

# PALESTINIANS IN EGYPT

Assessing the Impact of Egyptian State Policies and Regulations on Palestinian Refugees

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The Prime Minister of Egypt, Mohammed Fahmi al-Nakrashi (1948)



THE PALESTINIAN RETURN CENTRE



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Editors

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PALESTINIAN RETURN CENTRE

**The Palestinian Return Centre** is an independent consultancy focusing on the historical, political and legal aspects of the Palestinian Refugees. The organization offers expert advice to various actors and agencies on the question of Palestinian Refugees within the context of the Nakba - the catastrophe following the forced displacement of Palestinians in 1948 - and serves as an information repository on other related aspects of the Palestine question and the Arab-Israeli conflict. It specializes in the research, analysis, and monitor of issues pertaining to the dispersed Palestinians and their internationally recognized legal right to return.

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## ACRONYMS

|       |   |
|-------|---|
| AOGG  | Administrative Office of the Governor of Gaza                   |
| BADIL | Resource Center for Palestinian Residency and Refugee Rights    |
| Nakba | Palestinian Catastrophe in 1948                                 |
| PLO   | Palestine Liberation Organization                               |
| UNHCR | United Nations High Commission for Refugees                     |
| UNRWA | United Nations Relief and Works Agency for Palestinian Refugees |

## EXECUTIVE SUMMARY

This report sheds light on the largely uncovered situation of the over 70,000 Palestinian refugees currently residing in Egypt. It begins by providing a historical overview of Palestinians in Egypt and the differences in treatment according to the ruling government. It offers a historical account on the treatment under the governments of King Farouk, Gamal Abdel Nasser, Husni Mubarak, Mohamed Morsi, and currently Abdel Fattah al-Sisi. It was not until the policies and measures adopted under Nasser that enabled Palestinians to significantly improve social mobility prospects. However, this came to an abrupt end in 1978 subsequent to the signing of the Camp David Accords between Egypt and Israel and the assassination of Egyptian Minister of Culture Yusif al-Sibai. Ever since, Palestinians in Egypt are regarded as foreign persons, and in consequence, face rigid government restrictions and policies on a day-to-day basis.

The second chapter provides a thorough assessment of the policies and measures that ultimately result in protection gaps, outright denial or heavily regulated access to legal status, mobility, employment, education, government services and property ownership. It is apparent that existing protection gaps are the result of Egypt's unwillingness to ensure the rights of Palestinian refugees. An example of this unwillingness is demonstrated in the deliberate exclusion of Palestinian refugees from a number of international



conventions and UN-related agencies, including protection and assistance from the 1951 Refugee Convention or agencies such as United Nations High Commissioner for Refugees (UNHCR) and United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

Moreover, the precariousness of statelessness is also a result of the fluctuating Egyptian state policies and regulations compounded with administrative and bureaucratic obstacles. For instance, the issuance of residence permits is conditional upon reason of stay, namely enrolment in school or university, marriage to an Egyptian national, licensed employment, or investment or business partnership with an Egyptian firm. Depending on one's arrival date, each residence permit category stipulates a different renewal period. Many are forced to regularly undergo the visa renewal process, one that proves financially burdensome for many families.

Freedom of movement is another right strictly regulated by Egyptian authorities, especially for those holding the Egyptian travel document that is strictly for the purpose of travel. This particular document entails a complicated renewal process and does not grant its holders with any residency rights. These document holders in particular have been subjected to discriminatory treatment and lack of protection, notably during the early 1990s expulsions of Palestinians in Kuwait and Libya.

Ever since their abrupt reversal of treatment in 1978, Palestinians face legal obstacles and regulations denying them access to the formal labour market. With the formal sector heavily restricted and regulated, Palestinians have to resort to the informal sector and are commonly employed without job security and contracts, insurance, or benefits, and are subjected to poor working conditions and hours, and low pay.

During Nasser's rule, Palestinians enjoyed access to free public education at all levels along with discounted university fees. However, Sadat's government removed those privileges, and to this day Palestinians are burdened with high tuition fees and costs.

Palestinians hold access to public health services, however both Palestinians and Egyptians suffer from inadequate and inefficient conditions of those services. Alternatively, Palestinians can access the Palestine Hospital, a hospital run by the PLO-affiliated Palestine Red Crescent Society, in Cairo or charitable clinics attached to local mosques.

Lastly, up until 1985, Palestinians enjoyed property rights and were exempted from restrictions for foreigners. These privileges were revoked however and

those who owned agricultural property and fertile lands suffered the most.

The report also examines the precarious situation of Palestinians from Syria in Egypt who are especially vulnerable to serious protection gaps. The state does not allow Palestinian refugees from Syria to register with UNHCR, referring to Article 1D of the 1951 Refugee Convention. Also known as the “exclusion clause” contained in the first paragraph of Article 1D, it stipulates that Palestinian refugees do not fall under UNHCR’s mandate in areas where UNRWA provides protection or assistance, like in Syria. But because they do not receive the UNRWA services while in Egypt, Palestinians in fact fall under the competence of UNHCR. There have been reports of Egyptian authorities engaging in deporting, prospecting, and even coercively forcing refugees to leave the country. The precariousness of statelessness for Palestinians seeking refuge is a product of the state’s unwillingness to implement human rights conventions and international customary principles.

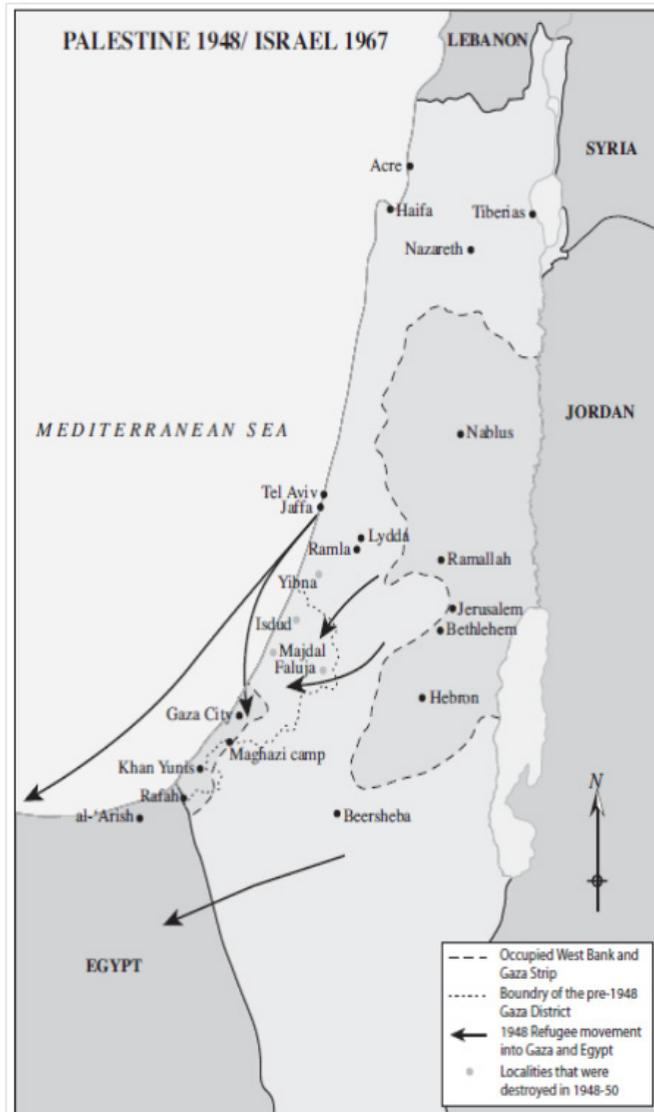
The report concludes with recommendations addressed to the Egyptian state, urging authorities to respect the human rights of Palestinians and ensure their access to basic civil rights and social mobility.

