legal status. Some of the young people we interviewed are prevented from, or sometimes cannot be bothered to, update their papers and stay in legality:

> [. . .] I wanted to go back to Syria and was working on my residency papers. When we first came to Jordan, we were given an Identity Card that was printed on a white sheet of paper, then they started introducing more bureaucratic measures [like kafala, sponsorship] and the procedure took too much time. (Youssef, Syrian in Jordan)

The transition to adulthood is significant in realizing the responsibility for renewing papers that they were oblivious to as children and adolescents. Some interviewees did not register or renew their registration because they did not see the need. Only when they see a need for it, they would make an effort and register:

> **Why did you not renew your Residency Permit at that time? (Interviewer)**
> I believe I just forgot to, I was supposed to go to the Security Check and Exemption office, every three months, as a Palestinian. They even write on the residency permit that the holder is not allowed to work, in any form, with or without pay. (Moussa, Palestinian in Jordan)

As mentioned above, there are significant differences between Jordan and Lebanon when it comes to the possibility of staying legal. In Jordan, most Syrian refugees were able to register and the majority, but not all, of Palestinian refugees are citizens or have legal residency. In Lebanon, however, most Syrian research participants could not afford to renew their registration after the UNHCR stopped subsidies and many became "illegal." Some of the ex-Gazans and Syrians we interviewed in Jordan were also "illegal" and had not been able to renew residency, obtain or renew passports, travel documents and other identity papers. Over time, some of the research participants in both countries had moved in and out of legality and the consequences of "becoming illegal" was experienced as frightening, debilitating, and exhausting:

> I am not registered at UNHCR, so they don't cover me anymore. Yes, its been from February that I am illegal. In February, I was legal. But after February, I became illegal.
> **How is this issue affecting you?**
> You cant move, you feel like you live here but you cant move at all. (Mona, Syrian in Lebanon)

The labour, costs, and humiliation of getting the paperwork right mean that many young people are falling outside the system and excluded from education and employment. In Jordan, the situation was tied to financial repercussions for overstaying for non-Jordanian Palestinians, although there are amnesties from time to time. For Syrians, fees for overstaying have generally been waived. Not being registered means missing out on aid, having difficulty entering education and accessing health services. In Lebanon, not being allowed to work, the

risk of being stopped at checkpoints, and if, you are male, being imprisoned means some men thus end up hiding at home, as Abed from Syria and living in Lebanon suggested:

> I am always concerned that I reach to a checkpoint and if they ask me for documents and I have none, they will deport me back to Syria, or imprison me. [. . .] I cant move. You cant go anywhere.

Among the interviewees, the experience in Lebanon of being illegal was to a larger extent connected with fear than in the context of Jordan. Among the interviewees in Jordan, there was a better understanding of what it takes to stay legal. However, in both countries, the fear of being caught without legal papers was shared across the two nation-states and did restrict mobility. Not being legal also contributed to the feeling of not having the right to seek protection from the police and other authorities. More than differences across the two countries, the experiences of legality and illegality were highly gendered and the likelihood of arrests and deportations were much higher among male refugees than female refugees. The legal status is used by both states to promote exceptionalism, control, and marginality of refugees and mobile populations. By rendering specific groups illegal and making people struggle to stay in legality, legal status becomes an efficient measure for debilitating populations on their territories. On the other hand, also young refugees with legal residency are excluded from society in multiple ways such as being prevented from becoming part of the formal economy and being kept on the margins. Consequently, the majority of the young refugees we interviewed did not want to be present in Jordan or Lebanon but wanted to move to a different country. Considering that both countries consider themselves as transit states show their strategy of legality and illegality to a large extent has succeeded. Yet, for the young refugees, the problem is that European states and the international refugee regime consider the two countries as states of containment. Assistance to the host states, rather than to the refugees, to solve the problem – which is the refugees – is always subject to the policies of the hosting states. In the stalemate between politics of fear and development, the young people we interviewed are attempting to find their way.

4.2. Shattered promise – legal status and its implication for young people's education and employment

Education represents a specific promise of life chances, employment, and a better future life and is closely associated with the aim of human development formulated in the Arab Human Development Reports.[76] As shown above, in policies and response plans, education is seen as an important means towards empowerment and resilient and self-reliant individuals. However, these aims are not straightforward in a system where inequality in access to quality education prevails and depends on residency status. Additionally, the few avenues to employment made available to young refugees may not correspond with young people's own ambitions and life choices.[77]

There is a point in young people's narratives when they understand they cannot follow their aspirations and ambitions due to their legal status. It often starts with an emerging realisation that their parents are not treated the same way as other people they may know. From here, education as a pathway to an aspired future becomes a broken promise. Becoming

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[76]   UNDP, *Arab Human Development Report 2016: Youth and the prospects for human development in a changing reality*, 24; UNDP, *Arab Human development Report 2022. Expanding opportunities for an inclusive and resilient recovery in the post-Covid era*, 24.

