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PALESTINIAN REFUGEES: MULTIPLE DISPLACEMENTS AND THE ISSUE OF PROTECTION

BADIL is a Palestinian human rights organization established in 1998, dedicated to defending and promoting the rights of Palestinian refugees and internally displaced persons (IDPs), regardless of their geographic location, according to the frameworks of international humanitarian, human rights and refugee law. BADIL is one of the leading and respected resources on historic and contemporary forcible transfer and the Palestinian refugee and IDP issue.

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Cover photo: Nadera Aboud and her family were Palestinian refugees in Syria. Now they are refugees once more in Europe. September 2016 (© Rebecca Collard/PRI.ORG)

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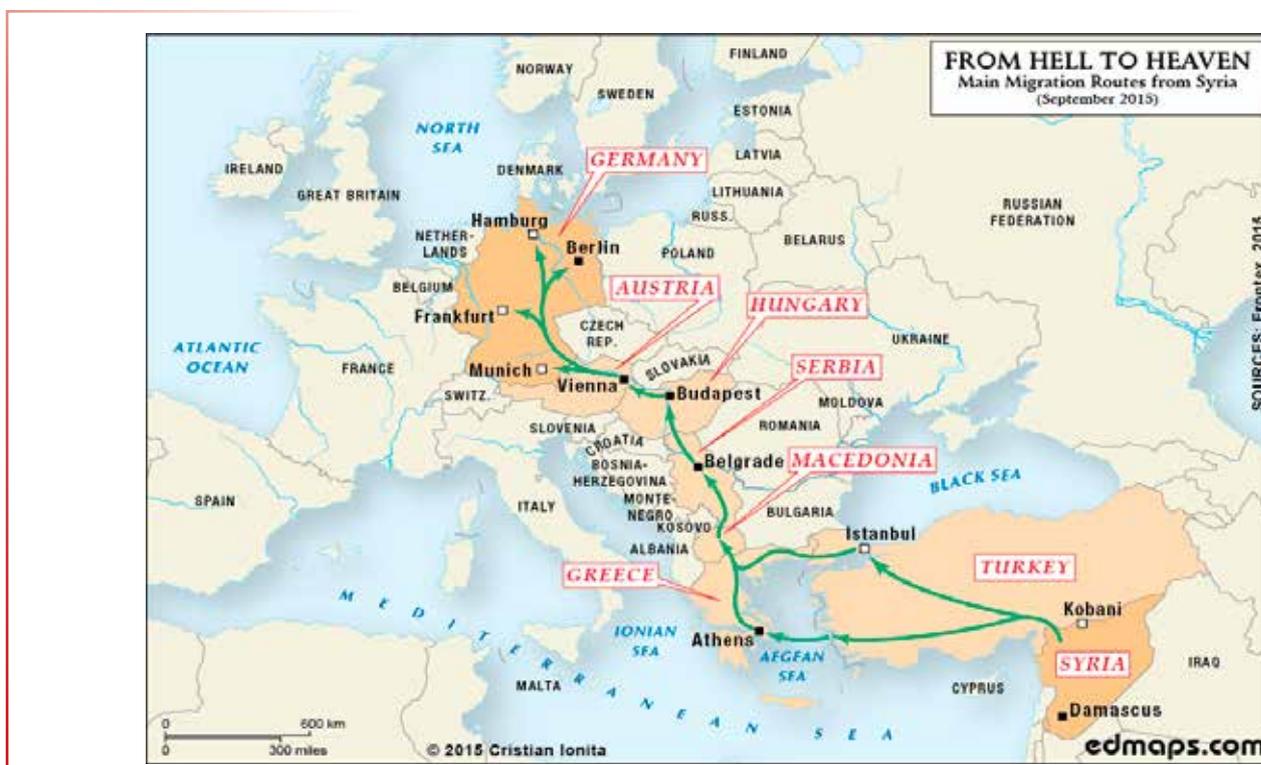
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Palestinian Refugees: Multiple Displacements and the Issue of Protection

by BADIL Staff



This issue of al-Majdal is looking specifically at the multiple displacements of Palestinian refugees from the perspective of the international response or lack thereof to this situation. The articles examine the asylum procedures of a number of countries, spanning Europe and the Americas. Specifically, this issue contains articles highlighting the situation of Palestinian refugees from Syria seeking asylum in the United Kingdom (UK), France, Germany and Greece, and in Europe more generally. Looking at the Americas, the articles provide an overview of Palestinian communities there, especially Brazil and Cuba, as well as the situation of more recent Palestinian refugees arriving to the Americas in the last two decades.

In terms of Palestinians in the Americas, they are the largest group of Palestinians outside the Arab world. While the majority of them were not forcibly displaced from their homes, especially in the case of Palestinians in Latin American countries, many became refugees *sur place* as they were unable to return to their homes of origin and their citizenship was revoked. After the establishment of the British Mandate of Palestine, returning home became difficult for Palestinians in the Americas. They had the right to opt for Palestinian citizenship only if they had left Palestine after 1924 and fulfilled certain legal conditions, but 90 percent had left Palestine before 1924, making them ineligible for the Palestinian citizenship option.¹ Return to Palestine remained out of reach for Palestinian emigrants after the 1948 war. Jordan also deprived those

originating from the West Bank of Jordanian citizenship in 1950, on the basis that they were not in Jordan when the West and East Banks of the River Jordan were united.² Since 1967, return to the Israel-occupied West Bank has been obstructed by Israeli restrictions of movement of Palestinians in the 1967 occupied Palestinian territory (oPt).³

The articles in this issue provide an overview of these communities as well as the situation of more recent Palestinian refugees arriving to the Americas in the last two decades. The regional and national instruments and policies show gaps in the protection Palestinian refugees are entitled to. Although there have been some improvements in the Latin American asylum process, these countries must also continue to advance their protection mechanisms vis-à-vis Palestinian refugees and signatory states should broaden their interpretation of Article 1D to ensure the continuity of their protection. In cases of non-signatories, like the US, it is of the utmost importance that they adhere to the basic principles of customary international law regarding the treatment of asylum seekers and refugees, binding on all states, when dealing with Palestinian refugees as well as all other asylum seekers and refugees.

The secondary displacement of Palestinian refugees is becoming a regular phenomenon. Palestinian refugees, who have previously resided in countries like Iraq, Kuwait, and other host countries, have been forced to flee due to the lack of protection and/or to escape armed and violent conflict. This phenomenon is most obvious in the situation of Palestinian refugees in Syria. According to UNRWA, there were around 560,000 Palestinian refugees in Syria prior to the outbreak of war which began in 2011. Approximately 110,000 have managed to flee to neighboring countries or Europe; of the remaining 450,000, 280,000 are internally displaced within Syria.

The not-so-startling discovery is that many countries have in one way or another have fallen consistently and remarkably short of providing the requisite international protection to Palestinian refugees seeking asylum in their countries. In other words, the international community, and more specifically powerful western states, has failed to uphold many of their obligations as dictated by international law vis-à-vis the Palestinian refugee population. This situation has resulted in extreme marginalization of Palestinian refugees, especially with respect to international protection.

Reiterated in Articles 1, 31, and 32 of the 1951 Convention Relating to the Status of Refugees (herein after referred to as the 1951 Convention), customary international law defines the core minimum obligations of states (which must be adhered to regardless of whether the states are signatories to the 1951 Convention or not) in providing international protection to refugees and asylum seekers. According to the United Nations High Commissioner for Refugees (UNHCR), these non-derogable principles include: the right of the person to seek asylum; that this process and refugee entitlements occurs without discrimination (irrespective of nationality, race, religion, color, etc.) between refugee groups; and that they are not forcibly returned to a country where their safety or survival is threatened (the principle of *non-refoulement*). Furthermore, international protection only ceases when the refugee can and does avail of durable solutions.⁴ One source of the protection gap faced by Palestinian refugees results from states' violations of the non-discrimination and *non-refoulement* principles of customary international law.

Another source of the protection gap characterizing the Palestinian refugee case is the one resulting from the ineffective special framework created for Palestinian refugees in the form of the United Nations Relief and Works Agency (UNRWA) and the United Nations Conciliation

A Greek policeman pushes refugees behind a barrier at Greece's border with Macedonia, near the Greek village of Idomeni. (© Yannis Behrakis/Reuters)



Commission on Palestine (UNCCP). While the former was mandated to provide humanitarian aid and assistance to Palestinian refugees, the latter was tasked with providing international protection, including durable solutions. The UNCCP has been dormant since 1952 while UNRWA lacks a comprehensive protection mandate and struggles with a host of issues, not the least of which, are chronic financial shortages. The failure of this special framework, designed originally for the purpose of ensuring protection to Palestinian refugees is symptomatic of the lack of political will of the international community to address the ‘Question of Palestine’ and hold Israel accountable. As such, another fundamental protection gap faced by Palestinian refugees is acutely obvious in Israel’s continued flagrant disregard for international law and the right of Palestinian refugees to return to their homes of origin.

In addition to the principles of customary international law, the main international instrument designed to provide protection to refugees is the 1951 Convention. Article 1D of the 1951 Convention incorporates both inclusionary and exclusionary clauses for the protection of Palestinian refugees. The exclusionary clause provides that the 1951 Convention: “Shall not apply to persons who are at present receiving from organs or agencies of the UN other than the UNHCR.”⁵ However, the second paragraph of 1D provides that: “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” then these persons should receive protection through the 1951 Convention.⁶ Considering the precarious situation of UNRWA, its limited mandate and the defunct UNCCP, Palestinian refugees should fall under the inclusionary clause of Article 1D of the 1951 Convention.⁷ While 142 countries are state signatories to both the 1951 Convention and its 1967 Protocol,⁸ the lack of protection faced by Palestinian refugees is exacerbated due to states’ inconsistencies and ambiguities in interpreting and applying the 1951 Convention, particularly concerning Article 1D.

In terms of secondary displacement of refugees, the concept of ‘effective protection’ should be

taken into consideration. While not an established principle of refugee law, ‘effective protection’ is a framework designed to handle secondary movement of refugees and asylum seekers through ensuring international cooperation (burden sharing), states’ responsibilities and continuity of protection as long as concerned people are in need of it. It is designed to ensure that refugees, if displaced from the first country of refuge, remain entitled to international protection in the second host country.⁹ Thus, Palestinian refugees, whose refugee status has been determined by the UN, should be recognized as such without re-examination of their case, or at least should be treated on equal footing with other refugees

The conventions, provisions and principles of international law presented above should guide states in the development of mechanisms that afford Palestinian refugees their due protections. However, the case of Palestinian refugees has highlighted that states have fallen deplorably short of meeting the core minimum obligations set by international law. Further, as indicated in the selection of articles contained within this issue of al-Majdal, states not only fail to meet the minimum core obligations but are actively implementing policies that hinder and deny Palestinian refugees the ability to seek, obtain and avail of international protection standards.

Achieving a just and durable solution based on international law will only be possible by adopting and supporting rights-based mechanisms to ensure the effective protection of Palestinian refugees worldwide, having an active and robust agency dedicated to pursuing such a solution, and pressuring Israel into compliance with international law. As long as these steps are not taken, Palestinian refugees and asylum seekers will continue facing acute hardship and discrimination, lacking international protection as the phenomenon of secondary and multiple displacements continues.

Endnotes

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Palestinian Refugees from Syria in Europe

Naomi M. R. Graham*



Overall Context

While the exact number of Palestinians granted asylum in Europe is unknown,¹ from the beginning of the refugee flow from Syria towards Europe, Palestinian refugees from Syria have not received the international protection they are entitled to. In great part, this is due to the lack of effective implementation of an emergency response to the mass influx of refugees that fled to Europe, especially to Greece. The response of European countries and the mechanisms adopted to deal with the refugee issue were not only insufficient to handle the large number of asylum seekers, but also discriminatory against Palestinian refugees from Syria. This discrimination does not always start when refugees or asylum seekers arrive to a safe country, but often on the way there.

The European response to the refugee crisis has been deficient to say the least, but the current legal framework and some political decisions have further hindered the access to protection for Palestinian refugees fleeing Syria, making them one of the most vulnerable and discriminated groups seeking refuge in Europe.

