

ENSURING THE UK PROVIDES EQUAL PROTECTION TO PALESTINIAN REFUGEES FROM SYRIA

MAP
MEDICAL AID FOR PALESTINIANS

LAWYERS FOR PALESTINIAN
HUMAN RIGHTS



3,291

PALESTINIANS

have been killed as a
result of the Syrian conflict

100,000 – 120,000

PALESTINIANS have fled Syria
since 2011

0 OF THESE REFUGEES

have been resettled to safety in the UK

All statistics correct as of 28 July 2016



100,000-120,000 Palestinian refugees from Syria have fled the war in Syria since 2011. However, despite their equal need for international protection alongside Syrian national refugees, Palestinian refugees from Syria are not eligible to access the UK's Syrian Vulnerable Persons Resettlement (VPR) Programme, even if they meet its vulnerability criteria.

British charities Medical Aid for Palestinians (MAP) and Lawyers for Palestinian Human Rights (LPHR) are concerned that unjustifiable discrimination on the basis of nationality is forcing the most vulnerable Palestinian refugees from Syria either to remain in desperate situations in border countries, or to undertake a perilous further journey to safety.

Palestinian refugees from Syria who have fled to Lebanon and Jordan fall under the protection of the United Nations Relief and Works Agency (UNRWA), rather than the body that generally provides protection to refugees, the United Nations High

Commissioner for Refugees (UNHCR). UNRWA has for many years been providing urgent and life-saving services and support to Palestinian refugees. However they have also highlighted the fact that these Palestinian refugees "face a precarious existence and are forced to subsist on humanitarian handouts". The Agency has launched an emergency appeal calling for "\$414 million to support critical humanitarian assistance" for these refugees, but their programmes remain under-funded.

The UK must act as a matter of urgency to address the critical protection gap created by preventing Palestinian refugees from accessing its principal resettlement programme for refugees from Syria. MAP and LPHR urge the UK government to carefully consider our suggested recommendations in this briefing, and ensure that the most vulnerable Palestinian refugees from Syria are able to access international protection in the UK through its vital resettlement programmes.

RECOMMENDATIONS:

- Urgently enlarge the scope of the Syrian Vulnerable Person Resettlement Programme (VPR) to provide protection to Palestinian refugees from Syria who meet the following criteria:
 - i for reasons beyond their control or independent of their volition they are unable to access the assistance or protection of UNRWA; and
 - ii they satisfy the 'vulnerability criteria' used by UNHCR and adopted by the UK government's Syrian VPR scheme for identifying refugees in need of resettlement.
- Work closely with UNRWA and UNHCR to ensure that Palestinian refugees from Syria are given access to apply to the Gateway Protection resettlement programme operated by the UK government in partnership with the UNHCR if the above criteria are met.
- Monitor whether Palestinian refugees from Syria in Lebanon and Jordan are able to access essential healthcare assistance through UNRWA, and whether those in Turkey can access essential medical assistance through UNHCR. Where service gaps are identified, work with local and international partners to resolve these.

NOUR AND SAMIR'S STORY

Nour and her son Samir managed to escape the siege of Yarmouk and flee to Lebanon, but were injured by sniper fire as they fled, shattering Nour's hip and leaving Samir with a bullet lodged in his back. When they made it to Ein el Helweh camp in Lebanon, they needed surgery to treat their injuries, but as Palestinians they were ineligible for support from UNHCR. Instead they rely on UNRWA, who cannot pay for this type of surgery. Nour's hip replacement surgery left them in serious debt and they could not afford to pay for surgery to remove the bullet from Samir's back.



We met Samir and Nour in April 2015 and at that point Samir was stuck in limbo, unable to heal, work or support himself and his mother. To make matters worse, Lebanese visa restrictions for Palestinian refugees from Syria had left Nour and Hasan effectively trapped in the camp. The last time Samir had ventured outside, he had been stopped at a checkpoint and told to pay \$200 for a visa within ten days or be deported back to Syria. These visa restrictions have since been relaxed; however, the situation is still unpredictable and many Palestinians in Samir's situation fear going through checkpoints due to a perceived risk of being deported back to Syria.

