

## al-shabaka executive summary

# PALESTINIAN REFUGEES FROM SYRIA: STRANDED ON THE MARGINS OF LAW

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October 20, 2015

## Key Points

- Palestinian refugees from Syria are stateless, and amongst the most vulnerable, convincing an increasing number to seek safety in Europe. The legal framework that is being applied to the Palestinian refugees from Syria is a discriminatory one.
- The duty to protect refugees is enshrined in a broader human rights framework and international legal instruments; the [principle of non-refoulement](#) (no forced return to the country of origin) is binding on all States as a rule of customary law.
- The international community should facilitate resettlement in third countries, UNRWA should ensure that all Palestinians outside its mandate receive UNHCR assistance, Arab states must comply with the international obligation of *non-refoulement*, and the PLO should intervene on behalf of Syria's Palestinians. The Israeli government's continued denial of the right of return of Palestinian refugees is [a major factor](#) in their current vulnerability.

## Attacks and Prolonged Siege for Refugees Still in Syria

Palestinian refugee camps in Syria have suffered significant shelling, destruction, and the massive displacement of their populations as a result of the ongoing conflict. [No aid has been allowed](#) into Yarmouk for months, and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) has not been able to distribute food aid to Yalda, Babilla and Beit Saham [since June](#).

The majority of Palestinian refugees who fled Syria (at least 15 percent of Syria's pre-war Palestinian population) are in neighboring Middle Eastern countries, and many do not have a legal status and are denied basic social services. They face restricted freedom of movement and live in constant fear of arrest and forced return to Syria.

## Palestinian Refugee Rights Denied in Jordan, Lebanon, and Egypt

In January 2013, the Jordanian government announced a [non-entry policy](#) for Palestinian refugees. Palestinians who fled to Jordan [cannot legally live in the refugee camps](#) established for Syrians, nor legally work to earn money to rent other housing.

As of May 2014, Syria-registered Palestinian refugees could only enter Lebanon if they had [documents for travel to a third country](#), limiting their stay to a maximum of nine hours. [Restrictions](#) on the ability of Palestinians from Syria to legally renew residency papers put the majority [under the threat of arrest and deportation to Syria](#).

In Egypt, there is currently [no UN agency responsible](#) for the protection and assistance of Palestinian refugees in Egypt. Palestinians (unlike other refugees in Egypt) [cannot register](#) with UNHCR, and thus cannot get residency permits, receive food vouchers, medical assistance, or any other UNHCR services. Palestinians fleeing Syria for Egypt have been subjected to [arbitrary arrest, prolonged detention or deportation](#), and collective expulsion.

## Turkey and Europe: Harsh Conditions and Deadly Risks

The Turkish government reportedly has [an open door policy](#) for refugees. Yet there are reports of Turkish border guards [pushing back](#) or [shooting](#) refugees from Syria trying to enter the country, and of Palestinian refugees being [assaulted by border guards](#). UNHCR services, which are distributed through the Turkish government, are [not reaching Palestinian refugees](#). Given the [harsh realities affecting Palestinian refugees](#), an increasing number are opting to continue on to Europe on clandestine journeys filled with uncertainty and danger.

## A Separate and Unequal Legal Status

Palestinian refugees maintain a separate legal status from other categories of refugees, enforced through an [exclusion clause](#) in article 1(D) of the 1951 UN Convention Relating to the Status of Refugees. However, if interpreted correctly, Palestinians who are outside of UNRWA's areas of operation or unable to access UNRWA assistance fall under the mandate of [UNHCR](#).

The exclusion of Palestinian refugees from UNHCR's mandate was [pushed by Arab states](#) who feared that absorbing Palestinians with other categories of refugees would harm the right of return for Palestinians. However, this separate legal status is part of the reason Palestinians fleeing Syria have seen their mobility and access to international protection curtailed. Neither local integration in the country of residence nor resettlement in a third country [negates Palestinians' individual right of return](#) to their homeland.

## Recommendations: Protecting the Palestinian Refugees from Syria

- The office of the UN Secretary General should immediately reinstate Yarmouk on the list of places under siege in Syria. The international community should facilitate resettlement in third countries as a solution for Palestinian refugees from Syria.
- Palestinians fleeing the war in Syria to places outside of UNRWA's area of operation should



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automatically come under UNHCR's attention and mandate.

- States who are signatories of the 1965 Casablanca Protocol and other international human rights conventions need to abide by those legal instruments and provide Palestinian refugees with recognized rights and protection.
- The PLO, as the sole representative of the Palestinian people, has a responsibility to intervene on behalf of Syria's Palestinians and contribute to ensuring their protection and finding solutions to their plight.
- The international community must put pressure on the Israeli government to implement UN resolution 194 which recognizes the right of return of Palestinian refugees and hold it accountable for not abiding by international law.

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