

“IF I DIE, BURY ME IN PALESTINE”

MAP
MEDICAL AID FOR PALESTINIANS

HOW THE WORLD IS FAILING
PALESTINIAN REFUGEES FROM SYRIA



C O N T E N T S

| | | | |
|---|---------------------------------|----|---|
| 3 | Introduction | 12 | UNRWA for Palestine Refugees in the Near East |
| 4 | Executive Summary | 13 | Legal status of Palestinians as refugees |
| 5 | Recommendations | 14 | Resettlement |
| 6 | Methodology | 17 | Europe's response |
| 7 | Palestinian refugees in Syria | 18 | Conclusion |
| 9 | Palestinian refugees in Lebanon | | |

3,368

THE ESTIMATED (MINIMUM) NUMBER OF PALESTINIANS FROM SYRIA **WHO HAVE DIED** AS A RESULT OF THE WAR IN SYRIA (EITHER KILLED IN SYRIA OR EN ROUTE TO SAFETY)

- ACTION GROUP FOR PALESTINIANS OF SYRIA: VICTIMS DATA TABLE

60,000 - 79,000₁

THE ESTIMATED NUMBER OF PALESTINIAN REFUGEES FROM SYRIA WHO HAVE FLED TO EUROPE



100,000 - 150,000

THE ESTIMATED NUMBER OF PALESTINIAN REFUGEES WHO HAVE FLED THE WAR IN SYRIA



430,000

THE APPROXIMATE NUMBER OF PALESTINIANS STILL INSIDE SYRIA WHO ARE RELIANT ON AID & ASSISTANCE TO MEET THEIR MINIMUM NEEDS



0

THE NUMBER OF PALESTINIAN REFUGEES FROM SYRIA WHO HAVE BEEN PROVIDED WITH A SAFE ROUTE TO THE UK.



Introduction

Tony Laurant, CEO of Medical Aid for Palestinians

"If I die, bury me in Palestine"

These were the words of a Palestinian refugee from Syria who made the journey through Turkey, across the Mediterranean and into the complex web of European policing and border controls.

Many Palestinian refugees living in Syria have been displaced multiple times since their families fled from their homes in Palestine in 1948. They now face stark choices. They must choose between trying to survive under fire in Syria or finding shelter in overcrowded camps in Lebanon, Turkey or Jordan, where there is limited access to healthcare, education or work, and an insecure environment.

These refugees need better attention and support to avoid falling between the gaps in international humanitarian assistance. For example, unlike other refugees from Syria, Palestinians are excluded from the UK's Syria Vulnerable Person Resettlement scheme.

This report describes the history, living conditions and legal status of these refugees and argues for a more comprehensive response to their needs.



ALIA, 32, FROM YARMOUK CAMP

"My name is Alia, I'm 32 and I lived with my parents in Yarmouk camp in Damascus. I worked for UNRWA, and was financially independent. Then on 17 December 2012 an airstrike hit the camp and my life was turned upside down.

I entered Lebanon for the first time on the first day of Eid al Fitr. I thought it would be Eid here, but I was shocked by Shatila camp. It was summer, and there was sewage on the ground. Here in Lebanon, there is no work and our movement is restricted. They do not renew our residency permits, so some people face deportation. There is no legal protection for Palestinians from Syria in Lebanon.

Only UNHCR can provide protection, and they can't register Palestinians because we are registered with UNRWA and UNRWA has no protection clause, it only provides relief. So now we are asking for the right of safe emigration. To respect our rights as human beings. While Syrian citizens can apply to UNHCR, and are free to travel to Canada or any European country, Palestinians from Syria are told they have a right of return to Palestine. Then let us live in dignity until we acquire the right of return!

I call on the International Community, human rights organisations and all countries of the world to consider the situation of the Syrian-Palestinian diaspora, whether refugees or displaced for a second time, and to consider with sympathy and compassion our request for emigration and humanitarian refuge for our children, the elderly, and women.

I look forward to a life of humanity, legality and justice."

Executive Summary

Palestinians have been living in Syria as refugees since they were displaced from their homes in 1948. Approximately 560,000 Palestinian refugees lived in Syria before the Syrian uprising in March 2011, with access to education, healthcare and employment. However, in the years that followed, an estimated 100,000-150,000 Palestinian refugees fled Syria, becoming displaced once more. On arrival in neighbouring countries, such as Lebanon, many faced legal restrictions and an unavoidable reliance on under-funded UNRWA institutions for basic services.²

It is currently estimated that 42,000 Palestinian refugees from Syria are living in Lebanon, in addition to the approximately 280,000 Palestinian refugees whose families have been living in Lebanon since 1948. UNRWA has been providing urgent and life-saving services and support to Palestinian refugees in Lebanon and the other countries in which it operates for more than 65 years. Without their daily efforts Palestinian refugees would have limited or no access to education, healthcare or food. However they recently highlighted that Palestinian refugees from Syria “face a precarious existence and are forced to subsist on humanitarian handouts.”³ The Agency launched an emergency appeal in February 2016 calling for “\$414 million to support critical humanitarian assistance” for Palestinian refugees from Syria, but their programmes remain seriously under-funded and, for the second year in a row, UNRWA schools in Lebanon faced the imminent threat of closure in 2016.⁴

States have responded to the crisis in Syria by pledging more than US \$12 billion in support in 2016 alone and a further \$6.1 billion for 2017-20.⁵ Additionally, many states have been working with UNHCR to open up safe and legal routes to resettlement for vulnerable refugees. However, crucially, much of this financial support and these opportunities to reach safety are unavailable to Palestinian refugees from Syria because they do not have Syrian nationality and cannot register as refugees with UNHCR.