In May 2016 we attempted to track down Nour and Samir again, but were told that Samir had since fled Lebanon to Turkey and then on to Germany; and his mother, Nour, had been forced to return to their remaining family in Syria, having no other means of support in Lebanon. We do not know the specific reasons for Samir leaving Lebanon, but many Palestinian refugees from Syria are likely to have emigrated because of lack of opportunities, services and difficult living conditions.

THE AL MASRI FAMILY, FROM SBEINAH CAMP

The Al Masri family fled from Syria to Lebanon in 2012. For the last few years, all six of them have been living in one cramped room in a shelter little more than a cattle shed outside Ein el Helweh camp. Like Nour and Samir, their Palestinian identity has left them acutely vulnerable. Last year one of their sons was attacked by other children, leaving him with neuralgia in his left leg. UNRWA would not pay for the required MRI scan that could have led to medical treatment. Earlier this year UNRWA reduced its assistance to Palestinians by 5,000 Lebanese pounds (£) per person. Many of these Palestinians were already barely surviving in extreme poverty.



Since we met with the Al Masri family they have left the collective shelter and have moved elsewhere, possibly within Lebanon. They did not inform anyone of where they were going.

"The immediate thing to do is to make sure [Syrian Palestinians] don't fall through the cracks... Countries have to make it clear that Palestinians from Syria are to be treated in exactly the same way as Syrians from Syria because they are fleeing the same horrendous circumstances."

Chris Gunness, UNRWA

"Those able to flee to Jordan and Lebanon face a precarious existence and are forced to subsist on humanitarian handouts. Confronted with hopelessness and fear, amplified by the unresolved issue of Palestinian statelessness, many are joining the refugee exodus within the region and into Europe, often on perilous sea journeys"

UNRWA

INTERNATIONAL REFUGEE LAW CONTEXT

Palestinian refugees have a distinct status in terms of their right to protection under international refugee law.

Paragraph 1 of Article 1D of the Refugee Convention excludes from the protection of the Refugee Convention those Palestinian refugees who are receiving protection or assistance from UNRWA. However, paragraph 2 of Article 1D automatically includes those same Palestinian refugees within the scope of the Refugee Convention and UNHCR when protection or assistance from UNRWA has ceased.

Whether the protection or assistance of UNRWA has ceased is a question of fact. It requires taking into account all the available evidence, including UNRWA's mandate and operations, the circumstances in the host country and the individual's personal circumstances. If, for example, UNRWA is unable to provide essential medical treatment or care, this would be a relevant individual circumstance to take into account.

If it is established that UNRWA's protection or assistance has ceased for reasons beyond the control, or independent of the volition of a Palestinian refugee, he or she is automatically entitled to the benefits of the Refugee Convention and UNHCR, including being potentially eligible for resettlement to third states should they additionally meet UNHCR's 'vulnerability criteria'.

'RESETTLEMENT' MEANING AND FUNCTION

Resettlement involves the selection and transfer of refugees from a state in which they have sought protection to a third state which has agreed to admit them as refugees. No country is legally obliged to resettle refugees, rather it is a demonstration of generosity on the part of governments.

Resettlement is a tool to provide international protection and meet the specific needs of individual refugees whose life, liberty,

safety, health or other fundamental rights are at risk in the country where they have sought refuge. It is also a solution for a minority of refugees amongst larger groups of refugees, alongside the other durable solutions of voluntary repatriation and local integration.

In response to the Syria crisis, UNHCR has given prominence to the use of resettlement as a protection tool and a durable solution for the increasing number of vulnerable Syrian refugees.

