

Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing

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Introduction and Project Goals

The Syrian Civil war has caused approximately 2.7 million Syrians to leave their country since 2011, and double that many are expected to have fled Syria by the end of 2014.¹ The Syrian refugee crisis has brought tremendous challenges to the region, and this research attempts to map out one aspect of the crisis that has received very little attention: that is, the laws and policies at the international, regional and domestic level affecting the rights and status of the refugees flooding out of Syria.

As described at length below, countries currently hosting the vast majority of the refugee flow out of Syria are stretched to the limits of their resources. Jordan, Lebanon and Egypt have huge refugee populations pre-dating the Syrian influx. Many, if not most, of these preexisting refugee groups live in desperate conditions, and host countries cannot meet all the refugees' assistance and protection needs. Lebanon and Egypt's unemployment rates are in the double-digits. Jordan is the fourth most water-stressed country in the world, with insufficient potable water for its own people. Lebanon and Egypt have extremely volatile political environments, and unstable governments. The Lebanese consider the Syrian conflict to have already crossed inside their territory and fear another civil war as a direct consequence if the war inside Syria is not halted soon. Turkey, the most stable host country, has already expended over \$2.5 billion on assisting refugees from Syria—a figure exceeding the entire EU contribution to the crisis thus far—and cannot by itself continue indefinitely to provide for the needs of the ever-growing refugee population coming over its long border with Syria.

UNHCR's 2014 Syria Regional Response Plan requests 4.2 billion U.S. dollars in financial aid.² This Plan, like the majority of reports and requests to the international community of states and donors, focuses on funneling financial resources into the countries hosting the refugees from Syria. While this aid is certainly important, we believe that it illustrates a containment paradigm that is unsustainable and dangerous, rather than an approach that more equitably shares the responsibility towards the individual refugees among the wider community of states outside the current host region. António Guterres, the UN's High Commissioner for Refugees, has emphasized the critical need to change the paradigm, saying: "it is not only financial, economic, and technical support to these States which is needed . . . It also includes . . . resettlement, humanitarian admission, family reunification, or similar

¹ United Nations High Commissioner for Refugees, *2014 Syria Regional Response Plan*, 3 (Dec. 13, 2013), <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=52b170e49&query=syria%20response%20plan> (Last visited Jun. 22, 2014) [UNHCR, *2014 Regional Response Plan*].

² *Id.* at 1.

mechanisms [for] refugees who are today in the neighboring countries but who cannot find a solution outside the region.”³

This report makes an urgent call for a global Comprehensive Plan of Action (“CPA”) that builds on UNHCR’s recommendation that “the international community . . . show solidarity with countries hosting Syrian refugees in the region by offering resettlement opportunities, humanitarian admission places, and family reunification or other forms of admission for Syrian refugees.”⁴ The recommendations in this report differ somewhat from the humanitarian admissions proposal advanced by UNHCR, which asks countries to “admit up to 30,000 Syrian refugees on resettlement, humanitarian admission, or other programmes by the end of 2014, with a focus on protecting the most vulnerable.”⁵ Currently, with three million refugees from Syria outside their home territory, resettlement can only be a partial solution-- restricted as it is to only the most exceptional opportunities for the most vulnerable individuals. Countries outside the current host region must begin considering much more open policies to allow at least partial integration of Syrians into their states, both to alleviate the burden on current host countries, and to prevent the inevitable unfolding of an even greater humanitarian and security crisis than is already occurring.

This report, a two-year research and fieldwork study, sets out the framework for how states in and outside the Middle East region can implement genuine responsibility-sharing of the refugee population through existing laws and policies, integrating Syrian and non-Syrian refugees through short-term and longer-term admissions.⁶ The report calls for responsibility-sharing through a CPA to be launched on an urgent basis in cooperation with states and relevant actors from the UN and civil society.

The report begins with the call for a CPA for the Syria crisis, setting out a series of recommendations directed towards a range of actors: the host states; the Middle East region; the EU; the US and the Americas; the key UN agencies; and the rest of the international community. A solution-oriented CPA would incorporate temporary protection programs in at least three regions to absorb refugees fleeing Syria (Syrian nationals and Palestinians) on a short-term basis; expanded resettlement programs prioritizing pre-existing non-Syrian refugees from the Middle East; and expanded emergency programs, such as humanitarian, special visas and family unity visas already in place to prioritize displaced persons from Syria. The report is produced with a companion report by the

³ UNHCR, *Finding Solutions for Syrian Refugees: Resettlement, Humanitarian Admission, and Family Reunification*, 1 (Oct. 18, 2013), available at <http://www.unhcr.org/5249282c6.pdf> (quoting António Guterres, UN High Commissioner for Refugees, Address at the 64th Session of the Executive Committee of UNHCR’s Programme) (Sept. 30, 2013).

⁴ *Id.*

⁵ *Id.* (“Humanitarian admission is a similar, but expedited, process providing a solution for those in greatest need.”).

⁶ In addition to the team of researchers and authors of this report, BUSL law students Ani Tahmassian, Amanda Nordby and Melissa Woojung Chang contributed valuable assistance in completing and checking sources and citations.

University of Oxford's Refugee Studies Centre, that maps the European laws and policies that affect the protection obligations towards the refugees from the Syrian crisis ("RSC Report").⁷ The recommendations in these two reports are complementary, based on the research conducted by both project teams.

After setting out the legal framework for a global CPA, the report maps the interplay of laws and policies at the domestic and regional levels in four of the five countries receiving the bulk of Syrian refugees: Egypt, Jordan, Lebanon, and Turkey.⁸ The report addresses the key protection gaps between existing legal obligations and implementation on the ground, and makes recommendations for how the host states can address the gaps in protection. The report then links those findings to international obligations of responsibility sharing and the key mechanisms that require states outside the region to offer asylum and humanitarian status to the refugees in their territories. The report shows how a CPA incorporating such recommendations allows the international community to use existing legal frameworks to both lift the unsustainable burden currently held by a few host states towards this huge refugee population, and to close the protection gaps for the refugees remaining in the region. The report concludes with showing how only a global CPA with the components of existing legal frameworks can prevent the Syrian conflict—and the widening Iraq conflict-- from spreading and becoming a protracted refugee crisis that could last a decade or more.⁹

Each of the components of the CPA is introduced and summarized below, with a brief background, and the recommendations set out before discussion of each of the Middle East host country's laws, policies and existing protection gaps affecting the refugees fleeing from Syria.

A Comprehensive Plan of Action for the Syrian Refugee Crisis and its Components

Our recommendations for a CPA begin with urging states to simply make good on existing resettlement spaces and policies. The first request is for the EU and the Americas to operationalize permanent resettlement on an expedited basis for pre-existing (non-Syrian) refugee populations in

⁷ Cynthia Orchard, Andrew Miller, Refugee Studies Centre, University of Oxford, *Protection for Refugees in Europe in Response to the Refugee Crisis in the Syrian Region* (July 2014) (on file with the BU International Human Rights clinic and forthcoming publication by RSC) [RSC Report].

⁸ A significant number of Syrian refugees have also fled to Iraq. Due to resource constraints, we were unable to include Iraq in this report. However, there are a number of good reports on the reception conditions and situation of Syrian refugees in Iraq. See, e.g., UNHCR, *2014 UNHCR Country Operations Profile- Iraq*, available at <http://www.unhcr.org/pages/49e486426.html> (last visited June 22, 2014); See also Migration Policy Center, *Syrian Refugees, A Snapshot of the Crisis- In the Middle East and Europe*, available at http://syrianrefugees.eu/?page_id=83 (last visited June 22, 2014).

⁹ The renewed conflict in Iraq has resulted in nearly 300,000 Iraqis fleeing the northern city of Mosul, where much of the fighting is taking place. While these refugees have sought shelter in the autonomous Kurdistan region, pressure is mounting on Jordan with the potential of a new influx of an Iraqi refugee population, where Jordan is already facing severe pressure coping with the Syrian refugee crisis. UNHCR, *2014 UNHCR Country Operations Profile - Iraq; UN: Iraq Refugees Could 'Overwhelm' Neighbors*, ITV (July 1, 2014), available at <http://www.itv.com/news/update/2014-06-17/un-iraq-neighbours-may-be-overwhelmed-by-refugees/>; UNHCR, *Concern over Syrian Refugees at Al Qaem as Iraq's Crisis Deepens* (June 20, 2014), available at <http://www.unhcr.org/53a40eed9.html>.

the Middle East, whether by prioritizing refugees who have already been granted resettlement but whose movement has been delayed, through expanded resettlement slots for non-Syrian refugees, or by implementing new resettlement programs envisioned by existing laws for these populations. This will relieve the pressure on the host states of thousands of refugees who have been granted resettlement but have been trapped in the Middle East region with minimal survival rights, waiting for years to leave due to lack of sufficient current slots or excessive and overly restrictive processing barriers by resettlement states.

The second theme of recommendations is for a temporary protection (“TP”) program for refugees from Syria that includes both Syrian nationals and Palestinians, modeled on the Turkey TP plan already in place. TP for mass or exigent refugee flows has an existing legal framework in the European Union and the United States, and can be readily institutionalized in the Americas and in the Middle East (ME) and North African (MENA) region for both Syrians and Palestinians.

The third theme of recommendations calls for an expansion of other temporary or permanent visa categories to accommodate those displaced from Syria. Specifically, the proposal is for humanitarian, family unity, emergency, student and visitor visas to be offered directly from foreign embassies in the host states.

The use of CPA’s as global responses to mass refugee flows goes back to the Indochinese Plan of Action in the 1970s. CPA’s have become well-integrated into humanitarian responses to mass displacement such as the CIREFCA CPA in Central America in the 1980’s; African CPA’s in Mozambique and the Great Lakes Region in the 1990’s; and the plans of action (though not labeled as such) in the EU and the CIS following the Balkan crisis in the ‘90s and the breakup of the Soviet Union in the ‘90’s and early 2000’s.¹⁰ Thus, our call for a CPA is nothing new for the global community of actors on refugee issues.

The components of a successful CPA incorporate resettlement and host country integration, as well as implementation of TP programs within host or third states. TP has been a critical aspect of each CPA to date. TP is a “short-term emergency response to a ‘mass influx’ of asylum seekers,”¹¹ and is “characterized by the principle of *non-refoulement* which is accorded a person and which is temporary pending the obtaining of a durable solution.”¹² TP addresses the basic “need to provide

¹⁰ See Alexander Betts, *Comprehensive Plans of Action: Insights from CIREFCA and the Indochinese CPA*, UNHCR, Working Paper No. 120 (2006), available at <http://www.refworld.org/pdfid/4ff163c82.pdf>.

¹¹ Alice Edwards, *Temporary Protection, Derogation and the 1951 Refugee Convention*, 13 *Melb. J. Int’l L.* 595, 599 (Nov. 2012).

¹² G. J. L. Coles, *Temporary Refuge and the Large Scale Influx of Refugees*, 8 *AUSTRALIAN YEAR BOOK OF INT’L L.* 189, 201–02 (1980), available at <http://www.austlii.edu.au/au/journals/AUYrBkIntLaw/1978/7.html>. See also Council Directive on Minimum Standards for Giving Temporary Protection in the Event of a Mass Influx of Displaced Persons and on Measures Promoting a Balance of Efforts Between Member States in Receiving such Persons and Bearing the Consequences Thereof (2001/55/EC),

international protection to persons fleeing armed conflict and civil strife,” and “is generally accepted in practice by States as a humanitarian responsibility.”¹³ TP addresses the significant gap that occurs when “no international regional instruments exist specifically for the protection of refugees from conflict who do not otherwise come within the terms of the 1951 Convention and the 1967 Protocol” as well as in situations of mass influx when refugees cannot be afforded individual status determination as a practical matter.¹⁴

UNHCR formalized the idea of temporary protection during the conflict in the former Yugoslavia, and it was subsequently adopted as EU-wide policy.¹⁵ Beneficiaries of TP include “persons who had fled from areas affected by conflict and violence.”¹⁶ As such, TP offers mass influxes of refugees “a more limited range of rights and benefits . . . than would customarily be accorded to refugees.”¹⁷ This limited array of services, provided on a temporary basis, allows host states to offer “protection to those who need...it without overburdening individual eligibility procedures.”¹⁸ TP creates an efficient means of responding to a humanitarian crisis without creating the legal obligation for host countries to assimilate refugees at the end of the crisis.¹⁹

Although critics of temporary protection claim that it undermines the guarantees of the Refugee Convention and refugee norms, both the CSR51 and the 1969 OAU Conventions contain text incorporating TP.²⁰ Both Conventions “permit the non-application of certain *Convention* provisions in mass influx situations to persons who would ordinarily fall within the *Convention’s* terms.”²¹ TP offers states that would otherwise close their borders in the face of a large refugee influx a means to keep their borders open.²² TP regimes meet the goals of “securing admission, asylum, and respect for basic human rights, including the principle of *non-refoulement*,” but not necessarily offering permanent resettlement.²³

Art. 1, 2001 O.J. (L212/14) (EC), available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:212:0012:0023:EN:PDF> [Council Directive].

¹³ See UN General Assembly, *Note on International Protection*, A/AC.96/830, 19-20 (Sept. 7, 1994) (“The protection accorded in these countries to persons who are not deemed to be refugees under the 1951 Convention is normally granted as a sovereign humanitarian act.”) [1994 Note on Protection].

¹⁴ See *id.* at 19.

¹⁵ See *id.* at 20 (“While the practice of granting temporary refuge, or asylum on a temporary basis, to refugees has often been employed in situations of large-scale influx in various regions, UNHCR first formally recommended the granting of ‘temporary protection’ to persons fleeing the conflict and human rights abuses in the former Yugoslavia.”).

¹⁶ See *id.* at 23.

¹⁷ *Id.* at 22.

¹⁸ *Id.*; See also Edwards, *supra* note 11, at 599 (“[Temporary Protection] is a concept commonly used to describe a short-term emergency response to a ‘mass influx’ of asylum seekers.”).

¹⁹ 1994 Note on Protection, *supra* note 13, at 24 (“Temporary protection arrangements offer a means of ensuring protection for so long as it is needed while continuing to favour repatriation as the preferred solution.”).

²⁰ See *id.* at 15.

²¹ See, e.g., Edwards, *supra* note 11, at 598.

²² *Id.* at 599.

²³ 1994 Note on Protection, *supra* note 13, at 8, 22.

All of the conditions justifying a TP regime exist in the Syrian crisis: mass influx in host states, an absence of Refugee Convention criteria and norms in place, or persons displaced from Syria not necessarily meeting the Refugee Convention criteria, but facing a humanitarian emergency triggering the obligation of *non-refoulement*. Refugees out of Syria readily fit the profile UNHCR envisioned as TP recipients. They also meet the eligibility requirements of the EU's 2001 Directive on Temporary Protection:

'[D]isplaced persons' [those eligible for temporary protection are] third-country nationals or stateless persons who have had to leave their country or region of origin . . . and are unable to return in safe and durable conditions because of the situation prevailing in that country [] . . . in particular persons who have fled areas of armed conflict or endemic violence.²⁴

To the EU:

Recommendation 1.1: Resettlement of Recognized non-Syrian refugees from the Middle East Region

Our first set of recommendations as a component of a Syrian refugee CPA is for the European Union as a whole to make good on its commitments to resettle thousands of non-Syrian refugees whose cases have been backlogged and are languishing in the region.

As of December 2013, in Egypt, UNHCR statistics reflected 57,700 registered non-Syrian refugees and asylum-seekers, primarily Somali, Sudanese, Ethiopian, and Eritrean nationals;²⁵ in Turkey, UNHCR registered 53,520 non-Syrian refugees and asylum-seekers, primarily Afghans, Iraqis and Iranians;²⁶ in Jordan, UNHCR has registered 28,070 non-Syrian refugees and asylum-seekers, mostly Iraqis;²⁷ and in Lebanon, UNHCR has registered 8,970 non-Syrians, primarily from Iraq and the Sudan.²⁸ Most, if not all, of these are eligible for resettlement, and many have been awaiting resettlement for years. These figures are projected by December 2014 to be 67,700 for Egypt; 73,390 for Turkey; 27,430 for Jordan; and 9,790 for Lebanon. These are not counting the very recent influx of new refugees from Iraq, and not Palestinian refugees who are not registered by UNHCR in Egypt, Lebanon or Jordan.²⁹ In total, this would not amount to more than approximately 2-300,000 refugees,

²⁴ Council Directive, *supra* note 12.

²⁵ UNHCR, *2014 UNHCR Country Operations Profile – Egypt*, available at <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486356&submit=GO> [2014 Country Profile – Egypt].

²⁶ UNHCR, *2014 UNHCR Country Operations Profile – Turkey*, available at <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48e0fa7f&submit=GO> [2014 Country Profile – Turkey].

²⁷ UNHCR, *2014 UNHCR Country Operations Profile – Jordan*, available at <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486566&submit=GO> [2014 Country Profile – Jordan].

²⁸ UNHCR, *2014 UNHCR Country Operations Profile – Lebanon*, available at <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486676&submit=GO> [2014 Country Profile – Lebanon].

²⁹ *2014 Country Profile – Egypt*, *supra* note 25; *2014 Country Profile – Turkey*, *supra* note 26; *2014 Country Profile – Jordan*, *supra* note 27; *2014 Country Profile – Lebanon*, *supra* note 28; cf. Int'l. Catholic Migration Commission (ICMC), *Welcome to Europe! A Comprehensive Guide to Resettlement* (July 2013), available at

including the most recent Iraqis who are currently flooding back into the neighboring Arab states. However, this recommendation is based on the strong urgent claim, repeated by organizations in the ME states hosting the refugees from Syria, that pre-existing refugees eligible for resettlement should not have to lose their resettlement opportunities for the more recent Syrian refugees. The pressure from these long-standing refugee populations on housing, employment and other assistance needs, as well as the friction between them and local populations, are important considerations in calling for immediate resettlement outside the region, as well.

Recommendation 1.2: Temporary Protection for Refugees from Syria

In tandem with resettling non-Syrian refugees, we call on the EU to implement a temporary protection regime based on the EU Qualifications Directive, but accepting Syrians and Palestinians from Syria for TP directly from the host states.

As of July 2014, UNHCR statistics show 138,290 Syrian refugee registrations in Egypt; 605,719 in Jordan; 799,291 in Turkey; and 1,125,913 in Lebanon, for a total of 2,669,213 Syrian refugees in these host states. UNRWA has recorded 13,836 Palestinian refugees from Syria in Jordan, 53,070 in Lebanon, and does not have an official count in Egypt or Turkey, where it has no mandate, but reports a total of 72,906 Palestinians from Syria combined in the host states.³⁰ Thus, almost 3 million displaced persons from Syria would be eligible for TP outside the region if this recommendation were implemented.

The EU's 2001 Qualifications Directive defines TP as "a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection."³¹ These individuals receive "admission, human treatment and respect for basic rights, including *non-refoulement*," without imposing a burden on host states to provide "the full range of integration-oriented benefits."³² The Directive can be triggered by recommendation from the EU Commission and vote of the Council if the criteria for TP are met.³³ These are, first, a showing of mass influx of displaced persons, and second, an evaluation of the "advisability of establishing temporary protection, taking into account the potential for emergency aid and action on the ground or the inadequacy of such measures."³⁴

http://www.resettlement.eu/sites/icmc.ttp.eu/files/ICMC%20Europe-Welcome%20to%20Europe_0.pdf [ICMC, *Welcome to Europe!*].

³⁰ UNHCR, *Syria Regional Refugee Response: Inter-agency Information Sharing Portal*, UNHCR (updated July 10, 2014), available at ; UNRWA, *Syria Crisis: 63% of Palestine Refugees from Syria have been Displaced*, available at <http://www.unrwa.org/syria-crisis> (last visited July 11, 2014).