## METHODOLOGY

This report was conducted through extensive desk research. Locating readily available up-to-date information on Palestinians in Egypt proved difficult. This is a result of the government’s restrictions on UN agencies accessing this refugee population. Because Palestinians in Egypt are not allowed to register with UNHCR or UNRWA, these agencies when contacted could not provide adequate information. Even more, the Egyptian government does not carry out a process of data collection on its Palestinian population.

However, the desk research of this report draws on invaluable information collected predominantly from academic research, reports and analyses. The report relies heavily on the work of Dr. Oroub El-Abed, who has conducted extensive research on the case of Palestinian refugees and Egyptian state policies. With the permission of Dr. El-Abed, this report refers greatly to her book, *Unprotected: Palestinians in Egypt since 1948*, which was published in 2009. This report also draws on published material provided by BADIL Resource Center for Palestinian Residency & Refugee Rights. Moreover it cites platforms like *Al-Monitor* and *Al-Shabaka, The Palestinian Policy Network*, and reports from organizations such as Human Rights Watch.

This report is intended to provide a general overview of the Palestinian community in Egypt, a forgotten community that continues to face discriminatory laws and practices on a day-to-day basis.



Oroub El-Abed, Unprotected: Palestinians in Egypt since 1948 (Beirut, Lebanon : Washington, DC : Ottawa [Ont.]: Institute for Palestine Studies ; International Development Research Centre, 2009), xxviii.

It is recorded that some 15,500 Palestinians arrived in Egypt between 1948 and 1960. This cataclysmic event occurred in consequence to the 1948 *Nakba* when Palestinians fled from or were expelled by Zionist militias during the creation of the state of Israel.<sup>(1)</sup> Palestinians sought refuge in Egypt for its close proximity or for already established economic and social networks.<sup>(2)</sup> Since then, the treatment of Palestinians in Egypt varied depending on the regime in place. The following provides a historical overview and summarizes the treatment and policies under each government beginning in 1948. The ensuing chapters offer a more detailed account of variation in treatment with respect to specific rights and freedoms.

In response to the initial wave of refugees, King Farouk's government was keen to adopt policies and measures that would limit the refugee inflow. Not wanting to create conditions that would encourage Palestinians to remain, Egypt had not requested relief or assistance from any UN agencies, including the newly established UNRWA. Instead, it created the Higher Committee of Palestinian Immigrant Affairs in May 1948. The Higher

(1) Laurie Brand, *Palestinians in the Arab World: Institution Building and the Search for State* (New York: Columbia University Press, 1988), 46.

(2) Oroub El-Abed, *Unprotected: Palestinians in Egypt since 1948* (Beirut, Lebanon : Washington, DC : Ottawa [Ont.]: Institute for Palestine Studies ; International Development Research Centre, 2009), 11–13.

Palestinian refugee Shama Houssain rests in her house at a trash station in the village of Jazirat Fadel in Sharkia Governorate, Egypt, on June 17, 2015. Some 30 Palestinian refugees fleeing to Egypt in 1948 when the Arab-Israeli War broke out and built the village in the Egyptian Nile Delta. Nowadays, around 3,000 villagers, mainly Palestinians, live under severe conditions here, without clean water, enough food, proper medical care or formal education. (Xinhua/Pan Chaoyue)



Committee was responsible for the overall welfare of Palestinians.<sup>(3)</sup> In order to receive government assistance and services, Palestinians had to prove their status as refugees by presenting residency cards issued by the Egyptian Department of Passports and Nationality. Obtaining legal residence at the time proved difficult; one had to provide proof of financial resources and Egyptian sponsorship.<sup>(4)</sup> The Egyptian government also built emergency camps in Abbasiyyah in Cairo, Qantara Sharq in northeast Egypt on the eastern side of the Suez Canal, and Azarita in the southeast end of Port Said. The conditions of these camps were described as “prisonlike.”<sup>(5)</sup> They were later dismantled between 1948 and 1949.<sup>(6)</sup> After the Gaza Strip was put under Egyptian administration in September 1949, the government at the time transferred some 7,000 Palestinians from Qantara camp to the Gaza Strip.<sup>(7)</sup> Moreover, Palestinians during this period faced dire conditions and were restricted from employment and mobility rights.

Following the 1952 Egyptian Free Officers’ coup and Muhammad Naguib’s short-lived presidency, the policies and measures adopted under Gamal Abdel Nasser significantly improved the situation of Palestinians in Egypt. Under Nasser, Palestinians in Egypt were treated on a par with Egyptians: they were allowed to work in government and public sector jobs and were not required to obtain work permits.<sup>(8)</sup> Palestinians were also granted access to free public education, including discounted university fees, and government services.

Those policies and measures adopted under Nasser, in what became known as the “Golden Era,” came to an abrupt end in 1978. Under Anwar Sadat, the Egyptian state withdrew all rights previously granted to Palestinian refugees following the signing of the Camp David Accords between Egypt and Israel and the assassination of Egyptian Minister of Culture Yusif al-Siba’i in 1978 by the Abu Nidal Organization. At al-Siba’i’s funeral, Egyptian Prime Minister Mustafa Riyad famously declared there would be “no more Palestine after today.” The revocation of rights granted during the Nasser years ensued accompanied with widespread arrests, surveillance, detentions, and anti-Palestinian sentiment.<sup>(9)</sup>

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(3) Ibid., 17.

(4) Oroub El-Abed, *Unprotected: Palestinians in Egypt since 1948* (Beirut, Lebanon : Washington, DC : Ottawa [Ont.]: Institute for Palestine Studies ; International Development Research Centre, 2009), 36.

(5) El-Abed, *Unprotected*, 2009, 18.

(6) Ibid., 17–18.

(7) Ibid., 19.

(8) Ibid., 43.

(9) Ibid., 46.



Rafah border with Egypt, The houses/flats on the 'front line' with the Egypt border see constant gun battles with Israeli military, [www.kashfihalford.com](http://www.kashfihalford.com)

Under Hosni Mubarak's government beginning in 1981, Sadat's policies and measures were initially kept intact with respect to employment and education restrictions. However, diplomatic ties were restored with the Palestine Liberation Organization (PLO) in 1983. But anti-Palestinian sentiments mounted again during the 1991 Gulf War after PLO leader Yasser Arafat expressed support for Iraqi leader Saddam Hussein's invasion of Kuwait. However, a glimpse of hope appeared again in 2004 with the passing of the 1975 Nationality Law, which granted Egyptian women married to Palestinian men the right to pass Egyptian nationality to children born after 2004.<sup>(10)</sup>

The post-Mubarak government in 2011 however extended the Nationality Law to all children of intermarriages irrespective of year of birth. Under Mohamed Morsi's presidency from 2012 to 2013, pro-Palestinian sentiments were strengthened during this short period. However, following Morsi's ousting in 2013, Abdel Fattah al-Sisi's clamp down on the Muslim Brotherhood and its assumed allies, such as Hamas, has resulted in the collective punishment of Palestinians from Gaza trying to cross the Rafah border. The situation of Palestinians residing in Egypt remains stagnant.