The Dublin II Regulation of the EU establishes that asylum seekers should apply for asylum in the first country of entry to the EU, and therefore, if after claiming asylum in a different EU country it was discovered they initially entered the Union through another country, they would be returned there.² This mechanism has proven extremely ineffective for cases of mass refugee influxes such as the one fleeing Syria. The Common European Asylum System (CEAS), European Asylum Support Office (EASO) and other proposed reforms provide common minimum standards for the treatment of asylum seekers and allow member states a significant amount of discretion in

the application of common standards which results in unequal and discriminatory decisions about asylum approvals.³

The 2012 *El Kott* decision of the EU Court of Justice confirmed that Article 1D is applicable to Palestinian refugees whenever assistance or protection has ceased for reasons beyond their control.⁴ UNHCR agreed with the interpretation of *El Kott* and also noted that “practical, legal, and safety barriers may prevent Palestinians from living in areas in which UNRWA operates and should also be included in the interpretation of ‘for any reason.’”⁵

Although *El Kott* should have brought harmonization to the interpretation of Article 1D of the 1951 Convention vis-à-vis Palestinian refugees by European countries, Palestinians are frequently denied protection due to the lack of knowledge of both Article 1D of the 1951 Convention and the *El Kott* decision. Palestinian refugees from Syria’s asylum applications are processed separately and are prolonged due to unfamiliarity with the status of Palestinian refugees as stateless people, lack of information about Palestinian citizenship issues for application processing agents, and lack of understanding and implementation of Article 1D.⁶

In theory, as Palestinians from Syria are already recognized as refugees, the process for assessing their applications should be faster and more straightforward, but in practice, it has proven much more complex. For example, German Refugee Law states that Palestinian refugees from Syria should be treated the same as Syrians, but their applications are processed separately, and are often delayed or denied because staff at the application level is not knowledgeable on the unique status of Palestinians. The intention of this provision of German law was intended to expedite Palestinian asylum seekers’ applications by identifying them as Syrians, but the reality is that it has further complicated the process.

In 2016, Sweden established harsher border controls to reduce the influx of refugees into the country. The Swedish Aliens Act specifies that Palestinian refugees from Syria, as stateless persons, are entitled to the same treatment as those who originate from the country in which they had their usual place of residence, creating a situation very similar to that occurring in Germany.⁷ This means that Palestinians fleeing Syria will be handled in the same manner as Syrian nationals and as any other person fleeing Syria.⁸

Closure of the ‘Balkan Route’

On 18 November 2015, Serbia, Macedonia and Croatia started screening refugees arriving at their borders and only allowing passage to those of certain nationalities.⁹ These three countries are part of the so-called ‘Balkan route’ which is the main pathway from Greece to the rest of Europe. Serbia for example only admitted those of Syrian, Iraqi or Afghan nationalities, while Croatia also allowed Palestinians on top on those three national groups.¹⁰ Macedonia refused admittance to anyone who could not prove they were fleeing from Afghanistan, Iraq or Syria. This decision does not only exclude those of other nationalities or fleeing other conflicts, but also those who are fleeing Syria, for instance, but do not have papers to prove it.¹¹

This sudden change in border practices implemented in the span of 48 hours left thousands of asylum seekers and refugees stranded at the borders of Greece, unable to continue their route to Europe, trapped in a country overwhelmed by daily arrivals of refugees en masse. Not only that, but many were also trapped between Serbia and Macedonia, as the nationality screening was applied with a few hours of difference from country to country. This closure affected thousands

A refugee camp established within the Turkish borders to host thousands of refugees coming from Syria. October 2016 (Source: Cesran.org)



of refugees, including many Palestinian refugees from Syria, who did not qualify as Syrians, or could not prove they were fleeing Syria due to the lack of Syrian identity papers.

The ‘Balkan route’ was officially shut down on March 2016, when Donald Tusk, the president of the European Council announced that “irregular flows of migrants along western Balkans route have come to an end,”¹² after fences were erected at the borders of Macedonia, Hungary and Austria, and the humanitarian corridor that facilitated access of asylum seekers between Greece and Germany was closed.¹³ Blocking passage forced refugees to use more dangerous paths to continue their way to Europe, either by sea or through different countries.¹⁴

EU-Turkey Deal

On 18 March 2016, the EU and Turkey reached a deal to return to Turkey “all new irregular migrants” that arrived to Greece after 20 March 2016.¹⁵ According to this deal, all those who do not qualify or apply for asylum, or, “individuals who submit asylum claims but are determined to have arrived from a country where they had or could have claimed protection are considered inadmissible to the European Union and eligible for return.”¹⁶ In exchange for these forcible returns, the EU would increase the resettlement options for Syrian refugees in Turkey, provide Turkey with financial assistance to better support the refugees in Turkey and ease the visa requirements for Turkish nationals to enter EU.¹⁷

This deal raises many concerns regarding the respect for international law, and the question of whether Turkey can be considered as a country where refugees can request and receive protection or be designated as a ‘safe third country.’ For Palestinians the implications are far-reaching. If they manage to stay in Greece, they are subject to a waiting period of over a year, in overcrowded camps without the minimum conditions required by international law. If returned, they will be left in Turkey without confirmation that they are eligible for resettlement. Many Palestinian refugees lack Syrian identity papers, and therefore, they are vulnerable to not being considered as originating from Syria for officials purposes for lack of proof. This situation renders them unable to obtain permanent residency and without access to refugee status determination due to Turkey’s temporary protection program.

Conclusion

Ensuring a smooth and timely transition for all of those who are fleeing the violence that has plagued Syria for the last five years is imperative for all nations. As Jordan, Lebanon, and Israel have closed their borders to Palestinian refugees from Syria, with Turkey imposing greater restrictions on entry,¹⁸ they are looking to Europe to find sanctuary and safety, and should be afforded the same support and protection as Syrians seeking asylum.

This war, and the resulting mass forced displacement from Syria, has further highlighted the protection gap for Palestinian refugees. While the closure in the Balkans represented a de facto

refoulement of thousands of refugees that did not meet the newly implemented requirements for admittance, the EU's legal system that puts the sole responsibility of processing asylum claims in the first EU country of entry has proven extremely ineffective in dealing with the current 'refugee crisis' and has facilitated widespread and systematic violations of the most fundamental provisions of international refugee law. Instead, the EU has decided to invest in improving the 'management' and security of its borders and to redirect the flow of refugees to Turkey, accepting only a limited number of asylum seekers and refugees that meet specific criteria.

Moreover, European countries have failed to remedy the discrimination suffered by Palestinian refugees from Syria, and as a result, these Palestinians are less likely to receive the international protection they are entitled to than others fleeing the same circumstances.

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Endnotes

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Palestinian Refugees in Greece

by Karima Abdel Aziz* and Maya al-Orzza**



Introduction

Due to its geographical location, Greece was the first European Union (EU) member state that many refugees fleeing Syria reached. Its proximity to Syria and also to Lebanon and Turkey - two of the main receiving countries of refugees from Syria - by land and sea resulted in a mass influx of refugees into Greece. Along with thousands of Syrians, a high number of Palestinian refugees from Syria ended up in Greece.¹ The exact number of refugees from Syria that have entered Greece is difficult to assess accurately, as most of them did not claim asylum in Greece. Some were unable to do so due to the overload of refugees and the inaccessibility of the asylum system, while others preferred to continue to other EU countries and claim asylum there.²

The European Border and Coast Guard Agency (FRONTEX) said that only six Palestinian refugees were intercepted trying to enter Greece in January 2015, while the figure rose to 488 by August 2015.³ This number quadrupled by October 2015, when 1,747 more were intercepted and numbers were still high in January 2016, with 1,142 intercepted despite the bad weather.⁴ However, the actual number is probably higher as many Palestinians are not intercepted, and many others do not have any form of ID, thus, they are not being included in official statistics as Palestinians. Moreover, many Palestinian refugees claim to be Syrian in order to bypass the discriminatory mechanisms and accelerate the issuance of protection.⁵ The European Asylum Support Office (EASO) said that at least 19,000 Palestinian refugees had applied for asylum in the EU in 2015, compared to 15,680 in 2014 and 9,590 in 2013.⁶ The majority of these Palestinian refugees fled from Syria, whereas there were fewer numbers of refugees fleeing other areas such as Lebanon or the Gaza Strip.⁷

Legal Framework

The legal framework of Greece vis-à-vis refugees is mainly based on the 1951 Convention, its 1967 Protocol, and the European Union (EU) legislation on the Common European Asylum System.⁸ In 2003, the EU passed the Dublin II Regulation, which provided that the processing of asylum applications must take place in the first EU country reached by refugees.⁹ This meant that if asylum seekers reached Greece and travelled to another EU country from there, they would be returned to Greece as it was their initial country of entry. These regulations put Greece under a lot of pressure to process asylum applications and offer shelter to the thousands of refugees fleeing Syria, especially considering the precarious economic situation of the Hellenic country these last few years.

In 2011, however, two rulings by the EU Court of Justice concluded that the Greek detention system amounted to inhuman and degrading treatment,¹⁰ and so, other EU countries stopped sending refugees back to Greece.¹¹ These decisions put transfers of asylum seekers based on the Dublin II Regulation on hold due to the deficiencies in the general Greek immigration system.¹²

In 2015, the EU adopted two decisions based on “the recent crisis situation in the Mediterranean,” which “prompted the Union institutions to immediately acknowledge the exceptional migratory flows in that region and call for concrete measures of solidarity towards the frontline Member States.”¹³ These decisions provided for the relocation of 66,000 refugees from Greece to other EU member states over a period of two years.¹⁴ Unfortunately, the relocation mechanism is not advancing as planned due to resistance by other EU states to host these refugees.¹⁵

In November 2015, Macedonia, Serbia, Slovenia and Croatia, located between Greece and Northern Europe sealed off their borders to everyone except for Syrian, Iraqi and Afghan nationals, stranding thousands of men, women and children in Idomeni, Greece, on the border to Macedonia.¹⁶ Since Palestinian refugees from Syria are merely issued travel documents and substitute IDs but rarely Syrian citizenship or passports, even if refugees from Palestine are born in Syria, they were excluded from the groups of refugees prioritized by European countries. Only Croatia allowed entry to Palestinians on top of nationals of the three aforementioned countries.¹⁷

Instead of granting Palestinian refugees the same rights as Syrians fleeing the same war, they were prohibited from passing Greek borders due to lack of proof of Syrian nationality, as the protection measures put in place only took into account Syrian nationals, and not any of the other ethnic or national groups residing in Syria. Thus, when Europe closed its borders to all nationalities other than Syrian, Iraqi and Afghan, many Palestinian refugees from Syria, lacking proof of their former country of residence,¹⁸ proof of, in fact, fleeing exactly the same circumstances as Syrian nationals with Syrian passports, were stranded along with thousands of other refugees fleeing from other areas at the border of Macedonia.¹⁹

Deficient Asylum System

On February 2016, with the aim of reinstating the Dublin II transfers and the proper implementation of the Common European Asylum System, the European Commission urged Greece to put in place additional measures to bring the conditions of the Greek asylum system in sync with EU standards.²⁰ The recommendation highlighted the importance of ensuring effective access to asylum procedures to all asylum seekers throughout Greece, to reinstate appeal committees, and to ensure the opening of 50,000 fully operational reception locations to receive asylum seekers and refugees and process their claims.²¹

The problematic asylum system is an issue of great concern considering Greece is the first EU country reached by the majority of those fleeing Syria, including Palestinian refugees. As highlighted by two EU Court of Justice rulings, the conditions of the Greek reception locations and detention centers are very poor.²² Some of the detention facilities had no artificial lighting, heating and hot water, which left refugees in the dark and cold from the afternoon until the morning during winter. They also had limited access to toilets, lack of soap and hygiene products, poor quality of food, and insufficient medical services, blankets, shoes or clothes.²³ The Greek government adopted two action plans and passed legislation aiming to address these issues, yet deficiencies still remained.²⁴ These gaps became evident following the arrival of thousands of refugees from Syria in Greece after 2011.

The asylum process was very hazardous, often lasting two to three years and had a very low approval rate. In 2012 for example, Greece did not approve a single asylum claim by Syrians and rejected 150. Around 43 percent of all the applications were ‘closed’ without being processed, and no decision was made on the asylum claim.