³¹ *Council Directive*, *supra* note 12.

³² 1994 Note on Protection, *supra* note 13, at 15.

³³ *Council Directive*, *supra* note 12.

³⁴ *Id.*

As for the first element, it is clear that the Syrian refugee crisis is a large-scale movement of displaced persons.³⁵ The complication in applying the mass influx criteria to the EU is that the Directive clearly contemplates mass influx into EU territories, a situation which has not occurred because the Syrian refugees have been largely contained in the Middle East region. However, under the EU Temporary Protection Directive, a mass influx includes assisted evacuation from outside the state accepting TP admissions.³⁶ This aspect of the Directive should be triggered to allow refugees from Syria to obtain TP directly from EU country consular officers in the ME host states. It is precisely due to the problems of “inadequate absorption” and saturated “response capacity” of the current host states that prompts the need for a TP regime beyond the host region. This is apparent from the increasing levels of desperation, homelessness, and negative livelihood coping options faced by Syrians in the countries we have profiled in our report.

As to the second, discretionary element, “the potential for emergency aid and action on the ground,” the current assistance measures are clearly inadequate. Syrians who remain in their homes are in great danger and must have access to safe havens; those internally displaced persons who are receiving aid through Turkey’s “Zero Point” system along the borders of Syria or through the aid of NGOs and INGOs are still in great danger due to their proximity to the conflict. The current host countries are overwhelmed by the magnitude of the refugee crisis, and are placing increasingly restrictive measures on the refugees’ ability to enter their territories. The situation affecting Syrians meets the necessary criteria for the establishment of a TP regime in host states.

The EU’s 2001 Qualifications Directive establishes a one-year period of status that can be renewed automatically for six-month periods, and extended by Council determination.³⁷ The Directive establishes minimum standards for TP recipients, including the right to work, limited to the duration of the TP grant.³⁸ Temporary protection in the EU can be implemented on the basis of an existing legal framework – no new policies or structures need be put in place in order to successfully operate a TP regime. However, application of the regime need not only be triggered by entry on EU territory;

³⁵ “Mass influx” is the term originally used to describe a refugee population eligible for temporary protection in UNHCR’s 1994 temporary protection directive. *See* Edwards, *supra* note 11, at 603 (“Mass influx is generally understood to entail considerable numbers of persons arriving over an international border; a rapid rate of arrival; inadequate absorption or response capacity in host states . . . and individual asylum procedures, where they exist, are unable to deal with the assessment of such large numbers.”).

³⁶ *See Council Directive, supra* note 12 (“‘mass influx’ means arrival in the Community of a large number of displaced persons, who come from a specific country or geographical area, whether their arrival in the Community was spontaneous or aided, for example through an evacuation programme”); *See also* Council Directive 2001/55, art. 8(3), 2001 O.J. (L212/14) (EC) (“The Member States shall, if necessary, provide persons to be admitted to their territory for the purposes of temporary protection with every facility for obtaining the necessary visas, including transit visas. Formalities must be reduced to a minimum because of the urgency of the situation. Visas should be free of charge or their cost reduced to a minimum.”) [*Council Directive 2001/55*].

³⁷ *Id.*

³⁸ *Id.* The EU’s Temporary Protection scheme allows states to “give priority to EU citizens and citizens of States bound by the Agreement on the European Economic Area.”

it could operate on the basis of discretionarily allocated TP spaces by each EU member state granting TP directly through their consular offices in the Middle East host states. TP could be granted on the basis of additional ties or criteria to the individual accepting state, such as family ties, existing Arab/Syrian communities or non-governmental organizations willing to host the TP recipients and provide reception services. An EU-wide TP regime can be squarely based on the standards and criteria under the Qualifications Directive for both Syrian refugees and Palestinian refugees from Syria. The majority of Syrians retain “a strong desire to return to their homes in Syria.”³⁹ Providing Syrians with TP (rather than more permanent durable solutions such as resettlement) in the EU will allow Syrians to receive the aid they need while retaining the ability to return home when the conflict is over— creating additional incentive for the EU to be more actively engaged in bringing the Syrian conflict to an end.

Opening the EU’s borders to provide Syrian refugees with TP addresses a number of critical issues. There are serious protection gaps within the current aid provision system causing the refugees to take desperate measures, as this report extensively details. Many Syrians are already giving up their precarious existence in host states and are returning at grave peril to Syria. Some are being forced to fight with one side or the other, while others have disappeared or been put in detention by the Syrian regime. Others are taking increasingly risky measures to seek resettlement outside the ME region “given the realities” of the current situation in the host countries.⁴⁰ For refugees whose savings have been depleted, “waiting out a prolonged war in Jordan or Turkey, without being allowed to work, is simply not an option.”⁴¹ More and more refugees from Syria are resorting to trafficking rings or finding passage on unsafe boats to try to make their way to Europe, the fortunate ones managing to arrive to the frontier states of the EU of Italy, Greece and Bulgaria. An EU-wide TP regime will relieve not only the ME host states, but also the EU frontier territories, which should not be forced to shoulder the burden on their own of the refugees trying to get out of the ME region. A TP regime would be consistent with the EU’s existing mechanisms of Dublin and Schengen, including the twice-revised burden-sharing mechanism for asylum-seekers in the Dublin III Regulation.⁴²

The TP regime should explicitly cover Palestinians out of Syria, in addition to ensuring that all EU states consider Palestinians from the MENA region for refugee protection under the recent European Court of Justice (ECJ) decision of *Abed El Kareem El Kott & Others*.⁴³ In *El Kott*, the ECJ, interpreting the

³⁹ Human Rights First, *Refuge at Risk: The Syria Crisis and U.S. Leadership* 24 (Nov. 21, 2013), available at <http://www.humanrightsfirst.org/resource/refuge-risk-syria-crisis-and-us-leadership> [Human Rights First, *Refuge at Risk*].

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² See Council Directive 604/2013, 2003 O.J. (L180/31) (EU), available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>. The Dublin III Regulation, issued in 2013, sets forth the criteria for determining which member state should examine an asylum application.

⁴³ See Case C-364/11, *Abed El Kareem El Kott & Others v. Bevándorlási és Állampolgársági Hivatal*, 2012 E.C.R. 0000, at 65 available at <http://curia.europa.eu/juris/celex.jsf?celex=62011C10364&lang1=en&type=NOT&ancre=> (finding that UNRWA

Qualifications Directive implementing Article 1D of the Refugee Convention, held that Palestinians who have left an area under the mandate of UNRWA due to reasons beyond the applicant's control-- such as where his safety was at risk-- and when UNRWA could not fulfill its mandate towards him, must automatically be granted refugee status in EU member states.⁴⁴ *El Kott* should apply to all Palestinian refugees fleeing Syria who are unable to obtain assistance and protection and leave UNRWA areas, requiring EU states to grant them refugee status once they arrive on their territories.⁴⁵ Our recommendation is that TP status be available to Palestinians from Syria directly through EU consulates in the ME region, while the requirements of *El Kott* are obligatory once PSR arrive in EU states and apply for recognition as refugees.

As parties to the CSR51, EU member nations share international protection responsibility towards the refugees from Syria. Since the refugees "do not enjoy the effective protection of their own Government . . . it falls to the international community as a whole to provide the 'international' protection necessary to secure to refugees the enjoyment" of their rights.⁴⁶ It is unrealistic to expect Turkey, Jordan, Lebanon, Iraq and Egypt to continue shouldering this large economic and social burden on their own.⁴⁷ The EU can share the responsibility towards the refugees from Syria through granting TP status and refugee recognition in line with its existing obligations under the TP Directive, the Dublin III Convention and the *El Kott* decision, as described above.

Recommendation 1.3: Humanitarian, Family Unity and Other Special Admissions

As highlighted in the RSC Report, Europe has absorbed a very small proportion of the Syrian displacement. As of July 2014, there were only approximately 123,600 refugees from Syria in

protection can reasonably be found to have ceased over an applicant when that applicant has left an UNRWA area for reasons beyond the applicant's control, such as where "that person's safety was at serious risk and it was impossible for [UNRWA] to guarantee that his living conditions in that area would be commensurate with the mission entrusted to that organ or agency") [Case C-364/11]. In the *El Kott* decision, the ECJ held that a Palestinian who meets the criteria of Article 1D and the Qualifications Directive must automatically be granted refugee status (i.e., a member state must recognize him or her as a refugee) as long as s/he is not excluded by Articles 1(E) or 1(F) of CSR51.

⁴⁴ UNHCR, *Note on International Protection A/AC.96/1122* (July 3, 2013), available at <http://www.refworld.org/docid/52bc02504.html> (last visited July 11, 2014) [UNHCR 2013 Note].

⁴⁵ According to *El Kott*, an individual Palestinian who falls within Article 1D and is not barred by CSR51 1(E) and 1(F) is "not necessarily required to show that she has a well-founded fear of being persecuted" within the meaning of Article 1A(2). Rather, such an individual can apply for refugee status under the Qualifications Directive. The member state will assess whether she actually received assistance from UNRWA, whether the assistance of UNRWA has ceased, and whether the cessation and/or exclusion clauses do not apply. In making a refugee status determination, member states must assess all reasons on account of which it is no longer possible for the person to benefit from UNRWA assistance. See Case C-364/11, *supra* note 43. The ECJ's interpretation of "when such protection or assistance has ceased for any reason" includes the situation in which a person who, after actually availing himself of UNRWA's protection or assistance, ceases to receive it for a reason beyond her control and independent of her volition. The EU member state to which a Palestinian is applying for refugee status must ascertain, by carrying out an individual assessment, whether the person was forced to leave the UNRWA area of operations, which will be the case where her personal safety was at serious risk, and whether it was impossible for UNRWA to guarantee her living conditions in keeping with UNRWA's mandate.

⁴⁶ 1994 Note on Protection, *supra* note 13, at 8.

⁴⁷ See *id.* at 9 (noting that "UNHCR's role in providing international protection consequently, and above all, involves ensuring that Governments take the necessary action to protect all refugees within their territory, as well as persons seeking admission at their borders who may be refugees."). This action is not limited to the governments of the states immediately surrounding a conflict creating a refugee crisis.

Europe, representing approximately 4% of the total Syrian refugee flow.⁴⁸ Moreover, most of these refugees arrived through irregular means rather than resettlement or other kinds of legal admission. Between 2011 and the end of 2013, only 340 Syrians had been resettled in Europe.⁴⁹ Thus, the number of resettlement slots offered to Syrians has, thus far, been grossly inadequate. To date, only “18 countries have made commitments amounting to just over 31,367 places for humanitarian admission or resettlement.”⁵⁰

Our final recommendation to the EU is to expand admission slots in all available categories to benefit displaced persons from Syria. The legal mechanisms for humanitarian, family, and other special admission categories are discussed at length in the RSC Report and include a range of categories that will not be discussed further here.⁵¹

To the U.S. and Canada:

Recommendation 2.1: Resettlement of non-Syrian refugees from the ME region

The United States

The United States resettled 58,238 refugees in 2012, only 31 of whom were from Syria.⁵² According to the U.S. State Department, “[a]rrivals [in 2013] are on-pace to exceed FY 2012 arrivals by more than 10,000 individuals, and will come very near to reaching the President’s authorized ceiling of 70,000.”⁵³ Although this was an improvement over prior years, and occurred in part because of better “synchronization of security and medical checks for refugee families,”⁵⁴ it was yet another year in over a decade that the US had not even met its resettlement quota.⁵⁵

⁴⁸ UNHCR, *Syrian Refugees in Europe: What Europe Can Do to Ensure Protection and Solidarity* (July 11, 2014), available at <http://www.refworld.org/docid/53b69f574.html> (last visited July 14, 2014).

⁴⁹ RSC Report, *supra* note 7, at 1, 2, citing ECRE, *Germany to Resettle 10,000 More Refugees from Syria—Time for the Rest of Europe to Play Their Part*, ECRE (June 12, 2014), available at <http://www.ecre.org/media/news/press-releases/574.html>.

⁵⁰ *Id.* at 54 (included in the resettlement figure is individual sponsorship offered by Germany); Human Rights First, *Refuge at Risk*, *supra* note 39, at 26; See also UNHCR, *Finding Solutions*, *supra* note 3, at 2; and see UNHCR, *Update on the High-Level Segment on Solidarity and Burden-Sharing with Countries Hosting Syrian Refugees*, 59th meeting of the Standing Committee (Mar. 4-6, 2014), available at <http://www.unhcr.org/5319de7e9.html> [UNHCR, *Update on the High-Level Segment on Solidarity*].

⁵¹ RSC Report, *supra* note 7, at 12, 17.

⁵² See U. S. DEP’T OF STATE, HOMELAND SEC., AND HEALTH AND HUMAN SERV., PROPOSED REFUGEE ADMISSIONS FOR FISCAL YEAR 2014 REPORT TO CONGRESS 1, 57 (2013) available at <http://www.state.gov/documents/organization/219137.pdf> [U. S. DEP’T OF STATE]; See also UNHCR, *Finding Solutions*, *supra* note 3, at 45 (noting that the United States has provided significant aid in addressing the Syrian refugee crisis: “[t]he United States government is providing assistance to displace Syrians throughout the region through support to international organizations, such as UNHCR, UNICEF, IOM, ICRC, and WFP, as well as through non-governmental organizations, which are providing critical assistance such as water and sanitation, shelter, and medical care.” Specifically, “[a]s of June 17 [2013], the United States government had provided more than \$800 million in critical humanitarian assistance.”).

⁵³ See U. S. DEP’T OF STATE, *supra* note 52, at ii.

⁵⁴ *Id.*

⁵⁵ For the years 2003-2014, US Refugee Admissions ceilings have remained between 70,000 and 80,000. In no year during that period were the ceilings met, and 2013 is the only year in which actual admissions came within 1,000 persons under the quota. See Andora Bruno, Congressional Research Service, *Refugee Admissions and Resettlement Policy*, citing US Department of

We recommend that the United States, in addition to expanding its current limited temporary protection program for Syrian refugees (discussed further below), significantly raise resettlement of pre-existing refugee populations living in the ME host countries.⁵⁶ The US government urgently needs to increase the number of resettlement slots available to refugees, speed up the resettlement process, and reconsider (and remove) some bars to refugee status determination.⁵⁷

US resettlement programs today are severely constrained by the inadmissibility grounds incorporated in US immigration law under the ‘material support to terrorism,’ ‘terrorist organization’ and ‘terrorist activity’ grounds.⁵⁸ These bars to admission in the US have been applied so broadly that they prevent resettlement of persons who have no connection to terrorism, or whose connection is inadvertent or coerced. The definitions apply to persons who were involved in armed conflict--inadvertent or not-- as a non-state actor, or who gave any form of actual or inchoate support to someone who was involved as such. Reports have documented how these provisions have been applied to “exclude Iraqi refugees who supported the overthrow of Saddam Hussein, Sudanese who fought against the armed forces of President Omar Al-Bashir, and Eritreans who fought for independence from Ethiopia.”⁵⁹ For Syrians, the bars would apply to preclude anyone who was involved in fighting with an armed opposition group, or who supported such a group in any way, including soliciting funds for them. The bar goes so far as excluding family members of persons who provided such ‘material support’ to such groups. As has happened to many others seeking refugee status in the US, Syrians would be prevented from resettling who are no threat to the country whatsoever.

State Refugee Admissions Ceilings and Regional Allocations at 3 (Mar. 6, 2014), available at <http://fas.org/sgp/crs/misc/RL31269.pdf>.

⁵⁶ Michelle R. Pistone, *The Iraqi Refugee Crisis and the U.S. Response*, in STILL WAITING FOR TOMORROW, THE LAW AND POLICIES OF UNRESOLVED REFUGEE CRISES 141, 147 (Susan Akram and Tom Syring, eds., Cambridge Scholars Publishing, forthcoming, 2014) (“The largest potential legal avenue of relief for most refugees [within the US] is the overseas refugee resettlement program. Through that program, refugees living abroad can apply for protection and are resettled in the United States. In recent years the target number for this program has been around 50,000-70,000 refugees worldwide. This number is set each year by the Administration, in consultation with members of Congress, and can be adjusted upward or downward in response to conditions around the world.”). Others have argued that third-country resettlement for Syrians themselves is the most appropriate response. See, e.g., Human Rights First, *Refuge At Risk*, supra note 39, at 24 (stating that “the United States must significantly increase the number of Syrians it resettles.”). However, as discussed above, we believe that temporary protection is the most appropriate response for Syrians, and resettlement is the most appropriate response for the refugee populations who were already living in the host countries prior to the onset of the Syrian refugee crisis.

⁵⁷ See Pistone, supra note 56, at 156 (“Expedited resettlement for those refugees in need of immediate help should be a focus for the present.”). See also UNHCR 2013 Note, supra note 44, at 6 (noting that “[a]nother trend” preventing refugees from attaining third-country resettlement “has been the over-complication of national refugee status determination through technical and legalistic bars to recognition.”).

⁵⁸ See 8 U.S.C. §1182; See also UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, *Terrorism-Related Inadmissibility Grounds (TRIG)*, available at <http://www.uscis.gov/laws/terrorism-related-inadmissibility-grounds/terrorism-related-inadmissibility-grounds-trig>.

⁵⁹ Human Rights First, *Refuge At Risk*, supra note 39, at 24; UNHCR, *Anti-Terrorism Legislation Delays Entry of Refugees to United States* (Sept. 6, 2006), available at <http://www.unhcr.org/44fec79f4.html>; Migration Policy Institute, *Material Support to Terrorism – Consequences for Refugees and Asylum Seekers in the United States* (Jan. 30, 2008), available at <http://www.migrationpolicy.org/article/material-support-terrorism---consequences-refugees-and-asylum-seekers-united-states>.

Unfortunately, these already restrictive provisions have been interpreted even more narrowly by federal government agencies involved in applying them. The material support provision has been applied to bar “even the most minimal donation by rebel groups, to ordinary commercial transactions with armed groups or their members, and to assistance that has nothing to do with the furtherance of violent acts, e.g. donations of medical supplies.”⁶⁰ In contradiction to the US’ own foreign policy goals, the law would bar supporters of the opposition, but not apply to bar members of the armed forces of the Syrian regime.⁶¹

An important population for our recommendation that the US must prioritize pre-existing populations of refugees is the Iraqis who have been granted resettlement but fall under the bars who have been in limbo in Syria. These number approximately 4,000, most of whom worked with US forces or US organizations during the war. At least 1,500 have been approved for resettlement, and thousands more are awaiting interviews with USCIS. Since the US has closed its embassy in Damascus, and USCIS officials are no longer traveling to Syria, these individuals remain in limbo unless they can get to US embassies elsewhere. Among those who have been granted resettlement are many whose resettlement is blocked due to application of the material support bars.⁶²

Pending a full review and overhaul of the terrorism bars, the US government needs to put waivers and exemptions in place to allow resettlement of those who involuntarily, out of necessity, or unintentionally provided support to an armed group; and to exempt anyone simply for being a family member of someone who provided such support.⁶³ Human Rights First has issued several reports on, and made the case for how waivers should operate for Syrian and Iraqi refugees to allow resettlement to move forward:

“While a lasting solution to the unintended consequences of the immigration law’s ‘terrorism’ bars will require amendment of the underlying statutory definitions so that these focus on actual terrorists, in the interim, the U.S. government should act now to allow exemptions to be issued on a case-by-case basis to anyone who voluntarily provided non-violent assistance to a Syrian armed opposition group....while current combatants will not be eligible for refugee protection, provision should be made for former combatants who otherwise meet the refugee definition and are not

⁶⁰ Human Rights First, *The Syrian Refugee Crisis: Hearing Before the Judiciary Subcomm. On the Constitution, Civil Rights, and Human Rights*, 113th Cong. (2014) (statement for the record of Human Rights First).