Restricted access to health, housing and education services, legal obstacles to safety and a lack of opportunities for their children’s future have driven many Palestinian refugees to pay smugglers to take them out of Lebanon and into Europe. Between 60,000 and 79,000 Palestinians from Syria are reported to have made the journey to Europe so far.⁶

This report describes the circumstances faced by Palestinian refugees from Syria in Lebanon including the pre-war situation in those countries, the impact of war and displacement, conditions in the camps on arrival in Lebanon and the choices many are forced to make when seeking refuge in Europe. It demonstrates the need to rethink the humanitarian and political response to the plight of Palestinian refugees from Syria.

Bourj al Barajneh camp, Lebanon



Photo: Libby Powell



SABAH, FROM YARMOUK, LIVING IN BOURJ AL BARAJNEH

Half of the Palestinians from Syria I know have a family member in Europe, the other half have someone who wants to leave and money is the only obstacle. We borrowed money to pay for the journey through Daesh-controlled Syria and into Turkey. I would not take the risk with the children. Now, nobody has money to lend anyway. I'm aware of some countries resettling Syrians. I don't understand why Palestinians are not allowed to access these programmes. We are all fleeing the same war."

Recommendations

The international community must do more to support Palestinian refugees from Syria in order to ensure equal access to safety and prevent gaps in services for people living in camps.

States can work towards these goals by:

- Ensuring Palestinian refugees from Syria have full and equal access to humanitarian assistance, including resettlement programmes, and that such programmes are not administered in a way that discriminates on the basis of nationality or residence;
- Working closely with UNRWA and UNHCR to ensure that Palestinian refugees from Syria are able to access appropriate health, shelter and education services, wherever they may be living;
- Implementing the New York Declaration commitments equally for Palestinian refugees,⁷ including multilateral financial support to enable UNRWA to deliver adequate education and healthcare services to vulnerable Palestinians in their operating area;
- Support all efforts to find a just and lasting solution to the situation of Palestinian refugees.

CHRIS GUNNESS, UNRWA

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."

Bourj al Barajneh camp, Lebanon



Methodology

In 2016 MAP conducted semi-structured interviews with Palestinian refugees from Syria (PRS) in the Palestinian refugee camps of Bourj al Barajneh and Sabra and Shatila in Beirut.

MAP also held meetings with international and local NGOs and civil society groups working with refugees from Syria in Lebanon. These included legal organisations, academics, and the United Nations Relief and Works Agency (UNRWA) in Beirut, as well as legal experts and civil society groups in the UK. The content of this report is based on the findings from these interviews

and meetings, in addition to a review of relevant literature on the topic of Palestinian Refugees from Syria and an analysis of relevant UK and international law. It also builds on a briefing produced by MAP and Lawyers for Palestinian Human Rights in August 2016 on the legal and political obstacles to safety for Palestinian refugees from Syria.⁸

The interviewees comprised fifteen women and six men, aged between 20 and 58. The majority of these had at least one family member (husband or child) who had already journeyed to Europe, all of whom had left through non-government-

sanctioned migration routes. All families were 1948 refugees from Palestine who had mostly settled in the Yarmouk, Dara'a, and Sbeineh areas of Syria. The interviewees had all arrived in Lebanon between 2012 and 2015. All names of interviewees and family members have been anonymised.

MAP would like to thank all of the people who took the time to speak to us about their experiences and their families' journeys. We would also like to thank all of our other interlocutors for sharing their time and expertise with us.

A Palestinian refugee in Bourj al Barajneh camp in Lebanon



Photo: Jaipreet Kaur



Civilians in Yarmouk. Photo: UNRWA

Palestinian refugees in Syria

In 1948, three-quarters of the Palestinian population, approximately 750,000 people, were displaced or fled from their homes and had to find shelter elsewhere. An estimated 90,000 people went to Syria, eventually settling across the country in nine refugee camps and three unofficial gatherings.⁹ The Syrian State welcomed Palestinians, offering material and moral support. In 1956, Law Number 260 granted them the same rights as Syrian citizens when it came to employment, trade and national service, while preserving their Palestinian nationality.¹⁰

In pre-war Syria, Palestinian refugees, could attend school, work, and own property without obstacles, although they notably still lagged behind Syrian nationals on a number of development indicators.¹¹ Although most Palestinians received their primary education from UNRWA schools, the majority attended Syrian government secondary schools and some people went

on to university.¹² Consequently, the literacy rate among Palestinians in Syria was 89%¹³ and nearly 90% were employed.¹⁴ Yarmouk, an unofficial camp that was home to nearly a quarter of the country's Palestinians, was a thriving suburb of Damascus, frequented by Syrians for shopping.¹⁵

”

HEBA

In Syria my husband was working and was in a good situation, and my family was around, but when the troubles started in Syria, families scattered. My dad was killed, and we sat under siege for three years. The siege was really tight, so we asked to leave the camp. We did so for the sake of our children and in fear for my husband's life. We came here, to Lebanon.”