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(10) Ibid., 52–53.



Palestinian refugees conduct a donkey cart in the village of Jazirat Fadel, where over 3,000 Palestinian refugee descendants live under severe conditions, in Sharkia Governorate, Egyptian Nile Delta, on June 17, 2015. (By: Chaoyue PAN)

According to the 2015 UNHCR Global Trends Report, there are 70,021 Palestinians residing in Egypt.<sup>(11)</sup> The Palestinian community is dispersed living among Egypt's capital and most of the northern governorates, namely Cairo, Ismailia, Al-Arish, Port Said and Rafah.<sup>(12)</sup> Since their arrival in 1948, the precariousness of statelessness for Palestinians has been a product of Egypt's fluctuating policies and regulations. Once accorded the same treatment as Egyptian nationals under Nasser's government, Palestinians, since the events of 1978, continue to suffer the consequences of foreigner status. The following provides general insight on existing protection gaps, administrative and bureaucratic red tape, and difficulties in accessing government services.

## 2.1 Protection Gaps

Protection gaps are the result of many factors, not only the unwillingness of States to ensure that the rights of refugees and asylum-seekers are respected but also the lack of sufficient capacity of many States to provide the protection that is necessary.<sup>(13)</sup>

A favourable protection environment is one in which: refugees and asylum-seekers are admitted and protected against refoulement; the causes and demographics of displacement are well known; the rights of refugees and other asylum-seekers are recognized in national law; the administrative capacity to oversee affairs regarding refugees and asylum-seekers is adequate; protection issues are addressed by all relevant stakeholders; local populations are receptive to refugees and asylum-seekers; the environmental impact is limited; and the needs and potential contributions of refugees and asylum-seekers are acknowledged and form part of national and regional development strategies.<sup>(14)</sup>

(11) UNHCR, "UNHCR Global Trends Report," 2015, 55, <http://www.unhcr.org/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html>.

(12) Mahmoud Omar, "Palestinian Refugees in Egypt," *Al-Monitor*, April 21, 2013, <http://www.al-monitor.com/pulse/originals/2013/04/palestinian-refugees-egypt-challenges.html#ixzz4BkQExGKI>.

(13) UNHCR Regional Representation for Central Europe, "Cross Border Cooperation Meeting: Border Management and Protection of Refugees," 2011, 7, [http://www.unhcr-centraleurope.org/\\_assets/files/content/what\\_we\\_do/\\_pdf\\_en/border\\_management/BMPR\\_Croatia\\_Meeting\\_Report.pdf](http://www.unhcr-centraleurope.org/_assets/files/content/what_we_do/_pdf_en/border_management/BMPR_Croatia_Meeting_Report.pdf).

(14) UNHCR Regional Representation for Central Europe, *Protection Gaps Framework for Analysis: Enhancing Protection of Refugees*, 2006, 3, <http://www.unhcr.org/41fe3ab92.pdf>.

In Egypt, it is evident that protection gaps are the result of both the unwillingness of the state to ensure that the rights of Palestinian refugees and asylum-seekers are respected as well as the lack of sufficient capacity to provide the protection that is necessary.<sup>(15)</sup> Egyptians and Palestinians together suffer from the country's poor economic conditions; the lack of sufficient capacity to provide necessary protection is understandable considering dwindling government services. But the precarious situation of Palestinians is compounded by the fact that Palestinian refugees in Egypt are excluded from a number of UN-related conventions and agencies, including protection and assistance from the 1951 Convention, UNHCR and UNRWA.

After it was launched in December 1949, UNRWA has held a mandate to carry out direct relief and works programmes for Palestinian refugees in the Gaza Strip, the West Bank, Syria, Lebanon, and Jordan.<sup>(16)</sup> It does not however conduct operations in Egypt. Not wanting to create conditions suitable for Palestinian refugees to remain, the Egyptian government at the time of its launch did not request relief and assistance from UNRWA and other UN-related agencies.<sup>(17)</sup> Instead, it created the Higher Committee for Palestinian Immigrant Affairs to deal with the influx of refugees, adopting its own definition and regulations pertaining to the Palestinian-related matters.<sup>(18)</sup> According to the UNRWA definition, a Palestinian refugee is "any person whose normal place of residence was Palestine during the period June 1, 1946 to May 15, 1948 and who lost both home and means of livelihood as a result of the 1948 conflict."<sup>(19)</sup> For the Higher Committee, Palestinians in Egypt had to prove they sought refuge in the country from 1948 to 1950, as shown on their residency cards issued by the Egyptian Department of Passports and Nationality.<sup>(20)</sup> The Higher Committee classified Palestinians according to economic need and established strict eligibility criteria for assistance.<sup>(21)</sup> Those who did not possess legal residence, and in turn lacked

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(15) UNHCR Regional Representation for Central Europe, "Cross Border Cooperation Meeting: Border Management and Protection of Refugees," 7.

(16) United Nations Relief and Works Agency for Palestine Refugees in the Near East, "Where We Work," UNRWA, accessed July 14, 2016, <http://www.unrwa.org/where-we-work>.

(17) Oroub El-Abed, "Palestinian Refugees in Egypt," Page, Forced Migration Online, (2004), <http://www.forcedmigration.org/research-resources/expert-guides/palestinian-refugees-in-egypt/palestinian-refugees-in-egypt>.

(18) El-Abed, *Unprotected*, 2009, xvi.

(19) United Nations Relief and Works Agency for Palestine Refugees in the Near East, "Palestine Refugees," UNRWA, accessed July 15, 2016, <http://www.unrwa.org/palestine-refugees>.

(20) El-Abed, *Unprotected*, 2009, 36.

(21) *Ibid.*, 36.

proof of refugee status, could not access government services or assistance. Moreover, the three emergency refugee camps that were originally set up during this time, Abbasiyyah, Qantara Sharq and Azarita, were later dismantled between 1948 and 1949.<sup>(22)</sup> When Qantara Sharq was dismantled, 7,000 camp residents were transferred to the Gaza Strip.

The unwillingness of the Egyptian state to ensure that the rights of Palestinian refugees and asylum-seekers are respected is evident in their exclusion from several other international conventions intended to provide protection and assistance. Egypt is signatory to both the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol.<sup>(23)</sup> The government, however, made reservations in 1981 to the following articles: article 12 (1) regarding personal status of a refugee, articles 20 and 22 (1) with respect to rationing and access to elementary education, and articles 23 and 24 concerning public relief and assistance, and labour legislation and social security, respectively.<sup>(24)</sup> These reservations were formulated on the premise that they are in contradiction with the Egyptian internal laws. The reservation stipulated that it rather “avoid any obstacle which might affect the discretionary authority of Egypt in granting privileges to refugees on a case-by-case basis.”<sup>(25)</sup>

Despite Egypt’s reservation to the 1951 Refugee Convention, Palestinian refugees in Egypt, on paper, still fall within the competence of UNHCR because they do not receive or are eligible to receive the protection or assistance from UN organs or agencies.<sup>(26)</sup> Article 1D of the 1951 Convention relating to the Status of Refugees stipulates as follows:

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

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with

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(22) *Ibid.*, xvi.

(23) United Nations High Commissioner for Refugees, “Egypt,” UNHCR Global Appeal 2011 Update, 2011, 142.