⁶¹ *Id.* (Current US immigration law bars from entry any person who has engaged in terrorist activity. This overbroad provision effectively precludes those US supported opposition groups in Syria, whose members are considered to have provided “material support” to terrorist groups and thus are barred from seeking asylum in the US.).

⁶² *Id.* at 28.

⁶³ Congress, in consultation with the Department of Justice, gave the Departments of Homeland Security and State the authority to grant waivers (or exemptions) to Syrian refugees, who may have provided ‘material support’ to armed forces, on a case-by-case basis. Human Rights First, *Bipartisan Call to Address Impact of Immigration Inadmissibility Provisions* (Apr. 2, 2014), available at <http://www.humanrightsfirst.org/blog/bipartisan-call-address-impact-immigration-inadmissibility-provisions>.

subject to any other bars and (1) were children at the time or (2) did not participate in, or knowingly provide materials support to, activities that targeted noncombatants or US interests.”⁶⁴

Existing refugee populations seeking resettlement have encountered problems with security clearances as well as medical testing. Commenting on the US response to the Iraqi refugee crisis of the past decade, analysts have noted that “[s]ecurity clearance issues can be streamlined if U.S. agencies continue to coordinate and work with security vetting agencies . . . [which] have shown the potential to quickly return interagency security checks.”⁶⁵ Additionally, delays due to false positives in medical testing for diseases like tuberculosis “can also be ameliorated if an alternative and quicker form of testing is implemented to prevent individuals [who are not ill]. . . from being unnecessarily retested.”⁶⁶ Refugee status determination interviews could be “conducted by videoconferences” to further increase the speed of refugee status determination and resettlement.⁶⁷

By November 2013, the United States still had “resettled very few Syrian refugees and has not yet scaled up for resettlement by increasing staffing at its Resettlement Support Centers in Amman and Istanbul.”⁶⁸ In its report to Congress for refugee resettlement slots for 2014, the State Department acknowledged that it expected increased “UNHCR referrals of particularly vulnerable Syrian refugees residing in neighboring countries, given UNHCR’s mid-2013 decision that third-country resettlement will play a role in its response to the Syrian refugee crisis.”⁶⁹ However, the proposed regional ceiling for FY 2014 for refugees from South Asia and the Near East remains at only 35,000 individuals, “including vulnerable Iraqis, Bhutanese, Iranians, Syrians, Pakistanis, and Afghans.”⁷⁰ The US has pledged an ‘open-ended number’ of resettlement slots for Syrian refugees, but it is unclear how that will operate in light of the regional and global refugee admissions ceiling of 70,000 that remains in place.⁷¹ Consistent with the ME region-wide civil society support for prioritizing resettlement of pre-existing, non-Syrian populations, we urge the US to also prioritize its existing commitments to such refugee populations in the region as the Iraqis, Somalis, Sudanese, Afghans and Iranians. Although we do not deny the need to add resettlement places for Syrian refugees, those should only be considered after existing resettlement commitments have been met to other long-waiting refugee populations.

⁶⁴ Human Rights First, *Refuge at Risk*, *supra* note 39, at 28.

⁶⁵ Pistone, *supra* note 56, at 156.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ Human Rights First, *Refuge at Risk*, *supra* note 39, at 24 (noting that as of November, 2013, “the United States resettled 69,930 refugees from different parts of the world but only 36 were from Syria. In 2012, 31 Syrians were resettled, and in 2011, 29.”).

⁶⁹ U. S. DEP’T OF STATE, *supra* note 52, at 53.

⁷⁰ *Id.*

⁷¹ See UNHCR, *Update on the High-Level Segment on Solidarity*, *supra* note 50, at Agenda item 3(v).

Canada

In the same vein as our recommendation to the US to prioritize non-Syrian refugees in the ME region, we recommend that Canada increase its resettlement allocation overall, for both Syrian and non-Syrian refugees out of the ME. “Fewer than 400 Syrians made a refugee claim in Canada in the 18 months from January 2012 to June 2013[and] only nine Syrians were resettled by the government to Canada in the first eight months of 2013.”⁷² The Canadian Council for Refugees has pointed out that, given the scale of the crisis, Canada needs to step up and “do more to provide solutions to some of the displaced, especially those with connections to Canada and the most vulnerable”.⁷³

Canada’s resettlement process operates jointly between the government and private sponsorship organizations. The process is triggered by referrals from UNHCR to Canadian consular officers abroad. Refugees can be sponsored for resettlement to Canada by NGO’s, family members in Canada, or referred by a visa office.⁷⁴ Canada’s two main resettlement categories—the Convention Refugee Abroad Class or Country of Asylum Class—can both be filled through private sponsorship if they fulfill the criteria and pass the medical exam and security and criminal checks.⁷⁵ While Canada’s financial response to the Syrian crisis has been impressive,⁷⁶ its immigration response has been nominal, at best.⁷⁷ In July, 2013, the government announced a commitment to resettle 1,300 Syria refugees by the end of 2014—only 200 through government assistance, and the remaining 1,100 through private sponsorships. Furthermore, given systemic delays and barriers in the private sponsorship program, it is anticipated that not many privately sponsored Syrian refugees will arrive by the end of 2014.⁷⁸

Echoing the call of Amnesty International and the Canadian Council for Refugees (CCR), we recommend that the Canadian government “announce significantly higher levels of government sponsored resettlement of Syrian refugees.”⁷⁹ So far, Canada has committed only 200 spaces for Syrians to the end of 2014. Canada showed a dramatic drop of Government-Assisted Refugees in 2012,⁸⁰ and these unused spaces should be added to subsequent years’ slots.⁸¹ It is critical for

⁷² *Id.*

⁷³ Conseil Canadien pour les Réfugiés, *Call for Immigration Measures to Respond to the Syrian Crisis* (Sept. 11, 2013), available at <https://ccrweb.ca/en/news-release/2013-09-11> (last visited June 22, 2014) [*Immigration Measures*].

⁷⁴ ICMC, *Welcome to Europe!*, *supra* note 29, at 35.

⁷⁵ *Id.* at 36.

⁷⁶ Foreign Affairs, Trade, and Development Canada, *Canada’s Response to the Situation in Syria* (July 2013), available at <http://www.international.gc.ca/international/syria-syrie.aspx?lang=eng> (Canada has committed over \$630 million so far in response to the Syria crisis: \$353.5 million to international humanitarian assistance efforts in Syria and neighboring countries, and \$210.6 million to support development projects, and \$67.6 million for security and stabilization assistance).

⁷⁷ Conseil Canadien pour les Réfugiés, *Canadian Immigration Responses to the Syrian Crises – Backgrounder* (Oct. 2013), available at <https://ccrweb.ca/fr/syrian-crisis-backgrounder> (last visited July 11, 2014) [*Canadian Immigration Responses*].

⁷⁸ *Id.*

⁷⁹ *Id.*; *Canada: Respond to the Syrian Refugee Crisis*, AMNESTY INT’L (Sept. 17, 2013), available at <http://www.amnesty.ca/get-involved/take-action-now/canada-respond-to-the-syrian-refugee-crisis>.

⁸⁰ Conseil Canadien pour les Réfugiés, *CCR Decries Dramatic Drop in Refugees Resettled to Canada* (Mar. 7, 2013), available at <https://ccrweb.ca/en/bulletin/13/03/07>. (last visited Jun. 22, 2014).

⁸¹ *Canadian Immigration Responses*, *supra* note 77.

Canada to add its government assisted program numbers to the Private Sponsorship numbers, and not make one a substitute for the other.⁸²

Furthermore, we recommend that Canada “address the many barriers to private sponsorship of Syrian refugees, including the long processing delays and the ban on sponsoring refugees out of Turkey.”⁸³ Many visa offices, including those in the region around Syria, have unacceptably long processing times. Refugee sponsorship applications must receive approval from the Case Processing Office in Winnipeg (CPOW), and it takes several months for an application by a Sponsorship Agreement Holder and 11 months for a Group of Five. Furthermore, it takes up to six months for many sponsors to complete all the paperwork to submit an application. In total, the expected wait from the time a decision is taken to sponsor a refugee is roughly a minimum of two and a half years before the refugee arrives in Canada. Such processing delays are unacceptable; processing times need to be reduced significantly for all refugees.⁸⁴

For several years, Canada has not allowed Sponsorship Agreement Holders from sponsoring refugees out of Turkey, which has a severe impact on refugees from Syria. “Recently -imposed rules require that refugees sponsored by Groups of Five have been determined to be a refugee by UNHCR or a State.”⁸⁵ Most Syrian refugees, however, have not had an individual determination, and therefore Groups of Five cannot, for the most part, sponsor Syrians.⁸⁶ Furthermore, cuts to the Interim Federal Health Program have left privately sponsored refugees without any health care coverage for some medical expenses, such as expensive medications or prosthetics.⁸⁷ As a result, “some groups therefore hesitate to sponsor because of the risks of unanticipated expenses.”⁸⁸ We recommend that Canada review these barriers to rapid resettlement in order to allow more resettlement slots for both Syrians and non-Syrians from the ME region, and take steps to ensure those slots are much more rapidly and efficiently filled.

Recommendation 2.2: TPS in the United States for refugees from Syria

Temporary Protected Status (TPS), similar to European TP, is a US program that allows eligible individuals fleeing an “[o]ngoing armed conflict” to reside and work legally within the United States for a specific period of time.⁸⁹ TPS was codified in US law in the Immigration Act of 1990, originally

⁸² Gloria Nafziger and Alex Neve, *How Canada Should Respond to the Syrian Refugee Crisis*, AMNESTY INT’L (Sept. 10, 2013), available at <http://www.amnesty.ca/blog/how-canada-should-respond-to-the-syrian-refugee-crisis>.

⁸³ *Canadian Immigration Responses*, supra note 77.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ Conseil Canadien pour les Réfugiés, *Interim Federal Health Program*, available at <https://ccrweb.ca/en/ifh> (last visited June 22, 2014).

⁸⁸ *Canadian Immigration Responses*, supra note 77.

⁸⁹ UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, *What is TPS*, available at <http://www.uscis.gov/humanitarian/temporary-protected-status-deferred-enforced-departure/temporary-protected-status>.

for civil war refugees from Central America. Since then, TPS has been granted to dozens of national groups on a defined, short-term basis, to respond to emergent situations in their countries of origin. Currently, Syrians are eligible for Temporary Protected Status through March 31, 2015.⁹⁰ However, Syrians must have been continuously residing in the United States since October 1, 2013 to be eligible for TPS.⁹¹ UNHCR has long noted that this sort of cut-off date creates “[a] gap in the protection available to refugees who are outside the framework of the 1951 Convention and the 1967 Protocol.”⁹² We propose a modified, exceptional TPS program for refugees from Syria similar to the proposal for the EU TP regime: that the United States allow refugees from Syria to apply for multi-year TPS slots directly through the US consulates in the ME host states.

As with EU TP as implemented so far, TPS in the US is a status offered only once an individual applies from within US territory. However, the US could readily combine TPS with existing humanitarian parole/humanitarian admission that can be granted directly from US consulates abroad.⁹³ These visas could then be converted to the normal TPS registrations upon entry into the US for qualifying persons from Syria. Admissions for TPS could be prioritized through US consulates on the basis of similar grounds such as NGO sponsorships, extended family ties in the US, or Arab/Syrian communities willing to assist with the temporary settlement of Syrian families. TPS for Syrians is now a well-established program granting one-year, renewable status with work authorization and eligibility for various benefits on a temporary basis. Since these would be temporary (nonimmigrant) admissions, such a program would not require the operation of any quotas or ceilings. The numbers of Syrians admitted for TPS need be limited only by available sponsoring families, communities or agencies in the US.

Recommendation 2.3: Humanitarian, Emergency, and other Visas for refugees from Syria

The United States

Humanitarian Parole, Significant Public Benefit Parole and Special Immigrant visas are all categories available under US immigration law to permit exceptional admission into the US for persons in refugee-like situations.⁹⁴ Each of these categories was extended to Iraqi refugees after the second Gulf War. The Bush Administration authorized a special immigrant visa for Iraqis in January 2008, to benefit those individuals who worked with US military personnel and “experienced...an ongoing

⁹⁰ *Id.*

⁹¹ UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, *Eligibility Requirements for Temporary Protected Status*, available at <http://www.uscis.gov/humanitarian/temporary-protected-status-deferred-enforced-departure/temporary-protected-status> (last visited June 22, 2014).

⁹² 1994 Note on Protection *supra* note 13, at 21 (denouncing “States’ decisions to formally accord temporary refuge only to persons who were already in the country of refuge before a certain date, with no provision for admission of others fleeing the same situation after that date”).

⁹³ Immigration and Nationality Act (INA) of 1965 § 212(d)(5)(A), 8 U.S.C. § 1182.

⁹⁴ INA, *Id.*, Sec. 212, § (d)(5)(A), et seq (codified as amended at 8 U.S.C. §1182).

serious threat” based on their support for US forces.⁹⁵ Iraqis were also granted visas under the humanitarian parole and significant public benefit parole categories, through which over 5,000 individuals were able to enter the US. Humanitarian parole is available in extraordinary situations of extreme humanitarian emergency, including serious medical needs due to armed conflict. The grounds for granting significant public benefit parole are similar to those for special immigrant visas, in that they authorize admission to individuals whose service for US war efforts “put their lives in imminent, documented danger.”⁹⁶

Humanitarian parole would be available to thousands of persons who have suffered serious injury in the Syrian conflict and are currently being treated in medical facilities in Turkey, Jordan and Lebanon. Turkey has expressed urgent need for medical doctors who speak Arabic to assist in the treatment of the many refugees needing medical care in Turkey, while the US has a large population of Arabic-speaking doctors and medical staff in its large city hospitals. We recommend that the US prioritize such medical cases for humanitarian parole on an urgent basis from all of the ME host states.

Although special immigrant and significant public benefit parole are not readily available for Syrians since the US is not a declared party to the conflict in Syria, these visas should be continued and increased for the large numbers of Iraqis who have found refuge in Syria and are being forced into the neighboring Arab states. Iraqis who have supported the US war engagement in Iraq are still threatened—and facing renewed threats with the expansion of the conflict in Iraq—and should be prioritized from the region into the US.

Finally, we recommend the US make student and non-immigrant (short-term) visas generously available for refugees from Syria in the ME region in order to allow them to continue to study, conduct research, take advantage of business opportunities and join family members. Short-term visas into the US have been advocated for Iraqis, and the same logic applies to Syrians, “so that the next generation of [Syria’s] leaders, teachers, doctors and lawyers could have been studying to prepare themselves to rebuild” their country when the war is over.⁹⁷ The US can play a major part in ensuring that there is no “lost Syrian generation.”⁹⁸

Canada

⁹⁵ See Pistone, *supra* 56, at 151.

⁹⁶ *Id.*

⁹⁷ *Id.* at 157.

⁹⁸ See UNHCR, UNICEF, USAID, No Lost Generation: Protecting the futures of children affected by the crisis in Syria (Jan. 2014), available at <http://childrenofsyria.info/wp-content/uploads/2014/01/No-Lost-Generation-Strategic-Overview-January-2014-RV.pdf>.

Canada has “no measures to regularize, even on a temporary basis, the status of Syrians.”⁹⁹ Since there is no temporary protection provision *per se* in Canadian law, we recommend that Canada “introduce flexible provisions to allow family members of Canadian citizens, permanent residents and accepted refugees to come to Canada, at least on a temporary basis.”¹⁰⁰ Temporary visas are much quicker to process and, as noted repeatedly in this report, most Syrians want to return to Syria once the conflict is resolved. On the other hand, if return is not feasible at some future time, if the individuals have come to join family members, Canada could allow them to apply for permanent residence. “Family reunification measures can respond to family members who are still in Syria (unlike refugee resettlement, which only applies to people outside Syria).”¹⁰¹ Similar to the standards for temporary protection programs elsewhere, family members “should be provided with basic rights (to work, to study, access to health care).”¹⁰²

We also recommend that Canada consider special immigration measures to allow Syrians already in Canada to extend their current status to remain in the country. Canada introduced such “provisions for Haitians after the earthquake (including access to a work permit, to Interim Federal Health coverage and to schooling for children).”¹⁰³ We support the call of the Syrian Canadian Council that the Canadian government “bring in special measures for Syrians, to respond to the catastrophic refugee crisis, as Canada responded in the past to other crises such as the Rwandan genocide or the Haitian earthquake.”¹⁰⁴ Syrians in Canada who are unable “to return home need special measures to ensure they have access to basic rights.”¹⁰⁵

We further recommend that Canada “allow people who meet all the conditions of a temporary visa (e.g. students, parents or grandparents on super visas) to come to Canada.”¹⁰⁶ While some applicants for student visas or super visas are being refused simply because the crisis in Syria makes officials question their willingness to return to Syria, this should not be a barrier if they otherwise qualify for the temporary visa category for which they are applying.¹⁰⁷

To Latin America:

⁹⁹ *Canadian Immigration Responses*, supra note 77.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Immigration Measures*, supra note 73.

¹⁰⁵ *Canadian Immigration Responses*, supra note 77.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

All but four Latin American states are party to the Refugee Convention or Protocol, or to both instruments.¹⁰⁸ In addition, most Latin American countries have adopted the principles of the Cartagena Declaration in national legislation, or applied them as practice or policy.¹⁰⁹ The Cartagena Declaration's definition of refugee parallels the generous definition in the OAU Convention, stating that

“the definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees 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.”¹¹⁰

In 2004, 20 Latin American countries signed the Mexican Declaration and Plan of Action for Strengthening International Protection for Refugees in Latin America, a declaration incorporating a series of actions to enhance protection of refugees in the region. The Mexico Plan of Action (MPA) includes provisions to encourage integration of refugees and displaced within the region; joint host and refugee/displaced community development to enhance commitment towards integration; and generous resettlement programs across the region to share global responsibility towards refugees.¹¹¹ The program of solidarity resettlement under the MPA has initiated Latin America as a resettlement option for refugees coming from outside the region. Argentina entered into a resettlement agreement with UNHCR and began resettling refugees in 2005; Uruguay and Paraguay followed in 2007; and Brazil and Chile began their resettlement programs under the MPA with Palestinian refugees from Jordan and Syria in 2008.¹¹²

Recommendation 3.1: Resettlement of non-Syrian refugees from the ME region

¹⁰⁸ UN General Assembly, Convention Relating to the Status of Refugees (July 28, 1951) [CSR51]; UN General Assembly, Protocol Relating to the Status of Refugees (Jan. 31, 1967) [PRS67] (Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guinea, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay are all parties to the CSR51, and the PRS67. Venezuela is party only to the PRS67.), available at

https://treaties.un.org/pages/ViewDetailsII.aspx?&src=TREATY&mtdsg_no=V~2&chapter=5&Temp=mtdsg2&lang=en.

¹⁰⁹ Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama (adopted on Nov. 22, 1984), available at

http://www.unhcr.de/fileadmin/rechtsinfos/fluechtlingsrecht/1_international/1_1_voelkerrecht/1_1_6/FR_int_vr_Cart-Declaration.pdf [Cartagena Declaration]; Michael Reed-Hurtado, *The Cartagena Declaration on Refugees and Protection of People Fleeing Armed Conflict and Other Situations of Violence in Latin America*, 16 (June 2013), available at

<http://www.refworld.org/pdfid/51c801934.pdf> (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay have all incorporated the Cartagena Declaration definition into their domestic law).

¹¹⁰ *Cartagena Declaration*, *supra* note 109, at Art. 3.

¹¹¹ Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America (adopted on Nov. 16, 2004), available at http://www.oas.org/dil/mexico_declaration_plan_of_action_16nov2004.pdf (Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay, and Venezuela are all signatories to the Mexico Plan of Action) [*Mexico Plan of Action*]; UNHCR, *Global Appeal 2007- Latin America (Mexico Plan of Action)*, available at <http://www.unhcr.org/455443b30.html>.