”

SAWSAN, FROM YARMOUK
LIVING IN BOURJ AL BOURAJNEH

Yarmouk had everything, education especially, but then three men were shot and killed on the street where we lived. Initially we fled thinking it would be a temporary visit, as we used to do, that was four years ago.”

The War in Syria

Today of course, the situation is sadly very different. Civilians across Syria have suffered the awful consequences of the on-going war since clashes began in early 2011. Palestinians have been divided in their allegiance, some have supported the Syrian government, others the various opposition forces. This has created additional problems for Palestinian civilians, leaving them vulnerable to persecution by all sides.



Many Palestinian refugees from Syria live in informal gatherings around Lebanon

“

**LUBNA, FROM YARMOUK CAMP
IN SYRIA, NOW LIVING IN
SHATILA CAMP**

I used to live in Yarmouk Camp in Damascus. We were happy there, and our financial situation was good. We fled because of the war. My husband could not go to work anymore and I finished my studies under bombing and shelling. In the last days of my exams, bombs and shells were falling on Damascus University. Roads were closed, blocked by burning car tyres. We were displaced from one place to another, then we thought the best for us was to come to Lebanon.”

The impact of the war can be clearly seen in the formerly flourishing neighbourhood of Yarmouk, previously home to nearly 200,000 people. In December 2012, it became the scene of major clashes between pro- and anti-government forces. First the Syrian army and then the opposition Al-Nusra Front besieged the camp for more than 1,156 consecutive days.¹⁶ In April 2015 the situation worsened further when ISIS fighters seized areas of the camp, and beheadings have since been reported in the camp. Now just 5,000-8,000 civilians remain in Yarmouk, trapped inside, highly vulnerable and in desperate need of food and medical supplies.^{17 18}

**Others have fled, to
other parts of Syria or to
neighbouring countries**

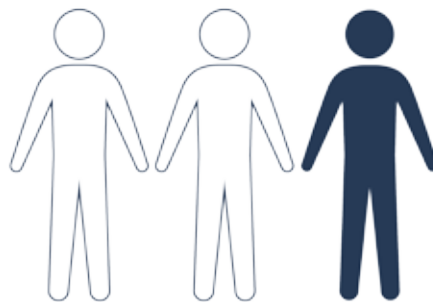
Since the outbreak of the war, between 100,000 and 150,000 of the 560,000 Palestinians registered with UNRWA in Syria have left the country, becoming twice or three-times displaced.¹⁸ Two-thirds of those who remain inside the country have been internally displaced, and 95% are dependent on aid for their basic needs.¹⁹

The realities of exile have highlighted Palestinians' separate status. A Palestinian refugee living in Syria and a Syrian citizen who might previously have been neighbours, using the same schools and hospitals, now find themselves in different situations.

JUST 5000-8000 CIVILIANS
REMAIN IN YARMOUK



PREVIOUSLY HOME TO NEARLY
200,000 PEOPLE



**TWO THIRDS OF THOSE
INSIDE THE COUNTRY
HAVE BEEN INTERNALLY DISPLACED**

**95% ARE DEPENDENT
ON AID FOR THEIR BASIC NEEDS**

In January 2013, the Jordanian government imposed a ban on Palestinian refugees from Syria entering the country, while continuing to accept Syrians.²⁰ This drove many to seek refuge in Lebanon instead, which in turn closed its border to Palestinian refugees from Syria in May 2014.²¹ Despite this, there are an estimated 42,000 Palestinian refugees from Syria in Lebanon today, many in urgent need of assistance.²²

Palestinian Refugees in Lebanon

Approximately 100,000 Palestinians sought refuge in Lebanon in 1948, mostly coming from Galilee and the coastal cities of Jaffa, Haifa and Acre.²³ They settled in refugee camps across the country, which were quickly recognised and organised by the United Nations.

The Lebanese government's response to the Palestinians' arrival was one of concern, notwithstanding their ostensible support for the Palestinian cause. The refugees comprised nearly 10% of the population of Lebanon.²⁴ The newly-independent Lebanese State was governed through a precarious power-sharing agreement between the country's main sects, to which the arrival of a large Palestinian population posed a potential threat. Most Palestinians have not been granted Lebanese citizenship, instead remaining stateless. They have also been denied access to state support, instead relying on relief services from UNRWA since it began operations in 1950.

The fifteen-year Lebanese civil war, which erupted in 1975, had devastating consequences for the Palestinians. Israel invaded Lebanon in 1982 and there were a series of massacres in Tel al-Zaatar, Sabra and Shatila camps. From 1985 to 1987, there was ongoing fighting between the camps, the so-called *War of the Camps* which led to an estimated 2,500 deaths and more than 30,000 people being displaced.²⁵ The War of the Camps also had a lasting physical legacy in the demarcated boundaries that closed the camps off from the rest of the country.

After the civil war ended in 1990, Palestinians became more marginalised than ever, the combination of statelessness and residual hostility making them highly vulnerable.