(24) United Nations High Commissioner for Refugees, “Convention and Protocol Relating to the Status of Refugees,” n.d., <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>.

(25) United Nations High Commissioner for Refugees, “Reservations and Declarations to the 1951 Refugee Convention,” UNHCR, 2011, 7, <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3d9abe177&query=1951%20Refugee%20Convention>.

(26) United Nations High Commissioner for Refugees, “Note on UNHCR’s Interpretation of Article 1D of the 1951 Convention Relating to the Status of Refugees and Article 12(1)(a) of the EU Qualification Directive in the Context of Palestinian Refugees Seeking International Protection,” *Refworld*, May 2013, <http://www.refworld.org/docid/518cb8c84.html>.

the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.<sup>(27)</sup>

Referred to as the “exclusion clause” in order to “avoid overlapping competencies between UNHCR and other organs or agencies of the United Nations,” like UNRWA, Article 1D of the 1951 Convention was reinterpreted in 2002 to further clarify and emphasize that Palestinian refugees are *ipso facto* refugees should that protection or assistance cease for any reason.<sup>(28)</sup>

But in Egypt, however, Palestinian refugees, including Palestinians fleeing the conflict in Syria, are prohibited from registering with the office of the UNHCR.<sup>(29)</sup> Despite Egypt’s “fragmentary domestic legislative initiatives,” there is “no comprehensive legal instrument to deal with refugees or asylum seekers in Egypt.”<sup>(30)</sup> Egypt does not allow any UN agency or organ to provide assistance and protection of Palestinian refugees in Egypt.

In an article titled *Marooned in the Desert*, written by Emily Crane, UNHCR Statelessness Fellow Paavo Savolainen further discusses this matter:

*Even though [Palestinians] technically are under UNHCR, the Egyptian government keeps intervening in the Palestinian case. UNHCR Egypt is under Egyptian law and if a Palestinian were to show up with a UNHCR document, UNHCR would be in big trouble. Usually the argument is that they’re trying to preserve the nationalized entity of Palestinians. So to a certain degree, the Egyptian government agrees that Palestinians are refugees from their own country but they don’t want Palestinians to fall under the mandate of UNHCR. So they created their own national refugee program.*<sup>(31)</sup>

The preservation of Palestinian identity and nationality, an argument employed by other Arab states, can be translated in the host country’s deliberate attempt in not wanting to create conditions suitable for Palestinian

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(27) Ibid., 1.

(28) United Nations High Commissioner for Refugees, “Note on UNHCR’s Interpretation of Article 1D of the 1951 Convention Relating to the Status of Refugees and Article 12(1)(a) of the EU Qualification Directive in the Context of Palestinian Refugees Seeking International Protection.”

(29) Mai Abu Moghli, Nael Bitarie, and Nell Gabiam, “Palestinian Refugees From Syria: Stranded on the Margins of Law,” *Al-Shabaka, The Palestinian Policy Network*, October 19, 2015, <https://al-shabaka.org/briefs/palestinian-refugees-from-syria-stranded-on-the-margins-of-law/>.

(30) George Sadek, “Refugee Law and Policy: Egypt,” The Library of Congress, March 2016, <https://www.loc.gov/law/help/refugee-law/egypt.php>.

(31) Emily Crane, “Marooned in the Desert,” *Slate*, May 22, 2015, [http://www.slate.com/articles/news\\_and\\_politics/roads/2015/05/jeziret\\_el\\_fadel\\_egypt\\_s\\_3\\_000\\_forgotten\\_and\\_stateless\\_palestinian\\_refugees.html](http://www.slate.com/articles/news_and_politics/roads/2015/05/jeziret_el_fadel_egypt_s_3_000_forgotten_and_stateless_palestinian_refugees.html).

refugees to remain. The denial of access to services and protection provided by UNRWA and UNHCR provides evidence of Egypt's unwillingness to ensure that the rights of Palestinian refugees and asylum-seekers are respected.

There is also the obligation to uphold the 1965 Protocol for Treatment of Palestinians in Arab States, known as the Casablanca Protocol, which called on member states to preserve Palestinian nationality whilst granting residence permits, travel documents, and the right of employment on a par with citizens of the host country.<sup>(32)</sup> Of the Arab states that supported the Casablanca Protocol for the Treatment of Palestinians, Egyptian Foreign Minister Mahmoud Riyad ratified the Protocol without reservation.<sup>(33)</sup> Like many Arab governments, Egypt expressed solidarity on paper with Palestinians, but in practice, largely ignored the regulations set forth in the agreement.<sup>(34)</sup> After 1978, Palestinians were denied basic civil rights, such as freedom of movement and the right to seek residence and employment.

Last but not least, Egypt is signatory to a broad human rights framework, including the Convention Against Torture and other Cruel, Inhuman, or Degrading Punishment, the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights. Regardless of its reservation to the 1951 Refugee Convention, Egypt has a duty to uphold the principle of *non-refoulement* according to customary international law.<sup>(35)</sup>

The subsequent section discusses the precarious situation of Palestinians in Egypt. It looks at Egypt's complex system for Palestinians when obtaining and renewing residence permits and travel documents. It also assesses the socioeconomic status of Palestinians, including access to the labour market, education, and health services. Unlike the policies set by Nasser in 1954 treating Palestinians on a par with Egyptian nationals, the Egyptian state under Sadat later ratified Palestinians' status as "foreigners," thus denying them access to free-education, employment, and residency.<sup>(36)</sup>

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(32) League of Arab States, "Protocol for the Treatment of Palestinians in Arab States ('Casablanca Protocol')," Refworld, September 11, 1965, <http://www.refworld.org/docid/460a2b252.html>.

(33) Ibid.

(34) Oroub El-Abed, "Palestinian Refugees of Egypt: What Exit Options Are Left for Them?," *Refugee of the Centre for Refugee Studies* 22, no. 2, Winter (2005): 19.

(35) Abu Moghli, Bitarie, and Gabiam, "Palestinian Refugees From Syria: Stranded on the Margins of Law."

(36) Mahmoud Omar, "Palestinian Refugees in Egypt."



Haj Farahat, is over ninety and is one of the very few remaining Palestinian refugees who fled to Egypt escaping the war in 1948 (MEE/Ibrahim Ahmad)

## 2.2 Legal Status and Residence Permits

For Palestinians in Egypt, the government's fluctuating policies and regulations, together with administrative and bureaucratic obstacles make for irregular, precarious legal status.

Policies established under the Nasser government accorded Palestinians the same treatment as Egyptian nationals. Their rights were rescinded however and Palestinians were classified as foreigners following the events in 1978, with Camp David Accords between Egypt and Israel and the assassination of Egyptian Minister of Culture Yusif al-Sibai by the Abu Nidal Organization. Palestinians suffered a significant reversal in treatment and fundamental rights. The following provides general insight on the Palestinian experience in Egypt concerning legal status and residency.