¹¹² UNHCR, *Refugee Resettlement: Performance Outcomes 2007 and Global Projections 2009* (June 30, 2008), available at <http://www.refworld.org/pdfid/492aa0572.pdf> (last visited July 11, 2014).

Our first recommendation for the region is to prioritize resettlement of non-Syrian refugees from Egypt, Jordan and Lebanon. Because the Cartagena definition adopted by most Latin American states is very similar to the OAU refugee definition, almost all refugees that UNHCR has recognized under the latter should also be recognized as such under the former. Latin American states should make resettlement slots available for the thousands of backlogged Somalis, Ethiopians, Eritreans and Sudanese who have been granted refugee status in Egypt under OAU.

No Latin American country has yet offered resettlement spaces for refugees from Syria or the ME host states, but they have the legal and operational capacity to do so, and we recommend opening up resettlement for refugees from the ME region.

Recommendation 3.2: Refugee status and Residence for Palestinians from the ME region

Palestinian refugees in general and Palestinian refugees from Syria are the most vulnerable of refugee groups in terms of protection gaps in the ME host states, as this report describes in detail. They also face particular barriers to resettlement in Europe, North America and other resettlement regions. In contrast, the legal framework for temporary admission and resettlement for Palestinians in Latin America is particularly favorable for a number of reasons. As noted, Brazil, Chile, Argentina, Paraguay and Uruguay all have the capacity and operational ability under their agreements with UNHCR to accept both resettlement and, under their Cartagena definition, temporary admission of persons fleeing conflict. Chile and Brazil paved the way for resettlement of Palestinians from Iraq, and these two countries have instituted Refugee Resettlement programs that contemplate much larger refugee resettlement of Palestinians from the region. Between 2007-2009, several hundred Palestinians were resettled in Chile and Brazil, and resettlement should be prioritized for Palestinians from the MENA with family and community ties in Latin American countries.¹¹³ Moreover, under the Mexico Plan of Action, as adopted by both states (and many others), resettlement is not inconsistent with the right of return to state of origin—a critical position for Palestinian refugees.¹¹⁴

¹¹³ UNHCR, *Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas* (Nov. 11, 2010), available at <http://www.unhcr.org/4cdd3fac6.html>; Ana Guglielmelli White, *A Pillar of Protection: Solidarity Resettlement for Refugees in Latin America* (June 2012), available at <http://www.unhcr.org/4fd5d9c79.pdf>;

UNHCR, *Global Needs Assessment* (Oct. 2008), available at <http://www.refworld.org/pdfid/48ef42352.pdf>.

¹¹⁴ *Mexico Plan of Action*, *supra* note 111, at Ch. 3 Durable Solutions (Mexico Plan of Action aims at creating solidarity amongst Latin American states, making refugee assistance a collaborative effort. Through this responsibility-sharing provision, the Mexico Plan of Action urges states to seek durable solutions through the “Solidarity Cities” Program, by engaging international collaboration to provide effective protection, social, cultural, and economic rights of refugees. The resettlement programs aim to create a secure environment for the refugees. Because the collaborative resettlement program allows any Latin American country to participate in and receive refugees in other Latin American countries, the “Solidarity Resettlement” Program is not inconsistent with the right of return because refugees are free to move.).

To the ME Region:

The fieldwork for this report has underscored the absence of refugee treaty and customary norms in the main hosting states for refugees from Syria, with the exception of Turkey. Lebanon, Jordan and Syria have, as a consequence of being the main host states for Palestinian refugees for over sixty years, steadfastly refused to become parties to the Refugee Convention or Protocol, and the Convention on Stateless Persons. Because they have not codified international norms of refugee law, their policies towards other (non-Palestinian) refugees are *ad hoc*, and are primarily addressed through their laws on foreigners and immigrants. This report details the severe consequences that such *ad hoc* policies are having on the refugees from Syria, and particularly for the Palestinians from Syria. Egypt is a party to both the Refugee Convention and the OAU Convention on Refugees of 1969, but has incorporated neither into its domestic law, relegating implementation entirely to UNHCR through a Memorandum of Understanding.¹¹⁵ Taken together, these policies mean that the main ME states of refuge for Syrians are non-adherents to the key international refugee norms—with the exception of *non-refoulement*, whose contours are ill-defined.

Turkey, in contrast, has been a party to the 1951 Refugee Convention since 1962, although it has applied the Convention's geographic restriction and recognizes only refugees from Europe.¹¹⁶ Until recently, Turkey has implemented various temporary measures towards non-European refugees, and permitted UNHCR to conduct refugee status determination on the basis of a Memorandum of Understanding and UNHCR's own statutory scope over persons 'of concern.' However, as discussed in detail in this report, Turkey implemented a temporary protection policy towards refugees from Syria almost immediately at the start of the crisis. In April, 2014, Turkey's new Law on Foreigners and International Protection (LFIP) came into force, which codified refugee protection, temporary protection, and asylum provisions to govern refugees of all national origins. Turkey's temporary protection for Syrians and Palestinians from Syria was codified in the LFIP, to be administered by a new centralized agency, the Directorate General on Migration Management (DGMA). Turkey's temporary protection provisions are modeled directly on the EU's Directive on TP of 2001; and Turkey has also adopted the EU Qualifications Directive of 2004 on Article 1D for protection of Palestinian refugees.

Recommendation 4.1: Temporary Protection in the MENA region for Palestinian and Syrian refugees

¹¹⁵ Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa (Sept. 10, 1969), 100 U.N.T.S. 45, available at <http://www.refworld.org/docid/3ae6b36018.html>.

¹¹⁶ Turkey ratified the CSR51 on Mar. 30, 1962, Convention Relating to the Status of Refugees (July 28, 1951), 189 U.N.T.S. 137., available at https://treaties.un.org/pages/ViewDetailsII.aspx?&src=TREATY&mtdsg_no=V~2&chapter=5&Temp=mtdsg2&lang=en.

Our first recommendation for the MENA region is for a region-wide temporary protection program modeled on Turkey's, for both Syrians and Palestinians from Syria. The basis for TP in the Arab states is set out for Palestinians in the 1965 Casablanca Protocol, and for Syrians in the Arab Charter.¹¹⁷ As described previously, Egypt is not a signatory to the CSR51, but is a party to the 1969 OAU convention. The OAU Convention envisions temporary protection for mass influx; and Art. II(5) applies to "persons who have been recognized as refugees but for one reason or another have not been granted the right of residence for any duration at all."¹¹⁸ Thus, the OAU Convention provides a TP framework for Egypt. Accordingly, we recommend that Jordan, Lebanon and Egypt adopt a temporary protection regime similar to that implemented by Turkey to ensure that the humanitarian needs of refugees are being met, that they have clear and defined status, and that they have access to durable solutions under internationally-guaranteed standards.¹¹⁹

The Protocol on the Treatment of Palestinians, adopted by the League of Arab States in 1965 in Casablanca (Casablanca Protocol), establishes a solid framework for temporary protection in the Arab states hosting Palestinian refugees. Under the Casablanca Protocol, the Arab states agreed to afford Palestinians the same treatment as their nationals with regard to employment; freedom of movement between the Arab host states; the right to leave and return to the territory of their state of residence; issuance and renewal of travel documents; and security of residence and employment in the state of residence.¹²⁰ In many ways, the Casablanca Protocol's provisions are more generous than those of the CSR51, particularly with regard to employment and freedom of movement.¹²¹ Many of the Arab states incorporated these standards into their domestic law.¹²²

Even before the passage of the Casablanca Protocol, during the 1950's, states hosting Palestinian refugees as well as other Arab states cancelled visa requirements and facilitated travel documents for Palestinian refugees to allow them freedom of movement throughout the Arab world, including the

¹¹⁷ League of Arab States, *Protocol for the Treatment of Palestinians in Arab States (Casablanca Protocol)* (Sep. 11, 1965), available at <http://www.refworld.org/docid/460a2b252.html> [Casablanca Protocol]. Casablanca Protocol allows for Palestinians to retain their Palestinian nationality, grants the right of employment where refugees reside, allows Palestinians the right to leave and return host states, and grants travel documents upon request; League of Arab States, *Arab Charter on Human Rights* (Sept. 15, 1994), available at <http://www.refworld.org/docid/3ae6b38540.html> [Arab Charter].

¹¹⁸ Edwards, *supra* note 11, at 609-10; Organization of African Unity (OAU), *Convention Governing the Specific Aspects of Refugee Problems in Africa* (Sept. 10, 1969), art. II(5), 1001 U.N.T.S. 45, available at <http://www.refworld.org/docid/3ae6b36018.html> (last visited July 24, 2014) ("Where a refugee has not received the right to reside in any country of asylum, he may be granted temporary residence in any country of asylum in which he first presented himself as a refugee pending arrangement for his resettlement") [1969 OAU Convention].

¹¹⁹ *Id.* at 609 (arguing that as it relates to Temporary Protection, "the OAU Refugee Convention is structured similarly to the 1951 Refugee Convention). Edwards notes that the OAU "calls on states to 'use their best endeavours . . . to secure the settlement' of refugees" and notes that while the 1969 Convention "does not define 'settlement' . . . it also recognizes that states are . . . required to provide temporary residence pending these other arrangements." (quoting OAU Convention Art. II(1)).

¹²⁰ Casablanca Protocol, *supra* note 117.

¹²¹ See Susan M. Akram & Terry Rempel, *Temporary Protection as an Instrument for Implementing the Right of Return for Palestinian Refugees*, 22 BU I.L.J. 22 (2004) [Temporary Protection].

¹²² *Id.* at 23. In addition, the Arab host states are party to most, if not all, of the main international human rights treaties, which establish guarantees of minimum treatment to non-citizens, the CAT, ICCPR, CERD and ICESCR, as discussed in the country profile sections below.

Gulf states.¹²³ During the 1950's, as well, a series of LAS Resolutions provided for family reunification of Palestinian refugees in the current place of residence of the head of household; the issuance of travel documents to Palestinian refugees; and the right to work in host states.¹²⁴ These were accompanied by a series of reciprocal agreements concluded between Kuwait and other Arab states that cancelled the need for visas. The first was with Lebanon in 1951-52, followed by Egypt and Jordan in 1958-1959. The rights in these Resolutions were codified in the Casablanca Protocol in 1965.¹²⁵

Through the 1980's, many of the Arab states were providing many of the rights in Casablanca to Palestinian refugees in their territories. In 1970, the Arab League adopted Resolution 2600 (March 11, 1970), which allowed Palestinians to acquire dual citizenship.¹²⁶ In 1982, the LASC Ministers of Interior passed Resolution 8, placing the obligation of equal treatment with their citizens on the host states of Palestinian bearers of travel documents with regard to residency rights, employment and mobility.¹²⁷ Although the Arab states have increasingly retracted from these obligations, these resolutions and agreements set the foundation for generous policies similar to a temporary protection regime for the region that can quite readily be re-instituted today. The Casablanca Protocol has never been repealed or formally abrogated by any Arab state, but LASC Res. 5093, recommending that the "rules in force in each state" govern the application of the Casablanca Protocol, has had the effect of undermining the Protocol's protections.¹²⁸

The case for temporary protection for all Palestinian refugees in the Arab host states has been exhaustively analyzed elsewhere.¹²⁹ The Arab states can implement a region-wide temporary protection regime for all Palestinian refugees residing in their territories, including those from Syria, based exclusively on the Casablanca Protocol standards of treatment. TP is completely consistent, as a matter of international law, with the demand for Palestinian refugee right of return and property restitution vis-à-vis place and homes of origin.

Recommendation 4.2: Maintain open borders and Respect Non-Refoulement

As described in detail in the country sections, all the host states except Turkey have practiced inconsistent and varying policies of admission, entry and stay. All states except Turkey have put measures in place that periodically open or tighten the border crossings; vary the documentary requirements for entry or admission; impose burdensome visa or permit fees or other requirements;

¹²³ *Id.*

¹²⁴ *Id.*; Arab League Resolution 424 (Sept. 14, 1952); Arab League Resolution 714 (Jan. 27, 1954).

¹²⁵ *Casablanca Protocol*, *supra* note 117.

¹²⁶ Arab League Resolution 2600, Mar. 11, 1970, *cited in Temporary Protection*.

¹²⁷ *Temporary Protection*, *supra* note 121, at 21; League of Arab States Council of Resolution 8 (Dec. 15, 1982), *cited in Temporary Protection*.

¹²⁸ *Id.* at 115.

¹²⁹ *Id.*

and detain or otherwise penalize refugees for lack of status. These measures and others either directly or indirectly have resulted in *refoulement* or arbitrary detention coercing refugees to return to Syria.

Particularly problematic is the discriminatory treatment towards Palestinian refugees from Syria. Egypt, Lebanon and Jordan all have imposed discriminatory and harsh measures on Palestinians from Syria. None of these three countries recognize Palestinians as ‘refugees,’ and Egypt does not permit registration of Palestinian refugees by either UNHCR or UNRWA. Most recently, Jordan and Lebanon have declared their borders closed to Palestinians (in the words of the Jordanian king, ‘not one more Palestinian in Jordan.’).¹³⁰ Regardless of how these states refer to Palestinians fleeing Syria, they must keep their borders open to them and allow them some form of status. We strongly recommend a temporary protection status for all Palestinian refugees residing in the country, as well as those fleeing Syria, but at a minimum, all of the MENA host states must respect and fully implement their obligations of *non-refoulement* to persons fleeing Syria—Syrians and Palestinians alike. All UN and non-governmental agencies and civil society actors have been unified in insisting on this, and we join their call.¹³¹

Recommendation 4.3: Formalize Refugee Legislation in each of the Host states

Closely related to the above, and based on the same considerations, we point out that the regional refugee crisis can be seen by the host states as not just a burden, but an opportunity to create comprehensive and harmonious refugee legislation. As Turkey has shown from its movement from *ad hoc* refugee and asylum policy to the comprehensive legislation on refugees and international protection it put in place in 2014, this mass refugee crisis should be the impetus for robust refugee legislation in the ME. A legal framework that implements status—whether temporary or permanent—that also grants basic rights and benefits to refugees and others needing humanitarian protection does not have to be inconsistent with the demand (and rights) of Palestinian refugees to return. Turkey’s 2014 law is a relevant and timely model. Once responsibility-sharing is meaningfully implemented by states outside the region, and significant numbers of refugees are admitted to other states, Egypt, Lebanon and Jordan should have the political capital and space to make the case for temporary and other statuses to be granted to those seeking refuge on their soil.

¹³⁰ Henriette Johansen, *International Communities’ Response to the World’s Largest Refugee Crisis*, MIDDLE EAST MONITOR 13 (Apr. 2014), available at

https://www.middleeastmonitor.com/downloads/reports/20140408_InternationalCommunitiesResponse_web-1.pdf [International Communities’ Response].

¹³¹ *An International Failure: The Syrian Refugee Crisis*, AMNESTY INT’L (Dec. 13, 2013), available at

<http://www.amnesty.org/ar/library/asset/ACT34/001/2013/en/8a376b76-d031-48a6-9588-ed9aee651d52/act340012013en.pdf>; *Iraq/Jordan/Turkey: Syrians Blocked from Fleeing War: Border Closures Leave Thousands Stranded in Dangerous Border Areas*, HUMAN RIGHTS WATCH (June 2013), available at

<http://www.hrw.org/news/2013/07/01/iraqjordanturkey-syrians-blocked-fleeing> [Human Rights Watch: Syrians Blocked from Fleeing War]; Human Rights First, *Statement for the Record of Human Rights First: The Syrian Refugee Crisis before the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights* (Jan. 7, 2014), available at <http://www.humanrightsfirst.org/uploads/pdfs/Statement-for-the-Record-of-Human-Rights-First.pdf>.

Relevant International Law

1951 Convention Relating to the Status of Refugees

The 1951 Convention Relating to the Status of Refugees (CSR51)¹³² is the primary international treaty governing the status and rights of refugees around the world, and incorporates the internationally-accepted definition of ‘refugee.’ The Convention defines a refugee as a person who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.”¹³³ Turkey and Egypt are parties to CSR51, but neither Jordan nor Lebanon are party to the treaty, “and the legal status of asylum seekers and refugees is mostly governed by the countries’ national laws concerning foreign nationals.”¹³⁴ Jordan, Lebanon and Syria have maintained an objection to becoming parties to the 1951 Convention or Protocol for reasons having to do with their position as the main hosts of Palestinian refugees since 1948, as discussed further below.

Non-Refoulement

Non-refoulement is the core obligation of all parties to the CSR51, and refers to the prohibition against returning an asylum-seeker to his or her country of prior residence if doing so would cause an asylum-seeker’s “life or freedom [to be] threatened on account of his race, religion, nationality, [or] membership of a particular social group or political opinion.”¹³⁵ Exceptions to *non-refoulement* are limited to persons who present “a danger to the security of the country in which he is, or . . . a danger to the community of that country”¹³⁶. *Non-refoulement* is also a *jus cogens* norm, and is binding even upon those states that have not ratified the CSR51.¹³⁷

Refugee Status Determination

¹³² CSR51, *supra* note 108; PSR67, *supra* note 108. The 1951 Convention has a companion treaty, the 1967 Protocol Relating to the Status of Refugees, which gave states the option of removing the Convention’s temporal and geographic limitation to post-World War II European refugees. As of the date of this report, 147 states are parties to either the Convention or Protocol, or both.

¹³³ CSR51, *supra* note 108, at Art. 1(A)(2).

¹³⁴ THE SYRIAN DISPLACEMENT CRISIS AND A REGIONAL DEVELOPMENT AND PROTECTION PROGRAMME: MAPPING AND META-ANALYSIS OF EXISTING STUDIES OF COSTS, IMPACTS, AND PROTECTION, 29 (Oxford Refugee Studies Ctr. & Den. Ministry of Foreign Affairs) (Feb. 4, 2014).

¹³⁵ CSR51, *supra* note 108, at Art. 33(1).

¹³⁶ *Id.* at Art. 33(2).

¹³⁷ An obligation is *jus cogens* if it is absolute on all states, whether or not they are party to any particular treaty incorporating the obligation. The obligation of *non-refoulement* appears in varying forms in a wide range of treaties besides the Refugee Convention. *See, e.g.*, 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1465 U.N.T.S. 85 (Dec. 10, 1984) [CAT]. The CAT contains language protecting an individual from *refoulement*, and requires signatory nations to “expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” *Id.* at Art. 3.

The CSR51 requires host states to provide administrative assistance, assessment of status, and identity papers for refugees, all of which imply an obligation to engage in a preliminary refugee status determination procedure, and to ensure that all putative refugees have access to such a procedure.¹³⁸ An individual is not eligible for host country absorption or third country resettlement facilitated by the United Nations High Commissioner for Refugees (UNHCR) unless he or she has undergone refugee status determination.¹³⁹

Right to Work

The CSR51 also requires host states to “accord to refugees lawfully staying in their territory the most favorable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage earning employment.”¹⁴⁰

1967 Protocol Relating to the Status of Refugees

CSR51 confines the refugee definition to individuals who are fleeing a “well-founded fear” due to “events occurring in Europe before 1 January 1951.”¹⁴¹ Signatories to the 1967 Protocol Relating to the Status of Refugees (PSR67)¹⁴² recognize that the sorts of crises that generate refugees would continue to occur after World War II. Accordingly, the PSR67 omits both the temporal and geographical limitations placed on the refugee definition by the CSR51,¹⁴³ broadening the framework protecting individuals affected by conflict.