Today, the approximately 260,000 - 280,000²⁶ Palestinians in Lebanon are banned from working in more than 30 professions, owning property, or accessing vital social services.²⁷ As Palestinians, they cannot partake in reciprocity of employment, whereby non-Lebanese nationals are given the right to work based on the rights of Lebanese nationals to work in their country of nationality. This forms the basis for foreign labourers' right to work in Lebanon and leaves them excluded not only from employment opportunities but also from social security. Only 2% of Palestinians hold work permits, with the majority employed in informal labour that leaves them vulnerable to exploitation.²⁸ Professional syndicates, including those for doctors, lawyers and engineers, either apply severe restrictions or exclude them completely. As a result, unemployment among Palestinians in Lebanon is around 60%.²⁹

The lack of basic civil rights has had devastating humanitarian consequences for Palestinians in Lebanon. In a 2015 study conducted

by the American University of Beirut and UNRWA, they found that 65.2% of PRL and 89.1% of PRS are living in poverty.³⁰ UNRWA reports that Lebanon has the highest percentage of Palestinian refugees living in abject poverty – higher even than in Gaza.³¹ This has left Palestinians in Lebanon highly dependent on UNRWA and severely impacted by the under-funding of its services.

Additionally, conditions in the camps in Lebanon are some of the worst anywhere in the region. Restrictions on long-term planning and a prohibition on the construction of new camps has resulted in squalid, densely-packed neighbourhoods, typified by overcrowding and poor quality housing. Narrow alleyways and inadequate, often dangerous infrastructure cause particular problems for the elderly and people with disabilities.

Camp residents must also struggle with an irregular electricity supply and a dilapidated informal water infrastructure that is often available for only a few hours a day. The proximity of water and electricity supply in some camps has also led to many deaths by electrocution, including 48 in the last five years in Bourj al-Barajneh camp alone.³² During the winter months, parts of the camps often flood with sewage, preventing children from going to school.

60%
OF PALESTINIANS
IN LEBANON ARE
UNEMPLOYED

65.2% | 89.1%
OF PRL | OF PRS
ARE LIVING IN
POVERTY



Haifaa Maarouf is a Palestinian refugee from Syria, born in Zkak Alblat, Lebanon on 1 January 1959. She is a Palestinian refugee. She left Lebanon and went to live in Syria in her teenage years. She lived the majority of her life in Syria. She was forced to leave her home in Yamouk camp with her three daughters, Mayadda (born in Syria on 29 September 1979), Baraa (born in Syria on 2 January 1990) and Duaa (born in Syria on 24 January 1988), one of her sons, Mazen (born in Syria on 28 September 1984), and one of her grandchildren, Lara (born on 1 January 2012). Haifaa left Yamouk after the family home was bombed. She and her family no longer felt safe in Syria, especially as the family name is the same as a well-known opposition figure. Other members of Haifaa's family had been detained as a result, without explanation, and some for several months.

Haifaa has a cyst in her brain which causes a build-up of pressure which can lead to eye damage, temporary paralysis, migraines, blurred vision and extreme fatigue. She cannot be left alone for any significant amount of time due to the risk of her falling or hurting herself. She is unaware of her exact diagnosis or what treatment might be available to her. Her family believe her health has deteriorated since she fled to Lebanon. Stress is one of the known triggers for pressure to build up in Haifaa's brain. Life for the family in Shatila camp is very stressful. The family is living hand to mouth, in temporary accommodation, the rent for which they can only pay with the help of loans, without proper access to medical treatment, with no ability to make a living and no real career or further educational prospects for any of her daughters.

Haifaa's husband and her other son, Mahmoud, were not able to flee Syria. Haifaa's husband has intestinal cancer and had to stay in Syria in order to access chemotherapy. The family could not afford to pay for the treatment in Lebanon. He is now trapped and concerned that if he tries to leave to join the rest of the family in Lebanon, he will be stopped at one of the many checkpoints on the road and will be detained. His ill health means he would be likely to die in detention. Haifaa's son Mahmoud has not been seen or heard of for some time and the family fear he is dead.

Haifaa's son, Mazen originally fled to Lebanon with her and her daughters. However, he is schizophrenic and the family could not access, much less afford, necessary medication in Lebanon. His health severely worsened during his time in Shatila and, after some time, the family decided that, despite the huge risks facing him in Syria, he should return to Damascus in order to access his medication. Haifaa is terrified for his safety.

Haifaa's daughter Mayadda was married and had two daughters. In 2014, her husband and eldest daughter fled Syria to try and reach safety in Europe. Mayadda has not heard from them since and it seems that they may have both died trying to make the journey to safety. Mayadda's surviving daughter, Lara, is five years old. She is showing clear signs of trauma from the loss of her father and her sister and regularly refuses to see or talk to anyone. She stays up all night and sleeps all day. She has asthma and the pollution in Chatila camp means she regularly has to try to access emergency treatment.

KHALID ALI AHMED, YARMOUK CAMP

Khalid was born in October 1958 in Syria and lived there until 2013. He was forced to leave his home in Yarmouk camp after heavy bombing. 600 people died. His family were no longer safe in their home and fled. He arrived in Lebanon on 1 April 2013 and now lives in Shatila.