[77]   Brun and Shuayb, "Exceptional and Futureless Humanitarian Education", 1; Jordan & Brun, "Vital conjunctures in compound crises", 4.

aware of the realities of their legal status shapes young people's perspectives for the future and how they approach education and employment:[78]

> I felt that there was something wrong at the time, when I did the ID [identity card] I was 17 years old and my ID was different than my mother's ID [Palestinian Jordanian] so there I started to realize a little bit, [. . .], that my brother is from Gaza and that I don't have the privileges of any other citizen, that I have limitations and these limitations are related to world and things like that [. . .] (Adel, ex-Gazan in Jordan)

> Even when I was young, I would have liked to become a bank employee. But I said it's impossible to work in Lebanon because I'm Palestinian. There is no solution, so we changed our mind. [. . .] When I first started comprehending that Palestinians can't work and all, I got it [the ambition of becoming a bank employee] out of my mind. (Qasem, Palestinian in Lebanon)

These quotes help to understand that even as a refugee with legal residency in Lebanon and Jordan, the legality is a process that subtracts from young people's potential as career chances are restricted. Legal status and right to work affect aspirations and motivation to stay in education. In addition, a major constraint is the challenge of paperwork. Specific for refugees from Syria, is that papers that prove their educational levels have often been lost or left behind and deprive young people of the possibility of moving on with education. Similarly, the access to secondary schools and access to sitting exams for those who do not have legal residency in place in Lebanon have been curtailed.[79] Many of the research participants wanted to continue schooling and valued education highly, however, access to a school and complex administrative procedures and requirements made it impossible. Adding to these obstacles was the difficulty of keeping up the motivation and believing in the relevance of education. While education continues to be posed as an important gateway to the future in both countries, young people found it more ambiguous[80]:

> Syrians cant work, cant own anything so I said it is better to help my father, studying has no worth as I cant own anything. [. . .] I cant own a car, I cant own a shop, if Syrians travel and go outside Jordan, they cant come back, so my education will be good for nothing. (Jamal, Syrian in Jordan)

The limited prospect of finding relevant employment after their education limits their motivation to continue schooling. For all groups interviewed whose legal status is not a national of Jordan or Lebanon, they experience their status as a major obstacle for accessing and staying in employment.

> **Did any of your employers ask for a work permit?**
> No employers asked me for any documents before, but recently now they all started asking for a Work Permit and a Criminal Clearance Record proof certified from the Syrian

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[78]   See also, Hart, "Locating Young Refugees Historically: Attending to Age Position in Humanitarianism", 8.

[79]   M. Hammoud & M. Shuayb. *The Impact of COVID-19 Lockdown on Access & Quality of Education: Reflections from Students & Teachers in Lebanon*. Beirut: Centre for Lebanese Studies, 2021, available at https://lebanesestudies.com/wp-content/uploads/2021/06/Covid-19-report.pdf (last visited 1 July 2021); Human Rights Watch, *Lebanon: Action needed on Syrian Refugee Education Crisis. Most Syrian Refugees Denied Access to Learning*, Human Rights Watch, March 2021, available at https://www.hrw.org/news/2021/03/26/lebanon-action-needed-syrian-refugee-education-crisis (last visited 15 July 2022).

[80]   See also, C. Brun, A. Fakih, M. Shuayb & M. Hammoud, et al., "The Economic Impact of the Syrian Refugee Crisis in Lebanon", 4; van Blerk et al., "Youth Transitions in Protracted Crises: Conceptualising the 'rupture' of Refugees' Pathways to Adulthood in Uganda and Jordan", 8.

Embassy and the Ministry of Interior. I always ask them how I'm going to go get all these documents, but they tell me these are the rules. (Mahmoud, Syrian in Jordan)

The knowledge of the legal status and its restrictions becomes internalised in the young refugees we interviewed. The status contributes to a form of self-censorship that impacts young people's self-confidence in the process of looking for work and what kind of work they try to find. Research participants were asked about their nationality when applying for a job. If their application were accepted by a potential employer, they were often not selected in later rounds because of their nationality and legal status.