Greek authorities have also been accused of physically abusing asylum seekers apprehended in Greek territory (land and sea); arresting and detaining asylum seekers in inadequate and overcrowded detention centers without providing them with information about their asylum claims; lack of any social support to asylum seekers and refugees; and, denying permission to work while the asylum claims were being processed, resulting in many refugees being reduced to abject poverty and reliant on humanitarian aid.²⁵ Moreover, the Greek authorities spent significant resources in increasing border controls and reducing the influx of refugees, which could have been spent on improving the asylum system instead.²⁶ Turkey and Greece share a border of 203 kilometers, and the Aegean Sea connects both countries by sea.²⁷ The building of a fence of barbed wire between Greece and Turkey in 2012 forced many refugees to cross into Greece by sea instead of by land, putting their lives at risk and resulting in the deaths of many. This fence is guarded by foot patrols and watchtowers equipped with thermal vision cameras to detect human movement across the border.²⁸

Besides the inaccessibility of the system in general, Greece has also systematically denied

A refugee from Syria carrying two children arrives on a boat to the Greek island of Lesbos. (Dimitris Michalakis/Reuters)



asylum to those fleeing from Syria and sent them back to Turkey, where they had gone first before reaching Greece. The Greek government impedes the asylum claiming process for all refugees alike as no evidence is given for the presupposition that specifically Palestinian refugees are targeted. The general situation of institutional chaos makes it hard to estimate how many Palestinian refugees currently remain in Greece.

Changes Post-2013

Greece introduced some changes to the asylum system in 2013 aiming to improve its efficiency. The Greek authorities created a new Asylum Service under the control of the Ministry of Interior and allowed asylum seekers to work. While on paper this constitutes a significant improvement, taking into account the high unemployment rate of Greece it might not make such a big difference in practice.²⁹ Moreover, the new regulations provided that Syrian nationals could only be detained for a few days to verify their nationality, not more, and their deportations were suspended.³⁰ These changes constitute a significant improvement compared to the old system, where asylum claims were handled by the Greek police and applicants had to report monthly to them, without any exceptions (even for medical reasons) or they would lose their asylum applicant status.³¹ However, these provisions do not apply to refugees who previously resided in Syria and fled to Europe, such as Iraqis or Palestinians.³²

Despite the changes, significant protection gaps remained in the Greek asylum system. The situation of refugees in Greece worsened further following the EU deal with Turkey in March 2016, which addressed the mass influx of refugees by allowing Greece to return to Turkey persons irregularly entering the Greek islands after 20 March 2016.³³ This deal triggered an atmosphere of insecurity among those refugees who fled Syria and reached Greece via Turkey. Greece adopted a new law on April 2016 in order to facilitate the implementation of this deal.³⁴

This deal involves the automatic deportation of all refugees arriving to the Greek islands outside the normal transit procedures; for example, those who do not qualify or apply for asylum, or, those cases where it is determined that the asylum seeker arrived from a country where they could have claimed asylum, past 20 March 2016.³⁵ This deal is in direct contravention of international law and the prohibition of *refoulement*, as it involves the blanket return of anyone arriving to the Greek Islands back to Turkey, without consideration of their individual circumstances. This issue directly impacts Palestinian refugees, as Turkey is not signatory to the 1951 Convention, and Palestinian refugees from Syria that end up there can only obtain Temporary Protection from the Turkish authorities, as they are considered as ‘guests’ or ‘temporary protection beneficiaries’ and not refugees.³⁶ Moreover, questions were raised as to whether Turkey could be considered a ‘safe third country’ to host refugees and asylum seekers.³⁷

No Safe Haven, No Protection

As of December 2016, unofficial statistics gave a number of around 400 Palestinian refugees sheltered in makeshift tents and halls in the Greek islands of Lesbos, Chios, Leros and Kos.³⁸ The majority of these refugees come from the Palestinian refugee camps of Deraa, Yarmouk, al-Aydeen and al-Husseiniya in Syria.³⁹ Palestinian refugees on these Greek islands made calls to the international community and civil society over their critical situation, highlighting the poor humanitarian and socioeconomic conditions they were subjected to.⁴⁰ The Action Group for Palestinians of Syria (AGPS) claimed that following the refusal of the Greek government

to grant asylum to Palestinian refugees, these started a campaign for help over their delicate legal status.⁴¹ These Palestinian refugees said that Greek authorities were denying them access to medical treatment in public clinics and hospitals, forcing them to go to private clinics they could not afford. Some Palestinians sheltered in the Greek island of Chios said that the makeshift tents where they were being detained had insects and poisonous reptiles and very poor hygienic conditions, which had made the area uninhabitable.⁴²

On top of the poor living conditions, Palestinian refugees have also been subjected to attacks by far-right wing groups. In November 2016, a group of Greek xenophobes burnt tents in one of the refugee camps of Chios Island using Molotov cocktails. At least 150 Palestinian refugees had to flee the camp following the attack. However, the Greek authorities claimed that the fire had been started by fireworks used by Palestinian refugees, and not as a result of an attack.⁴³

This state of lack of protection has urged Palestinian refugees from Syria to call on the relevant authorities to get involved urgently and to allow safe passage to other EU countries where they can claim asylum. They also called on human rights institutions and organizations to pressure the Greek government to improve their treatment of Palestinian refugees and to put an end to the ongoing crackdowns.⁴⁴ Moreover, they expressed their complete refusal to being sent back to Turkey where prospects for basic humanitarian relief and human rights were no better than in Greece.⁴⁵

These circumstances have placed refugees in very poor living conditions and a continuous state of insecurity. Rafeef Ziadah conducted several interviews with Palestinian refugees from Syria in Greece depicting the dire effects of Greece's deficient asylum mechanisms when it comes to refugees.⁴⁶ Amal, for example, is a Palestinian elementary school teacher who fled to Greece while pregnant.⁴⁷ She was in Greece a full year before being able to file her asylum claim. The authorities would only take 20 applications a week and after dozens of attempts, she finally succeeded. However, her daughter, who was born in Greece, has not been registered yet since the authorities insist that the father be present. He, however, is in Zaatari refugee camp in Jordan.⁴⁸

Amal has not only suffered from a complete lack of assistance and protection on the part of the Greek authorities but also from harassment from right-wing political groups. Young members of these groups would come ask her questions in the park and once they tried to search Amal but they stopped after she started screaming.⁴⁹ However, her legal status stopped her from taking any further action against this harassment, as she was afraid that if she went to the police she and her children would be put in jail. Since she was in Greece illegally before finally being able to lodge her asylum claim, she lived in constant fear of being reported to the police. Ziadah writes that since Amal was so afraid to go to the hospital when she went into labor, she waited until the last minute to go. Moreover, Amal "was only able to leave the hospital when members of the Palestinian community in Athens donated money for her expenses."⁵⁰

Amal's story serves as an illustration of the current complete lack of protection Palestinian refugees from Syria stranded in Greece. Unable to access other EU member states due to discriminatory policies against them, and exposed to the protection gaps of the Greek asylum system, they are living in constant fear of being deported to Turkey or taken to jail.

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Palestinian Refugees from Syria in the UK

by Lana Ramadan*



Protesters urge the British government to do more to help Syrian refugees during a protest in Parliament Square, London, July 2015. (Frank Augustin/AP)

As in other European countries, the UK responded to the Syrian crisis by giving humanitarian aid and setting up a resettlement scheme for Syrians. However, the UK excluded Palestinian refugees from Syria from the resettlement scheme and did not provide them with the same treatment as Syrian nationals. Instead, Palestinian refugees from Syria seeking asylum in the UK go through the asylum application process just like any other Palestinian seeking asylum from countries other than Syria. This article will highlight the UK's asylum and resettlement frameworks, explain its policies in response to the Syrian refugee crisis, and show how Palestinian refugees from Syria are not receiving equal protection in the UK.

The Asylum Framework

The asylum framework in the UK is established and regulated by the Secretary of State for the Home Office. The Home Office deals with asylum applications coming through different routes, such as the Regular Procedure, the Detained Fast Track (DFT) procedure and the Dublin Regulation for suitable transfer. There are also other routes which include appeal cases and unaccompanied minor cases. Usually, the decision concerning Regular Procedure applications is made within six months of receiving the application. The DFT procedure¹ applications should be decided upon within 15 days, including a first appeal. This procedure is highly criticized as it excludes vulnerable applicants.² Finally, the Dublin Regulation establishes the criteria and mechanisms for determining which EU Member State is responsible for examining an asylum application. The core principle of this procedure is that the responsibility for examining an asylum claim lies in most cases with the EU member state of first entry.³ However, in 2014

approximately 20,000 asylum applications received through the Regular Procedure since 2006 remained pending decisions.⁴

According to UK law, an asylum seeker is a person who has applied for asylum and is still awaiting a decision on whether he will be granted refugee status or not. An applicant may also be granted permission to remain in the UK for humanitarian or other reasons, if they do not qualify for refugee status. The number of asylum applications that reached the UK in 2015 was 32,733, of which 64 percent resulted in refusals.⁵

As for resettlement, it is “the organized movement of selected refugees from their first country of asylum to a third country for settlement and integration.”⁶ In the UK, the Nationality, Immigration and Asylum Act 2002, Section 59, provides the legal context for resettlement in the UK. The UK’s resettlement program, implemented in partnership with the United Nations High Commissioner for Refugees (UNHCR), offers the possibility for up to 750 refugees to be resettled in the UK each year.⁷

Refugees from Syria who managed to reach the UK did so either by applying for asylum or through resettlement programs, which are two different and separate systems. Between 2012 and 2015, 5,457 Syrian nationals were granted asylum in the UK,⁸ and in 2015 “Syrian nationals were the fourth largest group claiming asylum in the UK” with 2,204 applicants.⁹ In addition, 1,194 Syrian refugees were resettled in the UK that same year.¹⁰

UK Response to the Refugee Crisis

The war in Syria naturally resulted in Palestinian refugees from Syria seeking protection outside the country. Just like Syrian nationals, Palestinian refugees from Syria were included in the UK’s humanitarian aid policy. For example, in 2013, the UK’s International Development Minister announced that the UK will provide 15.5 million British pounds to UNRWA.¹¹ This humanitarian aid was to provide critical assistance to Palestinian refugees inside Syria and to those who had to flee once again to neighboring countries. However, Palestinian refugees from Syria who fled to the UK were not given the same treatment as Syrian nationals, despite the fact that they both came from the same place and experience. Accordingly, when applying for asylum, Palestinian refugees from Syria are included in the Palestinian nationals category and not the Syrian one.

Up to 2014, the UK’s government policy in response to the Syrian refugee crisis was to give humanitarian aid to Syria’s neighboring countries as opposed to accepting Syrian refugees for resettlement in the UK. However, the UK changed their policy after the recent encouragement from the UNHCR to use resettlement as a protection tool in response to the Syrian crisis. Thus, in early 2014 the UK government established the Syrian Vulnerable Person Resettlement Program (VPR) to provide selected Syrians with the opportunity to come to the UK. This program gave priority to victims of sexual violence and torture, and the elderly and disabled. In 2015, the UK extended the scheme to include a plan to resettle up to 20,000 refugees from Syria over the next five years. The refugees selected for resettlement are given five years Humanitarian Protection status,¹² which gives them access to public funds and permission to work.¹³

The UK’s Vulnerable Person Resettlement Program defines resettlement as the selection and

transfer of refugees from one state to another for the purpose of finding protection.¹⁴ This new scheme resettled 1,194 Syrians in the UK in 2015.¹⁵ However, Palestinian refugees from Syria are not included in the program. To this day, no Palestinian refugee from Syria has been resettled in the UK.¹⁶ Richard Harrington, the previous Secretary of State for Syrian Refugees¹⁷ stated:

*Palestinian refugees from Syria who are now under the care of the UNRWA in Jordan or Lebanon, or who have sought refuge in Turkey and other neighboring countries and are under the care of the UNHCR, are not included in the UK's Vulnerable Persons Resettlement Scheme, as this scheme is only available for Syrian nationals.*¹⁸

Since Jordan declared a non-admittance policy toward Palestinian refugees from Syria in 2013,¹⁹ and Lebanon has effectively closed its borders to Palestinian refugees from Syria since May 2015,²⁰ Europe has become a destination for them. According to UNRWA spokesperson Christopher Gunness, at least 60,000 Palestinian refugees have fled the region and are probably in Europe.²¹ Moreover, as stated by the UK Home Office, “while Palestinians from Syria may be able to access UNRWA services in Lebanon and Jordan, they will generally not be able to access governmental services offered to other refugees.”²² Whether Palestinian refugees from Syria are protected by UNRWA or UNHCR, the UK has not considered them for resettlement.