Khalid is very unwell and extremely weak. He previously underwent open heart surgery and has serious liver and kidney problems, including liver cirrhosis. He has high blood pressure. The medical services available to him in Lebanon are minimal so neither he nor his family are sure of his exact diagnosis, or required treatment. His family understands he needs an urgent liver transplant.

Healthcare

These conditions have serious repercussions for the residents' mental and physical health, but their access to healthcare is limited. Palestinians must pay high costs to access Lebanese hospitals, so most rely instead on the healthcare services provided by UNRWA and the Palestinian Red Crescent Society (PRCS).

In Lebanon, UNRWA has an arrangement with the PRCS and Lebanese hospitals to guarantee the access of Palestinian refugees to secondary healthcare. However, tertiary care is a major problem. As UNRWA clinics and PRCS hospitals cannot always provide the necessary treatment, patients must be referred to Lebanese hospitals where UNRWA is only able to cover some of the costs. Currently, for PRS, UNRWA will cover 60% of the costs of life-saving tertiary care up to a ceiling of \$4,200. MAP has been covering 30% of the cost up to a ceiling of \$2,100. A similar arrangement exists for UNRWA to support the cost of cancer medication for PRL up to \$8,000 with MAP covering 25% of any excess cost up to an additional \$2,000. However, despite such funding arrangements, there are still many treatments without adequate funding support and Palestinian families are frequently forced into debt to pay for medical treatment.



FOR PALESTINIAN REFUGEES FROM SYRIA

UNRWA covers 60% of the costs of life-saving tertiary care up to a ceiling of \$4,200 and MAP is able to cover 30% of the cost up to a ceiling of \$2,100. Any additional cost is covered by patients and their families who are often forced to take out loans or are unable to access expensive operations.

FOR PALESTINIAN REFUGEES IN LEBANON SINCE 1948

UNRWA will support the cost of cancer medication up to \$8,000. MAP covers 25% of any excess cost up to an additional \$2,000. Any additional cost must be covered by the patient.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)

UNRWA was established in 1949 in response to the displacement of more than 750,000 Palestinians in 1948 following the creation of the State of Israel. UNRWA is unique amongst UN agencies in that it is responsible for a single group of refugees across four operating areas: Jordan, Lebanon, Syria and the occupied Palestinian territory.

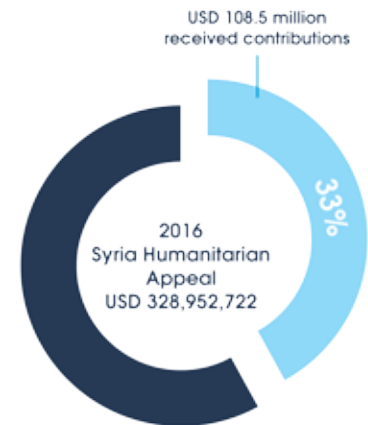
Two years after the formation of UNRWA, the 1951 Refugee Convention led to the creation of the United Nations High Commissioner for Refugees (UNHCR). Similar to UNRWA, UNHCR's mandate provided for service delivery for refugee populations. However, it also included legal protection and the possibility of resettlement for refugees to a third country if conditions were unsafe in their host country.

Today, UNHCR is seen as the primary UN body responding to the needs of refugees globally and the majority of governments tailor their refugee response around UNHCR's mandate. Crucially, Palestinian refugees receiving services from UNRWA are excluded from accessing UNHCR services.

In 1949 UNRWA was responding to the needs of approximately 750,000 refugees. Today there are more than five million Palestinian refugees who are eligible for UNRWA support. In the absence of any solution to the protracted situation of Palestinians living as refugees, UNRWA has repeatedly had its mandate extended by the UN General Assembly, currently until 2017.

UNRWA currently has an operating budget of approximately \$675m, in addition to emergency appeals of approximately \$400m to respond to the situation in Syria and \$300m for emergency assistance in the occupied Palestinian territory.³⁴ In recent years UNRWA has been consistently running a core budget deficit of around \$67m and these emergency appeals remain drastically under-funded.

The under-funding of UNRWA's services means that year-on-year they risk having to close schools, clinics or reduce assistance to refugees. In 2015 UNRWA suspended cash assistance for housing to refugees in Lebanon³⁵ and further cuts and reforms to healthcare support have been brought in over the past year.³⁶ Despite the operating challenges UNRWA faces, Governments have not significantly increased its funding to meet growing needs.



Source: UNRWA

The agency tasked with providing for Palestinian refugees from Syria is in financial crisis. The reliance of the international community on UNRWA to provide for Palestinian refugees in the absence of a solution to resolving their long-term status is placing UNRWA in the situation of providing services to a growing and increasingly vulnerable population on a limited and insecure budget.

Until Palestinians are given the option of a long-term solution to their legal status, the international community must address the financial, political and physical obstacles to their safety and adapt their response accordingly.





UNRWA building

What is the legal status of Palestinians as refugees?

Many Palestinians have been refugees since 1948. They have suffered displacement, or multiple-displacement with little hope of ever returning home. These challenges require greater flexibility in the response of states, UN Agencies and NGOs and an understanding of the specific legal obstacles that make Palestinians refugees in such conditions particularly vulnerable.