[Legal status] affects me a lot. [...] I will tell you how, for example, sometimes I find a job in construction or anything else, the first thing they ask for is the legal documents, for example the Kafala [sponsorship] mostly, the Lebanese card and the Syrian voucher. (...) The fact that I don't have those, I can't enter a company and work there. (Abed, Syrian in Lebanon)

The humiliation and level of dependency by needing to rely on the goodwill of employers, also made research participants feel more exposed to exploitation. Stories of working without a contract, not being paid, being asked to leave the job without much reason, inconvenient, and long working hours were common.

In Jordan, some Syrian youths have work permits made available through the Jordan Compact which gave them access to a specific sector and to do specific tasks (such as particular jobs in agriculture).[81] In most cases where research participants had obtained a permit, however, they did other work than what was set out in the permit and which was not legal at the time. Hence, during employment and with a work permit, people may also move in and out of legality. This experience of instability means that when a work permit expires, social security also expires. In the case of both Jordan and Lebanon, there are changes over time that contribute to moving in and out of legality. As Hadil, a Syrian in Jordan stated, talking about the work permit in general:

[...] a work permit [...] would have to be within his field of studies, therefore it is useless to have this permit, it is just a front for the government to see. [...] There is no institution that would take you and say, "come, I will train you and get you on the good track". They want someone who would save them time and costs, and [...] also someone from whom they can benefit more.

This is where the refugee label and the variable legality of the category become a burden in some research participants' view. Abdulrahman, a Syrian in Jordan described his frustration and reflection on the problem of moving as a migrant versus being a refugee:

When Syrians travelled abroad and worked [...], he found someone to support him whether in education, career or to be independent; they did not become a burden on the government he is staying at. [...]. None of the governments spent one dollar from its treasury on the refugees. According to researchers I read, that happened in Lebanon. They benefitted 580 million dollar by house rents in Lebanon. In Jordan almost one million dollars is paid to Jordan from renting Zaatari land, Azraq land or the electricity spent.

81   K. Lenner & L. Turner, "Making Refugees Work? The Politics of Integrating Syrian Refugees into the Labor Market in Jordan", *Middle East Critique*, 28(1), 2019, 65–95, on the labour and maze it is to obtain the compact permit.

Investors and Syrians' deposits who went to Lebanon are one billion and seven hundred million dollars, it was frozen and it all vanished. [. . .] Syrians were not a burden but the power of the economy.

The frustration of being excluded from development but still knowing that refugees contribute to the development of a society is a crucial insight that illustrates the abject feeling of being included as economic producers but without much say over their lives. I now turn to reflect on what development is in reach for young refugees in Jordan and Lebanon with different residencies and how this process of development may be understood.

5. SUBTRACTING DEVELOPMENT IN THE CONTEXT OF (IL)LEGALITY

For young refugees, the structural barriers to participate in development are closely connected to their residency status which restricts them from being actors of change. The production of legality and illegality by the state prevents young refugees from entering the labour market on equal terms with citizens and makes for uncertain futures.[82] The restrictions are contributing to an informalisation of the labour market and high risk of exploitation of young refugees. As documented above, the young refugees we interviewed are not passively accepting the conditions in which they live: the labour that is invested in paperwork, in finding information and negotiating constraints attest to young refugees' mobilisation of agency. However, the specific production of legality and illegality in the case of young Syrian and Palestinian refugees in Jordan and Lebanon enables the extractive value that the host states and the international community attach to them.[83] Development as "human flourishing and social change" has been abandoned for refugees[84] whose labour rights are compromised and they are often faced with low wages, forced overtime and forms of exploitation.[85] As a consequence, development as freedom from exploitation is not possible. The young refugees felt that their contributions to development as economic producers, for a nation-state they cannot belong to, were not recognised and included in the development discourse.

While much has been written about the economic extractive practices of host states towards migrants,[86] Aradau and Tazzioli's conceptual pairing of "extraction and subtraction" is helpful to further understand the abject experience of young refugees. Governing through the production of legality and illegality represent subtractive technologies that have a debilitating effect[87] and "neither take life or make live, even as they make living much more difficult":[88] These subtracting technologies take the terrain away from young refugees in a specific way: it narrows down the potential pathways open to them from education and

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[82] See also, Shand et al. "The Effects of Limited Work Opportunities on Transitions to Adulthood among Young Refugees in Uganda and Jordan", 7.