Since Palestinian refugees from Syria are registered in the UK system like any other Palestinian, there is no way to determine the numbers of Palestinian refugees from Syria coming to the UK. In fact, on their application registration cards, their nationality is recorded as Palestinian Authority or PSE (Palestine). The statistics provided by the UK Home Office treat Palestinian applicants as a collective without taking country of residence into account. In recent years the number of pending Palestinian applications and detained asylum applicants has been increasing. For example, in 2015 around 600 applications of Palestinian nationals are still pending decisions.²³ According to international conventions, both Syrians and Palestinians fleeing Syria constitute forcibly displaced persons and refugees. However, the tables below show that it was only recently that a very small number of Palestinian refugees received some protected status in the UK.

Palestinian Asylum applicants in the UK:

Year	Total applications	Total Initial Decisions	Total grants	Grants of asylum	Grants of HP	Grants of DL	Total refusals	Total withdrawals	Total Pending
2010	180	200	30	11	1	18	170	53	140
2011	213	154	27	13	0	14	127	60	560
2012	156	99	22	19	0	3	77	34	498
2013	99	80	30	25	1	1	50	21	461
2014	157	87	31	23	5	2	56	12	644
2015	129	134	45	37	2	2	89	22	595
Quarter 1,2,3 of 2016	102	65	17	16	0	0	48	9	448

Palestinian Detainees in the UK:

Year	Total Palestinian Detainees	Adult Asylum Detainees	Child Asylum Detainees
2010	92	74	0
2011	114	100	2
2012	79	68	2
2013	43	38	3
2014	45	40	0
2015	51	45	2
Quarter 1,2,3 of 2016	21	20	0

BADIL sheds light on the plight of Palestinian refugees from Syria within the UK in new film

BADIL Resource Center is pleased to announce the release of our latest film production, 'Fleeing the Same War', an international production that examines the British government's policies and actions in relation to the emergency state of Palestinian refugees from Syria.

For further information see BADIL's short documentary, Fleeing the Same War.



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Palestinian Refugees in Germany

by Karima Abdel Aziz*

Protesters from the far-right PEGIDA movement (Patriotic Europeans Against the Islamisation of the West) march during a rally in Leipzig to protest at the increasing numbers of refugees entering Germany. January 2016 (Source: dailymail.co.uk)



The Palestinian refugee problem is seen as the world's most interminable case of displacement.¹ The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) defines Palestine refugees as “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.”

Roughly five million registered Palestine refugees live in the five areas receiving UNRWA operational services, namely the Gaza Strip, the West Bank, Lebanon, Jordan and Syria. There are over two million more Palestinian refugees that are unregistered, the majority of which are also in UNRWA's areas of operation. Recent events in Syria have caused several thousands of Palestinian refugees² to flee for the second or third time and seek asylum elsewhere. According to current UNRWA figures, approximately 526,744 Palestine refugees are registered as residing in Syria. From those, “up to 280,000 are currently displaced inside Syria, with a further 110,000 displaced to neighboring countries, including Lebanon, Jordan, Turkey, Egypt and increasingly, to Europe.”³

In 2015, 44 percent of the asylum applications in Europe made by persons fleeing Syria were filed in Germany.⁴ Although the exact number of Palestinian refugees from Syria that fled to Germany is unknown, the percentage above indicates that it is a significant proportion of the total.

In March 2016, the German leftist party Die Linke published an official inquiry directed at the German Parliament regarding “The Situation of the United Nations Relief and Works Agency for Palestine Refugees in the Far East and Palestinian Refugees fleeing Syria.”⁵ The

official response, published by the German Parliament in April 2016, states that the Syrian Arab Republic issues Palestinian nationals a travel document, which, regarding entry to Germany, is essentially treated as a Syrian passport. It is further stated that a visa is necessary to enter the country. Palestinian refugees from Syria who wish to acquire a visa for Germany via the German Embassy in Beirut are assisted by the embassy by way of pre-confirmation of appointments conducted by the Lebanese authorities with the individuals concerned. Palestinian refugees without valid travel documents may be given a travel document for foreigners, facilitating the travel into German territory if the prerequisites regarding the required residence permit are met.

Regarding Article 1D of the 1951 Convention, the applicability has to be determined individually. If a UN agency other than the UNHCR has ceased its operations or is not capable of offering its support and assistance to the individual in question, the inclusionary clause of Article 1D applies. Thus, this should apply to all Palestinian refugees from Syria. Statistically, however, there is no confirmed data on the protection provided by the German government to Palestinian refugees from Syria, because only those Palestinians with Syrian citizenship are included in statistics.⁶ Figure 1 (page 25) displays absolute numbers and percentages of how many Palestinian refugees from Syria applied for asylum in each of the German federal states between 2012 and 2016 and how many cases were granted. Overall, it shows that there have been 698 recorded cases of Palestinian refugees seeking asylum in Germany between 2012 and 2016, of which 96.54 percent were approved. Actual numbers could deviate because, as mentioned previously, Palestinian refugees without Syrian citizenship are not recorded in the statistics.

There are numerous inconsistencies with the registration of Palestinian refugees from Syria in Germany; since it appears most local migration officials are unaware of the legal rights of Palestinian refugees in Europe. The following information, compiled from two articles, demonstrates the effect this has on the individuals concerned. As already established, Palestinian refugees fleeing to Germany should be granted asylum immediately. However, various studies suggest that the asylum-seeking process in Germany is not as straightforward for Palestinian refugees as it should be. Sophia Akram's article sheds light on the disquieting fact that Europe's bureaucratic discrepancies when it comes to Palestinian refugees have "caused various complications while going through European countries," for instance leaving Syria's Palestinian refugees "stranded along the Western Balkan route because instructions to officials were to only receive Syrians, Iraqis and Afghans."⁷ Palestinians are alternately "simply checked off as Syrians for administrative ease," which does not alleviate complications once in Germany; there have been numerous reports about delays in establishing citizenship due to ignorance towards the legal status of Syrian-born Palestinian refugees.⁸

The second article mentions that rather than following international law, these practices for "administrative ease" have been institutionalized: "A spokesperson for the German Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*) told Al Jazeera in an email that Syrian-born Palestinians are regarded the same as Syrian nationals under German refugee law." However, sometimes their cases are even more irregular than those of Syrian nationals. Interviews with Palestinian refugees from Syria who are now experiencing these inconsistencies in adherence with the UNHCR Revised Note on the Applicability of Article 1D substantiate this claim: Rami Al al-Hasan had already been in Germany for a year and was still waiting for his interview as part of his application process when the article was published in March 2016. He states that German officials "do not understand that I was born in Syria but I

do not have a Syrian passport. It is very unusual for them,” and further that “they do not get the meaning of Palestinian Syrian. Some local migration offices register Syrian-born Palestinians as Syrians, and others just have to wait until their citizenship status can be determined.” The article explains further:

“Syrian Palestinians, who do not have Syrian citizenship, are treated in the same manner as refugees from Syria who have Syrian citizenship under the asylum procedure in Germany,” the spokesperson said. “For all refugees from Syria, there is the so-called individual assessment with consultation, in which [asylum applicants] describe their personal reasons for leaving.” While the migration office is responsible for selecting asylum applications, the bureau is divided into local offices in municipalities throughout the country. According to the migration office, the national law is supposed to be applied the same way in every office.⁹

This contradicts paragraph 9(b) of UNHCR’s Revised Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees. The article then introduces another case of contradictory practices in refugee law: that of Rami Haki, 37, currently residing in Gunzburg, Germany with his wife and four children. While his wife Hanaa is Syrian, Haki and his children are considered Syrian-born Palestinians. The family applied for asylum together. However, Haki’s case was separated from that of his wife and children, “whose case, as dependent children of a Syrian national, was processed and approved quickly.” When the family received an answer to their application, Haki’s name was missing entirely from the documents. According to Haki’s own words “I was told that we have two [separate] files because I am Palestinian and my wife is Syrian. But for me, this is not normal; I am Palestinian from Syria. I come from Syria, so I am the same as my wife.” Therefore, not only are Palestinians and Syrians treated differently in the asylum process, Palestinians are disadvantaged despite theoretically being entitled by international law to a quicker process. According to Mohamad Jabeti, a 22-year-old Palestinian refugee from Syria living in Mannheim, “Syrians don’t have problems with asylum, but with Palestinians, [the German government] makes it very hard... I feel like a second-class person.”¹⁰

Furthermore, it is getting increasingly hard for Palestinian refugees from Syria to apply for family reunification if one member has already reached Germany while another remains in a third country. While the law on family reunification in Lower Saxony,¹¹ for instance, is already restrictive for Syrian nationals, Palestinian refugees from Syria are exempt from the program entirely.¹²

In conclusion, although officially commanding that international law, as well as the 1951 Refugee Convention and UNHCR’s Revised Note on the Applicability of Article 1D are followed, the state of Germany shows clear discrepancies in its dealings with Palestinian refugees from Syria. While the laws of the 1951 Convention officially apply in Germany, inconsistencies may largely be attributed to the ignorance of individual officials at the Federal Office for Migration and Refugees responsible for processing asylum cases. This often results in Palestinians simply being registered as Syrians for “administrative ease” or their cases being delayed due to confusion. Thus, Palestinian refugees are often discriminated against in comparison to Syrian refugees. This discrimination stems from the complete disregard of the 1951 Refugee Convention and UNHCR’s revised note, which provides for *ipso facto* recognition of Palestinian refugees from Syria as refugees in Germany.

Figure 1:

Breakdown of the number of granted asylum cases of Palestinian refugees from Syria in each of the Federal states of Germany from 2012 to 2016

Syrische Staatsangehörige mit Volkszugehörigkeit Palästinenser <i>Aufschlüsselung nach Bundesländern</i>	2012		2013		2014		2015		2016	
	Gesamt-schutzquote		Gesamt-schutzquote		Gesamt-schutzquote		Gesamt-schutzquote		Gesamt-schutzquote	
	absoluter Wert	%	absoluter Wert	%	absoluter Wert	%	absoluter Wert	%	absoluter Wert	%
Baden-Württemberg	-	-	-	-	7	100,0%	22	100,0%	7	100,0%
Bayern	-	-	10	100,0%	20	95,2%	20	95,2%	18	100,0%
Berlin	6	100,0%	2	100,0%	11	84,6%	14	100,0%	5	83,3%
Brandenburg	1	100,0%	1	100,0%	-	-	12	100,0%	3	100,0%
Bremen	-	-	-	-	3	100,0%	6	100,0%	-	-
Hamburg	1	100,0%	22	100,0%	25	64,1%	81	91,0%	5	100,0%
Hessen	1	100,0%	13	100,0%	4	80,0%	5	100,0%	5	100,0%
Mecklenburg-Vorpommern	-	-	-	-	-	-	17	100,0%	7	100,0%
Niedersachsen	-	-	-	-	24	100,0%	25	100,0%	17	100,0%
Nordrhein-Westfalen	-	-	3	100,0%	24	72,7%	33	100,0%	9	100,0%
Rheinland-Pfalz	-	-	2	100,0%	3	100,0%	3	100,0%	3	100,0%
Saarland	-	-	-	-	-	-	1	100,0%	3	100,0%
Sachsen	3	100,0%	12	100,0%	129	94,9%	18	90,0%	5	100,0%
Sachsen-Anhalt	-	-	1	100,0%	1	100,0%	5	83,3%	4	100,0%
Schleswig-Holstein	-	-	-	-	-	-	4	100,0%	3	100,0%
Thüringen	-	-	7	100,0%	-	-	2	100,0%	-	-
Bundesgebiet gesamt	12	100,0%	73	100,0%	251	88,1%	268	95,7%	94	98,9%

Translations:

- **Syrische Staatsangehörige mit Volkszugehörigkeit Palästinenser:** Syrian citizens with Palestinian nationality
- **Aufschlüsselung nach Bundesländern:** Breakdown according to federal states
- **Bundesgebiet gesamt:** Entire federal territory of Germany
- **Gesamt-schutzquote:** Overall protection rate
- **Absoluter Wert:** Absolute numbers



Relief for refugees in a gym in Hanau, Germany. December 2013 (Source: Reuters)

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German Chancellor Angela Merkel comforts sobbing Palestinian girl after explaining that Germany can't take limitless refugees. July 2015 (Source: infostormer.com)



Palestinian Refugees in France

by Lisa Auer*



Refugees from Syria pass under a highway security fence as they try to find a new way to enter Hungary after Hungarian police sealed the border with Serbia near the village of Horgos, Serbia, September 2015. (Marko Djurica/Reuters)

Since the beginning of the Syrian conflict in 2011, France has welcomed more than 10,000 Syrian refugees and Palestinian refugees from Syria from the over five million people who fled the conflict. Four thousand five hundred were granted refugee status in accordance with the 1951 Geneva Convention, while the rest received subsidiary protection (*protection subsidiaire*). Subsidiary protection is a special asylum regime granted, after examination of the request, to all people who cannot enjoy refugee status but face in their country of origin serious risks of death penalty, torture or ill-treatments, or grave, direct and individual threat to life because of indiscriminate violence in situations of international or non-international armed conflict.¹

Based on the 1951 Geneva Convention and the European directives on asylum, the French legal framework is enshrined in the Code of Entry and Residence of Foreigners and the Right of Asylum (*Code de l'entrée, du séjour des étrangers et du droit d'asile*) called CESEDA. Every person falling under the scope of Article 1 of the 1951 Convention or under the protection of the UNHCR should be granted refugee status according to Article L711-1 of the CESEDA. Further, if the person does not meet all the conditions for the refugee status but is facing a serious threat as mentioned above, s/he should receive subsidiary protection.