The predicament of securing one's residency is central to the Palestinian situation. First and foremost, the issuance of residence permits is conditional upon reason of stay. Those reasons primarily involve enrolment in school or university, marriage to an Egyptian national, licensed employment, investment or business partnership with an Egyptian firm.<sup>(37)</sup> It is required that all applicants provide a formal document from his or her guarantor

(37) Oroub El-Abed, "The Invisible Community: Egypt's Palestinians," *Al-Shabaka, The Palestinian Policy Network*, June 8, 2011, <https://al-shabaka.org/briefs/invisible-community-egypts-palestinians/>.

proving the reason of stay. Here, the place of school or university, spouse, employer, or business partner adopts the role as the guarantor of the applicant.<sup>(38)</sup> El-Abed puts forward a clear explanation of the regulations pertaining to the residence permits and their respective renewal periods for Palestinians residing in Egypt. Residence permits for Palestinians are divided into five different categories depending on arrival date: Category A. Arrival before 1948; B. Arrival in 1948; C. Arrival in 1956; D. Arrival in 1967; and H. Arrival after 1967.<sup>(39)</sup>

Category A refers to Palestinian emigration to Egypt prior to 1948 for economic reasons or family ties and intermarriage.<sup>(40)</sup> Categories B, C, and D denote those who arrived in Egypt as a result of the *Nakba* in 1948 or those prevented from returning to their homes subsequent to the 1956 and 1967 wars and the military occupation of the West Bank and Gaza Strip.<sup>(41)</sup>

Dependent on arrival date, each residence permit category stipulates a different renewal period: Category A. Renewable every five years, or ten years if proof of ten-year continuous residency in Egypt can be provided; B. Renewable every five years; C. Renewable every three years; D. Renewable every three years; and H. Renewable every three years, though this vary depending on the reasons and conditions of entry into Egypt.<sup>(42)</sup>

For Palestinians who arrived prior to 1967, residence permits are issued by the Department of Immigration, Passports, and Nationality at the *Mugamma* and those who arrive during or after 1967, mainly from Gaza, are issued residence permits by the Administrative Office of the Governor of Gaza (AOGG).<sup>(43)</sup> Even more, El-Abed explains, renewal of residence permits requires a nominal fee, one that proves financially burdensome for many Palestinian families.<sup>(44)</sup>

There are primarily three justifications for obtaining a residency permit: marriage to an Egyptian national, proof of licensed work, or a bank statement. Marrying an Egyptian national guarantees residency and in some cases, citizenship. If a Palestinian woman marries an Egyptian man, she would gain residency rights and eligibility for citizenship for both her and her children. However up until 2004, the same could not be said for a Palestinian

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(38) El-Abed, *Unprotected*, 2009, 80.

(39) *Ibid.*

(40) *Ibid.*, 12.

(41) Oroub El-Abed, "The Palestinians in Egypt: Identity, Basic Rights and Host State Policies," *Refugee Survey Quarterly* 28, no. 2–3 (2010): 531–49, doi:10.1093/rsq/hdp044.

(42) El-Abed, *Unprotected*, 2009, 80.

(43) *Ibid.*

(44) *Ibid.*

man marrying an Egyptian woman. The Palestinian man and his children would only be guaranteed residency rights.<sup>(45)</sup> In 2004, the Nationality Law was amended to grant citizenship to children of Palestinian-Egyptian intermarriage, regardless of which spouse is an Egyptian national. Children born prior to the 2004 amendment however did not receive the same treatment. The Ministry of Interior at the time explained that, “Palestinians were excluded to protect their identity and prevent their fragmentation.”<sup>(46)</sup> Similarly, the Arab League then agreed to those justifications for exclusion and is said to have recommended against granting Egyptian citizenship. It was not until 2011 when Minister of Interior Mansour al-Essawy approved the change to the Nationality Law granting citizenship to all children of Palestinian-Egyptian intermarriages irrespective of date of birth.<sup>(47)</sup>

A second justification used for obtaining a residency permit is licensed employment. Since most Palestinians are employed in the informal sector and are unable to present proof of licensed work from their employer, many resort to obtaining a taxi drivers’ or agricultural labour license. It is worth nothing that employees of the AOGG and the PLO are considered part of the public sector and are therefore exempt from strict regulations and fines.<sup>(48)</sup> For those over the age of 18 who are unemployed or not enrolled in university, as a result of the revocation of free-education rights and expensive university fees, some families resort to providing a bank statement with a balance of at least EGP 20,000.<sup>(49)</sup> Sections 3.4 and 5.5 provide further information on employment rights and access to education.

For Palestinians, prolonged displacement has materialized into legal barriers and obstacles, strict regulations, and the constant concern of legal status and residency.

Required regularly to undergo the renewal process, Palestinians face a process compounded with fluctuating policies and regulations and administrative and bureaucratic red tape.

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(45) *Ibid.*, 84.

(46) Egypt Independent, “Palestinians Born to Egyptian Mother to Get Egyptian Nationality,” *Egypt Independent*, May 8, 2011, <http://www.egyptindependent.com/news/palestinians-born-egyptian-mother-get-egyptian-nationality>.

(47) *Ibid.*

(48) El-Abed, *Unprotected*, 2009, 82.

(49) *Ibid.*, 82–4.



(Photo by Zeinab Mohamed) <https://www.flickr.com/photos/96884693@N00/8729279062/>

### 2.3 Travel Documents

Freedom of movement is another right strictly regulated by Egyptian authorities. The “Egyptian Travel Document for Palestinian Refugees,” essentially an Egyptian *laissez-passer*, is divided into two separate categories. Both however are regulated by strict regulations policies. El-Abed explains that the first type of travel document is issued on grounds of a valid residence permit.<sup>(50)</sup> Similar to the residence permits, Categories A, B, C, also referred to as the pre-1967 arrivals, are issued travel documents at the *Mugamma* and categories D and H for post-1967 arrivals are issued by the AOGG.<sup>(51)</sup> Although rather than each category determining a specific renewal period, the travel documents are valid for five years.

The Egyptian travel document for a Palestinian refugee who carries a valid residence permit and is travelling or living abroad must return to Egypt every six months in order to ensure re-entry. In this case, they are permitted to return to Egypt without a visa provided that their time spent abroad is within the six month time frame.<sup>(52)</sup> Palestinians who carry this document

(50) Ibid., 85.

(51) Ibid.

(52) Canada: Immigration and Refugee Board of Canada, “Treatment of Palestinians Who Have Returned to Egypt from Abroad after Previously Residing Legally in Egypt, Particularly If the Authorities Are Aware That the Person Made a Refugee Claim Abroad,” June 14, 2002, <http://www.refworld.org/docid/3df4be2e0.html>.

and plan to stay longer than the six month time frame may present Egyptian authorities with proof of employment or enrolment in university; and in such cases, a one-year return visa may be approved.<sup>(53)</sup>

The second type of Egyptian travel document for Palestinian refugees is provided for those who do not hold residence permits and is solely for the purpose of travel.<sup>(54)</sup> These document holders must obtain a return visa from an Egyptian embassy or consulate abroad in order to re-enter Egypt.<sup>(55)</sup> The embassy or consulate is required to obtain permission from the Egyptian Ministry of the Interior in order to issue the return visa. The decision to issue or deny the visa however is made on a case-by-case basis contingent on the applicant's personal circumstances.<sup>(56)</sup>

This document is carried "by tens of thousands of Palestinians from Gaza and their descendants," dating back to when Gaza was under Egyptian administration.<sup>(57)</sup> From the late 1950s until the 1967 Israeli occupation of Gaza, this travel document was issued to Gazan residents upon request and used to migrate to the Gulf States to seek employment. At the time, these documents were renewed at Egyptian embassies in the countries where they resided.<sup>(58)</sup>

History has proven that these travel document holders bore the highest cost of political decisions and crises. During the 1990-91 Gulf War, Arafat's support for Saddam Hussein's invasion of Kuwait ultimately led to the collective punishment of Palestinians across the region. An estimated 350,000 Palestinians living in Kuwait and other Gulf states were expelled or pressured to leave.<sup>(59)</sup> At the time of the crisis, some 18,000 to 20,000 Gazans, who mainly held Egyptian travel documents, were left stranded in Kuwait.<sup>(60)</sup> These Palestinians lacked either Egyptian residency rights, and were unable to secure visas from Egypt, or Israeli-issued identity cards, precluding them from return to the Gaza Strip.<sup>(61)</sup> Stateless and stranded, Palestinians who only held Egyptian travel documents were targeted

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(53) El-Abed, *Unprotected*, 2009, 85.

