

Rights and Laws Concerning Migrant Workers in Jordan and Iraq

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ABSTRACT

The number of migrant workers and the resulting social and economic effects are growing. The rights of migrant workers and the laws pertaining to them in Jordan and Iraq are important public issues that help determine how successful and sufficient these laws are in defending the rights of this group. The purpose of this study is to assess the legal and human rights frameworks that govern migrant workers in both nations, with an emphasis on how well national laws align with international commitments and widely accepted human rights norms. This is accomplished by critically examining pertinent literary and legal sources. Using a descriptive theoretical approach, the study reviewed and analyzed national law documents, pertinent international treaties, legal literature, and other research on the topic of migrant worker rights protection in Jordan and Iraq. The findings demonstrated differences in how well national laws safeguarded migrant workers' rights. According to the report, there are many discretionary provisions in Iraqi and Jordanian laws that respect workers' rights; nevertheless, their application is hampered by discriminatory practices, inadequate oversight, and a lack of strong enforcement tools. Both systems suffer from a significant number of informal workers and inadequate coordination with international duties, as the comparison of the two systems also showed parallels and contrasts. Creating national laws that adhere to international norms is essential for improving collaboration between legislative and executive branches and guaranteeing the efficient defense of migrant workers' rights, both of which support social fairness and economic growth.

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1. Introduction

Cross-border labor migration is becoming more common, particularly in places like Iraq and Jordan where migrant workers are crucial to supplying local market demands and bolstering the national economy [1]. Despite this workforce's economic and social significance, they frequently confront serious obstacles, such as inadequate social guarantees, exploitation, and limited legal protection, which raises questions regarding their human and social rights [2].

Examining the structural legal framework that safeguards migrant workers' rights is necessary, as is determining whether national laws adequately adhere to international norms, especially those found in International Labor Organization (ILO) conventions and other pertinent documents [3]. Current research, however, frequently concentrates on economic factors while ignoring a comparison between Iraq and Jordan as well as a critical legal review of how well national laws safeguard these workers' rights [4].

The research gap denotes a dearth of studies that concentrate on comparative analysis, tying the domestic legal system to international commitments, and evaluating the degree to which migrant workers' rights are protected with both legal and practical fairness [5]. Studies on this subject in the contexts of Iraq and Jordan offer solutions for creating legal frameworks that support these workers' rights, but they lack a critical evaluation grounded in international norms [6].

The study intends to evaluate the degree to which Iraq and Jordan's legal and human rights frameworks for the protection of migrant workers adhere to international standards, as well as to pinpoint their advantages and disadvantages. It also seeks to address the legal and practical issues that affect how well migrant workers' rights are protected. Additionally, the study seeks to offer scientific recommendations that support the creation of laws that uphold workers' rights, promote social justice, and promote sustainable development in both nations.

2. Literature Review

The labor force that relocates from one nation to another for work, to raise their standard of living, or for political, social, or economic reasons is referred to as migrant labor, according to legal and scholarly definitions. Considered a worldwide phenomenon, this labor force is widely dispersed throughout nations and has had a substantial impact on the economies of both sending and receiving nations.

By addressing labor shortages, particularly in industries with low or medium skill requirements or those without local workforce, migrant labor is essential to increasing productivity and attaining economic development from an economic standpoint. Additionally, migrant workers' consumer spending boosts the local economy and increases tax income [7].

Given the linguistic and cultural barriers between workers and their home communities, migrant labor is seen from a social perspective as an essential component of the social fabric of receiving nations, influencing social structures and being associated with crises and difficulties pertaining to cultural adaptation, integration, and the protection of human rights. Social issues are also brought on by job insecurity and the requirement for awareness and training initiatives to protect employees' rights and dignity.

Overall, the characteristics and circumstances of migrant workers call for the creation of a legal framework that safeguards their rights and guarantees the long-term viability of the development process, all the while addressing the potential social issues brought on by their presence in unfavorable environments [8].

2.1. The fundamental rights of migrant workers are stipulated by international conventions and national laws

Human rights and labor literature places a lot of emphasis on migrant workers' rights, which also touch on basic ideas of social fairness and human dignity. The Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and treaties and agreements, especially those issued by the International Labor Organization (ILO), such as Convention No. 97 concerning Migrant Workers and Convention No. 143 concerning Migrant Workers, serve as the foundation for the definition of migrant workers' fundamental rights on a global scale. These rights mostly consist of, the right to decent employment, which encompasses safe working conditions, appropriate compensation, and just and equitable working circumstances.