[83] J. Morris, "Extractive Landscapes: The Case of the Jordan Refugee Compact", *Refuge* 36(1), 2020, 87–96; Z.C. Mencutek & A.J. Nashwan, "Perceptions about Labour Market Integration of Refugees: Evidences from Syrian Refugees in Jordan", *Journal of International Migration and Integration*, 22, 2021, 615–633.

[84] K. Lenner & L. Turner, *Governing Displacement in the Middle East: From Vulnerability to Resilience? Resilience and Inclusive Politics in the MENA Region*, On-Line Commentary No. 3 March 2021, Institute for Social Justice and Conflict Resolution. Beirut: Lebanese American University, 2021, available at https://soas.lau.edu.lb/files/Governing-Displacement-Middle-East.pdf (last visited 24 Feb. 2022).

[85] Morris, "Extractive Landscapes: The Case of the Jordan Refugee Compact", 83.

[86] T. Gammeltoft-Hansen & N. Nyberg Sørensen (eds.), *The Migration Industry and the Commercialisation of International Migration*, Abingdon, Routledge, 2012; *Ibid.*, 88.

[87] J.K. Puar, "The 'Right' to Maim: Disablement and Inhumanist Biopolitics in Palestine", *Borderlands*, 14(1), 2015, 1–27; J.K. Puar, *The Right to Maim: Debility, Capacity, Disability*, Austin, Duke University Press, 2017; P. Pallister-Wilkins, "Hot Spots, Debilitating Life", *EPC: Politics and Space*, 40(1), 2022, 3–30; Aradau & Tazzioli, "Biopolitics Multiple: Migration, Extraction, Subtraction", 3.

[88] Aradau & Tazzioli's, "Biopolitics Multiple: Migration, Extraction, Subtraction", 3, 217.

towards employment and erases the material, legal and existential grounding for their lives and futures while entrapping them geographically.[89]

The humanitarian approach and logic that continue to dominate in protracted refugee situations may be seen to contribute to this debilitating of mobile populations[90] – it is a logic where the main aim is for people to stay alive – what kind of lives people lead is less relevant:[91] Rather than the prospect of human development that "empowers people to pursue their own paths for meaningful lives, anchored in expanding freedoms [...],"[92] development is withheld from their young lives resulting in impoverishment and constrained life opportunities. The subtracting technology becomes an ongoing process of reducing the refugees' strengths or effectiveness. Protracted displacement is slowly wearing populations down[93] and the energy is zapped out of youth, the aspirations and hope for the future are calibrated to the available opportunities that young people can identify. The young people interviewed reflected on how their agency is constrained and the possibilities of moving forward, of social and geographical mobility is drastically reduced. The refugees are only counted as an object for development aid but are not included in development plans – in this way subtraction is a reductionist understanding and outcome of development.

There are significant differences between Jordan and Lebanon. Jordan is considered by the international community as a somewhat better host of refugees than Lebanon and is hailed as a good example from which other host countries have modelled their response. The young people we interviewed also attest to this in some ways. Due to the more structured approach to legality in Jordan, Syrian refugees have better access to legal residency and most Palestinian refugees, but not all, are Jordanian nationals. The legality of residency is an important safety measure and creates more stability. However, for non-national residents in Jordan, the experience of deprivation and debilitation is a result of the inability to secure a work permit because of their foreignness and for the ex-Gazans in Jordan, the situation is much more precarious as shown above.

In the case of Lebanon, the debilitation might be seen as even more profound as generations of Palestinians can only access a limited number of occupations and are still not included as full members of society. For Syrian refugees in Lebanon, the constraints to their lives are far-reaching and most live without even legal residency: being nervous about moving around and the feeling of living in a cage, as Fares stated at the beginning of this article.

Crucially, legality and illegality both have material consequences. The young people who did not have a legal status had obvious restrictions related to mobility and fear leading to specific constraints in their lives. Over time, young refugees without legal residency in the two countries have experienced similar fear of deportations and arrests. However, also for those in a legal residency, the status materialised in specific restrictions on their lives such as access to education and employment.