In seeking protection, fear of persecution should always be related to an 'oppressive' country which the person is fleeing. Protection is granted on the basis that the person cannot avail his/herself of the protection of the country in which s/he has nationality; when the person cannot avail his/herself of any nationality, the country of affiliation (*pays de rattachement*) – where the claimant is living – is considered. According to Article 1A (2) of the 1951 Convention, this subsidiary criterion can only be used if the person does not have a nationality. However,

this notion should be understood broadly, as difficulties arise in determining nationality when claimants are not in possession of official travel or identity documents. The National Court for Right of Asylum (*Cour nationale du droit d'asile*, herein after the Court) may consider some claimants as de facto stateless in order to examine their application on the “country of affiliation” basis. However, *de jure* statelessness can only be determined by the French Office for the Protection of Refugees and Stateless Persons (OFPRA).²

Regarding Palestinian refugees coming from Syria, France actually considers their request for asylum as a Syrian petition in accordance with the ‘country of affiliation’ criterion. The Court takes into account that the Casablanca Protocol adopted by the Arab League in 1965 states that Palestinian refugees will not obtain the nationality of the host country in order to preserve the Palestinian people as an entity as well as their right of return.³ The Court also highlights that obtaining a Palestinian passport is contingent upon the actual residence in the territory administered by the Palestinian Authority. However, the Oslo Agreement excludes Palestinian residents of Jerusalem, Palestinians with Israeli citizenship and Palestinian refugees in exile from the ability to obtain a Palestinian travel document. So despite the Casablanca Protocol, and because of the absence of legal identity documents attesting to the Palestinian nationality of Palestinian refugees, the Court assumes that the applicant cannot rely on his/her nationality “of origin” to seek protection and will then examine the applicant’s status (fears) with regard to the country of affiliation, which in this case is Syria.⁴

According to Eurostat, out of over 362,775 Syrian asylum applications in Europe in 2015, Germany received 158,655 (44 percent), Sweden 50,890 (14 percent),⁵ and France only 4,625, which represents 1.3 percent of the applications overall.⁶ According to the OFPRA, France has accepted 96 percent of the Syrian asylum applications it received that year, in comparison to 23 percent for all other nationalities.⁷

Considering the high rate of granting protection, one question remains: why do so few refugees choose to apply for asylum in France? The answer may be due to the following:

1. Refugee families, including Palestinians families from Syria, may prefer to apply for asylum in countries where the community is already established, such as Germany or Sweden.
2. The so-called ‘Jungle de Calais’ (the former self-built ‘camp’ on the French northern coast),⁸ or the other self-built ‘camps’ in the streets of Paris have created a bad reputation for France in the matter of welcoming asylum seekers and migrants. Even if those camps were dismantled during the past year in order to relocate asylum seekers and migrants to ‘reception centers,’ these centers lack adequate space to accommodate the numbers of refugees, forcing refugees and migrants to resettle in the street while waiting for an official asylum decision. France also lacks efficient integration programs for refugees.
3. With the seventh highest unemployment rate in Europe (9.7 percent in October 2016),⁹ France does not seem to be an ideal place to start a new life as a refugee in Europe.
4. To bypass the Dublin system and to be able to apply for asylum in countries away from the southern coast of Europe, some asylum seekers choose to travel by plane towards non-European countries with a transit in a European country, so as to deposit an asylum claim while in transit in Europe. In order to limit this practice France requires Palestinian refugees and Syrian nationals to apply for a difficult to obtain ‘airport transit visa’ - in violation of the right of asylum, the 1951 Convention and the

Chicago Convention.¹⁰ Without this visa, people would not be allowed to leave the plane and reach the international zone where they could claim asylum.¹¹

5. Even if OFPRA has granted international protection to 96 percent of Syrians or Palestinians coming from Syria seeking protection, France is known amongst the refugee population for its lengthy asylum claims process. In 2015, OFPRA tried to improve its welcome policy in France by drastically reducing this length from more than 18 months to three months.¹² However, it is hard to change a bad reputation when the bad living conditions persist. It remains difficult to submit an asylum claim in France: asylum seekers spend days in the so-called waiting zone in the airport waiting for the first appointment (registration of the asylum claim), and then have only 21 days after this registration to fill out the claim written in French - including a detailed description of their persecution - and send it to OFPRA.¹³



Picture taken after the evacuation and destruction of the so-called "Jungle de Calais" camp¹⁴

As in many other European countries, France does not have a clear refugee policy in general and no policy at all regarding Palestinian refugees from Syria. On 20 September 2016, during the Summit for Refugees and Migrants, the French President François Hollande stated in front of the UN General Assembly that “At the same time [France] should insure [its] humanitarian duty, make the right of asylum prevail, and [it] should also control [its] border.”¹⁵ This statement is indicative of the struggle in Europe – and particularly France - with the refugee dilemma.

As part of the UNHCR Resettlement Program, France accepted the resettlement of 500 refugees from Syria in 2014 and 2015, and 1,500 in 2016. To implement the program, representatives of OFPRA are travelling on ‘humanitarian missions’ to Egypt, Jordan and Lebanon thus far,¹⁶ in order to ‘select’ the most vulnerable refugees and to ‘resettle’ them in France. At the beginning of 2015, 512 refugees from Syria benefited from this program. While UNHCR insisted on the criterion of vulnerability, each state is allowed to choose its own criteria and thus to select based on academic studies, special links with the future host country, etc. OXFAM requested that the European countries focus on the extreme vulnerability of Palestinian people in the ‘selection’ process.¹⁷ The French government, whether through its official statements or asylum policy, has failed to address the exacerbated vulnerability of Palestinian refugees from Syria.

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IN FOCUS:**Palestinians in the Americas - Lands of Opportunities Untapped?***by Francesca Albanese* and Elisa Mosler Vidal***

Demonstration in solidarity with the Palestinian people outside the La Moneda presidential palace in Santiago, Chile (Source: bbc.com)

In 2008, Condoleezza Rice proposed solving the Palestinian refugee question by sending Palestinian refugees from the Middle East to Latin America.¹ Rice put forward the idea at a meeting with Israeli and Palestinian negotiators discussing the fate of the estimated five million Palestinian refugees in the Middle East. Given that Chile and Argentina are fairly sparsely populated and have large Arab, including Palestinian, diaspora communities, Rice suggested these countries and possibly others in Latin America could contribute to the refugees by giving up land.²

This suggestion is emblematic of the United States' (US) historical approach to Palestinian claims, and shows its geopolitical regional priorities. Troublingly, it also displays a pass-the-parcel approach to refugee politics that is grounded in political convenience rather than legal norms. The outcome of the recent US presidential elections makes us fear that such an approach to Palestinian refugee issues may continue.

Rice's proposal never came to fruition and has not been seriously discussed since. However, Rice was right that many South American states – and in fact, the Americas in general – have strong historical connections to Palestine, which often predate the creation of the Palestinian refugee issue.

There are significant communities of Palestinians in the Americas, including refugees. The American countries with the most known Palestinians are as follows:

Country	Estimates of Palestinian population, without differentiating between refugees and pre-1948 immigrants
Chile	500,000 ³
Honduras	200,000-300,000 ⁴
U.S.	200,000 ⁵
Brazil	60,000 ⁶
Canada	42,000-50,000 ⁷

Sizable Palestinian diaspora populations are also in Venezuela, El Salvador, Mexico, Guatemala, Ecuador and other countries. Hence, both North America, particularly the USA, and South America, have substantial diaspora links through Palestinian immigrants. Some states could offer dignified temporary solutions in times of crisis when many refugees, including Palestinians, are without protection. Moreover, owing to the significant presence of the Palestinian diaspora, these countries could offer an unprecedented platform for lobbying and advocacy for the realization of Palestinian rights. Today, however, the relationship between Palestinians and many states in the region is weaker and these countries no longer attract as many Palestinians fleeing the Middle East.

This article will explore the historical roots of Palestinians in the Americas and some challenges Palestinian refugees have faced there recently in their search for protection.

Historical Background

Palestinians in Latin America

The large Palestinian population in Latin America is composed mainly of long-term immigrants rather than refugees. These immigrants began settling in South and Central America in the second half of the nineteenth century following the modernization of the Ottoman Empire. Palestinian arrivals peaked between 1900 and 1930,⁸ though it is difficult to find exact figures for these. It is estimated that 600,000 migrants from Greater Syria had settled in the Americas by 1914, many of whom were from Palestine. The overwhelming majority chose Latin America as their final destination and settled in countries including El Salvador, Chile, and Honduras.⁹ Many of them were Ottoman nationals at the time they left Palestine and were denationalized during the British Mandate.¹⁰ Of this group of approximately 40,000-60,000 Palestinians, less than 500 were able to retrieve their nationality under the British Mandate, while the others became, in the words of Mutaz Qafisheh, “the first generation of Palestinian refugees.”¹¹

Unlike many of the refugees seeking protection today, these first waves of pre-Nakba Palestinians were predominantly Christian and left Ottoman occupied Palestine to escape military conscription or to seek employment opportunities. Often labeled ‘Turcos’ (‘Turks’) by local communities, many of these Palestinians were merchants¹² and opted to settle in smaller states such as El Salvador and Honduras to avoid competition with larger and more established Arab

communities in larger states such as Argentina.¹³ Palestinians became so ubiquitous in the region that an old Chilean proverb says every village in the country has three things: a priest, a policeman and a Palestinian.¹⁴

Comparatively small numbers of Palestinians arrived after the Nakba in 1948 and the 1967 war. Though the majority of displaced Palestinians at that time found refuge within the Middle East, some did establish lives in Latin America due to diaspora connections. Overall, these are thought to make up a relatively small segment of Palestinians in South and Central America.

The number of Palestinian refugees in Latin America has risen recently, mainly due to UNHCR resettlement programs aiding Palestinians stranded in Iraq, Jordan and Syria due to regional conflicts. After UNHCR made an international appeal to governments, Chile was one of the first countries to respond and resettled 116 Palestinian refugees in 2008.¹⁵ Brazil has also taken part in a similar program.¹⁶

The more recent Palestinian refugees in Latin America have generally different socio-economic and cultural profiles than the earlier immigrants to the continent. Whereas the earlier group was mostly Christian and wealthy, this refugee population is predominantly Muslim and tends to have fewer financial resources.