The 1951 Refugee Convention is one of the primary sources of international law governing the treatment of people who have fled war and persecution across borders. In the case of Palestinian refugees from Syria, Article 1D of the Refugee Convention is particularly relevant as it excludes from the protection of the Convention those Palestinian refugees receiving protection or assistance from UNRWA, but specifically includes those same Palestinian refugees within the scope of the Refugee Convention and UNHCR if protection or assistance from UNRWA has ceased.

“This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.”

Article 1D of the 1951 Refugee Convention³⁷

If UNRWA is unable to provide essential medical treatment or care in individual cases, all efforts should be made to ensure these needs can be met through other means. This could either be directly by states providing assistance or access to humanitarian protection, through international organisations or through other UN bodies.³⁸ UNHCR have previously defined the cessation of protection or assistance under Article 1D as:

“Any objective reason outside the control of the person concerned such that the person is unable to (re-)avail themselves of the protection or assistance of UNRWA. Both protection-related as well as practical, legal or safety barriers to return are relevant to this assessment.”³⁹

In some circumstances, Article 1D could mean that particularly vulnerable individuals are eligible for temporary resettlement through UNHCR. However many states are not applying Article 1D in this way.

States differ in the way they interpret the legal status of Palestinian refugees and access to safety is often influenced by the way such schemes are administered. The UK Minister for Syrian Refugees stated in June 2016 in a letter to MAP and LPHR:

“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.”⁴⁰

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. The UK and many other governments’ reliance on UNHCR to administer their resettlement programmes is therefore severely hindering the ability of PRS to have equal access to these programmes. In some cases the direct exclusion of Palestinians on the basis of not having Syrian nationality has meant that these states have not resettled **a single Palestinian refugee from Syria**.

In addition to ensuring Palestinians are given their legal rights under the Refugee Convention, states must also work closely with UNHCR and UNRWA to ensure that the needs of Palestinian refugees from Syria are met and use existing mechanisms for providing humanitarian protection to ensure that no Palestinian refugees are falling through the gaps.



Photo: Mstyslav Chernov

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ANAS, FROM THE EIN TERMAH AREA OF DAMASCUS, NOW LIVING IN BOURJ AL BARAJNEH CAMP

"We were living amongst fierce clashes and crossfire. We saw a safe route out of Syria, so we took it. Initially only my wife and children could leave as my wife is Syrian. They weren't allowing Palestinians across the border. I joined three month's later. Lebanon is expensive, like France."

"My wife is now in Sweden, but my daughters and I stayed. I can work in the camp and provide for them, so my wife made the journey. We had a phone number for a man in Turkey who sorted everything for her to travel from Tripoli to Turkey by plane on a fake passport, then on to Sweden. He charged \$6,000."



The importance of safe routes to temporary resettlement

For Palestinian refugees from Syria, being a refugee in Lebanon means being separated from their extended family and community and living an increasingly precarious existence in the camps. Inevitably some decide to take dangerous journeys to Europe. Many fled to Holland, Germany, Italy, France and Brazil via Sudan, Libya, ISIS controlled Syria and by boat to Turkey.

‘Resettlement’ meaning and function

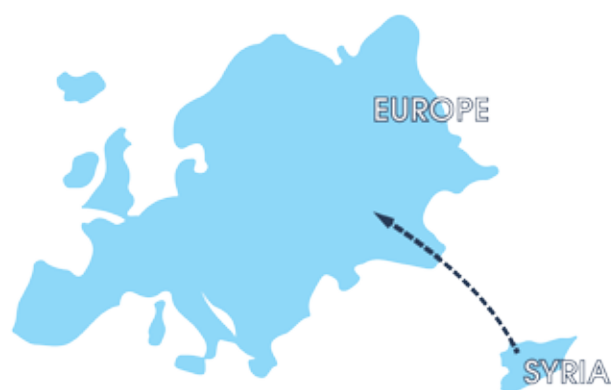
Resettlement involves the selection and safe transfer of refugees from a state in which they have sought protection, Lebanon for example, to a third state which has agreed to admit them as refugees. No country is legally obliged to resettle refugees; it is a moral not legal obligation.

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 amongst larger groups of refugees, alongside other durable solutions of voluntary repatriation and local integration.



Photo: Bernadett Szabo/Reuter

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. While the international community has so far only provided access to resettlement for a small proportion of those identified by UNHCR as being in need, it is important that those being considered for government-sanctioned routes to safety in future are assessed on the basis of vulnerability alone, not nationality.



SINCE 2011

60,000-75,000
PALESTINIANS FROM SYRIA
HAVE MADE THE JOURNEY

O PALESTINIAN REFUGEES FROM SYRIA
HAVE BEEN RESETTLED TO THE UK

”

**RAZA, FROM YARMOUK CAMP IN SYRIA,
NOW LIVING IN SHATILA CAMP**

My husband had no choice but to travel to Holland in order to improve our situation. He chose Holland because we heard it was the quickest for family reunion. I was supposed to join him within 5-6 months.

He went with the help of smugglers from Tripoli by sea. He could not leave legally for Turkey because he is Syrian-Palestinian. The Syrian regime has arrested him twice in the past in Syria, so he was afraid of being arrested while waiting to go through the Turkish border, that's why he risked his life and left from Tripoli.