Organization of African Unity Convention Governing Specific Aspects of Refugee Problems in Africa

The Organization of African Unity’s 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention)¹⁴⁴ expands the refugee definition presented in the CSR51 to include victims of war and other “events seriously disturbing public order.”¹⁴⁵ This “broader definition of ‘refugee’” generally provides “[p]rima facie [refugee] recognition” to asylum-seekers.¹⁴⁶

¹³⁸ CSR51, *supra* note 108, at Arts. 25–2. For a detailed description of the refugee status determination process, whereby an individual’s claims are reviewed to determine whether he or she meets the definition of refugee provided in the CSR51, see UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, HCR/IP/4/Eng/REV.1 (1979), available at <http://www.unhcr.org/3d58e13b4.html>.

¹³⁹ UNHCR, *European Series: NGO manual on international and regional instruments concerning refugees and human rights*, 168 (1998), available at <http://www.unhcr.org/refworld/docid/4ae9acb5d.html>; GUY GOODWIN-GILL, *THE REFUGEE IN INTERNATIONAL LAW*, 51-63 (3rd ed., 2007).

¹⁴⁰ CSR51, *supra* note 108, at Art. 17(1).

¹⁴¹ *Id.* at 1(B)(1).

¹⁴² PSR67, *supra* note 108, 606 U.N.T.S. 267

¹⁴³ *Id.* at Art. 1(2).

¹⁴⁴ 1969 OAU Convention, *supra* note 118.

¹⁴⁵ *Id.* at Art. I(2) (defining a refugee as “every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality”).

¹⁴⁶ Edwards, *supra* note 11, at 605 (calling the *prima facie* recognition “an evidentiary shortcut to recognition of a refugee”).

Like the CSR51, the OAU Convention prohibits *refoulement* of individuals who meet its definition of refugee.¹⁴⁷ Despite expanding the definition of refugee to include victims of generalized violence, the OAU Convention provides for significantly limited social and political rights when compared to the CSR51 and the PSR67.

LEBANON

Refugees in Lebanon: An Overview

As of April 2014, the number of refugees from Syria in Lebanon (“SRL”)¹⁴⁸ exceeds one million,¹⁴⁹ and Lebanon is expected to have received up to a million and a half refugees from Syria by the end of 2014.¹⁵⁰ Comparing these numbers to the size of the population of Lebanon captures the tremendous impact that the Syrian refugee crisis has had on the country: about a quarter of Lebanon’s population comprises people who fled Syria.¹⁵¹ This is a pivotal fact for the international and national response to the refugee population, and one that undeniably shapes Lebanese public perceptions towards SRL. More so than in the case of the other major Syria refugee recipient states, Lebanon faces a difficult trade-off between respecting the legal rights of SRL and avoiding tensions with the competing rights of Lebanese nationals. SRL not only face additional future hardship as a result of their impact on the country as a whole, they also impact the livelihood of an existing vulnerable Lebanese population.¹⁵² UNHCR reports that the influx of Syrian refugees has had a negative impact on Lebanon’s “previously strong economic growth rates”.¹⁵³

Lebanon, along with Jordan and Syria, has hosted the largest proportion of the Palestinian refugee populations since 1948 onwards outside of the Palestinian territories.¹⁵⁴ This pre-existing refugee

¹⁴⁷ 1969 OAU Convention, *supra* note 118, at Art. II(2) (prohibiting the “rejection at the frontier, return or expulsion” of those who meet the criteria of refugee under the Convention).

¹⁴⁸ The acronym “SRL” stands for “Refugees out of Syria in Lebanon.” This designation includes all people whose primary residence was in Syria and who fled Syria and established a temporary residence in Lebanon as a result of the conflict in Syria. The designation covers all nationalities and ethnic groups.

¹⁴⁹ UNHCR, *Syrian Refugee Regional Response Plan: Lebanon*, available at <http://data.unhcr.org/syrianrefugees/country.php?id=122> (last visited June 22, 2014) [*Syrian Refugee Regional Response Plan: Lebanon*].

¹⁵⁰ Patrick Maigua, *Syrian Refugee Population in Lebanon to Reach 1.5 million*, UN MULTIMEDIA (Mar. 18, 2014), available at <http://www.unmultimedia.org/radio/english/2014/03/syrian-refugee-in-lebanon-to-reach-1-5-million/#.U1wpuK1dVQE>.

¹⁵¹ Lebanon has not had an official census since 1932. The World Bank estimates its 2012 population at slightly above 4.4 million. *Lebanon Data*, THE WORLD BANK, available at <http://data.worldbank.org/country/lebanon> (last visited June 22, 2014). The CIA World Factbook for 2014 estimates Lebanon’s 2014 population at 5.8 million. CIA WORLD FACTBOOK, <https://www.cia.gov/library/publications/the-world-factbook/geos/le.html> (last visited June 22, 2014). This renders Lebanon the country with the highest net migration rate in the world, and the highest population growth rate in the world for 2014.

¹⁵² Interview with staff of Frontiers-Ruwad in Beirut, Lebanon (Mar. 18, 2014) [*Frontiers-Ruwad Interview*].

¹⁵³ 2014 UNHCR Country Profile-Lebanon, *supra* note 28. UNHCR states that the significant presence of Syrian refugees in Lebanon has had an effect on the country’s political, economic, and social stability, as well as on the country’s infrastructure and labor market.

¹⁵⁴ *Where We Work*, UNRWA, available at <http://www.unrwa.org/where-we-work> (last visited June 22, 2014).

problem affects every decision made in Lebanon towards current refugee flows, and the SRL are no exception. Primarily because of its history as a main host of the Palestinian refugee population, Lebanon has not—like Jordan and Syria—become a party to the 1951 Refugee Convention or Protocol.¹⁵⁵ Thus, Lebanon has no refugee law *per se*, and its actions towards the refugees from Syria are governed primarily by *ad hoc* policies implemented since the start of the crisis.¹⁵⁶ Its refugee law is based almost entirely on its Memorandum of Understanding with UNHCR, which emphasizes that refugees in Lebanon are not entitled to remain permanently, but must be resettled.¹⁵⁷

Although Lebanon is treating Palestinians from Syria (“PRS”) and Syrian nationals very differently, both groups are facing severe protection gaps due to lack of a clear and formal policy on entry, stay and legal process.¹⁵⁸ One consequence of the Palestinian refugee legacy is the government’s ‘no-camp’ policy, which has led to a crisis in the availability of shelter, and in desperate choices of settlement areas, such as the already overcrowded pre-existing Palestinian refugee camps.¹⁵⁹ In addition, SRL face special problems stemming from the national courts’ frequent failure to observe human rights treaties relevant to the treatment of refugees, despite the fact that Lebanon’s Constitution requires such treaties to take precedence over domestic legislation.¹⁶⁰ Another important aspect of the SRL population is that more than half of the refugees out of Syria in Lebanon are children age eighteen and under.¹⁶¹

The sectarian breakdown of the government in Lebanon is also relevant to the rights of refugees in general and SRL in particular.¹⁶² Hezbollah, the Shiite Muslim party in Lebanon and the strongest political party in the country, despite its relatively small presence in Parliament, has officially taken sides with the Syrian government.¹⁶³ This affects the treatment of Syrian refugees in Lebanon, as most of the Syrian refugees are Sunni Muslim, and thus represents a demographic problem that causes tension for the sectarian balance in the country.¹⁶⁴ In January 2013, Hezbollah “urged Lebanese to welcome refugees regardless of sect or politics.”¹⁶⁵ Nonetheless, August of 2013 saw

¹⁵⁵ 2014 Country Profile-Lebanon, *supra* note 28.

¹⁵⁶ Interview with official at the Ministry of Social Affairs in Beirut, Lebanon (Mar. 19, 2014) [MoSA Interview]. *See also*, *International Communities’ Response*, *supra* note 130.

¹⁵⁷ Interview with Toni Ayrouth, Associate Coordination Officer-Protection; Jasmine Ketabchi, Protection Officer; Rana Ksaifi, Registration Officer; Domenic Tomeh, Liaison Officer; Elisabetta Brumat, Protection Sector Coordinator, UNHCR-Lebanon in Beirut, Lebanon (Mar. 20, 2014) [UNHCR Interview Beirut].

¹⁵⁸ *International Communities’ Response*, *supra* note 156, at 14.

¹⁵⁹ *Id.* at 4-5.

¹⁶⁰ 2014 Country Profile-Lebanon, *supra* note 28.

¹⁶¹ *Syrian Refugee Regional Response Plan: Lebanon*, *supra* note 149.

¹⁶² Interview with Wafa El-Yassir, Country Director-Lebanon, Norwegian People’s Aid, in Beirut, Lebanon (Mar. 19, 2014) [NPA Interview].

¹⁶³ Anne Barnard, *Lebanese Premier Resigns as Syrian War Fuels Sectarian Split*, N.Y. TIMES, Mar. 22, 2013, available at http://www.nytimes.com/2013/03/23/world/middleeast/lebanese-prime-minister-resigns-as-sectarian-tensions-rise.html?_r=0.

¹⁶⁴ Anne Barnard, *Swollen with Syrian Refugees, Lebanon Feels Its Stitching Fray*, N.Y. TIMES, Feb. 23, 2013, available at <http://www.nytimes.com/2013/02/24/world/middleeast/syrian-flood-into-lebanon-stirs-fear-of-looming-disaster.html?pagewanted=all> [Swollen With Syrian Refugees].

¹⁶⁵ *Id.*

multiple kidnappings and other retaliatory attacks on Syrian refugees in response to kidnappings of Lebanese citizens in Syria by armed opposition groups,¹⁶⁶ and recent media on the SRL turnout to vote in Lebanon reported threats and intimidation by Hezbollah to influence voting in favor of Bashar el Assad.¹⁶⁷

Relevant Actors

For a number of years, Lebanon operated without a Council of Ministers, which is the main holder of executive power in the country. Now that a Council of Ministers has been put in place, its status is *pro-tem*, a caretaker government, until parliamentary elections are scheduled towards the end of 2014.¹⁶⁸ In light of this political instability, the state of Lebanon, in stark contrast to Turkey, functions primarily as a coordinator of services and a security gatekeeper.¹⁶⁹ This makes UNHCR and civil society organizations the main parties responsible for protection and assistance towards the refugees, and underscores the importance of well-functioning relationships between governmental agencies and NGOs.

Ministry of Social Affairs

The Ministry of Social Affairs (“MoSA”) coordinates the protection and assistance efforts of NGOs operating in Lebanon and all concerned government ministries and agencies.¹⁷⁰ The Crisis Management Unit within MoSA, founded in March 2013 with 12 permanent staff has been scrambling to organize a number of coordination projects and to adapt MoSA’s Social Development Centers throughout the country to the demands of the SRLs. The Crisis Management Unit employs experts in security, health (crisis medicine), and shelter issues, which roughly correspond to the greatest concerns of the SRL.¹⁷¹ MoSA officials have become firmly embedded in the discussions and problem solving with Lebanese and international civil society, participating in working group meetings and other initiatives.¹⁷² The MoSA and its sub-units may not make important policy changes on their own initiative in the treatment of refugees, or as the Lebanese authorities call them, “displaced persons”

¹⁶⁶ *World Report 2013*, HUMAN RIGHTS WATCH, available at <http://www.hrw.org/world-report/2013/country-chapters/lebanon?page=2>.

¹⁶⁷ Anne Barnard, *Syrians in Lebanon Flood Polling Place, Choosing Assad Out of Fervor or Fear*, N.Y. TIMES, May 28, 2014, available at http://www.nytimes.com/2014/05/29/world/middleeast/syrian-exiles-in-lebanon-vote-in-advance-of-national-ballot.html?_r=0.

¹⁶⁸ See *Lebanon Profile: Leaders*, BBC NEWS, Apr. 4, 2014, available at <http://www.bbc.com/news/world-middle-east-14648681> (reporting that the next parliamentary elections are due to be held in November 2014).

¹⁶⁹ See Michael Kagan, *The UN “Surrogate State” and the Foundation of Refugee Policy in the Middle East*, 18 UC DAVIS J. INTL. L & POL’Y 2 (2014) (quoting from the UNHRC-Lebanon MoU to describe the clear-cut division of labor between UNHCR and the state in Lebanon as follows: “UNHCR provides . . . the necessary assistance to refugees holding temporary circulation permits . . . in order to avoid that those refugees be forced to violate the national laws or constitute a burden on the Lebanese Government”).

¹⁷⁰ MoSA Interview, *supra* note 156.

¹⁷¹ *Id.*

¹⁷² *Id.*; Interview with Dalia Aranki, ICLA Program Manager, Norwegian Refugee Council, in Beirut, Lebanon (Mar. 19, 2014) [NRC Interview].

out of Syria.¹⁷³ Instead, the full Council of Ministers makes the key decisions on SRL-related policies.¹⁷⁴

General Security Office of the Ministry of the Interior

The GSO, among other functions, monitors borders, carries out the admission and regularization of the status of foreigners, and is in charge of detention and deportation.¹⁷⁵ The GSO also has power to issue policy on a discretionary basis relevant to the status of SRL. For example, in June 2013, the GSO issued a circular permitting Syrian nationals temporarily residing in Lebanon to renew their permits without leaving Lebanon.¹⁷⁶ The GSO has over 60 offices across the country, and at each port of entry.¹⁷⁷

UNHCR

The United Nations High Commissioner for Refugees (UNHCR) aids all non-Palestinian refugees in Lebanon. UNHCR is one of eleven UN agencies that collaborate in executing the UNHCR-led Regional Response Plan for Syria.¹⁷⁸ UNHCR has four registration centers in Lebanon.¹⁷⁹ If a particular registrant with UNHCR qualifies for resettlement, UNHCR arranges for a formal RSD interview.¹⁸⁰ UNHCR, along with partner UN agencies, provides basic health and social services to all registrants: targeted food and non-food item assistance as well as targeted cash assistance.¹⁸¹ “Targeted assistance” refers to the provision of certain services only to a portion of the population of registrants determined to be in most dire need.¹⁸² At the start of the crisis, all assistance was “blanket,” or extended to all SRL registrants irrespective of particular vulnerabilities.¹⁸³ In September 2013, UNHCR required a review of all aid provision. As a result, assistance was reduced and targeted

¹⁷³ NRC Interview, *supra* note 172; MoSA Interview, *supra* note 156.

¹⁷⁴ MoSA Interview, *supra* note 156.

¹⁷⁵ The GSO is the government organ that SRLs are most likely to interact with from the moment they cross the border. In addition to the functions enumerated in the text, the GSO is tasked with “preparing the correspondence related to the foreigners’ deportation orders and incidents violating security,” “controlling and facilitating the departure and arrival of the travelers from different nationalities,” and “surveillance of the foreigners on Lebanese territories.” *General Security Office Website: About GS*, GENERAL SECURITY OFFICE WEBSITE, available at <http://www.general-security.gov.lb/About-GS/sub2.aspx> (last visited June 22, 2014). NRC Interview, *supra* note 172 (“Lebanon is issuing deportation or departure orders requesting that people leave the country within a specified period of time (this can differ). People are not being physically deported as far as we know. There have been some physical deportations but not many. The last deportations were in May, 2014, concerning the 43 Palestinian refugees from Syria who were alleged to have forged identity documents.”).

¹⁷⁶ Norwegian Refugee Council, *The Consequences of Limited Legal Status for Syrian Refugees in Lebanon*, NRC Lebanon Field Assessment Part Two: North, Bekaa and South, 12 (Mar. 2014), available at <http://reliefweb.int/sites/reliefweb.int/files/resources/NRC%20Consequences%20of%20Limited%20Legal%20Status%20for%20Syrian%20Refugees%20in%20Lebanon%20April%202014.pdf> [NRC Report March 2014] (reporting on the issue of the circular in question and providing a link to its text in Arabic).

¹⁷⁷ *General Security Office Website*, *supra* note 175.

¹⁷⁸ *Syrian Refugee Regional Response Plan: Lebanon*, *supra* note 149, at 2.

¹⁷⁹ The four centers are scattered around the country: one each in Zahle for the region of Beka’a, in Tyre for the south, in Beirut, and in Tripoli for the north. UNHCR Interview, *supra* note 48.

¹⁸⁰ *Id.*

¹⁸¹ UNHCR Interview, *supra* note 48.

¹⁸² MoSA Interview, *supra* note 156.

¹⁸³ *Id.*

to specific needs. As of the date of interview, UNHCR estimated that approximately 70% of all registrants continued to receive targeted assistance.¹⁸⁴

UNRWA

The United Nations Relief and Works Agency (UNRWA) is responsible for providing aid to Palestinian refugees and for monitoring the government's treatment of PRS in Lebanon.¹⁸⁵ The organization has two main teams of protection officers that cover the five administrative regions within the country, and a total of over 3000 frontline staff across the country.¹⁸⁶ Crucial for the entry of many PRS into Lebanon, UNRWA representatives have been present at the border post with Syria at Masha'a, through which the majority of PRS entered Lebanon.¹⁸⁷ UNRWA border officials not only monitor the numbers of border-crossers, but also intervene and advocate on behalf of individual refugees when border officials engage in discriminatory or unlawful treatment.¹⁸⁸ Prior to the most recent restrictions that the GoL has placed on the entry of PRS, UNRWA staff at the border adopted various approaches to assist arriving Palestinian refugees, such as receiving scanned copies of identity documents from the refugees' relatives residing in Syria, and providing guidance on entry requirements.¹⁸⁹

UNRWA runs twelve camps for PRL and forty schools which are open to both PRL and PRS.¹⁹⁰ In early 2014, UNRWA opened a hotline to receive inquiries from PRS regarding legal status in Lebanon. UNRWA in Lebanon monitors detentions through the hotline and also with its contacts in General Security.¹⁹¹ UNRWA officials claim that the hotline's main impact is dispelling confusion or misperceptions among PRS, rather than necessarily imparting any specific guidance, because of the *ad hoc* nature of the policies in place at any given time.¹⁹²

UNRWA also runs a sexual and gender-based violence ("SGBV") outreach and protection program, a program for persons with disabilities, emergency cash assistance, and a legal aid project.¹⁹³ The majority of UNRWA employees in Lebanon, as in its other fields, are Palestinian refugees, and

¹⁸⁴ *Id.*; NRC Interview, *supra* note 172 (According to NRC, as of March 19 2014 only about 35% of the UNHCR-registered refugee population was receiving some form of shelter assistance).

¹⁸⁵ In this report, we adopt the abbreviations used by UNRWA, "PRS" for Palestinian refugees registered in Syria, and "PRL" for Palestinian refugees registered in Lebanon. UNRWA-Lebanon is in charge of providing services to both groups but it does not change the status of PRS as *registered* with UNRWA-Syria. Interview with a Field Protection Officer and Emily Krehm, OSO Team Leader, UNRWA-Lebanon, in Beirut, Lebanon (Mar. 20, 2014) [UNRWA-Lebanon Interview 2].

¹⁸⁶ UNRWA-Lebanon Interview 2, *supra* note 185.

¹⁸⁷ [UNRWA-Lebanon Interview 1].

¹⁸⁸ *Id.*

¹⁸⁹ UNRWA-Lebanon Interview 2, *supra* note 185.

¹⁹⁰ *Id.*

¹⁹¹ UNRWA-Lebanon Interview 1, *supra* note 187.

¹⁹² *Id.*

¹⁹³ *Id.* Notably, in the fall of 2013, UNRWA was the first organization in Lebanon to introduce ATM card-based cash assistance. Officials there are convinced that donors must move away from direct food and non-food item distribution due to its inefficiencies.