The right to be shielded from prejudice in all its manifestations, including prejudice against people on the basis of their gender, color, nationality, or religion. The right to a safe and healthy workplace, as well as occupational health and safety. The entitlement to social protection in the form of pensions and insurance coverage. The freedom to form unions, join them, and take part in union activities. the right to fair judicial proceedings before appropriate authorities and the prohibition against deportation without cause [9].

Numerous nations, such as Jordan and Iraq, have passed laws and regulations that improve migrant workers' protection and define their rights at the national level. Given the gaps and difficulties they present, research and analysis into these laws' applicability to international norms as well as their efficacy in practice are still underway. It should be mentioned that there is occasionally a disconnect between legal documents and real-world implementation because migrant workers' rights are frequently infringed upon without sufficient legal protection. This necessitates a thorough examination and critical evaluation of legal protection regimes in both domestic and foreign settings [10].

2.2. Prior Research on the Rights of Iraqi and Jordanian Migrant Workers and the Significant Obstacles to Their Legal Protection

Protecting the rights of migrant workers in Iraq and Jordan has been the subject of numerous scholarly and research works, but their levels of emphasis and accuracy vary. According to studies, national laws in Iraq, like the Personal Status Law and the Iraqi Labor Law, have measures meant to safeguard the rights of employees. However, migrant workers are unable to take advantage of these rights due to lax enforcement and power overlaps across several authorities. The continuation of unfairness and exploitation is further facilitated by the lack of laws specifically addressing informal work and the lax supervision of law enforcement [11].

Studies have looked at legislative improvements in Jordan, namely the Jordanian Labor Law, where certain clauses have been changed to better safeguard the rights of migrant workers. Nonetheless, there are still many obstacles to overcome in order to put laws into practice and give migrant workers—particularly those employed in the unorganized sector, where they are occasionally the targets of discrimination and exploitation—a safe and equitable workplace [12].

In addition to the inadequacy of legislative safeguards and regulatory agencies, studies also show gaps in the implementation and knowledge of migrant workers' rights, which impede the attainment of justice for their rights. Additional obstacles include the inability to obtain justice, linguistic and cultural difficulties, and economic circumstances that push businesses to put employee rights last and exploitation first. All things considered, the difficulties in defending the rights of migrant workers in Iraq and Jordan necessitate ongoing focus, the creation of cohesive national policies, and the application of international labor and human rights agreements in order to guarantee the successful defense of these workers' rights and accomplish social and economic integration [13].

3. Lawmaking Safeguarding Iraqi Migrant Workers

The main basis for governing migrant workers' rights in Iraq is legal legislation, which establishes frameworks that ensure their interests are protected in conformity with international accords and norms that Iraq has ratified. There are a number of pertinent rules and regulations in this area that fall under the categories of labor laws, laws pertaining to foreign entrance, and social protection requirements. These laws make up a thorough legal framework that defines the rights and responsibilities of migrant workers and regulates their status.

3.1. Relevant National Law in Iraq

In addition to regulations governing foreigners' entry and residency, Iraqi laws governing migrant workers' rights are encapsulated in a collection of fundamental laws, beginning with Labor

Law No. 37 of 2015, which is regarded as one of the primary sources for regulating labor relations. The Iraqi Labor Law outlines the rights of workers and mandates that businesses offer a nondiscriminatory, safe workplace within a framework that safeguards the rights of both foreign and Iraqi workers, while also enhancing working conditions and setting pay and working hours.

Article 18 of the Entry and Exit Law lays forth the requirements for foreign nationals to enter and stay in Iraq, including obtaining a valid visa and work permit. This legal protection limits the use of informal or uncontrolled labor by limiting the influx of foreign labor and emphasizing the implementation of explicit regulations pertaining to the rights and obligations of migrant workers. Furthermore, there are laws specifically pertaining to social protection, such as Social Security Law No. 39 of 2019, which attempts to give workers a social safety net that includes retirement benefits and health insurance. The stability of migrant workers, particularly those employed in unregulated or informal sectors, depends on this [14].

3.2. Evaluation of Legal Documents and Their Conformity to Global Guidelines

There are initiatives to strengthen the legal framework that safeguards migrant workers' rights, according to an analysis of Iraqi legislative texts. There are still a lot of gaps, though, that need to be reviewed and filled. For instance, even though the Labor Law outlines the principles of equality and nondiscrimination, migrant workers are treated differently in practice, particularly in unorganized sectors where complete legal protection is absent.