Education and employment do, however, also entail important differences between the two countries. Lebanon has a public school system that was at a breaking point before the Syrian students arrived, hence as a refugee in Lebanon, the access to and quality of education is lower than in Jordan. The financial crises and the level of informality in Lebanon are thus also experienced differently in the two countries. Despite these differences, however, the

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89   *Ibid.*
90   P. Pallister-Wilkins, "Hot Spots, Debilitating Life", 87.
91   Puar, "The 'Right' to Maim". Debility, Capacity, Disability", 87; Tazzioli, "'Keeping on the Move Without Letting Pass': Rethinking Biopolitics through Mobility. In Rethinking the Biopolitical: Borders, Refugees, Mobilities", 5; Brun, "There is no Future in Humanitarianism", 1.
92   UNDP, *Arab Human Development Report 2016: Youth and the prospects for human development in a changing reality*, 24; UNDP, *Arab Human Development Report 2022. Expanding opportunities for an inclusive and resilient recovery in the post-Covid era*, 24.
93   Puar, "The 'Right' to Maim". Debility, Capacity, Disability", 87.

abject status that legality produces in both Jordan and Lebanon – where refugees with legal residency, but without citizenship, are not quite a member, not quite outside, and excluded from a number of opportunities and spheres. Here, education and employment represent significant similarities as refugees and nationals do not share the same school classes or are present in schools at the same time: Refugees are not thought of as members of societies, but their education may help them to become self-reliant individuals independent of aid. Significantly, across Jordan and Lebanon and despite different degrees of constraints, the production of legal and illegal statuses generate a general experience of debilitation for refugees.

6. CONCLUSION: THE PRODUCTION OF (IL)LEGALITY AND THE SUBTRACTING OF DEVELOPMENT

This article has attempted to show the shared experiences of the production of legality and illegality across Jordan and Lebanon. Despite significant differences between the two country contexts, the production of illegality and legality restricts young refugees in particular ways. The current aims of development in the context of the refugee crises in the two countries emerge from the overlapping interests of fear and economic promise: helping host communities to cope, the self-reliance of refugees and a strong interest of keeping refugees where they are.[94] Soederberg and Tawakkol[95] show that it is not refugees or the poor who benefitted most from the Jordan Compact; it is private actors operating at local and global scales, as well as EU donor countries who have been eager to keep the refugees out of the continent. While it is too simplistic to demand a changing legal status to refugees in Jordan and Lebanon, I have shown in this article that production of legality and illegality is used as a means to subtracting development for young refugees in Jordan and Lebanon. It contributes to controlling refugees' mobility and depriving them of the opportunity to move on to other territories unless they can find an irregular route, which will only maintain their status within the system that governs them as illegal subjects. Moving on, for most refugees, would not represent an escape from the debilitating constraints which continue to drive the interaction between the economic and security interests that governs people on the move.

In line with the discussion on decolonial scholarship in development above, there is a need for more critical reflection on what development can mean in the context of protracted displacement. In protracted displacement, the relationship between the state and its residents cannot be taken for granted and there are shared international and national interests in keeping people where they are geographically and socially. In this context, the promise of development only becomes relevant as a way of maintaining status quo rather than engaging with what kind of change could potentially take place.

Bahdi and Kassis[96] suggest that strategic compromises are necessary in order to participate simultaneously in development aid and decolonisation. However, the humanitarian–development nexus with its weak understanding of development is a compromise too far.

Anholt[97] describes resilience programming for refugees in the context of the humanitarian–development nexus as "a farce in the face of poor host economies and hostile political environments."[98] A most serious impact of this farce is that the debilitating effects of the

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[94]   Zetter, "Theorizing the Refugee Humanitarian-Development Nexus: A Political Economy Analysis", 7.
[95]   Soederberg & Tawakkkol, "The Humanitarian–Development Nexus and the Jordan Compact: Tensions and Trajectories in Global Capitalism", 18.
[96]   Bahdi & Kassis, "Decolonisation, Dignity and Development Aid: A Judicial Experience in Palestine", 34.
[97]   R. Anholt, "Resilience in Practice: Responding to the Refugee Crisis in Turkey, Jordan and Lebanon", *Politics and Governance*, 8(4), 2020, 294–305.
[98]   *Ibid.*, 301.

production of legality and illegality are normalised through the development discourse by a continued emphasis on self-reliance and the humanitarian–development nexus with no pressure on more durable solutions for refugees. There is thus a need to define a more refuge-centred development, where refugees are not the problem of development but the subject of development.

Analysing young refugees' experience of legal status and how they negotiate the constraints imposed on them through the production of legal status shows the potential to mobilise agency even in dire circumstances. However, the current constraints do not allow for empowerment and development. An empowered individual who pursues their own paths for meaningful life, but who, in the host-states' definition, is out of place, might be a threat to the political and economic interests of their host states. Continuing to talk about development without demanding a change to the constraints that legal status produces in Jordan and Lebanon, however, means that the humanitarian community contributes to the subtracting technologies that young people are subject to.