Efforts to integrate some of these resettled Palestinians have had mixed results. In 2007 Brazil approved the resettlement of 108 Palestinian refugees from Iraq from the Reweished refugee camp in Jordan.¹⁷ After receiving housing, schooling, healthcare and financial support from Brazil during the first two years of their stay, these individuals had difficulties entering the labour market and accessing healthcare.¹⁸

Palestinians in North America

Palestinian migration to the US began in the early twentieth century as small numbers of Christians escaped Ottoman persecution.¹⁹ Palestinian flows to the US grew substantially after the events of 1948 and 1967, as in the following decades many Palestinians came fleeing the West Bank and Gaza Strip, some displaced from Arab countries by subsequent conflicts (particularly those in Lebanon and the Gulf), and others seeking employment and better opportunities.²⁰ As of 2015, US census data stated there were 118,622 Palestinians living in the country,²¹ though this is likely a conservative estimate. A community organization estimated there were 180,000,²² while Helena Lindholm Schulz reported 200,000 in 2001.²³ Canada is host to 24,000-50,000 Palestinians, most of who arrived throughout the 1980s and 1990s from the Middle East.²⁴

In recent years, the US and Canada have taken in a number of Palestinian refugees. The US took in an amount fleeing Kuwait following the first Gulf War, as well as a number of Iraqis following



Former PLO Chairman Yasser Arafat shares a joke with Cuban president Fidel Castro. (PPO/Getty Images)

the American invasion of Iraq.²⁵ It has resettled small numbers since then, most notably 1,350 Palestinians from Iraq in 2009.²⁶ Since 2003, Canada has received approximately 100 Palestinian asylum claims every year.²⁷ The country also participated in a UNHCR resettlement program for Palestinians in 2007, taking in 46 Palestinians from Iraq from Reweished refugee camp in Jordan. These were part of a group of 230 refugees who fled Iraq that included Iranian Kurds and Iraqi asylum seekers.²⁸ Most recently, Canada adopted special measures to offer resettlement to Syrian refugees and has explicitly made clear that this applies to non-Syrian nationals and stateless people fleeing Syria. As of 2016, the country has resettled 25,000 refugees from Syria; it is unknown how many of these are Palestinian.²⁹

A Unique Refugee Protection Regime

Latin America refugee framework: welcoming in theory but of little use in practice

There are broad and progressive regional legal instruments for refugees in the Americas that could be seen as favourable to Palestinians. While most Latin American states do not invoke Article 1D of the 1951 Convention relating to the Status of Refugees (hereinafter 1951 Convention) in determining the status of Palestinian refugees, many of their alternative national refugee frameworks are theoretically welcoming.

As a reaction to the regional refugee crises of the 1980s, a number of Latin American states adopted the Cartagena Declaration on Refugees, which builds on the principles of the 1951 Convention and its 1967 Protocol. The definition of refugees in the Cartagena Declaration includes “persons who have fled their country because their lives, safety or freedom have been threatened by *generalized violence*, foreign aggression, internal conflicts, *massive violation of human rights* or other *circumstances which have seriously disturbed public order*.”³⁰ The Cartagena Declaration is non-binding, but the ratifying countries are expected to enact its principles into domestic law. Chile, El Salvador, Mexico, Honduras, Colombia and Brazil have incorporated the Cartagena definition and principles into their national refugee frameworks.³¹

This expansion of refugee status criteria to include generalized violence is key. It extends protection to those who have not been subject to individual persecution but rather find themselves in danger due to violence, discrimination or aggressions occurring in their place of habitual residence. This could be relevant for asylum seekers who live in ongoing instability but have not received an individual threat, as the spectrum to ascertain asylum claims under the Cartagena Declaration is somewhat broader than under the 1951 Convention.

In 2004, 20 states in Latin America adopted the Mexican Declaration and Plan of Action for Strengthening International Protection for Refugees in Latin America.³² This was intended to align Latin American states under uniform refugee status determination processes and a strong agenda to protect refugees. Chapter Three of the Mexico Plan of Action calls specifically for durable solutions, including programs to facilitate self-sufficiency and local integration for resettled refugees and gave rise to the Regional Solidarity Resettlement Programme, a part of the Plan that aimed to promote durable refugee solutions in Latin America.³³

The plan reinforces the principles of the 1951 Convention and, significantly, the expanded refugee definition of the Cartagena Declaration. Therefore, it could serve as another welcome tool for

greater recognition of Palestinians as refugees in Latin American states.³⁴ At the same time, given the sensitivity of a ‘durable solution’ for Palestinian refugees, it is expected that many will be skeptical of embracing any ‘durable’ opportunity outside the framework of a comprehensive solution to the Israeli-Palestinian conflict.

However, despite this welcoming legal environment, the majority of post-1948 Palestinian arrivals in Latin America choose not to use conventional refugee and asylum procedures to obtain residency status. Rather, they tend to enter with visitor visas or temporary stay permits, which they convert into permanent residency permits under the respective country’s immigration procedures with the help of community and family networks.³⁵ For example, most Palestinian refugees in Mexico currently use annually renewable temporary residency permits to stay in the country. UN bodies suggest this is due to the fact that this is relatively easier than using asylum routes and this habit is in turn compounded through community networks.³⁶ Nevertheless this merits further attention; refugees should to use the full spectrum of rights they are entitled to as refugees, especially in a favorable legal context such as the Latin American one. The trend of neglect of the asylum avenue could point to insufficient legal aid and awareness and/or distrust of national asylum systems.

Recent options: humanitarian visas and reduction of statelessness

There have been encouraging ad hoc efforts to increase refugee intakes in the region in recent years.

In the wake of the Syria crisis, some states have started using ‘humanitarian visas’ to help resettle refugees from Syria, including Palestinians. For example, in 2013 Brazil introduced humanitarian visas for the Syria crisis outside of its standard Refugee Status Determination (RSD) and Cartagena procedures. These visas are intended for ‘victims of conflict’ and enable individuals to apply for asylum upon arrival in Brazil. Individuals with a certain level of economic resources and diasporic connections to Brazil are favored, in order to increase chances of successful integration. Over 8,450 humanitarian visas have been issued to date, and refugee status has been granted to more than 2,000 Syrians.³⁷ Efforts to continue resettling Syrians, however, are currently under threat as the new



Palestinian students greeted like celebrities upon arrival in Caracas, Venezuela. November 2014 (Ariana Cubillos)

Brazilian administration has indicated it wants to suspend future plans.³⁸ Argentina launched its 'Programa Siria' in 2014, which operates in the same way and explicitly seeks to admit UNRWA-registered Palestinians living in Syria to Argentina.³⁹ The program has been successful, though on a smaller scale to Brazil's – to date Argentina has granted approximately 500 humanitarian visas.⁴⁰ It is unclear how many of these were Palestinian.

Furthermore, there has recently been an increased focus on statelessness principles and instruments across Latin American refugee systems, many of which do not currently have statelessness procedures in place.⁴¹ This has been partly in response to a UNHCR drive to spread the recognition of statelessness; a regional summit of 28 Latin American states commemorating the Cartagena Declaration in 2014 gave rise to the Brazil Declaration and Plan of Action,⁴² vowing to eradicate statelessness in the continent by 2024. In 2014 Brazil offered citizenship to all stateless persons⁴³ and will soon adopt the practice of Stateless Status Determination for refugees. Argentina and Colombia have indicated they will consider similar moves. A greater push for recognition of statelessness in Latin America could mean greater recognition of Palestinian refugees' status, given that they are one of the largest stateless populations in the world.⁴⁴ This in turn has the potential to help improve protection of Palestinian refugees.⁴⁵

These two emerging practices are positive developments that could translate into greater rates of protection for Palestinian refugees escaping major crises such as the Syrian conflict.

A mixed welcome in North America

The situation is somewhat different in North America. The US is not a signatory to the 1951 Convention or the two Statelessness Conventions, and Article 1D, therefore, does not apply to Palestinian asylum claims in the US.⁴⁶ In recent years, the US has had some questionable policies concerning *refoulement* of Palestinian refugees. The practice of *refoulement*⁴⁷ is absolutely prohibited according to customary international law and is defined as the forcible return of refugees and asylum seekers to a country where they might be subject to persecution. In 2015, Palestinians arriving to the US from Egypt, Jordan, Syria, Lebanon, the West Bank and the Gaza Strip were subject to deportation to those states, and in 2002 US authorities returned Palestinians "to Palestine."⁴⁸ Current US President Trump, a staunch ally of Israel, has made incendiary remarks towards Muslim refugees and migrants and government policy towards Palestinian refugees in particular is unlikely to soften in the next four years.

There is no standard practice for the registration of Palestinian refugees or asylum seekers in Canada, despite that country partially incorporating the 1951 Convention. This lack of specific form of classification or protection for Palestinian claimants in Canada makes it hard to compile meaningful statistics. Palestinians seeking asylum can be registered as Palestinian, stateless, or from the country in which they resided before coming to Canada (e.g. Lebanon). Evidence is scant, but in the early 2000s most Palestinian refugees were thought to come from Palestinian refugee camps in Lebanon, while today Palestinians from Syria are most likely the majority.⁴⁹

Additionally, registration with UNWRA has no impact on the determination of admissibility and eligibility of the claim. Nevertheless, Canada has tended to grant asylum to Palestinians in high numbers.⁵⁰ Canada interprets Article 1D as an exclusion rather than inclusion clause;

Palestinian refugees in Canada are outside UNRWA regions and are therefore eligible for refugee status determination. This means claims for refugee status submitted by Palestinians are considered on the basis of a well-founded fear of persecution in their country of former habitual residence under the 1951 Convention grounds and are given equal consideration for asylum access as other refugee groups.⁵¹

Canada lacks clear statelessness determination legislation and procedures, which impacts Palestinian refugees. There are accounts of failed Palestinian refugee applicants remaining in legal limbo as they face difficulties being recognized as stateless. Furthermore, even if they are recognised as stateless this is not considered a persuasive factor to approve a Humanitarian and Compassionate Consideration application, a Canadian alternative to refugee status.⁵²



Palestinian refugee brothers Rami and Mohammed Othman in the abandoned office building where they live with several other Syrian refugees, 2015. (Source: <http://graphics.latimes.com/syria-to-brazil/>)

Politicization of Palestinian Refugees Across the Americas

One factor affecting the classification of Palestinian refugees in some states in the region is its politicization. In general, states' treatment of Palestinian refugees often reflects their diplomatic and political responses to the ebb and flow of the conflict between Israel and the Palestinians.

In 2012, Venezuela abolished entry visas for Palestinians.⁵³ This was a politically motivated move signaling the country's solidarity with Palestine and reinforcing its cut in diplomatic ties with Israel.⁵⁴ It is not clear how many Palestinians arrived in Venezuela following this change. There are a number of Venezuelan government initiatives to help Palestinian refugees, including medical school scholarship programs for refugees and a plan to resettle Palestinian orphaned children in 2014. Despite their strong political symbolism, however, most of these initiatives have not been successful or have been discontinued. For example, one third of students on medical school scholarships, many of whom had come from refugee camps, dropped out of the program due to its lack of academic rigor.⁵⁵

More often, however, the politicization of Palestinian refugees operates in the other direction. The US often uses a 'persecutor of others' category as grounds of asylum exclusion. In theory this prevents 'persecutors of others' from being granted asylum to the USA, though in practice it has barred many non-violent politically active asylum seekers. These grounds have been invoked in many cases with Arab, including Palestinian, asylum seekers. Various Arab activists have been denied asylum for throwing stones, participating in demonstrations, and spreading dissident speech. Furthermore, the US has punitive policies regarding political affiliations and

activity that restrict some Palestinian asylum seekers' claims. Hamas, the Palestinian Liberation Front (PLF), Palestinian Islamic Jihad (PIJ), and the Popular Front for the Liberation of Palestine (PFLP) were designated by the American government as terrorist organizations in the 1990s, meaning that individuals may be barred from asylum if they have associated with anyone in these organizations. Therefore, if an individual applying for asylum in the US has, for example, fed a meal to a member of Hamas because they are friends or family, that individual may be barred from asylum.⁵⁶

Despite a generally welcoming policy, there have been, at times, some indications of a politicization of refugee policy towards Palestinians in Canada. Firstly, a number of Palestinian refugee deportations have taken place in Canada; fourteen Palestinians were deported and at least 100 more faced deportation in 2004, though it is unknown what happened to them. Some of those facing deportation risked being sent to the US, where, if denied refugee status, they could have been detained indefinitely. Most of these were Palestinian families who had fled refugee camps in Lebanon and the occupied Palestinian territory.⁵⁷ Those from the West Bank had their asylum claims rejected because immigration legal staff did not recognise them as sufficiently persecuted by Israel. One case asserted: "A political instability, in itself, is not a sufficient reason to conclude on the existence of a well-founded reason of persecution. Despite the violence caused by the political instability in the West Bank, documentary evidence does not reveal that there exists a systematic will on the part of the Israeli military authorities to systematically persecute and exterminate the Palestinian population while doing so, despite the horrors caused in the war-torn areas."⁵⁸ A second incident of politicization of refugee policy towards Palestinians took place in 2014, when it was announced that Palestinian refugees displaced by Israeli settlements would not be resettled in Canada, because these were, according to the then Immigration Minister, going to ultimately seek to return home to live in a Palestinian state.⁵⁹ It is not known whether this was enacted in Canadian refugee policy.

