

FROM REFUGEES TO ASYLUM SEEKERS? PALESTINIAN REFUGEES AND THE SYRIAN CONFLICT

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The aim of this paper is to analyse the host states' response to the arrival of Palestinian refugees escaping Syria since 2011. This issue raises the wider question of the status of Palestinian refugees who seek asylum in a third country. Their status has a strong impact both on how they settle in their host country and their access to mobility and protection in the context of conflicts. The current forced migration of Palestinian refugees, largely overshadowed by the magnitude of the Syrian refugee crisis, raises many questions regarding the status of refugees forced to leave their countries of first asylum to seek refuge in a third country out of any framework for international protection.

Introduction

While the Arab revolutions since 2011 had tended to marginalise the Palestinian question in the Middle East, the Syrian conflict, and more particularly the siege of the Palestinian Yarmouk camp in the suburbs of Damascus, helped to remind us that the Palestinian refugees' problem was still on the agenda. Before the beginning of the Syrian upheaval, the Palestinian community enjoyed relatively better integration than most of the Palestinians in the region with unrestricted access to education and the labour market in Syria (Takkenberg, 1998). The conflict that began in 2011 has rejected Palestinians in Syria into their stateless status and forced them to seek asylum abroad, like the Palestinians who had to flee Iraq after the fall of the regime of Saddam Hussein in 2003. The Syrian conflict left Palestinians in Syria in an ambiguous situation, oscillating between individual forms of protest and more structured opposition movements to the regime and to some parts of the Palestinian leadership (Napolitano, 2012). In 2015, UNRWA¹ estimated the total number of Palestinian refugees internally displaced in Syria to be just over 280,000 (out of a total of about

¹ United Nations Relief and Works Agency for Palestine Refugees (UNRWA). The Agency began operations on 1 May 1950. The Agency's services encompass education, health care, relief and social services, camp infrastructure and improvement, microfinance and emergency assistance, including in times of armed conflict (www.unrwa.org).

500,000 registered Palestinian refugees in Syria), many of whom came from Yarmouk camp in Damascus. More than 70,000 of them were forced to flee to neighbouring countries. Nearly 45,000 registered refugees left Syria for Lebanon, 15,000 for Jordan and 9,000 for Egypt (UNRWA, 2015). Today, a total of 120,000 have fled Syria, according to UNRWA figures, heading mainly to countries in the region (Lebanon, Jordan, Turkey and Egypt) but also Europe.² However, in Lebanon, this number has decreased reaching 31,000 in 2017 due to re-emigration mainly towards European countries or return to Syria.

The Palestinian case, despite its specificities, therefore raises the following question: what happens to refugees when they are forced to leave their country of asylum because of a conflict? Other refugees were living in Syria before 2011, such as Iraqis or Sudanese. In the absence of state or international protection, Palestinian refugees are developing migration strategies that allow them to circumvent the restrictions they face.

Palestinians, A Specific Category of Refugees?

This refugee movement, largely overshadowed by the scale of the Syrian crisis, raises many questions about the status of refugees forced to leave their country of first settlement to seek asylum in another, outside any framework of international protection. Unlike UNHCR, UNRWA has a limited mandate of protection. As mentioned by Jalal al Hussein (2015): "The fact that Palestinian refugees have benefited from the humanitarian services of an agency, UNRWA, dedicated exclusively to their basic needs for more than sixty years has not yet filled this vacuum of protection. Although its relief, health and education activities have played a protective role in conflict, they do not replace the political and physical protection activities covered by UNHCR's mandate."

This displacement is a continuation of other forced Palestinian migrations in the region and questions the asylum policies implemented by the states in the region (Dorai and Al Hussein, 2013). In countries bordering Syria, the relative closure of the border to Palestinian refugees contrasts with the reception of Syrians, related to the specific and singular position of the Palestinian question in the region. The treatment of Palestinian refugees from Syria makes it possible to develop a more global reflection on the selectivity of the migration policies of the Middle Eastern countries in a context of crises. In the field of forced migration there is confusion between legal categories (refugees, asylum seekers, etc.) and those of the migrant experience (Zetter, 2007). Palestinians, although recognised as refugees in their country of registration, find themselves in a singular situation when they cross an international border. They remain stateless and deprived of formal protection. This raises the question of the Palestinian exception in the field of refugee studies (Kagan, 2009).

² www.unrwa.org/syria-crisis (accessed 01/02/2018).

Lebanon, like some other Arab countries in the region, is not a signatory to the 1951 Geneva Refugee Convention. The category of “refugee”, with the exception of Palestinians who are recognised as refugees in the state where they have permanent residence, does not exist as such (Zaiotti, 2006). Most states in the Middle East do not have a proper asylum system. Asylum procedures exist but they are developed by the Office of the United Nations High Commissioner for Refugees (UNHCR). As noted by Michael Kagan: “The systems that exist on the ground for refugees in the Middle East are essentially off the radar screen of conventional thinking in the field of international law because they rely on shifting responsibility from the state to the UN. The difference in the Middle East is that there are two relevant UN refugee agencies, UNRWA for Palestinians and UNHCR for non-Palestinians [...]” (Kagan, 2011: 9).