Nonetheless, there are some requirements in Iraqi legal texts that align with global norms, especially those set forth by the International Labor Organization, including the Convention on Minimum Standards in the Field of Employment. The complete application of international assurances is hampered by the fact that Iraq has not yet ratified certain pertinent agreements pertaining to migrant workers' rights. Furthermore, in many areas, laws still fall short of putting in place robust safeguards to address rights breaches of migrant workers, especially when it comes to unsafe working conditions, excessive working hours, and non-payment of salaries [15].

3.3. Assessing the Efficiency of Laws in Preserving the Rights of Foreign Workers

Numerous pieces of legislation in Iraq create principles for protecting the rights of migrant workers, according to an assessment of the laws' efficacy and viability. However, there are many barriers to actual execution, chief among them being inadequate oversight, overlapping authority amongst competent authorities, and a lack of funding for law enforcement oversight. Although the laws guarantee workers a safe workplace, there is frequently a disconnect between the executive regulations and the legislative wording, allowing these rights to be infringed without enough scrutiny.

Additionally, it is observed that migrant workers frequently face discrimination or exploitation, particularly those employed in manual labor, construction, and agriculture, where they frequently endure cruel working conditions that are against international human rights norms. Legislation that fails to impose deterrent consequences on violators and inadequate oversight systems are partially to blame for this state of affairs. This demonstrates lax legal enforcement, jeopardizes migrant workers' rights, and erodes the social justice principle [16].

3.4. Obstacles to Legislation's Effective Implementation

One of the main reasons undermining the protection of migrant workers' rights is the difficulties in putting Iraqi legislation into practice on the ground. Among these difficulties are [17, 18]:

1. Inadequate oversight and monitoring: The lack of capable organizations to keep an eye on how laws are being applied locally, particularly in unorganized sectors where a significant portion of migrant laborers are employed.

2. Bureaucracy and complicated procedures: The length of time and difficulty needed to get residency and work licenses causes migrant workers' conditions to worsen and some are forced to labor illegally and informally.

3. Insufficient resources and coordination between appropriate authorities: Along with inadequate coordination between the Ministries of Labor, Interior, and Foreign Affairs and organizations tasked with defending the rights of migrant workers, there is also a lack of financing and training for specialized staff.

4. Migrant workers who lack legal and cultural understanding are vulnerable to exploitation and extortion by employers or middlemen because they are not aware of their rights and responsibilities.

5. Economic and Social Challenges: Many migrant workers are forced to work in filthy circumstances or for little pay due to difficult economic situations, particularly when there is a lack of awareness or proper legal support.

6. Lack of legal protection in disputes: Workers are exposed to rights abuses without adequate protection when there are insufficient procedures in place to settle disputes swiftly and fairly.

7. Discrimination and Marginalization: Attempts to defend migrant workers' rights and advance social integration are hampered by unfavorable opinions about them held by both the general public and government agencies.

Given the difficulties, it is obvious that Iraqi laws must be revised and updated to guarantee their successful application, as well as to enhance monitoring systems, make it easier for migrant workers to enter and stay in the country, and bolster rights education initiatives.

4. Examining International Collaboration and Partnerships to Preserve the Rights of Migrant Workers in Jordan and Iraq

Enhancing the protection of migrant workers' rights at the legal and implementation levels requires international collaboration and partnerships between states and international organizations. The way that Iraq and Jordan interact with international agreements and treaties, as well as the significant role that regional and international organizations play in facilitating and unifying policies and procedures to ensure the rights of migrant workers, must be examined in order to assess the efficacy of national legislation in these countries [19].

4.1. International Duties and Applicable Agreements

Iraqi and Jordanian national laws must be in line with international commitments for governments to defend migrant workers' rights. These include UN Guiding Principles on Human Rights and Labor, Security Council Resolution 2434 on the Protection of the Rights of Migrant Workers, and ILO Convention No. 97 on Migrant Workers and Convention No. 143 on the Status of Migrant Workers. In order to fulfill these responsibilities, states must enact legislation that ensures nondiscrimination, respectable working conditions, defense against human trafficking and exploitation, and the freedom to organize and seek justice.

Although these criteria are required by law in Iraq and Jordan, their execution and alignment with international texts vary and are influenced by political and executive factors. Iraq and Jordan, for instance, have demonstrated a desire to conform to international standards by adopting international labor treaties and incorporating their provisions into domestic laws. However, the protection of workers' rights is adversely affected by the absence of proven actual commitment, particularly in the informal sectors or in circumstances of irregular employment [20].