UK GOVERNMENT 'SYRIAN VULNERABLE PERSONS RESETTLEMENT PROGRAMME'

In early 2014 the UK government decided to establish a 'Syrian Vulnerable Person Resettlement (VPR) Programme' in order to provide a route for selected Syrian refugees to come to the UK. The scheme was extended in September 2015 to resettle up to "20,000 Syrians" during this parliament.

A Parliamentary Question answered in November 2015 set out the 'vulnerability criteria' used by UNHCR and adopted by the Syrian VPR scheme for identifying refugees in need of resettlement:

"UNHCR identifies people in need of resettlement based on the following criteria: women and girls at risk; survivors of violence and/or torture; refugees with legal and/or physical protection needs; refugees with medical needs or disabilities; children and adolescents at risk; persons at risk due to their sexual orientation or gender identity; and refugees with family links in resettlement countries."

Suitable cases are identified from UNHCR's caseload of registered refugees. UNHCR staff identify cases potentially suitable for resettlement in the UK and refer them to the Home Office. The Home Office makes further checks on the person's eligibility and on any potential security concerns, then seeks to match them with a place in a local authority.

There is no reference made to Palestinian refugees from Syria in the UK government's guidance for local authorities on the Syrian VPR Programme.



Photo: Ilias Bartolini



UK GOVERNMENT GATEWAY PROTECTION PROGRAMME

The Gateway Protection Programme is operated by UK Visas and Immigration in partnership with UNHCR. The programme offers a legal route for up to 750 refugees to settle in the UK each year.

Applications for resettlement under this programme are made to the UNHCR, which refers them to the UK government who carries out various checks, including their need for resettlement.

UK GOVERNMENT POSITION ON PALESTINIAN REFUGEES FROM SYRIA

The UK government has not adequately clarified its policy on the resettlement of Palestinian refugees from Syria. MAP and LPHR therefore recently wrote to the then Minister for Syrian refugees, Richard Harrington, and were provided the following response dated 15 June 2016:

"Palestinian refugees from Syria who are now under the care of the United Nations Relief and Works Agency for the Near East (UNRWA) in Jordan or Lebanon, or who have sought refuge in Turkey and other neighbouring countries and are under the care of the United Nations High Commissioner for Refugees (UNHCR), are not included in

the UK's Vulnerable Persons Resettlement Scheme, as this scheme is only available for Syrian nationals."

MAP and LPHR are concerned that the UK government may be in breach of its legal obligations under the Equality Act 2010 by establishing a programme which discriminates against individuals from Syria on grounds of nationality. We believe that the exclusion of Palestinian refugees from Syria from the UK's Syrian Vulnerable Persons Resettlement Programme, materially contributes to the discriminatory obstacles Palestinians face when seeking protection as refugees.

With regard to the UK's overall approach to resettlement, the Minister outlined that **"The UK only considers cases that have been referred by UNHCR and assessed by UNHCR as having a resettlement need. To date no Palestinian refugees have been resettled from Syria under [existing] schemes because no such cases have been referred to the UK by UNHCR."**

Palestinian refugees from Syria cannot normally register with UNHCR in Lebanon, Jordan, Syria and the occupied Palestinian territory because these are countries where UNRWA operates and the fact is that the UK government has not resettled a single Palestinian refugee from Syria under its Gateway Programme. It is essential that the UK government revises its resettlement programmes, adopting a non-discrimination approach, and works closely with UNHCR and UNRWA to ensure that the most vulnerable Palestinian refugees from Syria are included.

LAWYERS FOR PALESTINIAN
HUMAN RIGHTS



Lawyers for Palestinian Human Rights (LPHR) is a legal charity in the United Kingdom that works on projects focused on protecting and promoting Palestinian human rights.

www.lphr.org.uk

Registered Charity no: 1142158

MAP
MEDICAL AID FOR PALESTINIANS

Medical Aid for Palestinians (MAP) works for the health and dignity of Palestinians living under occupation and as refugees.

www.map-uk.org

Registered Charity no: 1045315