(54) *Ibid.*

(55) Canada: Immigration and Refugee Board of Canada, "Treatment of Palestinians Who Have Returned to Egypt from Abroad after Previously Residing Legally in Egypt, Particularly If the Authorities Are Aware That the Person Made a Refugee Claim Abroad."

(56) *Ibid.*

(57) El-Abed, *Unprotected*, 2009, 85.

(58) *Ibid.*, 85.

(59) Maya Rosenfeld, *Confronting the Occupation: Work, Education, and Political Activism of Palestinian Families in a Refugee Camp*, Original print (Stanford, Calif: Stanford Univ. Press, 2004), 162.

(60) Virginia N. Sherry, "Nowhere to Go: The Tragedy of the Remaining Palestinian Families in Kuwait" (*Middle East Watch*, 1991), 4, [https://www.hrw.org/sites/default/files/reports/kuwait\\_1991.pdf](https://www.hrw.org/sites/default/files/reports/kuwait_1991.pdf).

(61) Sherry, "Nowhere to Go: The Tragedy of the Remaining Palestinian Families in Kuwait."

by the Kuwaiti government and faced a campaign of arbitrary detention, torture, unfair trials, and deportation to the Kuwait-Iraq border.<sup>(62)</sup> It is worth noting that the Palestinian community in Kuwait held a longstanding presence, and was seen as well-rooted with a work force of professionals and highly skilled labourers.

Palestinians holding only Egyptian travel documents suffered once more as a consequence of another political crisis. Following the U.N. blockade of Libya in 1992 and the signing of the Oslo accords between Israel and the PLO, Libyan President Muammar Qaddafi expelled more than 1,000 Palestinians to the Libyan-Egyptian border in September 1995. This controversial decision was an attempted blow to the newly established Palestinian Authority, a show of Qaddafi's dissatisfaction with the peace agreement signed between the Israelis and Palestinians.<sup>(63)</sup> He called on Arab governments to do the same, to press the Palestinian Authority to claim responsibility for Palestinians in the diaspora.

Once more, Palestinian holders of Egyptian travel documents suffered the consequences from this politically motivated expulsion. Most were denied entry to or passage through Egypt unless if able to present a valid travel document.<sup>(64)</sup> Without the necessary documentation, several hundred remained stranded at a makeshift refugee camp, Sallum camp, along the Egyptian-Libyan border until 1997.<sup>(65)</sup> Later, in 1997, Qaddafi reversed his decision and eventually allowed those stranded at the border to return to Libya, transporting them from Sallum camp to Tabruk.

The situation of Palestinian travel document holders remains precarious, determined by strict regulations and bureaucratic obstacles as well as political events, as history has proved. Denial of re-entry to Egypt, detention and imprisonment, and deportation are not uncommon occurrences for Palestinians carrying only an Egyptian travel document.<sup>(66)</sup>

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(62) Ibid.

(63) The New York Times, "Libya's Leader Urges Other Arab Countries to Expel Palestinians -," *The New York Times World*, October 5, 1995, <http://www.nytimes.com/1995/10/05/world/libya-s-leader-urges-other-arab-countries-to-expel-palestinians.html>.

(64) El-Abed, *Unprotected*, 2009, 86.

(65) Ibid.

(66) Ibid., 87–9.



The village of Jezerit el Fadil is small, with houses built of a combination of mud brick, straw, and concrete. The entire village is ringed with tall mud walls, separating them from Egypt. Photo by Nicholas Linn

## 2.4 Economic Status and Employment

Initially, Palestinians who fled to Egypt were banned from working. The government at the time held that “work [would] make the Palestinians forget their homeland.” Subsequently, this propagated belief led to widespread discrimination against Palestinian refugees in areas, such as employment, residence and travel, up until 1952.<sup>(67)</sup>

Under Nasser’s government, Palestinians in Egypt were treated on a par with Egyptian nationals, thus enjoying fundamental rights including employment rights. Those professionals, such as midwives, doctors and dentists, as well as those with commercial licenses to import and export goods were accorded the same rights of employment as Egyptians.<sup>(68)</sup> During this period, Palestinians were employed as professionals, worked in the service sector, owned commercial establishment, farms, and real estate.<sup>(69)</sup>

Already alluded to, the treatment and rights of Palestinians living in Egypt significantly altered during the post-Nasser years. Subsequently to the events of 1978, Palestinians were considered as “foreigners” and fell victim

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(67) BADIL, “Palestinian Refugees in Exile: Country Profiles” (BADIL Resource Center for Palestinian Residency and Refugee Rights, 2000), 46.

(68) Abdel Qadir Yasin, “Palestinians in Egypt,” BADIL Resource Center for Palestinian Residency and Refugee Rights, Summer 1999, <http://www.badil.org/en/component/k2/item/486-palestinians-in-egypt.html>.

(69) BADIL, “Palestinian Refugees in Exile: Country Profiles,” 46.

to strict regulations both in the public and private sectors. Palestinians no longer held the same employment status as Egyptian nationals. Strict regulations and laws drove many Palestinians during this period to migrate to the Gulf countries.

Since 1978, Palestinians in Egypt face legal obstacles and regulations, preventing them from formally accessing the labour market. According to Law 48 of 1978, the employment of foreign nationals in the public sector is subject to reciprocity with other countries.<sup>(70)</sup> In other words, the government of Egypt allowed the employment of foreign nationals but only from countries that would hire Egyptian nationals. For obvious reasons, this proved difficult for stateless Palestinians to fulfil. Article 26 of Law 137 of 1981 specified that the employment of foreign nationals in the private sector would also be conducted on a reciprocal basis.<sup>(71)</sup> Also, most companies in the private sector do not hire Palestinians to avoid the insurance requirement.

Furthermore, Article 27 stipulated that foreigners were barred from practising their professions unless they held a permit issued by the Ministry of Labour Force and Training in addition to a residence permit.<sup>(72)</sup> These strict regulations were compounded with Article 4 of Law 25 of 1982 in which stipulated a set quota: foreigners could not exceed 10 per cent in any workplace in order to prevent competition with the national labour force. Certain exceptions however were made to professions that served national interests.<sup>(73)</sup> More recent legislation like Article 3 of Law 43 of 1988 prevents foreign nationals from competing with the Egyptian labour force and requires foreign nationals to hold certain qualifications and expertise relevant to the profession and requested permit.<sup>(74)</sup>

Up-to-date statistics and data on employed Palestinians lack appropriate representation. However based on research conducted in the early 2000s, Palestinians work as labourers, fishermen, skilled craftsmen, and farmers, merchants, teachers, business men, commercial licensed drivers, and as employees of the PLO or AOGG.<sup>(75)</sup>

Whether employed in the formal or informal sector, Palestinians continue to be exposed and vulnerable to exploitation. They tend to be employed

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(70) El-Abed, *Unprotected*, 2009, 91.