4.2. International and Regional Organizations' Contribution to Partnership Strengthening

In both nations, organizations like the International Labor Organization (ILO), the International Organization for Migration (IOM), and pertinent international funds are essential for training,

technical assistance, and bolstering institutional and legal capabilities. These groups support the creation of national policies, establish guidelines for migrant worker protection, and offer technical assistance to increase the ability of pertinent parties to put protective laws into effect.

ILO projects in Iraq have enhanced monitoring and inspection capabilities for legal compliance as well as aided legislative reform initiatives. International organizations are crucial to Jordan's efforts to promote workers' rights, offer legal assistance, and carry out cooperation agreements with pertinent governmental and civil society organizations [21].

4.3. Obstacles to Global Collaboration in Defending Migrant Workers' Rights

The main obstacles to international cooperation are the following: inadequate coordination of national policies, especially in the area of preventing informal labor; overzealous protection of economic interests at the expense of workers' rights; and the lack of efficient systems for comprehensively monitoring and carrying out international commitments. The effective implementation of international accords is hampered by political or economic objections as well as differences in the legal and executive capacity between Iraq and Jordan.

Additionally, some national laws are characterized by a lack of adequate mechanisms to monitor and carry out agreed-upon policies in practice, or by a poor adherence to international principles. This illustrates the necessity of enhancing international collaboration through relevant channels, reciprocal training initiatives, and the sharing of knowledge and skills in order to raise the bar for protection and harmonize national and international standards [22].

4.4. The Effect of Global Collaborations on the Evolution of Domestic Law

One of the main forces behind the creation and enhancement of the national legislative framework is collaboration with the international community. It gives Iraq and Jordan recommendations and contemporary methods to help countries modernize labor laws and social protection frameworks, improve monitoring, and provide victim protection and litigation processes. By educating legal and supervision staff, combining ideas of labor and human rights, and incorporating stakeholders—such as employees, employers, and non-governmental organizations—in the policymaking process, it also helps to increase national capacity.

Positive changes have been observed in both Iraq and Jordan as a result of increased collaboration with international organizations and the integration of their recommendations into domestic laws. This is especially true for the adoption of more comprehensive and flexible laws that improve migrant workers' rights and give them better protection in accordance with international standards.

Therefore, an examination of international collaborations and partnerships between Iraq and Jordan with international organizations shows that assistance for these nations through agreements and development initiatives successfully aids in the creation of laws and the application of policies, improving the protection of migrant workers' rights and lowering the risks and difficulties they encounter. It is advised to improve community involvement to guarantee sustainable and thorough policy implementation, improve monitoring and technical instruments, and strengthen collaboration between national and international institutions in order to attain more successful outcomes [23].

5. A Critical Examination of the Iraq-Jordan Comparison

In the context of defending the rights of migrant workers, a number of similarities can be seen despite the disparities in legislative history and legal systems. In addition to joining pertinent international conventions, such as ILO Convention No. 143 on Migrant Workers, Iraq and Jordan have also depended on exporting national labor laws that contain measures enshrining workers' rights. Both nations seem to be working to bring their laws into compliance with their international commitments, especially with regard to nondiscrimination, health and safety, and labor rights [24].

There seems to be a glaring discrepancy in the laws and depth of detail protecting migrant workers at the legislative level. Compared to other South Asian and Arab nations, Jordan has more specific legislation pertaining to workers' rights and more transparent enforcement procedures because of its geographic location and function as a hub for labor transit. Iraq's more general laws, on the other hand, frequently lack strong enforcement mechanisms because of the war and violence the country has seen, creating a disconnect between the written law and its actual implementation.

Even though there are laws pertaining to migrant workers' rights, there are several barriers to their effective application. For instance, workers' rights breaches continue to occur, particularly in unregulated industries or outside the purview of government monitoring, because oversight and inspection systems are still inadequate and lack defined procedures to penalize violators. In addition to impeding the efficient application of laws, the ineffective collaboration between pertinent authorities in both nations promotes discrimination and exploitation [25].

Common legal and practical issues that both nations deal with include, the continued existence of rights gaps between migrant and domestic workers, with the former enjoying more protection. The large percentage of unorganized or informal workers jeopardizes their rights and makes it difficult to enforce laws. Migrant workers' lack of legal knowledge leaves them more open to discrimination and exploitation. A lack of clear tasks and overlapping authority across government agencies undermine supervision and jeopardize rights [26].