Palestinians, because of their special legal status, are de facto out of the scope of conventional asylum in countries and territories where UNRWA operates (Feldman, 2012). The question of the reception of Palestinian refugees in neighbouring countries is therefore treated from a political angle. The various countries that have already hosted Palestinian refugees in 1948, and in 1967 for some of them, consider that the responsibility for their reception is a question that should be solved by the international community. For example, Jordan closed its borders to Palestinian refugees from Syria in 2013 for fear of being seen as a substitute homeland. The fate of the Palestinians in Syria is therefore bound by the countries of the region to the non-resolution of the Arab-Israeli conflict. While most Arab regimes develop a discourse that shows strong support for the Palestinian cause, and in particular the right of return of refugees, the precarious status of refugees, especially in times of crisis, shows how little support they actually receive. Above all, the political, economic and security interests of host states are paramount in the light of regional and international circumstances.

A Precarious Status Leading to Vulnerability

According to UNRWA (2015), nearly 45,000 Palestinians from Syria have entered Lebanon since the crisis, and 31,000 are still registered in the country at the end of 2017. These figures are to be taken with caution; they do not result from a census of the presence of Palestinian refugees from Syrian Lebanon but the count of their number having crossed the border between the two countries. As long as the border was open, many Palestinians were temporarily travelling to Lebanon, and then returned to Syria according to the changing situation in the camps and/or cities of usual residence in Syria. Since May 2014, Lebanon has closed its borders to this category of refugee resulting in the end of the movement of Palestinians from Syria between the two countries. Families were effectively split between the two countries by the crisis.

At the beginning of the Syrian crisis, the General Security of Lebanon, which is in charge of managing the entry and residence arrangements of foreigners on Lebanese soil, has taken specific measures to “facilitate” the entry of Palestinian refugees from Syria on its territory.

Lebanon, like most Arab countries, applies restrictive measures to limit the entry of Palestinians on its soil. This policy is justified by the authorities by the will to limit the “risks” of settlement of unregistered Palestinians in Lebanon and to see their number increase in a context where the refusal of the settlement (*tawtin* in Arabic) of Palestinian refugees is almost unanimous in the Lebanese political class. They face strong legal constraints that deprive them of many essential rights, such as access to the labour market, public education or the public health system.

Like the Palestinian refugees from Lebanon, just over half of newly-arrived Palestinian refugees from Syria are concentrated in one of the twelve existing refugee camps. The others settle in neighbourhoods or rural gatherings where the Palestinian presence is already important. The geography of the Palestinian presence in Lebanon has therefore not been significantly modified by the new arrivals, with the exception of a recrudescence of settlement in the Beqaa valley, bordering Syria and the first step for those leaving the country. Palestinians from Syria form one of the poorest and the most vulnerable refugee populations in Lebanon as they face double constraints: being Palestinian and being refugees from Syria. A recent socioeconomic survey of Palestinians in Lebanon highlighted their marginalisation (Chaaban et al., 2016)

Conclusion

The absence of legal framework concerning Palestinian refugees forced to leave their country of residence as well as the political treatment of Palestinian refugees by states in the region raises the problem of secondary migration during conflict. Secondary migration is often analysed in the literature through the resettlement of refugees outside their area of first asylum to Europe or Northern America (Hein, 1993). The Palestinian case, despite its specificities, raises the question of the refugee status and secondary mobility. The refugee status of the Palestinians is linked to their country of residence. When they leave their country of residence they do not fall under the mandate of the UNHCR and can only access limited humanitarian assistance provided by UNRWA. Palestinian refugees tend to be transformed in asylum seekers by conflicts, and most of the time considered as illegal migrants in their country of temporary residence. As they are stateless they cannot even seek the protection of their country of origin. If the study of Palestinian refugees is one of the themes that have been the subject of much attention from researchers in the field of social sciences, it has often been treated from the perspective of Palestinian exception. The singularity of the Palestinian experience is related to the non-resolution of the Arab-Israeli conflict, to their stateless status as their exclusion from the 1951 conventional asylum system. To what extent can this experience be considered as unique in the field of social sciences research? As Michael Kagan (2009) notes, the “plight of Palestinian refugees offers lessons for others, and the norms and knowledge developed from other refugee situations offer a great deal for Palestinians.” Palestinian experience is very instructive since it raises the question of the forms of secondary migration in the context of protracted conflicts.

References

CHAABAN, J., SALT, N., GHATTAS, H., IRANI, A., ISMAIL, T., BATLOUNI, L. (2016) *Survey on the Socioeconomic Status of Palestine Refugees in Lebanon 2015*, Report published by the American University of Beirut (AUB) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

DORAÏ, KAMEL AND AL HUSSEINI, JALAL (2013) "La vulnérabilité des réfugiés palestiniens à la lumière de la crise syrienne", *Confluences Méditerranée*, no. 87, pp. 95-108.

FELDMAN, ILANA (2012) "The Challenge of Categories: UNRWA and the Definition of a "Palestine Refugee", *Journal of Refugee Studies*, 25, 3, pp. 387-406.

KAGAN, MICHAEL (2011) "*We live in a country of UNHCR*" *The UN surrogate state and refugee policy in the Middle East*, UN High Commissioner for Refugees (UNHCR), [En ligne] URL: <http://www.refworld.org/docid/4d8876db2.html>, [accessed 1 February 2018].

KAGAN, MICHAEL (2009) "The (Relative) Decline of Palestinian Exceptionalism and its Consequences for Refugees Studies in the Middle East", *Journal of Refugee Studies*, 22, 4, pp. 417-438.

NAPOLITANO, VALENTINA (2012) "La mobilisation des réfugiés palestiniens dans le sillage de la « révolution » syrienne : s'engager sous contrainte", *Cultures & conflits*, no. 87, pp. 119-137.

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