UNRWA relies mostly on its Palestinian refugee staff to carry out its development and protection work.¹⁹⁴ For example, UNRWA is harnessing the potential of PRLs with law degrees from Lebanon to offer counseling to other Palestinians. UNRWA has a long history of lobbying for improvements in PRL's right to work and in improving their livelihoods and camp conditions.¹⁹⁵

NGOs

Non-profit non-governmental organizations can freely form and operate in Lebanon under the Law on Associations inherited from Ottoman times.¹⁹⁶ Fifty-four NGOs operate in Lebanon in connection with the Syrian refugee population under the Regional Response Plan led by UNHCR.¹⁹⁷ The NGOs interviewed for this project reported no government barriers in registering or conducting their activities.¹⁹⁸ While the government recognizes the need to better monitor and coordinate the quality and nature of NGO's services, currently any registered NGO in Lebanon can participate in refugee response activities.¹⁹⁹ This open access to the vulnerable populations is welcome given the scope of the needs, but also presents a challenge: civil society organizations and UN agencies are left to self-monitor to ensure non-duplication of services and that aid responds to actual need. Unfortunately, the government lacks the capacity to assess needs and verify that organizations are doing what they claim to be doing.²⁰⁰

Legal Instruments

2003 Memorandum of Understanding

The Memorandum of Understanding ("MOU") between UNHCR and Lebanon signed in 2003 stipulates that Lebanon is not an asylum country and that the term "asylum seeker" means a "person seeking asylum to a country other than Lebanon."²⁰¹ The MOU lays out UNHCR's responsibilities in

¹⁹⁴ UNRWA-Lebanon Interview 2, *supra* note 185.

¹⁹⁵ *Id.*

¹⁹⁶ An NGO is defined as "a group composed of more than one individual that combines their knowledge and effort in a permanent fashion to achieve a goal which does not include the distribution of profit." NGO LAW MONITOR: LEBANON, available at <http://www.icnl.org/research/monitor/lebanon.html> (last visited June 22, 2014) (citing the Ottoman Law on Associations of 1909 and a 2006 amending decision by the Council of Ministers). NGOs operating in Lebanon must register with either the Ministry of the Interior or the MoSA.

¹⁹⁷ *Syrian Refugee Regional Response Plan: Lebanon*, *supra* note 149.

¹⁹⁸ A list of the key INGO's and NGO's working with refugees in Lebanon is attached as Annex I, and includes the organizations interviewed for this Report.

¹⁹⁹ MoSA Interview, *supra* note 156.

²⁰⁰ *Id.* The field research for this report did not collect specific information on the scope of this issue. It is worth noting, nevertheless, that many of the organizations we interviewed repeatedly raised the concern of the unchecked growth of the "aid industry" in Lebanon. Interview with Dr. Kamel Mohanna, President, Amel Association, in Beirut, Lebanon (Mar. 17, 2014) [Amel Interview]; *Frontiers-Ruwad Interview*, *supra* note 152; Interview with Gabriela Siegel, Protection Officer, Caritas-Lebanon, in Beirut, Lebanon (Mar. 18, 2014) [Caritas-Lebanon Interview]. Whether this phenomenon is a necessary response given the size of the crisis, or a concern that materially and negatively impacts SRLs living in Lebanon is beyond the scope of this report.

²⁰¹ UN High Commissioner for Refugees, *Country Operations Plan: Country: Lebanon*, REFWORLD (2004), available at <http://www.unhcr.org/refworld/pdfid/3fd9c6a14.pdf> [Country Operations Plan 2004]. See also *Frontiers - Ruwad Center (Lebanon), Lebanon-UNHCR Memorandum of Understanding*, 2 (Nov. 2003) (As the preamble to the MOU states, "Lebanon is

supporting the government in providing aid to refugees.²⁰² UNHCR makes all refugee status determinations for non-Palestinian refugees.²⁰³ UNHCR and the Lebanese government reportedly negotiated a revised MOU, which the two parties were planning to sign sometime during 2013. UNHCR projected that a revised MOU would help to partially harmonize Lebanon's domestic legal framework with international standards for asylum seeker reception.²⁰⁴ At the time of writing, the MOU negotiations appear to have ceased.

International Treaties that Inform Refugee Treatment

Lebanon is not a party to the 1951 Refugee Convention ("CSR51")²⁰⁵ or its 1967 Protocol, because it opposes resettlement of Palestinians.²⁰⁶ Lebanon is, however, a party to a number of human rights treaties which incorporate some of the norms expressed in CSR51 and which inform Lebanon's obligations to refugees from Syria: the 1984 Convention Against Torture,²⁰⁷ the 1965 International Convention on the Elimination of All Forms of Racial Discrimination,²⁰⁸ the 1966 International Covenant on Economic, Social and Cultural Rights,²⁰⁹ the 1989 Convention on the Rights of the Child,²¹⁰ and the Arab Charter of Human Rights.²¹¹

Additionally, Lebanon is a party to the 1966 International Covenant on Civil and Political Rights, which requires in Article 9 that any person arrested must be informed of the reasons for the arrest and the charges at the time the arrest takes place.²¹² Freedom from arbitrary detention is based on this provision and is a norm of customary international law.²¹³ Lebanon is also party to the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, which requires the

not an asylum country and the only viable durable solution for refugees recognized under the mandate of UNHCR is the resettlement in a third country"), available at http://www.frontiersruwad.org/pdf/FR_Public_Statement_MOU_Nov_2003.pdf.

²⁰² *Country Operations Plan 2004*, *supra* note 201.

²⁰³ *World Refugee Survey 2009: Lebanon*, U.S. COMM. FOR REFUGEES AND IMMIGRANTS (2009), available at <http://www.refugees.org/resources/refugee-warehousing/archived-world-refugee-surveys/2009-wrs-country-updates/lebanon.html> (last visited July 24, 2014) [*World Refugee Survey 2009: Lebanon*].

²⁰⁴ *2014 Country Profile - Lebanon*, *supra* note 28.

²⁰⁵ *CSR51*, *supra* note 108.

²⁰⁶ *PSR67*, *supra* note 108. During the drafting of the CSR51, the Lebanese UN delegate stated that Lebanon opposed the adoption of a binding commitment to formal admission of refugees, primarily because of the burden the country was then experiencing from the influx of Palestinian refugees. Convention relating to the Status of Refugees art. 18, July 28, 1951, 189 U.N.T.S. 137, available at <http://www.unhcr.org/4ca34be29.pdf>. "The Ministry. . . wishes to emphasize generally that Lebanon, a country which is already quite densely populated, and which for a number of years has shown the greatest liberality and hospitality towards the Palestine refugee, could not safely afford to increase her undertakings in this direction. This hesitation applies particularly to certain provisions of the Draft Convention which it is feared might give certain undesirables access to Lebanese territory or asylum there."

²⁰⁷ *Convention Against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, Oct. 5, 2000, 1465 U.N.T.S. 85.

²⁰⁸ *International Convention on the Elimination of All Forms of Racial Discrimination*, Nov. 12, 1971, 660 U.N.T.S. 195.

²⁰⁹ *International Covenant on Economic, Social and Cultural Rights*, Nov. 3, 1972, 993 U.N.T.S. 3.

²¹⁰ *Convention on the Rights of the Child*, May 14, 1991, 1577 U.N.T.S. 3.

²¹¹ *Arab Charter*, *supra* note 117 (entered into force Mar. 15, 2008).

²¹² See *International Covenant on Civil and Political Rights* art. 9, Nov. 3, 1972, 999 U.N.T.S. 171 [*ICCPR*] ("Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him").

²¹³ *Rule 99: Deprivation of Liberty*, ICRC, available at http://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter32_rule99 (last visited June 22, 2014).

state to take measures, including legislation, to ensure the suppression of trafficking and prostitution of women.²¹⁴

1994 Bilateral Agreement with Syria

A bilateral agreement between Lebanon and Syria which has been in force since 1994 governs the status of and procedures concerning the entry of Syrian nationals in Lebanon.²¹⁵ Under the agreement, nationals from each country can enter the other visa-free, showing only their national identification card, instead of a passport.²¹⁶ This bilateral agreement remains the basis of Syrian nationals' treatment in Lebanon, as discussed below.

Policies and Asylum Procedure

National Legislation related to refugees and asylum-seekers

Lebanon does not have a comprehensive domestic legal framework to guide authorities' treatment of refugees, and does not make a legal distinction between SRL and other types of immigrants.²¹⁷

Refugees and all other foreigners in Lebanon fall under the Law Regulating the Entry, Stay, and Exit from Lebanon passed in 1962.²¹⁸ In the absence of any official written policy, the 1962 Entry and Exit Law has some limited reference on forcible returns and acknowledges the obligation of *non-refoulement*. Article 26 of the law states that “[a]ny foreign national who is the subject of a prosecution or a conviction by an authority that is not Lebanese for a political crime or whose life or freedom is threatened, also for political reasons, may request political asylum in Lebanon.”²¹⁹ Article 31 states that when a political refugee is deported from Lebanon, he or she will not be returned to a country in which “his or her life or freedom is threatened.”²²⁰ Furthermore, the Lebanese government recognizes that individuals registered with UNHCR shall not be returned to the countries from which they fled.²²¹ These provisions have a limited effect because the GoL has asserted that the Syrian refugee crisis is not governed by the law, but by unpublished Council of Ministers’

²¹⁴ Convention on the Elimination of All Forms of Discrimination Against Women, art. 6, Apr. 16, 1997, 1249 U.N.T.S. 13 (“States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”).

²¹⁵ Anna Di Bartolomeo, Tamirace Fakhoury and Delphine Perrin, *Migration Profile: Lebanon*, CARIM 3 (Jan. 2010), available at http://www.carim.org/public/migrationprofiles/MP_Lebanon_EN.pdf [*Lebanon Migration Profile*].

²¹⁶ UNHCR-Lebanon Interview, *supra* note 224.

²¹⁷ Even before the Syrian Refugee Crisis, migrants' rights in Lebanon were wrought with controversy. See *Lebanon Migration Profile*, *supra* note 215, at 3 (“Since this multi-confessional country is based on a fragile political balance, [migration] issues are considered as potential sources of instability and susceptible to be politically manipulated. In the absence of consensus, regulation usually appears in an *ad hoc*, opportunist and executive/administrative manner: not as legislation”).

²¹⁸ Loi réglementant l'entrée et le séjour des étrangers au Liban ainsi que leur sortie de ce pays [Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country], Bulletin de Législation Libanaise (Official Gazette), No. 28-1962, entered into force July 10, 1962, art. 26. The authority to grant asylum rests with a committee consisting of the Minister of Interior, the Directors of the Ministries of Justice and of Foreign Affairs, and the Director of General Security. *Id.* at art. 27.

²¹⁹ National Authorities, *Lebanon: Order No. 319 Regulating the Status of Foreign Nationals in Lebanon* (Aug. 2, 1962), available at <http://www.unhcr.org/refworld/pdfid/4c3c630f2.pdf>.

²²⁰ *Id.*

²²¹ *World Refugee Survey 2009: Lebanon*, *supra* note 203.

decisions.²²² Nevertheless, these provisions reflect Lebanon's long-standing and documented commitment to a certain scope of the right of *non-refoulement*.

However, rights and obligations relevant to refugees and migrants are also governed by various provisions scattered in other parts of Lebanese legislation. The greatest restrictions imposed upon foreigners relate to their ability to work or own property, which are rigidly and explicitly controlled.²²³ PRLs who have lived in Lebanon for decades or were born there are still treated as foreigners with extremely limited rights to work and social security.²²⁴ Despite intensive external pressure to regularize and normalize the status of PRLs, there has been very limited progress on this front. For instance, in 2010, Lebanon passed a law eliminating the requirement that PRLs pay a fee to get a work permit and permitting PRL access to certain professions.²²⁵ Although four years have passed since its enactment, the law remains unimplemented.²²⁶ Legislation relevant to PRLs merits discussion here because it highlights the lack of political and social will to formalize the rights of long-term migrants in Lebanon.

Also relevant to the general legal landscape of migrant rights in Lebanon is the 2001 law prohibiting Palestinians from owning real property in Lebanon, and placing significant restrictions on all foreign nationals' ability to acquire real estate.²²⁷ While there has been sustained internal and external criticism of the negative consequences of the arbitrary rights of PRLs and other migrants, severe internal public pressure against expanding the rights of Palestinians in Lebanon has meant that there has been little room for positive change.²²⁸

Lebanese Refugee Policy: Entry

²²² MoSA Interview, *supra* note 156.

²²³ See Migration Policy Center, *Migration Facts: Lebanon* (Apr. 2013), available at http://www.migrationpolicycentre.eu/docs/fact_sheets/Factsheet%20Lebanon.pdf. The fact sheet lists a number of legislative texts that govern employment and restrict foreigners' right to access certain professions: By-Law No. 17561 of 18 September 1964 (regulating the work of foreigners in Lebanon and its amendment); Decision No. 621/1 in 1995 on occupations reserved to Lebanese nationals).

²²⁴ *Id.*

²²⁵ Law No. 129 of 24 August 2010 amending article 59 of the Labour Code of 23 September 1946 (revoking major obstacles to PRLs' access to work in Lebanon, including the need for Palestinians to pay a fee to get a work permit, and the need for the nation of the work permit applicant to grant reciprocal rights to Lebanese workers); Henriette Johansen, *Narrow Scope for Palestinian Rights in Lebanon*, MIDDLE EAST MONITOR (Mar. 2014), available at <https://www.middleeastmonitor.com/resources/reports-and-publications/10324-narrow-scope-for-palestinian-rights-in-lebanon> (pointing out that as of March 2014, the 2010 labor law amendments have yet to be implemented by an official decree from the Labor ministry) [*Narrow Scope for Palestinian Rights in Lebanon*].

²²⁶ *Id.*

²²⁷ Caritas-Lebanon Interview, *supra* note 200. See also Jaber Suleiman, *Marginalized Community: The Case of Palestinian Refugees in Lebanon* 18-19 (Apr. 2006), available at <http://r4d.dfid.gov.uk/pdf/outputs/migrationglobpov/jaberedited.pdf>.

²²⁸ See, e.g., Jaber Suleiman, *Legal Issues Governing Palestinians Right to Work and Social Security, Briefing Note for the Lebanese-Palestine Dialog Committee* 3 (Apr. 2008), available at <http://www.lpdc.gov.lb/getattachment/db385197-c82e-478c-bd72-e08d0e6c9748/Legal-Issues-Governing-Palestinians%E2%80%99-Right-to-Work.aspx> (arguing that "legislations in Lebanon should be reconciled with international instruments" and that "solid criteria" must be established in Lebanese law to distinguish long-standing PRLs from other foreigners and grant them greater rights, including a full right to work).

Lebanon officially maintained an open-border policy from the start of the crisis,²²⁹ even though the influx of SRL could create a significant strain on Lebanon's society, economy and infrastructure.²³⁰ Local administrators and government agencies have increasingly engaged in inconsistent and restrictive application of the official open border policy,²³¹ and within the last few months, that policy has been revoked for Palestinians.

The Ministry of the Interior's General Security Office ("GSO") controls all entry points on the border into Lebanon, and has wide discretion to designate procedures for the treatment of SRLs.²³² As the number of PRS seeking refuge in Lebanon continued to increase, admission of PRS at the border have been subject to various *ad hoc* changes and discretionary applications over time. In August 2013, without the proclamation of any new policy, the border authorities started enforcing new conditions of entry for PRS.²³³ Since then, PRS fleeing Syria could enter Lebanon, but only under limited circumstances, such as having a scheduled doctor's appointment, a scheduled and documented interview at a foreign country's embassy, or having documentation showing the presence of a Lebanese spouse or a mother residing in Lebanon.²³⁴ The practice was plagued by arbitrary delays and refusals of entry by GSO officials.²³⁵ UNRWA sought to monitor and intervene to prevent arbitrary denials of entry by placing observers at the border crossings with the highest traffic.²³⁶ Finally, in April 2014, the Lebanese government completely closed the border to Palestinians from Syria.²³⁷

Protection Gaps

Registration Generally

In Lebanon, "registration" refers to the procedure carried out by UNHCR or UNRWA upon SRLs' first encounter with UNHCR or UNRWA. In the case of PRS, those who have been able to enter are merely

²²⁹ 2014 Country Profile-Lebanon, *supra* note 28.

²³⁰ According to the Lebanese government's estimate, there are one million Syrian refugees in Lebanon (both registered and not registered), a country with a total population (including refugees) of four million people. F.T., *And They Still Come*, THE ECONOMIST (Mar. 27, 2013), available at <http://www.economist.com/blogs/pomegranate/2013/03/syrian-refugees-lebanon>. Any discrepancies between government and UNHCR estimates of the total number of SRL is likely due to the fact that UNHCR's headcount is based on the number of SRL who register with the Agency. The GoL's data, on the other hand, includes all SRL that legally cross the border, and those who later on come into contact with the authorities when seeking to regularize their legal status. See MoSA Interview, *supra* note 156.

²³¹ UNHCR-Lebanon Interview, *supra* note 216; NRC Interview, *supra* note 172; Caritas-Lebanon Interview, *supra* note 200.

²³² *Id.*; General Security Office Website, GENERAL SECURITY OFFICE, available at <http://www.general-security.gov.lb/> (last visited May 2, 2014).

²³³ UNRWA-Lebanon Interview 2, *supra* note 185.

²³⁴ *Id.*

²³⁵ *Id.*

²³⁶ *Id.* One tactic reported by UNRWA is the presence by an UNRWA staff equipped with a smart phone capable of receiving scanned photos of documents from PRS relatives within Lebanon.

²³⁷ Lebanon: Palestinians Barred, Sent to Syria, HUMAN RIGHTS WATCH (May 6, 2014), available at <http://www.hrw.org/news/2014/05/05/lebanon-palestinians-barred-sent-syria> [Lebanon: Palestinians Barred].

recorded as assistance recipients by UNRWA, but not registered.²³⁸ This ensures that PRS remain registered with UNRWA-Syria, but their assistance needs as displaced persons in Lebanon are covered by UNRWA-Lebanon.²³⁹ For Syrian nationals, UNHCR performs an initial registration, inquiring about basic protection and assistance needs, and then provides each Syrian national with a UNHCR certificate of registration, which provides access to basic services.²⁴⁰ The brief registration procedure is not an interview for refugee status determination *per se*, though it identifies unaccompanied minors, chronically ill persons, elderly and disabled, as well as female-headed households. In the case of families with one PRS spouse and one Syrian national spouse, UNHCR registers the whole family for assistance, but only the Syrian national spouse is issued an UNHCR certificate. The UNHCR certificate of registration is not recognition of status as an asylum seeker, but is a pre-requisite for further assessments of protection needs by UNHCR. Candidates for temporary and permanent resettlement are identified from among SRLs registered with UNHCR.²⁴¹

Temporary Residence Permits

The Bilateral Agreement between Lebanon and Syria from 1994 governs the issuance of temporary residence permits for nationals of Syria entering Lebanon. Under the terms of this Agreement, upon entering Lebanon Syrian nationals possessing valid identification receive a free residence permit, in the form of a stamp, valid for six months.²⁴² This residence permit may be renewed at no charge for another six months. After holding such residence permit for a year, Syrian nationals have two options for extending their stay in Lebanon.²⁴³ First, they can return to Syria for a minimum of 24 hours, then reenter Lebanon, and apply for a new residence permit free of charge. This was the default option contemplated by the Bilateral Agreement at the time of its signing. Since the beginning of the conflict in Syria, security considerations have made returning to Syria a highly risky proposition for most SRLs.²⁴⁴ As a result, the GoL has permitted Syrians to extend their permits *without* leaving Lebanon, but for a fee of US \$200 per person.²⁴⁵ The effects of the financial burden this fee places on SRLs is analyzed below, in ‘Gaps in Protection.’

PRS reside in Lebanon under a distinct regime. When they were still able to enter, restrictions for PRS began before leaving Syria: PRS must obtain a departure permit from Damascus in order to

²³⁸ Interview with Ann Dismorr, Director, UNRWA-Lebanon, in Beirut, Lebanon (Mar. 20, 2014) [UNRWA-Lebanon Interview 1].