Conclusions

Regional crises following the so-called 'Arab spring' (in Libya and Syria in particular), have continued to further displace and endanger Palestinian refugees in the Middle East. On occasion, places which previously constituted safe havens for refugees, such as neighbouring countries, became a no-go area for Palestinian refugees because of their place of origin. Cases of entire families being stranded at the Jordanian or Lebanese borders with Syria, as well as in Egypt, have not been uncommon in recent years.⁶⁰ Therefore, American countries that might offer effective protection to Palestinian refugees should be considered as a safe haven option, even if for temporary purposes only.

Based on current legal frameworks, there is significant potential for several countries in the Americas to help Palestinian refugees – not by offering up land as Rice proposed, but simply by invoking existing refugee laws. In Latin America, a way needs to be found to encourage Palestinian refugees to use official asylum routes to residency, and for state signatories to robustly invoke the Cartagena Declaration and Mexico Plan. This would allow them to benefit from a favorable legal regime, while not diluting or inflating their refugee status: namely, not undermining their ultimate entitlement to a just and durable solution as part of United Nations General Assembly Resolution 194.

In country signatories to the 1951 Convention, a broader interpretation of Article 1D should be used, recognizing Palestinian refugees as *ipso facto* refugees once they are outside the realm of UNRWA's protection. UNHCR has publically supported this interpretation of the clause, and should more actively encourage states to adopt it. Meanwhile, UNHCR resettlement programs in Latin America, Canada and the US should continue on a larger scale for Iraqi, Syrian and other Palestinian refugees. In addition to this, Brazil and Argentina's humanitarian visa programs should continue and serve as a model for neighboring states.

Lastly, efforts should be made to depoliticize the issue of Palestinian refugees. In the USA, for example, 'persecutor of others' procedures should be used more sparingly when concerning politically active asylum seekers who have not committed an illegal act.

Although the solution to the Palestinian refugee question will ultimately be a political one, asylum politics should be grounded in international and regional norms and as neutral as possible. Any such solution will require full engagement from the international community and adherence both to principles of international law and to historical justice – a far cry from Rice's flyaway proposal.

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- 9 Mutaz Qafisheh, "Genesis of Citizenship in Palestine and Israel: Palestinian Nationality during the Period 1917-1925," 2009, 11, *Journal of the History of International Law*, 1 and 34. (herein after 'Qafisheh, *Genesis of Citizenship*') Qafisheh stated that a 1907 report recorded 4000 male emigrants from Palestine to the US in ten years. Half of them later reunited with their families.
- 10 Qafisheh, *Genesis of Citizenship*, 34. In 1925, the British Administration in Palestine passed a Palestinian Citizenship Order that gave Palestine natives residing abroad nine months to exercise their right to opt for Palestinian nationality. This short time-frame made it very difficult for these Palestine natives, who were mostly located in Latin America and Europe, to apply for citizenship. Article 2 of the Order, *inter alia*, specified: "Persons of over eighteen years of age who were born within Palestine and acquired on birth [...] Turkish nationality and on the first day of August 1925, are habitually resident abroad, may acquire Palestinian citizenship by opting in such manner [...] subject to the consent of the Government of Palestine which may be granted or withheld in its absolute discretion [...] This right of option must be exercised within two years of the coming into force of this Order." The right of individuals of this group to opt for Palestinian nationality had to be exercised within two years starting from the date on which the Citizenship Order entered into force, i.e. between 1 August 1925 and 31 July 1927. However, in November 1925 the British High Commissioner for Palestine decided that the right to this option should begin retroactively from 6 August 1924. In a nutshell, the Citizenship Order gave a limit of two years for Palestine natives abroad to register. However the two year term was made to begin from 6 August 1924 (the signature of the Treaty of Lausanne), leaving them de facto only 9 months.
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“Sanaúd! Voltaremos!¹ and We Will Return!”

The Story of the Palestinian Diaspora and their Alliance with Social Movements in Sao Paulo

by *Luciana Garcia de Oliveira**



The Palestinian Cultural Center in Sao Paulo, Brazil, marked the 40th anniversary of Land Day with the participation of Palestinian, Arab and Brazilian activists and organizers. March 2016 (source: pfp.ps)

Once, in a testimony, Mr. Hannah Youssef Safieh, a Palestinian who lives in the city of Natal (in northeast Brazil), recalled an interview he gave to a French magazine in 1968 when he was in Belgium for a large event in solidarity with Palestine. When asked about whether Palestinians had a slogan akin to the legendary Jewish phrase “Next year to Jerusalem,” he replied: “Of course we have: Sanaúd! (We will return!)” This traditional expression of the Palestinian diaspora reveals the desire to return to the place from which they were displaced, their homeland. It was exactly this same expression that in 1982 became the title of one of the largest political organizations of the second generation of Palestinians in Brazil, the Cultural Association Sanaúd. Sanaúd was formed by a group of young people from the Syrian, Lebanese and Palestinian Diasporas; residents in Brazil who often met in an office named “Sociedade Árabe Palestina” located at Avenida Senador Queiróz in Sao Paulo.

The Arab-Palestinian diaspora in Brazil has a long history. Palestinian immigration to Brazil had begun even before the establishment of Israel in 1948, due to the many Palestinians who refused to enlist in the Ottoman army. However, the influx of Palestinian refugees increased after World War II due to the 1948 ‘Nakba’ and the loss of land caused by the Israeli occupation of the West Bank and the Gaza Strip in 1967. According to Denise Fagundes Jardim, “the experience of

Palestinian immigrants in Brazil reveals the connections with other wars, the Six Day War in 1967 and the Intifada in 1987, a decade marked by civil wars.”²

Many Palestinians in exile claim that the need for political and cultural organization in the diaspora began two years after the Six Day War, in 1969, when the first Israeli Foreign Minister Golda Meir declared that the Palestinian people did not exist. This statement sparked widespread motivation, especially in the Palestinian diaspora, to prove the historical presence of the Palestinian people in Palestine and to enforce fundamental rights in the territory.

Another important issue regarding diasporic peoples seeking recognition is the engagement or withdrawal by national governments based on the state of origin of these immigrants. Brazil’s approach to the issue of Palestine had its beginning during the first major oil crisis in 1973, with the Brazilian military government’s fear of a lack of oil supply necessary to for Brazilian development plans. In 1975 Brazil consequently voted in favor of United Nations (UN) Resolution 3379 - which determined that Zionism is a form of racism and racial discrimination - in order to satisfy Arab countries, especially oil-rich nations such as Saudi Arabia.³ That same year Brazil recognized the Palestine Liberation Organization (PLO) despite the intensity of the protests against Brazil’s anti-Zionist vote by the United States, Israel and part of the Brazilian press, which fostered a politicization of the Palestinian diaspora and a move towards greater cultural, social, political and economic integration. The result of these events in later years was that the city of Sao Paulo was able to give rise to two large representative bodies, one of which still prevails today.⁴

On 29 November 1977, UN Resolution 32/40 established the International Day of Solidarity with the Palestinian People. Years later in 1982, the Palestinian community in Brazil was surprised by a newer attack on the Palestinian people, this time the large-scale massacres in the Palestinian refugee camps of Sabra and Shatila in Lebanon. These massacres, along with evidence of the responsibility of the Israeli authorities for the crime, resulted in an international outcry. This led the Palestinian diaspora in Sao Paulo, most notably the youngest members of the newly founded *Associação Cultural Sanaúd* (Sanaúd Cultural Association), to organize a large march that year through the streets of Paulista Avenue in Sao Paulo, in which an estimated 10,000 people called for the end of the massacres and the establishment of a free, sovereign and democratic Palestinian state. This demonstration was able to mobilize prominent sectors of Brazilian civil society, including the *União Nacional dos Estudantes* (UNE),⁵ many other unions and some political parties in Brazil who shouted: “PLO, we are with you!” and “Israel, murderer of the Palestinian people!”⁶

On 1 December 1983 in Sao Paulo, in the middle of the atmosphere created by the re-democratization of Brazil, a special formal session of the International Day in Solidarity with the Palestinian people was held upon request made by Airton Soares, the leader of the *Partido dos Trabalhadores* (Workers’ Party)⁷ at the Chamber of Representatives. Thirty embassies were in attendance. During the great movement by *Diretas Já!*,⁸ the national president of the Workers’ Party, Luiz Inácio Lula da Silva, spoke publicly alongside the president of UNE, Alcidon de Matos, for the cause in the middle of Pacaembu Stadium. It was around this time that young members of Sanaúd spent 12 hours handing out leaflets in Portuguese clarifying the international issue of Palestine.

Prompted by the cycles of violence in Palestine, the massacres in Sabra and Shatila and,

above all, the numerous expressions of solidarity in Sao Paulo and other Brazilian cities, PLO representative Farid Suwan wrote in an article entitled *Aos amigos brasileiros* [To our Brazilian friends]:⁹

“Golda Meir became famous for a phrase, so far away to reality as is permissible on the brink of sanity: ‘Palestinians? There never was such a thing.’ Well, I say, we always exist, that we never cease to be Palestinians, that from time immemorial my people have inhabited the peaceful and beautiful Palestine. [...] In these days of mourning and sadness for us, with our mutilated unburied dead, I want to thank all Brazilians for their solidarity, which for us is fundamental. We will never forget the marches we witness. In view of all this, I would like to reassure my Brazilian friends that the PLO did not die. It will never die. The PLO is reborn like a mythological phoenix, but not from the ashes, we are reborn from the blood of our martyrs and we will resist until our homeland is liberated.”

The agitations related to numerous events in Palestine, along with the process of re-democratization of Brazil during the 1980s, concurrently enabled the establishment of a representative body of the Palestinian diaspora as a whole. The *Federação Árabe Palestina do Brasil* (FEPAL), founded on 9 November 1980, was created to remedy a profound crisis of Palestinian legitimacy and unity in Brazil. From the emergence of Sanaúd Cultural Association until the founding of FEPAL, a primary objective was to make Palestinian voices heard in an environment where the Palestinian cause was not well known and, on several occasions, quite distorted by the Western media. It can be observed that it is very common among the members of FEPAL, especially among those born in Brazil, to position themselves in their narration of events in Palestine as if they had personally participated in or experienced remarkable events in the long history of the occupation of the region. Consequently, it can also be observed that the Palestinian identity of these activists of Palestinian origin was gradually strengthened through the process.

The creation of FEPAL and the existence of Sanaúd Cultural Association during the 1980s not only engaged in representing the Palestinian diaspora in Brazil, they also allowed the city of Sao Paulo to be the stage of the first Congress of Palestinian entities in South and Central America and the Caribbean in July 1984. This event brought together 300 members of “congress” representing 500,000 Palestinians in Latin America. It was on this occasion that some Brazilian personalities publicly positioned themselves in support of the Palestinian cause, most notably Workers’ Party national president Luis Inacio Lula da Silva.

In the same year as the first Congress, the city of Piracicaba in Sao



The First Youth Arab Palestine Meeting of Latin America and the Caribbean. 1985 (source: Author)

Paulo welcomed another landmark event in the history of the Palestinian diaspora in Brazil. The First Meeting of Arab-Palestinian Youth of Latin America and the Caribbean served to unite the Palestinian youth with many young Brazilians represented by UNE. In this meeting they expressed their support of Palestine, and of the PLO and their president Yasser Arafat as the sole and legitimate representative of the Palestinian people. The event gathered many international observers and representatives of the PLO in Latin American countries like Mexico and Nicaragua. During the opening ceremony in the auditorium of the Universidade Metodista de Piracicaba - UNIMEP, Don Eduardo Koiaik, the bishop of the Archdiocese of Piracicaba who is of Lebanese descent, hinted at his emotions at that moment marked by the tragedies in Lebanon and the ongoing movements of Brazil's political opening. He declared to the assembly that when Palestinians speak of *sanaúd* they demonstrate the hope they still have to return to their land and that their fight to do so deserves the support and solidarity of all peoples around the world.¹⁰

During the extensive Palestinian political and cultural programming that coincided with the political reopening movement in Brazil from the 1980s until the mid-1990s, a group called the new Israeli historians began to garner attention. The first published works of these historians, which was the result of hard and continuous research into primary sources in Israel, earned them an extraordinarily large readership within Israeli society and especially in Euro-American academia, with great repercussions in Brazilian universities. However, at the peak of criticism of the Zionist movement, especially in areas where the question of Palestine had not gained such popularity, the political effervescence was stopped before the Oslo Peace Accords. In response to the Accords and the end of the Cold War, Brazil's 1975 anti-Zionist vote was revoked in 1991 during the short administration of President Fernando Collor de Melo.