(71) *Ibid.*, 92.

(72) *Ibid.*

(73) *Ibid.*, 92.

(74) *Ibid.*

(75) *Ibid.*, 90.

without job security and contracts, insurance, or benefits. With the formal sector heavily restricted and regulated, Palestinians have to resort to the informal sector, facing poor working conditions and hours, and low pay. The socioeconomic standard of Palestinians remains stagnant as a result of discriminatory laws and practices. The following discusses how a restricted education system hinders access to decent job opportunities and social mobility prospects.

## 2.5 Education

Palestinian refugees in Egypt enjoyed access to free public education at all levels up until 1978, after the Sadat government cancelled those rights and privileges granted under Nasser. A ministerial decision issued by the Ministry of Education stipulated that Palestinian children must be transferred from public to private schools.<sup>(76)</sup> This meant that Palestinians would now have to pay fees. The ministerial decision did allow children to attend government schools if there were no private schools in their local district. The 1978 amendment also required Palestinian students to pay university fees in foreign currency, specifically in pounds sterling (GBP).<sup>(77)</sup> Following a sit-in in front of the Palestinian embassy, the PLO was obliged to provide some financial assistance for university students.<sup>(78)</sup> This amendment made exceptions for children of PLO and AOGG employees, including retirees, and other public sector employees, providing free education up to the university level.<sup>(79)</sup>

The 1978 amendment also limited the faculties that Palestinians could access, including pharmacology, medicine, economics, engineering, mass communications, and political science. The Ministry of Higher Education reaffirmed restricted access to university faculties again in 1983 and 1984.<sup>(80)</sup> Even more, Article 2 of Ministerial Decision 394-A of 1992 established a student quota whereby foreign students could not exceed 10 percent of the total student body of the university.<sup>(81)</sup> However, Article 3 of this decision in 1992 seemed to allow cases of exceptions, stipulating that students cannot access the aforementioned faculties unless granted permission from the

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(76) *Ibid.*, 106.

(77) Palestinian Central Bureau of Statistics, "The Palestinian Refugee Population," *Badil*, 2003, 18, [http://www.badil.org/phocadownload/Badil\\_docs/publications/handbook/ch1.pdf](http://www.badil.org/phocadownload/Badil_docs/publications/handbook/ch1.pdf).

(78) El-Abed, *Unprotected*, 2009, 107.

(79) *Ibid.*, 106.

(80) *Ibid.*, 108.

(81) *Ibid.*

university director. Al-Azhar University offers free university education, but only in the faculties of Arabic language and the science of Islamic religious law.

Rising tuition fees continue to burden many Palestinians, preventing them from pursuing higher education and eventually obtaining a decent job and social mobility. For children of PLO and public sector employees, a Ministerial Decision in 1992 reduced tuition fees to 10 per cent of the total amount.<sup>(82)</sup> Following the 1993 Oslo Accord, the Egyptian Ministry of Higher Education clarified that the following categories of Palestinians are exempted from paying 90 percent of the university fees: children of government employees (including retirees), children of Egyptian widows and divorcees, children of mothers who passed their Egyptian high school exams, continuous residents of Egypt and students in need of financial assistance.<sup>(83)</sup>

From 2000 to 2003, for those who fell outside the aforementioned categories, the Ministry of Higher Education provided 50 per cent reduction in university fees for Palestinians students facing economic difficulties during the Second Intifada, unable to rely on remittances from Gaza.<sup>(84)</sup>

Unable to afford the costs given the poverty level among Palestinians, some university students resort to attending courses without paying tuition fees. However, without proper registration, students would be ineligible to receive their diplomas.

## 2.6 Health

For Palestinians, access to health care is less regulated and restricted. Palestinians have access to the Palestine Hospital, a hospital run by the PLO-affiliated Palestine Red Crescent Society, in Cairo. This hospital primarily treats Palestinians who are insured by PLO institutions as well as current and retired employees of the AOGG.<sup>(85)</sup> Those employed by other institutions besides PLO institutions or the AOGG can medical insurance through the PLO-affiliated Labour Union.<sup>(86)</sup> The Palestine Hospital also sees uninsured Palestinians and Egyptians, although at private sector medical rates.<sup>(87)</sup>

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(82) Ibid., 109.

(83) Palestinian Central Bureau of Statistics, "The Palestinian Refugee Population," 18.

(84) Ibid., 18.

(85) El-Abed, *Unprotected*, 114.

(86) Ibid., 114.

(87) Ibid.

Palestinians also have access to charitable clinics attached to local mosques. Those interviewed by Dr. El-Abed found that the these clinics are “conveniently located, efficient, and moderately priced.”<sup>(88)</sup>

Moreover, Palestinians are granted access to Egyptian public hospitals. Those who maintained jobs in the public sector receive free medical insurance. Those uninsured, both Palestinians and Egyptians are required to pay “modest fees for treatment in public hospitals.”<sup>(89)</sup> Those interviewed by Dr. El-Abed expressed general dissatisfaction with these services and reported as being overcrowded, poor in hygiene and cleanliness, and inefficient.<sup>(90)</sup> Common complaints also included having to travel long distance to access healthcare facilities and expensive costs of major operations and certain medications.<sup>(91)</sup>

Also worth mentioning, Palestinians are not granted access to provision of services provision by local and international donors, as these humanitarian or development programs are provided only for Egyptian nationals.<sup>(92)</sup>

## 2.7 Property Rights

Palestinians face fluctuating policies regulating land ownership rights. During the Nasser era, Palestinians were granted the privilege to own land. According to Law 15 of 1963, Palestinians were explicitly exempted from restrictions on land ownership by foreigners. Despite their dramatic shift in 1978 to “foreigner” status, Article 2, chapter 3 of the 1963 law specified that Palestinians could own land in Egypt “until the Palestinian territories are liberated from the occupiers.”<sup>(93)</sup>

Their change of status at the time only required they receive permission from the Ministerial Council to own real estate. Article 2B of Law 81 stipulated the following conditions: only one property for the purpose of private residence or private business could be owned, the property could not exceed 1,000 square meters, payment for the property must be made in foreign currency, ownership of the property could not be in partnership with an Egyptian.<sup>(94)</sup> However, the children of an Egyptian woman married to a foreigner still held the right to inherit the property. The requirement to receive permission from the Ministerial Council to own real estate was cancelled in 1985.

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(88) Ibid., 115.

(89) Ibid.

(90) Ibid.

(91) Ibid., 116.

(92) El-Abed, “The Invisible Community.”

(93) El-Abed, *Unprotected*, 2009, 117.

(94) Ibid., 117.