It is evident from comparison that both nations have signed a number of international agreements, indicating comparable progress. However, because of executive and legislative barriers, the actual dedication to putting these agreements into effect does not always meet expectations. Political issues in Iraq have made international law less important, but in Jordan, some attempts are being made to bring national laws into line with international norms, even though there isn't much actual application of them. One may argue that a comparison of Jordan and Iraq shows a desire to improve migrant workers' rights in both nations. To guarantee the effective and efficient implementation of rights, it is imperative to fortify policies, create legal frameworks, and enhance oversight mechanisms, as evidenced by the significant obstacles and disparities in implementation [27].

6. Results and Discussion

The study discovered that although both Iraq and Jordan have laws pertaining to migrant workers' rights, there is a significant discrepancy in how well they are applied in practice. The labor and social protection laws of Iraq are largely out of date and do not contain specific clauses that would effectively safeguard migrant workers' rights. These regulations frequently only apply to "general reserves" and lack explicit enforcement procedures, which shows a lack of coordination between the texts and their application. Greater efforts are being made in Jordan to update laws and create more comprehensive regulations, but the main obstacle is still poor execution, particularly given the country's high rate of informal employment and unregulated treatment of migrant workers.

The study's findings show that national laws in both nations differ in how well they adhere to international commitments, especially ILO Convention No. 143 and its associated protocols on migrant workers' rights. The overlap and conflict between national laws and international duties show that compatibility necessitates more governance and coordination, despite Jordan's apparent strong commitment to establish legal texts in accordance with international norms. The emphasis on upgrading current laws in Iraq has been diminished due to political and security issues, resulting in a notable discrepancy between the texts and the requirements to safeguard the rights of migrant workers [28].

The results of the study demonstrate that a number of problems, such as a lack of funding, migrant workers' ignorance of the law, and inadequate supervision by pertinent organizations, contribute to ineffective enforcement procedures. In addition to the absence of efficient conflict

resolution procedures, scholars in Iraq contend that a lack of effective oversight and distinct spheres of influence results in a high number of employer infractions. Despite having a highly developed legal system, Jordan's numerous institutions and vast number of unorganized laborers make it difficult for laws to be implemented effectively [29].

According to the findings, the problems that both nations face are similar and complex, mainly because of the high percentage of informal employment, antiquated laws, and poor coordination across pertinent institutions. Adopting more comprehensive policies, revising legal texts, involving civil society organizations, and educating migrant workers about their rights, however, present obvious chances to improve the situation. Another crucial component of guaranteeing the protection of workers' rights through bilateral or multilateral agreements is cooperation with labor-sending nations. The results emphasize how urgently national and international commitment to migrant workers' rights must be strengthened through legislative reform, improved enforcement, regional and global collaboration, and the engagement of relevant stakeholders and oversight institutions. This is essential for guaranteeing the defense of rights, attaining justice, fostering social progress, and lessening prejudice and exploitation [30].

In conclusion, significant obstacles still exist even though it seems that current law is willing to develop it. In order to effectively defend migrant workers' rights, comply with international labor and human rights standards, and elevate the significance of human rights in national legal systems, more work is required to integrate theoretical and practical components.

7. Conclusion

In summary, this study emphasizes the significance and practical utility of the results on a number of theoretical and practical levels. It was possible to evaluate the strengths and shortcomings of national legislation in Iraq and Jordan as well as identify obstacles to the effective protection of migrant workers' rights by analyzing it and determining whether it complies with international standards. The results of the study showed that although both nations' laws have legal underpinnings that support the rights of migrant workers, there is a lack of coordination with regard to the actual implementation and oversight of these provisions. This demonstrates that creating legal provisions on its own is insufficient in the absence of efficient procedures and workable methods to guarantee their application in a way that conforms with international standards and increases their efficacy in defending the rights of employees.

The research findings allow an understanding of the most successful legislative tactics and the common issues that Iraq and Jordan face by comparing the two countries. This directly aids in directing public policy in the direction of creating more equitable and efficient laws. The study also emphasizes the necessity of regional and global collaboration, raising awareness of the rights of migrant workers, and energizing the executive and monitoring functions of pertinent agencies. Academically speaking, this study contributes a comparative and objective perspective to the current body of knowledge, which can help scholars and decision-makers better protect the rights of migrant workers. By providing a thorough grasp of legislative concerns and useful, implementable recommendations, it also serves as an academic reference that helps open up new avenues for additional applied and practical study.

Finally, the study highlights that changing legal provisions is not the only way to improve migrant workers' situations. Instead, it necessitates complementary policies that lay the groundwork for social justice and offer a supportive legislative and executive environment that upholds human rights and leads to both Iraq and Jordan's complete and sustainable development.

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