²³⁹ *Id.* In addition to having an interview at an embassy, a doctor’s appointment, or a Lebanese/PRL mother or spouse, PRS can obtain entry into Lebanon if they can show: (1) a valid visa for a third country and a valid plane ticket, for a flight departing within three days; (3) proof of enrollment in a Lebanese university..

²⁴⁰ UNHCR-Lebanon Interview, *supra* note 216.

²⁴¹ *Id.*

²⁴² *Id.* Valid identification includes a national identity card or a passport. There are five formal border-crossing points between Syria and Lebanon. Roger Zetter, H elo ise Ruadel, Sarah Deardorff-Miller et al., Danish International Dev’t Assistance, *Syrian Displacement Crisis*, *supra* note 134.

²⁴³ *Id.*; MoSA Interview, *supra* note 156; NRC Interview, *supra* note 172; Caritas-Lebanon Interview, *supra* note 200.

²⁴⁴ *Id.*

²⁴⁵ The US \$200 fee does not apply to anyone under the age of 15. *Id.*

legally leave the country.²⁴⁶ Having secured this permit and gained access to Lebanon, PRS would receive a transit visa stamp at the border, costing approximately US \$12 and valid for two weeks.²⁴⁷ After the transit visa expired, PRS could obtain a short-term residence permit valid for 3 months and renewable for up to a year at no charge. Initially, the GoL set the fee associated with the short-term residency permit at about US \$33, but in early 2014 it was decided that the fee could be waived.²⁴⁸ At the end of one year of residence in Lebanon, PRS were subject to the same renewal fees as Syrian nationals—US \$200 per person for one year.²⁴⁹ PRS who were detained and PRS applying for a visa who could not afford the visa renewal fee received a slip stating that they had made an application for visa renewal.²⁵⁰ They could also get a certified copy of their documents. Refugees from Syria, under the age of 15 can renew their visa after one year stay for free.²⁵¹ As indicated above, unwritten restrictions on the entry of PRS into Lebanon significantly limited the number of PRS who could obtain such permits even before the formal denial of entry of PRS to Lebanon.²⁵²

The above relates to residence permits only for people who enter Lebanon with valid identification and through formal border crossings. There are, however, two other groups of SRL. First are the SRL in possession of valid identification but entering without border inspection because they were unable to pay the exit fees or for any other reason.²⁵³ These people could submit a “petition for mercy” with the authorities and pay a penalty of over US \$600 per person over age 15 to try to regularize their status.²⁵⁴ The success of such petition is entirely uncertain, as there are no policies or guidelines for the exercise of discretion by the GSO, and applicants cannot be represented by counsel in their proceedings.²⁵⁵ Second are those who do not possess any official identification, and their situation is even less clear. Despite the 2003 MOU between Lebanon and UNHCR, which requires the issuance of temporary residence permits to *all* individuals seeking protection, the GoL does not issue residence permits to people without personal identification.²⁵⁶ The temporary permits were meant to allow an asylum seeker to stay in Lebanon, typically for a period of three months, while UNHCR reviewed the individual’s asylum claim. If the individual were found to be eligible for asylum, his or

²⁴⁶ UNRWA-Lebanon Interview 1, *supra* note 238. It is worth noting that 90% of PRS reside at or near Damascus. *Id.*

²⁴⁷ *Id.*; UNRWA-Lebanon Interview 2, *supra* note 187.

²⁴⁸ *Id.*

²⁴⁹ NRC Report March 2014, *supra* note 176, at 5.

²⁵⁰ UNRWA-Lebanon Interview 1, *supra* note 187.

²⁵¹ *Id.* This applied to PRS under 15, as well, although with the new bar to entry of PRS, it is unclear whether minors will be able to renew their visas.

²⁵² UNRWA Interview 2, *supra* note 185; *Denied Refuge: Palestinians From Syria Seeking Safety in Lebanon*, AMNESTY INT’L (July 1, 2014), available at <http://www.amnesty.org/en/library/asset/MDE18/002/2014/en/902e1caa-9690-453e-a756-5f10d7f39fce/mde180022014en.pdf>.

²⁵³ *Id.* The fees apply to both Syrian nationals and PRS and are reported to be around 12,000 Syrian pounds per person.

²⁵⁴ NRC Report March 2014, *supra* note 176, at 7 (reporting that approval of the “petition for mercy,” *Talab Istirham* in Arabic, is at the discretion of the General Security Office, and that the procedures for approving it are unknown).

²⁵⁵ *Id.* UNHCR-Lebanon Interview, *supra* note 224.

²⁵⁶ *County Operations Plan-Lebanon 2004*, *supra* note 28.

her residency permit would be extended to a six-to-nine month stay while UNHCR attempted to find a third country in which the individual could resettle.²⁵⁷

There is no official change in the above policies to date, leaving the vast majority of SRLs in an increasingly vulnerable condition as their statuses lapse. It is worth noting, however, that even before the start of the crisis, in 2008, of the 156 requests for temporary residence permits, only one was granted.²⁵⁸ Other than temporary residence permits, non-Palestinian refugees are typically not afforded travel documents by the Lebanese government, except for purposes of resettlement.²⁵⁹

Durable Solutions and Access to Status Determination

Because Lebanon's law does not incorporate CSR51, refugees do not have a path to asylum, and are very rarely allowed to permanently settle in Lebanon.²⁶⁰ The 2003 MOU between Lebanon and UNHCR grants refugees registered with UNHCR a temporary "circulation permit,"²⁶¹ valid for up to a year, during which time UNHCR is expected to resettle the refugee to a third country.²⁶² Instead of a circulation permit, Syrian nationals entering Lebanon obtain the temporary residence permit discussed earlier, which must be renewed annually for the considerable fee of US \$200. Beyond the costly renewal of temporary residence permits, SRLs may, in theory, obtain permanent residence in Lebanon if they meet any one of very limited criteria applicable to foreigners, which can rarely be fulfilled.²⁶³

Two forms of durable solutions are available to SRL at present: resettlement and repatriation. Neither, however, is a realistic option for the majority of the refugees. While return to Syria is likely the preferred option for most SRL, the continuing deterioration of the security situation in Syria forecloses it for the time being. Despite the repeated appeals of UNHCR and the Lebanese authorities to step up resettlement to third countries, resettlement initiatives are inadequate for the current

²⁵⁷ *Id.*

²⁵⁸ *World Refugee Survey 2009: Lebanon*, *supra* note 203.

²⁵⁹ *Id.*

²⁶⁰ *Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon*, HUMAN RIGHTS WATCH, 16-17 (Nov. 2007), available at <http://www.hrw.org/sites/default/files/reports/lebanon1207.pdf>; Jaber Suleiman, *Marginalized Community: The Case of Palestinian Refugees in Lebanon*, Dev. Res. Ctr. on Migration, Univ. of Sussex (Apr. 2006), <http://r4d.dfid.gov.uk/pdf/outputs/migrationlobpov/jaberedited.pdf>.

²⁶¹ A residence permit allows a foreigner to move freely in Lebanon. See *Letter to Lebanese Government Voicing Concern Over Migrant and Refugee Arbitrary Detentions*, HUMAN RIGHTS WATCH (Feb. 24, 2010), available at <http://www.hrw.org/news/2010/02/24/letter-lebanese-government-voicing-concern-over-migrant-migrant-and-refugee-arbitrar>.

²⁶² Leila Hilal & Dr. Shahira Samy, *Asylum and Migration in the Mashrek, Asylum and Migration Country Fact Sheet: LEBANON*, available at <http://mawgeng.unblog.fr/files/2009/11/factsheetlebanonen.pdf>.

²⁶³ The GSO website lists different possible bases for obtaining permanent residence permit in Lebanon: (1) being of Lebanese origin; (2) being the spouse of a Lebanese citizen, (3) being the child of a Lebanese woman; (5) having an income of at least five million Lebanese pounds a month, and signing a notarized declaration that the applicant will not be employed in Lebanon; (6) being an employee of embassies or international organizations in Lebanon; and (7) being an "Arab or foreign investor." *General Security Office Website: Residency in Lebanon*, GENERAL SECURITY OFFICE, available at http://www.general-security.gov.lb/residency_in_leb/sub2.aspx (last visited June 22, 2014).

numbers.²⁶⁴ Germany, Norway, Canada, and fourteen other countries have launched resettlement programs for a maximum of several thousand humanitarian refugees.²⁶⁵ The resettlement spots are reevaluated on an annual basis, and UNHCR, along with the relevant national authorities of the recipient states, administers the selection of SRL.²⁶⁶

By far the biggest gap in the protection of SRL is their uncertain and time-limited legal status.²⁶⁷ Legal status encompasses a SRL's initial classification and the rights it affords; personal identification status; and the ability to record births, marriages, and other major events. As discussed above, GoL officially terms the SRL "displaced" individuals and allows them to enter Lebanon under the conditions of the 1994 Agreement with Syria. Thus, at least on paper, SRL are still treated as Syrian nationals were before the beginning of the conflict. The absence of a formalized policy of protection makes the application of *non-refoulement* highly ambiguous as the GoL does not legally recognize the Syrians as refugees in need of protection.

One aspect of this gap in protection is the discriminatory treatment of PRS as compared to Syrian nationals. In effect, PRS were, from the start, under greater threat of *refoulement* because their entry to Lebanon was subject to a number of restrictions, including a visa fee, the need to obtain a departure permit from Damascus (and thus, the need to travel to Damascus if one is to enter Lebanon through an official border crossing), and informal entry restrictions instituted by the GSO in August 2013. The most recent closing of the border to PRS on May 8, 2014, means *refoulement* is now part of state policy.²⁶⁸ Further, even though the GoL has assured UNHCR and UNRWA that there would be no criminal sanctions or deportations for expired residence permits, it is impossible to confirm such assurance or hold the GoL to this promise.²⁶⁹ In fact, days after completing the interviews for this

²⁶⁴ MoSA Interview, *supra* note 156 (In 2014, German Temporary Humanitarian Assistance Program's planned figure is 5,000 regionally (around 1,800 from Lebanon. The Aspirational target is 5,000 for Lebanon. So far, quotas have been confirmed for about 2,500 persons, but the quotas are being updated continuously.). *An International Failure: The Syrian Refugee Crisis*, AMNESTY INT'L 13 (Dec. 13, 2013) (listing pledges for resettlement totaling 15,244 spots that were made in 2013 by the following countries: Australia, Austria, Canada, Finland, France, Germany, Hungary, Ireland, Lichtenstein, Luxembourg, Moldova, Netherlands, Norway, Spain, Sweden, Switzerland, and the USA, whose contribution to the total number is unknown). The commitments refer to resettlement of Syrian refugees from across Syria's neighbors, not just from Lebanon.

²⁶⁵ *Id.*

²⁶⁶ UNHCR Berlin, *Temporary Humanitarian Admission Programme for Syrian Refugees (THAP): Notes and Information on How to Register an Interest in the Admission of Relatives in the Framework of the Humanitarian Admission Programme for Syrian Refugees*, 2 (June 2013), http://www.unhcr.de/fileadmin/user_upload/dokumente/02_unhcr/thap2013e.pdf [hereinafter THAP Germany 2014] (highlighting that the program focuses on Lebanon and takes precautions to avoid creating pull factors towards Lebanon by only accepting Syrian refugees already registered with UNHCR-Lebanon); *Frontiers-Ruwad Interview*, *supra* note 152.

²⁶⁷ All parties interviewed in connection with this report shared the opinion that legal status is the primary protection concern facing SRLs. A number of reports in Lebanon have previously identified the major consequences of having no defined legal status for SRL. See, e.g., Roger Zetter, Héloïse Ruadel, Sarah Deardorff-Miller et al., Danish International Dev't Assistance, *The Syrian displacement crisis and a Regional Development and Protection Programme: Mapping and Meta-analysis of Existing Studies of Costs, Impacts and Protection*30 (Feb. 2014), available at <http://www.alnap.org/resource/10679>; NRC Report March 2014, *supra* note 176.

²⁶⁸ *Syria Refugee Crisis Pushing Lebanon to Take Concerning Steps, Aid Agencies Warn*, INT'L RESCUE COMM. (June, 2014), available at <http://www.rescue.org/press-releases/syria-refugee-crisis-pushing-lebanon-take-concerning-steps-aid-agencies-warn-20115>; *PRS in Lebanon*, UNRWA, available at <http://www.unrwa.org/prs-lebanon>.

²⁶⁹ UNRWA-Lebanon Interview 2, *supra* note 38; UNHCR-Lebanon Interview, *supra* note 224.

report in Lebanon, and despite the general commitment not to deport SRL, the government barred PRS from entering Lebanon and reportedly sent some back to Syria.²⁷⁰

As of March 2014, the GoL estimates that almost half a million (or, effectively, about 50%) of the SRL population currently has expired residence permits.²⁷¹ This estimate underscores the futility of the permit policy; if most people cannot afford to pay the renewal fee and choose to re-enter Lebanon or reside without valid permits, then the fee serves no useful purpose. It only acts as a means of exercising control and instilling fear in SRL.²⁷² Expired residence permits create a range of protection and security concerns. The Norwegian Refugee Council conducted a study on the effects of limited legal status on SRL in the border areas of Lebanon, and concluded that an overwhelming majority of SRL with expired permits fear leaving their shelters because of the possibility of being arrested at a checkpoint.²⁷³ Lack of valid status severely limits refugees' freedom of movement, puts them at risk of detention, limits their access to work, sows distrust in Lebanese authorities, and prevents recourse to the police in cases of need.²⁷⁴ In addition, the majority of interviewed SRL cited limited access to social and health services as a secondary effect of their limited freedom of movement.²⁷⁵

Most SRL arrive in Lebanon with valid personal identity documents.²⁷⁶ The few SRL who are forced to cross the border without such documents and who may not, under the current policy, obtain any form of legal registration as displaced persons, suffer added risks associated with no legal status in Lebanon.²⁷⁷ SRL lacking valid residence permits may not obtain birth or marriage registration in Lebanon, which in some cases could result in statelessness, especially if the conflict in Syria is substantially prolonged.²⁷⁸ Negative coping mechanisms as a result of the limited legal status of SRL include child labor (often as a consequence of parents being afraid to leave home and the perception

²⁷⁰ *Lebanon: Palestinians Barred*, *supra* note 237.

²⁷¹ MoSA Interview, *supra* note 156.

²⁷² The authors obtained no official GoL information on administrative costs associated with permit renewal that could potentially justify the US \$200 fee. There have been claims that the government has begun to waive the renewal fee, but as of the time of this writing, this was unconfirmed.

²⁷³ NRC Report March 2014, *supra* note 176, at 9, 10, 11 (surveying the legal status of 1256 SRL in two regions with the most dense SRL population and finding that 73% report limited freedom of movement as a main negative consequence of limited legal status in Lebanon).

²⁷⁴ *Id.* at 15-19.

²⁷⁵ *Id.*

²⁷⁶ UNHCR-Lebanon Interview, *supra* note 224 (emphasizing that Syrian nationals in general rarely arrive undocumented, in part because generous social policies created incentives for obtaining and maintaining personal identification documents in Syria).

²⁷⁷ NRC Interview, *supra* note 172; Frontiers-Ruwad Interview, *supra* note 152; UNHCR-Lebanon Interview, *supra* note 224.

²⁷⁸ *Id.* ("Some couples get married before coming to Lebanon and do not register their marriage in Syria before leaving. Other couples marry in Lebanon but through unauthorized Sheikhs, then resulting in difficulties registering the marriage. The issues often comes up when couples are then trying to register the birth of their baby and they cannot because they have not registered their marriage."); Information, Counselling and Legal Assistance Programme, NRC Lebanon, *Update on Marriage Registration for Refugees from Syria: Understanding the Procedures and Identifying the Challenges Faced by Refugees When Registering Marriages in Lebanon*, NORWEGIAN REFUGEE COUNCIL 9-12 (June 2014). Also Frontiers-Ruwad Interview, *supra* note 152.

that children are less likely to be arrested); the use of others' documents at checkpoints; and the purchase of fraudulent documents.²⁷⁹

Non-Refoulement and Arbitrary Detention

In August 2012, Lebanon deported fourteen Syrian refugees.²⁸⁰ In September 2013, Lebanon's prime minister called for the deportation of a large number of Syrian refugees.²⁸¹ More recently, however, there does not appear to be evidence of *refoulement* back to Syria of SRLs, even if they are caught with expired visas and residence permits, or if deportation orders have been issued against them.²⁸² Both UNHCR and UNRWA reported receiving assurances that the GoL will not engage in forced returns of SRLs. Despite the assurances, as recognized by one official at the Ministry of Social Affairs, the practice of not returning SRLs and not arresting them for lapsed residence permits remains at the discretion of the government, which could change at any time. The 1962 law on Entry and Exit from Lebanon contemplates penalties and deportation for lack of status. Article 32 of that law allows the assessment of criminal charges and penalties against individuals entering Lebanon without authorization, regardless of whether those individuals are asylum seekers.²⁸³

With the new restrictions on Palestinians' entry to Lebanon, PRS now face certain *refoulement*, whether at the border or after entry if they encounter government officials. The GoL's policy of charging a permit renewal fee to refugees from Syria, which most are unable to pay, forces many SRL to remain in Lebanon illegally or be forced to return to Syria.²⁸⁴ As indicated above, the NRC reported the removal of 43 Palestinian refugees back to Syria in May 2014.

Lebanon does not employ a uniform standard regarding detention of individuals who illegally enter the country.²⁸⁵ However, Lebanon has a history of arbitrarily detaining refugees and others for immigration violations.²⁸⁶ In 2013, Lebanon had only one detention facility that was dedicated solely to housing immigrants; detained immigrants who were not housed in the dedicated facility were housed in regular prisons.²⁸⁷ Human Rights Watch has reported recent incidents of torture and

²⁷⁹ NRC Report March 2014, *supra* note 176, at 21.

²⁸⁰ Bill Frelick, *Fleeing Syria: Insights on Lebanon's Open Border*, GLOBAL POST, Mar. 24, 2013, available at <http://www.globalpost.com/dispatches/globalpost-blogs/commentary/fleeing-syria-refugee-crisis-Lebanon-conflict-zones-political-risk-diplomacy-aid#1> [*Fleeing Syria*].

²⁸¹ F Wire, *Lebanese Minister Calls for Deporting Syrian Refugees*, FIRSTPOST, Sep. 28, 2013, <http://www.firstpost.com/fwire/lebanese-minister-calls-for-deporting-syrian-refugees-1139137.html>.

²⁸² UNHCR-Lebanon interview, *supra* note 224; MoSA interview, *supra* note 156.

²⁸³ *Lebanon Detention Profile*, GLOBAL DET. PROJECT (2013), available at <http://www.globaldetentionproject.org/countries/middle-east/lebanon/introduction.html> [*Lebanon Detention Profile*].

²⁸⁴ *Lebanon: Denied Refuge: Palestinians from Syria Seeking Safety in Lebanon*, AMNESTY INT'L (July 1, 2014), available at <http://www.amnesty.org/en/library/info/MDE18/002/2014/en>.

²⁸⁵ *Lebanon Detention Profile*, *supra* note 283.

²⁸⁶ *World Refugee Survey 2009: Lebanon*, *supra* note 203 (explaining that at the start of 2008, Lebanon was thought to be detaining over 700 asylum seekers and refugees, including refugees registered with UNHCR). Refugee detention was vastly reduced in 2008, but authorities continued to arrest refugees for illegal entry into the country.