In later years, Brazilian foreign policy moved toward a bilateral alignment with the United States, especially after 1992 with the government of President Fernando Henrique Cardoso. The pro-Palestinian demonstrations in Brazil were put aside until 2003 with the election of Luiz Inacio Lula da Silva as president. It was during President Lula's administration that Brazil became the first country in Latin America to recognize the State of Palestine within its 1967 borders, in order to influence other states in the region such as Argentina, Bolivia, Ecuador, Chile, Guyana, Peru, Paraguay, Suriname, Uruguay, Cuba, Nicaragua, Costa Rica and Venezuela. In the 2000s, Palestine gained back wide visibility in Brazil and Latin America.

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Endnotes

- 1 Voltaremos means 'we will return' in Portuguese.
- 2 Denise Fagundes Jardim, *Estratégias da imigração em tempos de globalização: os palestinos e suas viagens internacionais*, in *Cartografias da imigração – Interculturalidade e Políticas Públicas*, Porto Alegre. editora UFRS, 2007, edited by Denise Fagundes Jardim.
- 3 The vote in favor of UN Resolution 3379, which defined Zionism as a form of racism, was a novelty in the pattern of behavior of Brazilian diplomacy. This novelty, in turn, resulted in a large mobilization of public opinion, stimulated mainly by Brazilian, American, Israeli and Jewish associations, to coordinate a series of

demonstrations hostile to the project. In addition, the Brazilian government became the target of American activism in favor of human rights. For more information see: Carlos Ribeiro Santana, "O aprofundamento das relações do Brasil com os países do Oriente Médio durante os dois choques do petróleo da década de 1970: Um exemplo de ação pragmática," *Revista Brasileira de Política Internacional* 49 (2), 2006, 157-177.

- 4 The Palestinian Liberation Organization appointed representative, Farid Suwan, in Brazil in 1975.
- 5 Brazil's National Union of Students.
- 6 Lejeune Mirhan, "Ali El Khatib, uma vida dedicada aos árabes," *Portal Vermelho*, Available at: http://www.vermelho.org.br/coluna.php?id_coluna=25&id_coluna_texto=2851. In 1982 the candidate for State Deputy of the PT was the first president of the Palestinian Federation, Souheil Sayegh. All the young members of Sanaúd actively helped in the campaign, which would make him the first Palestinian to hold a seat in the Legislative Assembly of Sao Paulo. According to members of Sanaúd, the campaign had been so intense that, in the end, Souheil lost by just 800 votes.
- 7 The Worker's Party in Brazil.
- 8 *Diretas Já!* was a movement in Brazilian civil society calling for direct presidential elections 1983 and 1984 after a long period of Civil Military Dictatorship in Brazil dating back to the 1964 coup.
- 9 João Sales Asfora, *Compacto Palestina*, Olinda: Centro Cultural Palestino Brasileiro, 2010, 295.
- 10 *Ibid.*, 221.



Palestinians in Cuba

by Mohammad Abu Srour*

The Palestinian Student's Senate in Cuba Commemorates the 67 Anniversary of the Nakba, May 2015 (Source: pecq.ps)



During the first half of the twentieth century Cuba was a prosperous country and had a vibrant economy that attracted immigration from many countries around the world, including Palestine. Immigration and emigration in Cuba significantly affected the demographic composition of the island, including that of the Palestinian community.

The main waves of immigration into the island took place between 1899, the year of Cuba's independence, and 1930.¹ By the 1930s, there were around 34,000 Arabs in Cuba, including thousands of Palestinians, but the immigration decreased during the next two decades.² The flow of people out of Cuba started during the Batista rule in the 1950s, when about 10,000 Cubans fled to the USA.³ After the 1959 revolution and Castro's arrival to power, around half a million Cubans left the island to North America.⁴ In total, between 1959 and 1980 almost one million people emigrated from Cuba. While there is no specific data regarding the emigration of Palestinians out of Cuba during the post-revolution years, the dramatic demographic changes probably had an impact on the Palestinian community, which was active in business and trade.

First Wave of Palestinians to Cuba

Generally speaking, the arrival of Palestinians to Cuba is connected to the political history of the island, and can be categorized into two parts: the arrival of Palestinians before the revolution and after the revolution. Before the 1960 revolution, the majority of Palestinians arrived to Cuba looking for economic prosperity and the hopes of building a better future.

According to historical records obtained in the Palestinian city of Bethlehem, the first group of

Palestinians arrived to Cuba in the late nineteenth century and early twentieth century, around the time when the Ottoman Empire started to collapse.⁵ Many young men fled the mandatory Turkish military draft by getting onto boats towards the Americas, where they found work and stayed.⁶ While Cuba was often a transit point towards the US, many Palestinians ended up staying there.

The majority of these Palestinians arrived to the island in the first decades of the twentieth century.⁷ Most of them arrived as day laborers, and with time they started establishing their own businesses selling and trading silk, fabric, hardware, jewelry and/or furniture, among others. By the 1950s, Palestinian business owners together with other Arab traders owned around ten percent of the fabric stores in Cuba.

Most Palestinians who arrived to Cuba before the Nakba were predominantly middle-upper class Christians involved in business and politics and well-represented in the Cuban political and economic arena.⁸ Since they left before the 1948 war and managed to maintain their economic positions, both in Cuba and Latin America more generally, they have remained detached from the more traditional nationalistic discourse found in the Palestinian diaspora in Arab countries. This discourse is more centered on forcible displacement, dispossession, statelessness and return. However, this does not mean they were not directly affected by statelessness.

During the British Mandate, all those Palestinians who were abroad were not able to acquire citizenship under the 1925 Palestine Citizenship Order.⁹ Moreover, Israel revoked Palestinian nationality through its 1952 Nationality Law.¹⁰ Almost immediately after the 1967 War, Israel conducted a census in the occupied Palestinian territory (oPt). The 1967 census counted around one million Palestinians living in the oPt.¹¹ Not included in the census were, among others, those who were outside of the country for personal reasons such as studies, work, or travel.¹² These developments significantly hindered the return of these Palestinians in Cuba to their homeland.

Palestinians in Post-revolution Cuba

Under Castro, Cuba's policies were heavily influenced by socialist principles and the newly-established Cuban government adamantly fought against all kinds of colonialism, be it economic, commercial, military or political. In the international arena, Cuba became a distinguished member of the non-aligned movement and early on showed its support and solidarity with the Palestinian people, even at times when the majority of Latin American countries sided with Israel.¹³

Cuba and the PLO had close ties since the 60s, but especially after a meeting in 1974 between Arafat and Castro. This meeting illustrated the favorable attitude of the Cuban government towards Palestinians and their cause.¹⁴ In the 1950s, a time when most Latin American countries supported Israel, Cuba established relations with Palestinian revolutionaries that were cemented in 1964, when Cuba became one of the first countries to recognize the PLO.¹⁵

In 1974 the PLO was recognized by the UN as the "sole legitimate representative of the Palestinian people" which led to the opening of information offices throughout Latin America, including Cuba in 1976. This office and the representatives in it have as one of their goals to re-politicize the Palestinian diaspora as well as to raise funds from wealthy businessmen to fund the PLO's activities.¹⁶



As part of its solidarity policies, Cuba supported international solidarity with Palestinians by opening up their universities and establishing a scholarship system for students of countries suffering from colonialism, political oppression or exploitative practices by western states. It is through this policy that many Palestinian students arrived to Cuba to study medicine there.

Today, some sources estimate that there are around 50,000 people in the Cuban Arab community.¹⁷ However, the Palestinian ambassador to Cuba in 2010 estimated that there were around 5,000 Palestinians in Cuba, including the descendants of immigrants who arrived at the beginning of the previous century, as well as new arrivals. This number is questionable as an official census of the Palestinian diaspora was never conducted and the parameters for being considered a Palestinian are unclear. Who is considered Palestinian? Those with Palestinian fathers and mothers? Only fathers? Only mothers? Those with a Palestinian Authority passport? These unanswered questions illustrate the difficulty of calculating the exact number of Palestinians not only in Cuba, but in the diaspora.

Regardless of the exact number, the Palestinians community in Cuba is divided between the capital, Havana, and the provinces of Santiago de Cuba, Guantanamo, Granma, Holguin, Las Tunas, Ciego de Avila, Matanzas, Villa Clara and Pinar del Rio.¹⁸

In 2016, the Palestinian community included 80 medical students from the West Bank, the Gaza Strip, Syria and Lebanon, among others; ten Palestinians working in diplomatic and political affairs on the island, and their families; and 30 Palestinians officially registered as such in the Palestinian embassy in the island.¹⁹

Political and cultural movements

With the aim of preserving their identity and culture, the Palestinian community in Cuba founded the 'Palestinian Arab Society' in 1919.²⁰ It offered Arabic classes and radio programs about Palestine and its culture, as well as a library. This Society continued until 1979, at which time all the different Arab groups and societies of Cuba merged into a single national organization called the Arab Union of Cuba (UAC). There is also the General Union of Palestinian Students in Cuba (UGEP), which is one of the most active groups of Palestinian students in all of Latin America.²¹

In a meeting of all the members of UGEP in 2010, the Union made a commitment to strengthening Palestinian national unity, both in Palestine and in the diaspora, and to challenge Israel and its policies.²² They also called for the release of the more than 11,000 Palestinian political prisoners

from Israeli jails, and reaffirmed their recognition of the PLO as the only legitimate representative of the Palestinian people.²³

The Union has also reaffirmed their commitment to continuing fighting for the cause of the Palestinian people until they achieve self-determination and the return of all Palestinian refugees to their homes of origin, as stated in UN Resolution 194.²⁴

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Endnotes

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- 5 Alia Gilbert, *Palestinian Embassy in Havana*, Brownbook's 2015 Design Directory — Embassy Architecture of the Middle East and North Africa, 2015. Available at: <http://brownbook.tv/palestinian-embassy-in-havana/>
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al-Majdal is BADIL's biannual English magazine produced with inputs from Palestinian and international civil society on issues concerning Palestine with a focus on the concerns, rights and situation of Palestinian refugees and IDPs. The magazine aims to increase public awareness and provide a venue for discussion and debate on these issues.

al-Majdal, and all other BADIL publications can be found here:
<http://www.badil.org/>

[http://www.badil.org/en/publication/periodicals/
al-majdal.html](http://www.badil.org/en/publication/periodicals/al-majdal.html)

ABOUT THE MEANING OF AL-MAJDAL

al-Majdal is an Aramaic word meaning fortress. The town was known as Majdal Jad during the Canaanite period for the god of luck. Located in the south of Palestine, al-Majdal was a thriving Palestinian city with some 11,496 residents on the eve of the 1948 Nakba. Majdalawis produced a wide variety of crops including oranges, grapes, olives and vegetables. Palestinian residents of the town owned 43,680 dunums of land. The town itself was built on 1,346 dunums.

The town of al-Majdal suffered heavy air and sea attacks during the latter half of the 1948 war in Palestine. Israeli military operations (Operation Yoav, also known as “10 Plagues”) aimed to secure control over the south of Palestine and force out the predominant Palestinian population. By November 1948, more than three-quarters of the city’s residents had fled to the Gaza Strip. Israel subsequently approved the resettlement of 3,000 Jews in Palestinian refugee homes in the town. In late 1949 Israel began to drive out the remaining Palestinian population using a combination of military force and administrative measures. The process was completed by 1951. Israel continues to employ similar measures in the 1967 occupied West Bank, including eastern Jerusalem, and the Gaza Strip.

Palestinian refugees from al-Majdal now number over 71,000 persons, and Israel has Hebraized the name of their town as “Ashkelon.” Like millions of other Palestinian refugees, Majdalawis are not allowed to return to their homes of origin. Israel opposes the return of the refugees due to their ethnic, national and religious origins. al-Majdal, BADIL’s quarterly magazine, reports about and promotes initiatives aimed at achieving durable solutions for Palestinian refugees and displaced persons based on international law and relevant resolutions of the United Nations.

This issue of al-Majdal is looking specifically at the multiple displacements of Palestinian refugees from the perspective of the international response or lack thereof to this situation. The articles examine the asylum procedures of a number of countries, spanning Europe and the Americas. Specifically, this issue contains articles highlighting the situation of Palestinian refugees from Syria seeking asylum in the United Kingdom, France, Germany and Greece, and in Europe more generally. Looking at the Americas, the articles provide an overview of Palestinian communities there, especially Brazil and Cuba, as well as the situation of more recent Palestinian refugees arriving to the Americas in the last two decades.