A Palestinian flag is seen in Faddel Island refugee camp in Sharqia, 90km northeast of Cairo, Egypt, June 10, 2013. (Xinhua/Amru Salahuddin)

Yet in 1988, Land Law 104 amended Law 15 of 1963, and those changes made in 1985. This law stipulated different conditions for foreign ownership of land: the surface area of the property must not exceed 3,000 square meters and property subject to the law of archaeology protection cannot be owned by a foreigner.<sup>(95)</sup> Those most impacted were Palestinian individuals and companies now barred from ownership of agricultural property and fertile lands in Egypt. Palestinians who owned land were required to terminate their agricultural landholdings within five years or face seizure of their property by the government.<sup>(96)</sup> Some of those who owned agricultural land relied on it as a guarantee for regular residency renewal.<sup>(97)</sup>

In 1997, the Guarantees and Investments Incentives Law allowed foreigners to own land that exceeded the 3,000 square meters limitation in the context of business partnerships where 51 per cent of the land belongs to an Egyptian national.<sup>(98)</sup>

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(95) *Ibid.*, 118.

(96) Abbas Shiblak, "Residency Status and Civil Rights of Palestinian Refugees in Arab Countries," *Journal of Palestine Studies* 25, no. 3 (April 1996): 45, doi:10.2307/2538257.

(97) El-Abed, *Unprotected*, 2009, 118.

(98) *Ibid.*, 120.



A girl and her mother, who are hoping to cross into Egypt, look out a bus window as they wait at the Rafah crossing between Egypt and the southern Gaza Strip July 16. (Ibraheem Abu Mustafa/Reuters)



Photo by Gigi Ibrahim, Taken on May 12, 2011

For Palestinians fleeing the conflict in Syria and seeking refuge in Egypt, they are especially vulnerable to inevitable protection gaps. UNRWA estimates there are between 5,000 to 6,000 Palestinians from Syria in Egypt.<sup>(99)</sup> However, government imposed restrictions have coerced many to return to Syria or seek refuge elsewhere. Those caught illegally entering Egypt face detention and prosecution.

The government does not allow Palestinian refugees to register with UNHCR, as mentioned in previous sections, even those seeking asylum from Syria. They are excluded from the protection and assistance provided by UNHCR and can therefore not obtain residency permits, receiving food vouchers, and subsidized health care.<sup>(100)</sup> The Egyptian government justifies their ban by citing Article 1D of the 1951 Refugee Convention in which excludes Palestinian refugees from UNHCR's mandate in areas where UNRWA provides protection or assistance, like in Syria.

However, Palestinians from Syria in Egypt should fall under the competence of UNHCR because they do not receive the protection or assistance from UNRWA anymore. Ultimately leaving them without necessary protection and assistance, UNHCR is only allowed to “advise and assist” Palestinians from Syria.<sup>(101)</sup> It is prohibited from registering Palestinians as refugees. Joe Stork, deputy director of Human Rights Watch's Middle East and North Africa division, underscores that

*Egypt has detained hundreds of Palestinians from Syria without charge apparently solely to push them to return to the war zone they fled. Egypt should stop trying to force migrants to leave the country and grant these beleaguered and terribly vulnerable people the protections they deserve as refugees.*<sup>(102)</sup>

Palestinian refugees arriving from Syria remain vulnerable to arbitrary arrest, detention, or deportation. UNHCR has reported on groups of Palestinians, upon arrival at the airport, of being detained and sent back to Syria.<sup>(103)</sup> Stork highlights that,

(99) Human Rights Watch, “Egypt: Syria Refugees Detained, Coerced to Return,” Human Rights Watch, November 10, 2013, <https://www.hrw.org/news/2013/11/10/egypt-syria-refugees-detained-coerced-return>.

(100) Abu Moghli, Bitarie, and Gabiam, “Palestinian Refugees From Syria: Stranded on the Margins of Law.”

(101) Human Rights Watch, “Egypt.”

(102) Ibid.

(103) Ibid.

*Egypt is leaving hundreds of Palestinians from Syria with no protection from Syria's killing fields except indefinite detention in miserable conditions. Egypt should immediately release those being held and allow UNHCR to give them the protection they are due under international law.*<sup>(104)</sup>

In a similar light, UNHCR released a statement Appealing to all States to ensure Syrian and Palestinian civilians are protected from *refoulement* and afforded international protection. It established the following:

*UNHCR characterizes the flight of civilians from Syria as a refugee movement. Syrians, and Palestine refugees who had their former habitual residence in Syria, require international protection until such time as the security and human rights situation in Syria improves and conditions for voluntary return in safety and dignity are met . . . UNHCR continues to urge all countries to ensure that persons fleeing Syria, including Palestine refugees and other habitual residents of Syria in need of international refugee protection, have the right to seek asylum and are admitted into their territory.*<sup>(105)</sup>

Palestinians from Syria are coerced into their departures. Unprotected, they are subjected to *refoulement*, despite customary international law. For both Syrians and Palestinians, government imposed restrictions remain intact. Even though the Palestinian Authority has formally intervened and requested for the release of the refugee detainees, Egypt's Foreign Affairs and National Security refused.<sup>(106)</sup>



Palestinians displaced from refugee camps in Syria shout protest against the Palestinian ambassador in Cairo, April 23, 2013. (photo by GIANLUIGI GUERCIA/AFP/Getty Images) <http://www.al-monitor.com/pulse/originals/2014/08/egypt-government-force-palestinians-return-gaza-syria.html#ixzz4SpOR8pFD>

(104) Ibid.

(105) UNHCR Regional Representation for Central Europe, "International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update II," October 22, 2013, 7, <http://reliefweb.int/sites/reliefweb.int/files/resources/5265184f4.pdf>.

(106) Human Rights Watch, "Egypt."

- **T**he Egyptian government should work to ensure that the rights of Palestinian refugees and asylum-seekers are respected. This means implementing international human rights conventions and international customary law in Egyptian national law.
- In terms of international human rights conventions, it is vital that the Egyptian government should work to ensure the human rights to freedom of movement and residence. This means easing restrictions, policies, and bureaucratic red tape in order to secure legal residency and travel.
- In line with the UN Sustainable Development Goals, the Egyptian government, together with the international community, should work to eradicate poverty among Palestinians in Egypt by ensuring that all Palestinians have equal rights to economic resources, as well as access to basic services, and ownership and control over land. The Egyptian government can promote full and productive employment and decent work for Palestinian refugees by removing restrictions on the employment of Palestinians in order to alleviate general poverty and prospects for social mobility and improved living conditions.
- Concerning refugees arriving from Syria, it is imperative that Egypt complies with the principle of *non-refoulement* as a norm of customary international law. Egyptian authorities should immediately refrain from arbitrarily detaining and prosecuting both Palestinian and Syrian refugees and coercing them into returning to Syria. Moreover, Palestinian Authority President Mahmoud Abbas must insist upon the immediate release of detained Palestinian refugees. It is also recommended that the Egyptian government allow UNHCR to bring Palestinians from Syria under its protection mandate since they do not receive aid from UNRWA anymore.
- Due to the scarcity of research on the Palestinian community in Egypt, the Egyptian government should commission a local and/or international organization to study the demographics of this refugee population and their socioeconomic conditions. This would enable researchers and development agencies to better understand and respond to the needs and concerns of Palestinians currently residing in Egypt.



The village of Jazirat Fadel (30°43'51.4"N+31°41'51.3"E)

Fadel Island village is a forgotten Palestinian refugee camp in Egypt, with about 4,000 Palestinian refugees who came to Egypt since 1948 living in it. Refugees there are living in very harsh circumstances as the camp lacks of infrastructure, health care, education and jobs. As United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) does not provide direct service in Egypt, Egyptian government is alone responsible for these refugees. (Xinhua/Amru Salahuddin)











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