All this is because we are Syrian-Palestinians and are not allowed entry to any country. He spent 24 hours at sea until he arrived in Turkey by boat, but the boat capsized before it reached the shore and the Turkish coastguards saved them. They were around 40 persons in the boat, including women and children.

I intend to join him, God willing. I'm waiting for family reunion. It has taken longer than we thought, but God willing it will be sorted. When he was not given a residency permit after so long I decided to leave to join him, but they closed entry to Greece. I wanted to take the risk too.

He cannot return to Lebanon because he left illegally, and neither he nor I can go to Syria because he could be arrested again. Only Syria accepts the entry of Syrian-Palestinians. That is our only legal option. I wish they would open the doors to Europe for us legally, because right now we are losing money and lives, as many people never make it.”

UK HOME OFFICE, LETTER RECEIVED BY MAP, 15 JUNE 2016

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."

"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."

At the recent UN High-Level Summit for Refugees and Migrants and the subsequent Leaders Summit on Refugees, discussion focused on providing support to host countries and access to safe and legal routes to protection for refugees.⁴¹ The outcome document of the Summit, the New York Declaration for Refugees and Migrants, expresses the political will of world leaders to save lives, protect rights and share responsibility on a global scale. In implementing this declaration, the international community must ensure that Palestinian refugees, especially fleeing war in Syria, are provided the same access to safety, services and a better future with their families.

LILA, FROM DARA'A IN SYRIA, LIVING IN BOURJ AL BARAJNEH

My husband left for Germany nine months ago, as he had no legal residency, could not work, and wanted a better future for our children. He went back into Syria and through Daesh territory, walking through the desert for three days to Turkey. From Turkey the journey was horrifying, as he got in a small boat which capsized. Most of those in the boat died, he was the only one who survived."

Bourj al Bourajneh

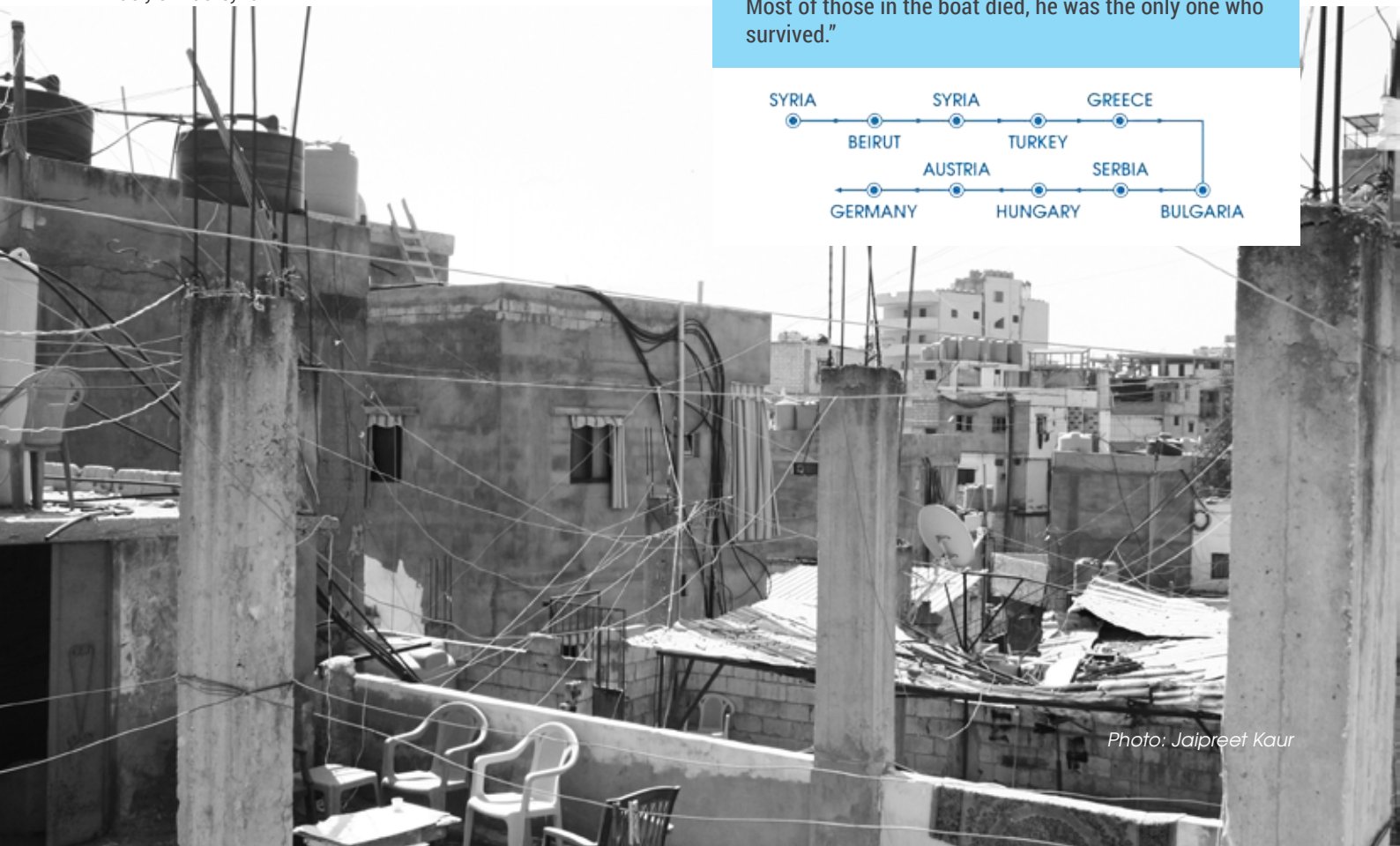


Photo: Jaipreet Kaur

Europe's response



Photo: UNRWA

The approach of European states to people fleeing war and persecution has changed substantially in recent years. The conflicts of the 1990s and early 2000s led the EU to issue a Directive on temporary protection in 2001 with two stated aims: To reduce disparities between the policies of EU states on the reception and treatment of displaced persons in a situation of mass influx. To promote solidarity and burden-sharing among EU states with respect to receiving large numbers of potential refugees at one time.⁴²

However, temporary protection as defined under the Directive has not been triggered across the EU to meet the needs of the current population of refugees in Europe. In fact the initial response of states was haphazard. The UK's response was to end support for life-saving search and rescue boats in the Mediterranean, with the rationale that these encouraged people to make this journey with people smugglers.⁴³ Conversely, Germany opened their borders in 2015 in response to the horrendous conditions of refugees.⁴⁴ This policy

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SHAM, FROM SBEINAH CAMP IN SYRIA, NOW LIVING IN SHATILA CAMP

“I only stayed in Sbeinah camp for two months after I got married in 2013. We had to leave because we lost our house, and had no place to live. We came to Lebanon to escape the war, shelling and bombing. My husband, as a Palestinian, had to keep renewing his residence permit every now and then. He had to pay money, while struggling to find work, and as Syrian Palestinian, you are persona non grata. Here the Syrian or Syrian Palestinian may not receive good treatment, so my husband thought that, to secure a better future for me and my child he had to travel abroad through smugglers. It was a journey beset by trouble.

Firstly, he had to risk going back to Syria to obtain a passport, from there he went to Sudan and then to Libya and remained there for three months in the midst of war, bombing and shelling. So he escaped from Syria to go to Libya! From Libya he headed to Italy and then to Holland. After two and a half months in Holland, his asylum was refused, so he left to Germany. He has been there for one year and three months.

They gave him one year residence, which does not allow him to bring his family. We are still waiting. No news yet. My husband has been away for two years”

has come under attack within Germany and has since been effectively undermined by the restrictive EU-Turkey agreement which facilitates deportations of people out of EU States.⁴⁵

One of the flaws exposed in the European response has been the incoherent structure of asylum and refugee policy administration between different countries and the lack of appropriate mechanisms to support refugee populations. The restrictive Dublin III regulation, for example, applies to all EU States, as well as Norway, Liechtenstein, Switzerland and Iceland (so-called Dublin countries). It allows any state to deport an asylum seeker to another Dublin country where they have either previously claimed asylum, or have irregularly crossed the border.⁴⁶ This arrangement invariably leads most asylum seekers to be deported to Greece or Italy, as frontier countries for the EU, adding to the strain on these countries and further deteriorating conditions for refugees living there.



Calais refugee camp in early 2016

In the months following the EU-Turkey deal, the EU has attempted to remedy what has become an unsustainable situation for host countries and people arriving in Greece, Hungary and Italy. These have included the Refugee Relocation System, which seeks to allocate a quota to EU countries for the relocation of refugees from Italy, Greece and Hungary.⁴⁷ The UK was one of the states to opt out of this mechanism and so far the response of other governments has been limited.⁴⁸

The EU's most recent initiatives in 2016 have been the EU Resettlement Framework and the Common European Asylum System.⁴⁹ Both policies aim to facilitate the deportation of people arriving into Europe through irregular routes, whilst increasing access to resettlement schemes directly from refugee host countries.⁵⁰ However, the combined effect of these policies and the

existing EU-Turkey deal has been to increase the risk of people being sent back to live in dangerous conditions. As a population that does not qualify for resettlement in most countries, Palestinian refugees from Syria are even more at risk from such programmes as they cannot access safe and legal alternatives.

Palestinian Syrian sources in Europe and the Middle East estimate that approximately 79,000 Palestinian refugees from Syria have reached Europe in recent years, all by irregular and perilous migration routes.⁵¹ The numbers of Palestinians from Syria who have been resettled under existing schemes are not known.

We understand that Germany, the United States, Canada and Sweden currently operate resettlement schemes open to Palestinians from Syria.⁵²



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.”

Conclusion

Recognising the equal needs of all refugees also means recognising their equal right to access support, safety and a better future. States must ensure that their response is fit for purpose; that resettlement schemes are made available to all where necessary, regardless of their nationality, and funding for UNRWA is bolstered to ensure the agency is able to meet new and increasing demands for services.

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ABOUT MAP

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

MAP delivers health and medical care to those worst affected by conflict, occupation and displacement.

Working in partnership with local health providers and hospitals, MAP addresses a wide range of health issues and challenges faced by the Palestinian people.

With offices located in Beirut, Ramallah, Jerusalem, and Gaza City, MAP responds rapidly in times of crisis, and works directly with communities on longer term health development.

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