²⁸⁷ *Lebanon Detention Profile*, *supra* note 283.

mistreatment in detention facilities, in violation of Lebanese obligations under international law.²⁸⁸ Typically, those who have completed their detention period are given the option of remaining in detention, or returning to their home country. They are generally released when UNHCR has prospects for resettlement—although this does not appear to be applied to refugees from Syria, with the possible (but unconfirmed) exception of PRS returned to Lebanon from Egypt and other countries.²⁸⁹

However, reports indicate that Lebanese authorities are currently refraining from arbitrary detention of Syrian refugees.²⁹⁰ As of late March 2013, it was estimated that 18 percent of Syrian refugees crossing the Lebanese border crossed without permission. Some reports say that authorities are not arresting these individuals who cross illegally, nor are they arresting individuals who do not have proper documentation or are overstaying their visas.²⁹¹ Others, however, report that Lebanon is engaging in arbitrary detention of certain categories of Syrian refugees, primarily targeting members of the Syrian opposition for failing to cross at legitimate crossings, or those failing to possess legitimate identification.²⁹²

Livelihood: Food, Shelter, Health, Work, and Education

As a general policy, the GoL and the MoSA have been quite willing to cooperate with UN agencies and relief organizations on providing SRL with assistance related to basic livelihood such as food, non-food items (NFI), health care and education. The GoL collaborates with relief organizations, but with some qualifications when it comes to the provision of shelter and work-related services, such as vocational training for SRL. The government's openness to NGO service provision to SRLs is constrained by negative perceptions from the impoverished Lebanese, who voice hostility towards foreigners receiving greater benefits and services from the government than Lebanese citizens.²⁹³ The GoL maintains that with already high unemployment rates it is politically inconceivable for SRLs to receive vocational training and support which threaten the competitiveness of Lebanese job seekers in a tight labor market.²⁹⁴ Aid organizations and UNHCR try to promote skills development and vocational training as ways of building social cohesion and benefiting both the Lebanese and

²⁸⁸ *Lebanon: Stagnation on Reforms in 2012*, HUMAN RIGHTS WATCH (Feb. 7, 2013), available at <http://www.hrw.org/news/2013/02/07/lebanon-stagnation-reforms-2012> (reporting on the arrest and severe battery of Sudanese refugees in July 2012). Article 7 of the International Covenant on Civil and Political Rights, which requires that “no one shall be subjected to cruel, inhuman, or degrading treatment or punishment.” International Covenant on Civil and Political Rights art. 7, Nov. 3, 1972, 999 U.N.T.S. 171.

²⁸⁹ *World Refugee Survey 2009: Lebanon*, supra note 203.

²⁹⁰ *Fleeing Syria*, supra note 280.

²⁹¹ *Id.*

²⁹² *The Legal Report on the Situation of the Syrian Refugees in Lebanon*, THE LEBANESE INST. FOR DEMOCRACY AND HUMAN RIGHTS (Jan. 1, 2013), available at http://www.dchrs.org/english/File/Reports/Syrian_Refugees_in_Lebanon_En.pdf.

²⁹³ *MoSA Interview*, supra note 156.

²⁹⁴ *Id.*

refugee populations.²⁹⁵ To date, the GoL has resisted expanding skills training programs for the refugees, claiming that Lebanon's labor market is oversaturated, and that these programs generate increased social tension.²⁹⁶

While Lebanese law has no social protections for non-citizens, Lebanon is bound by the Covenant on Economic, Social and Cultural Rights (CESCR). Lack of recognition of the rights of refugees to obtain shelter and a means to livelihood violates Article 11 of the International Covenant on Economic, Social and Cultural Rights, which calls for adequate food, clothing, and housing, and continuous improvement of living conditions.²⁹⁷ It is essential to highlight that Lebanon, and the international community, have legal duties toward the livelihood rights of SRL, regardless of their status.

Employment

In theory, non-Palestinian refugees in Lebanon must apply to the Ministry of Labor in order to obtain a work permit, but the current process is burdensome and almost never successful.²⁹⁸ Lebanese law dictates that individuals entering the country who work without a permit are sentenced to at least one month in prison, and are subject to fines.²⁹⁹ Although the law is essentially unenforceable due to the sheer number of people working without permits, it creates fear and insecurity. It does not act as much of a deterrent, however, because undocumented work remains critical for the survival of many refugee families.³⁰⁰ There is data showing the downturn of the three traditional sectors for employment of Syrians in Lebanon—agriculture, construction, and tourism—which has drastically limited work opportunities. The government's position is that SRL are bringing down wages and taking away low-skilled jobs from Lebanese, who suffer from incredibly high unemployment rates to begin with.³⁰¹ While independent organizations, such as the ILO, recognize the increased competitiveness of the low-skilled job market, they propose solutions in "capacity building through

²⁹⁵ Joacim Nielsen, *Program Helps Syrians Gain Skills to Rebuild Tattered Country*, THE DAILY STAR (Apr. 23, 2014 12:32 AM), available at <http://www.dailystar.com.lb/News/Lebanon-News/2014/Apr-23/254071-program-helps-syrians-gain-skills-to-rebuild-tattered-country.ashx#axzz32NRyx5hS> (presenting a vocational program which offers IT and language courses for refugees as a means to prepare SRLs for self-reliance and reintroduction into Syrian society).

²⁹⁶ *Id.*; With regards to the evidence against the legal employment of SRL, see International Labor Organization, *Assessment of the Impact of Syrian Refugees in Lebanon and Their Employment Profile* 36-38 (Apr. 2014) [ILO Report April 2014] (discussing the effects of increased competition for low-skilled labor and the accompanying decrease in wages in certain regions of Lebanon); World Bank, *Lebanon: Economic and Social Impact Assessment of the Syrian Conflict* 3-4 (Sept. 2013) ("The Syrian spillovers are further exacerbating already difficult labor market conditions and are expected to result in further unemployment and informality").

²⁹⁷ Art. 11(1) states: "The States Parties to the present Covenant recognize the right of everyone to an *adequate standard of living* for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent." International Covenant on Economic, Social and Cultural Rights, Nov. 3, 1972, 993 U.N.T.S. 3.

²⁹⁸ MoSA Interview, *supra* note 156.

²⁹⁹ *World Refugee Survey 2009: Lebanon*, *supra* note 203.

³⁰⁰ ILO Report April 2014, *supra* note 94, at 8 (reporting on an assessment according to which about half of the working age SRL are economically active, and that this half represents for the most part people who were economically active back in Syria as well; reporting that unemployment is highest among women (68 %) and that about 92 % of refugees work informally, and without any contract).

³⁰¹ MoSA Interview, *supra* note 156.

skills enhancement programs, extending labor market information and statistics, and developing special programs that target women, youth and children,” for both local and refugee communities.³⁰² As stated above, the GoL is reluctant to implement or facilitate such programs because it is not persuaded that these can help generate work opportunities in such a tight labor market.³⁰³

Shelter

Besides the work permit policy (or lack of one), Lebanon’s shelter policy is also of particularly grave concern. The government has an official ‘no-camp’ policy that is exacerbated by severe infrastructure deficiencies. The GOL has stated that it will not allow the construction of additional refugee camps in the country to add to the long-standing camps for Palestinian refugees. However, the policy flies in the face of many factors that suggest that the only solution for housing the refugee influx, at least in the short term, is to build camps. The ‘no camp’ policy fails to address the growing pressure caused by the sheer number of SRLs, the rate of their influx into Lebanon, the limited availability of land, and the limited sanitation systems in the country.³⁰⁴ The main housing options available to SRLs are (1) renting housing for the fortunate few; (2) squatting in one of UNRWA’s twelve camps for PRS; (3) forming or joining informal tented settlements (“ITS”) on rented private or public land (often in return for low-wage labor); (4) living with local hosts.³⁰⁵ Each of the options presents its own problems, and they collectively fail to meet the need for housing. Rent prices have skyrocketed since 2011, and landlords have engaged in rampant exploitation of vulnerable SRLs: very few SRLs sign written lease agreements, and there are a great number of arbitrary and forced evictions.³⁰⁶

The initial NGO and INGO response to the absence of camps was to give rental assistance, but this is becoming increasingly rare and impracticable over the long run due to skyrocketing rents, dwindling aid, and growing needs.³⁰⁷ Some NGOs have adopted a community-oriented approach by providing assistance to refugee families to help fix temporary shelters, inadequate living quarters, or shared housing at no expense to the owners in exchange for no or low rent to the refugees.³⁰⁸ These initiatives are aimed at adding value to property of the local owners or hosts, while arranging housing for SRL, and creating goodwill between SRL and host communities.³⁰⁹ Meanwhile, UNRWA’s

³⁰² ILO Report April 2014, *supra* note 94, at 10.

³⁰³ MoSA Interview, *supra* note 156.

³⁰⁴ Caritas-Lebanon Interview, *supra* note 200; MoSA interview, *supra* note 230 (citing the following statistics on shelter conditions among SRL in the Beka’a region of Lebanon as of March 2014: 58% of households rent housing, 12% are hosted by locals, 11% live in informal tented settlements; the remaining 19% are unaccounted for).

³⁰⁵ MoSA interview, *supra* note 156.

³⁰⁶ *Id.*

³⁰⁷ *Id.*

³⁰⁸ *Id.*; Caritas-Lebanon Interview, *supra* note 200.

³⁰⁹ NRC Interview, *supra* note 172.

twelve over-crowded camps are housing 53% of the PRS, many living with conditions of inadequate infrastructure and sanitation.³¹⁰

ITSs have sprung up in response to the severe lack of shelter. They are sometimes tolerated, but the authorities regularly dismantle them once they appear too sturdy or threaten to become actual camps.³¹¹ UNHCR and NGOs have been trying to negotiate with municipalities to allow settlements not exceeding 20 tents, and to ensure that such settlements have adequate sanitary conditions, winterization, and water-proofing.³¹² The government has banned creative housing initiatives that could provide a partial and camp-free remedy for some refugees, such as the Danish Refugee Council's *box shelters*, because they appear too sturdy and permanent.³¹³ At the same time, government authorities have advocated for the creation of "safe zone" camps inside Syria and immediately beside the Syrian-Lebanese border, initiatives which UNHCR has firmly resisted.³¹⁴ As of May 2014, the GoL's no-camp policy remains officially in place, but some government actors, such as MoSA, have expressed support for the creation of camps, as they appear to be the only viable response to the acute refugee housing shortage.³¹⁵

Even with the government's resistance to official construction of camps for Syrian refugees within the country, about 10% of the Syrian refugee population is living in tented settlements in Lebanon that are not officially recognized by the government.³¹⁶ Non-Palestinian refugees often find shelter in schools and abandoned buildings.³¹⁷ Once again, the gap in protection is exacerbated due to the sheer size of the SRL population, as well as by existing policy and legal constraints. Gaps in access to housing force SRL to squat on public property and live in unsafe and unsanitary conditions.³¹⁸ They also render the SRL lessees easy targets of landlord exploitation, due to the lack of written leases and clear agreements.³¹⁹ UNRWA reports that housing is an urgent and ongoing concern for PRS.³²⁰ Lebanese law has limited Palestinians' right to own land or property, despite "[h]aving hosted

³¹⁰ *Id.*; *Narrow Scope for Palestinian Rights in Lebanon*, *supra* note 225, at 6; UNRWA Interview 1, *supra* note 187 (noting that UNRWA camps host five to six thousand refugees above the camps' capacity).

³¹¹ Caritas-Lebanon Interview, *supra* note 200 (reporting that local governments have recently imposed size limits on ITSs such that ITSs that have 20 or more tents are not allowed); UNHCR-Lebanon Interview, *supra* note 224 (citing that an estimated 800 tented settlements exist as of March 2014).

³¹² UNHCR-Lebanon Interview, *supra* note 224; NRC Interview, *supra* note 172.

³¹³ Norimitsu Onishi, *Lebanon Worries That Housing Will Make Syrian Refugees Stay*, N.Y. TIMES, Dec. 11, 2013, available at http://www.nytimes.com/2013/12/11/world/middleeast/lebanon-worries-that-housing-will-make-syrian-refugees-stay.html?_r=0.

³¹⁴ MoSA Interview, *supra* note 156.

³¹⁵ *See, e.g., Formal Camps the Only Way to Solve Refugee Crisis: Abu Faour*, THE DAILY STAR (May 13, 2014 12:15 AM), available at <http://www.dailystar.com.lb/News/Lebanon-News/2014/May-13/256224-formal-camps-the-only-way-to-solve-refugee-crisis-abu-faour.ashx#ixzz32NY3kEei>.

³¹⁶ *And They Still Come*, *supra* note 91.

³¹⁷ *See, e.g., UNHCR Finds Shelter for Syrian Refugees in Lebanon*, UNHCR (Aug. 31, 2013), available at http://www.unrefugees.org/site/c.lfIQKSOWFqG/b.8325977/k.CCE2/UNHCR_Finds_Shelter_for_Syrian_Refugees_in_Lebanon.htm.

³¹⁸ NRC Interview, *supra* note 172.

³¹⁹ *Id.*; MoSA Interview, *supra* note 156 (citing UNHCR survey data according to which as of March 2014, 73% of SRL that rent property have a verbal agreement with the landlord, 10% have a written agreement or some kind of lease).

³²⁰ *PRS in Lebanon*, UNRWA, *supra* note 268.

Palestinians over the past 60 years.”³²¹ Prior to the Syrian crisis, approximately 53% of the total population of Palestinian refugees in Lebanon lived in the country’s twelve refugee camps for Palestinians, which were established after the 1948 Arab-Israeli conflict.³²² UNRWA reports that the camps have historically suffered from overcrowding, lack of adequate infrastructure, and poor housing conditions; those living in the camps have the highest levels of poverty and unemployment in Lebanon.³²³

Education

Since the population of Syrian refugees overwhelmingly comprises school-age children, access to education is a critical element of assistance to SRL. Access to education is unrestricted: both Lebanese and non-Lebanese students can freely enroll in public schools.³²⁴ It should be noted that traditionally Lebanon has lacked high-quality public education and health services, and most Lebanese gravitate towards private schooling, if they can afford it.³²⁵ The Ministry of Social Affairs estimates that out of 300,000 school-aged children who need to enroll in school in the 2013-14 academic year, only 72,000 are registered in one of the public schools or in partner institutions.³²⁶

Non-Palestinian refugees in Lebanon have generally had access to education in the public schools, while PRS have attended the 69 UNRWA schools throughout the country.³²⁷ As of June 2013, 35% of PRS children had enrolled in school.³²⁸ Many PRS wish to go back to Syria and some have therefore not enrolled their children in schools.³²⁹ Another issue is that PRS families move from one location to another and some, in Bekaa in particular, live in remote areas where transportation to school is a major problem. Faith-based or unauthorized NGOs offer informal schooling as well, but authorities express concern with these due to their irregular nature and lack of official monitoring.³³⁰

³²¹ *Narrow Scope for Palestinian Rights in Lebanon*, *supra* note 225, at 6.

³²² *Lebanon Camp Profiles*, UNRWA (Nov. 18, 2009), available at <http://www.unrwa.org/newsroom/features/lebanon-camp-profiles?id=73>. Lebanon previously had sixteen camps, but three were destroyed during Lebanon’s civil war between 1975 and 1990, and a fourth was evacuated.

³²³ *Id.*

³²⁴ MoSA Interview, *supra* note 156. Nevertheless, only about 42,000 out of nearly 300,000 school-aged children were successfully enrolled in public institutions.

³²⁵ Caritas-Lebanon Interview, *supra* note 200.

³²⁶ MoSA Interview, *supra* note 156. The government has also allowed the establishment of second shifts in all public schools to accommodate refugee students. Adjustments in the curriculum and after-school help are designed to allow SRL students to adapt to Lebanon’s emphasis on foreign language instruction.

³²⁷ George Sadek, *Legal Status of Refugees: Egypt, Jordan, Lebanon, and Iraq*, LAW LIBRARY OF CONGRESS (Dec. 2013), available at <http://www.loc.gov/law/help/refugees/2014-010156%20RPT.pdf> (“In terms of benefits offered to refugees, the Lebanese government allows refugees to enroll in Lebanese universities and have access to primary health care after registering with the UNHCR”); See UNRWA-Lebanon Interview 1, *supra* note 238.

³²⁸ Henriette Johansen, *Syrian Refugee Children: A Lost Generation*, MIDDLE EAST MONITOR 5 (Jan. 2014), available at <https://www.middleeastmonitor.com/resources/reports-and-publications/9252-syrian-refugee-children-a-lost-generation> [*Syrian Refugee Children*].

³²⁹ UNRWA-Lebanon Interview 1, *supra* note 238.

³³⁰ *Id.*

The Ministry of Education issued a decree in 1999 permitting refugee children access to public education, contingent on classroom space. In 2008, the Lebanese government opened all public schools to refugees registered with UNHCR.³³¹ According to MoSA and some NGOs, access to education is one of the Lebanese government's main protection priorities.³³² While efforts to provide education to Syrian refugee children are being made in Lebanon, education resources have been limited. The government has set a target of 60% enrollment for refugee children, but it has fallen short of that goal, as only about one in four refugee children attends school.³³³

Substantial reform to the Lebanese education system was necessary even prior to the Syrian crisis, according to experts and UN agencies working on education issues.³³⁴ Nathalie Hamoudi, the head of education and adolescent development at UNICEF, claimed that Lebanon's Ministry of Education and Higher Education ("MEHE") must "develop a unified integration policy and disseminate it to host schools...provide Syrian students with course completion documents, certificates and diplomas [and ensure] that there are equivalent student records between the [MEHE] and the Syrian Ministry of Education so that Syrian students can reintegrate into their home education system when circumstances allow."³³⁵ She also claimed that since there were "no specific outlines or mechanisms to manage the anticipated increase in pupils, it is no wonder that refugees are unable to attend schools even after fleeing Syria."³³⁶

According to UNICEF, Lebanese teachers also need to be trained in "student-centered experimental learning in addition to educational alternatives to corporal punishment and psychosocial intervention including violence management."³³⁷ With nearly 2.3 million children losing time from school in Syria, "the majority of Syrian refugee children and adolescents may be poorly educated or illiterate, which will leave many young adults with very few prospects of achieving a stable socio-economic life" unless Lebanon takes action to readjust, train and organize education opportunities.³³⁸

Healthcare

Healthcare provision is less problematic, and government and non-government efforts have been coordinated to make basic healthcare quite readily available to both the Syrian and Palestinian

³³¹ *World Refugee Survey 2009: Lebanon*, *supra* note 203.

³³² NPA Interview, *supra* note 162; MoSA Interview, *supra* note 156.

³³³ *A Learning Curve for Young Syrian Refugees at Model School in Lebanon*, UNHCR (May 23, 2013), available at <http://www.unhcr.org/519e166e9.html>.

³³⁴ *Syrian Refugee Children*, *supra* note 328, at 7.

³³⁵ *Id.*

³³⁶ *Id.*

³³⁷ *Id.* at 8.

³³⁸ *Id.*

refugee populations.³³⁹ The government allows SRL access to public medical facilities, but these generally cater to the poorest segments of the Lebanese population and the quality is much lower than that of private health services and schools used by better-off Lebanese.³⁴⁰

Other Refugee Populations of Concern

Palestinians

The rights of Palestinians in Lebanon, regardless of their tenure in the country, are unduly restricted, as they face severe discriminatory laws and employment regulations. PRS (currently around 53,000 according to UNRWA)³⁴¹ and PRL (a group of about 400,000) are vulnerable to losing livelihood support as the refugee crisis intensifies.³⁴² As a general matter, PRL have fared considerably worse than PRS in Lebanon. Under the application of Lebanese law, Palestinians are prohibited from practicing in over 70 professions, including medicine (except within refugee camps), law, and engineering. Approximately 75,000 Palestinians are part of the Lebanese workforce, but 75% of them “earn below the minimum wage, mostly living below the poverty line with no health insurance or social security.”³⁴³ The prohibitive legislation only applies to “Palestinian ‘foreigners’ in Lebanon; protectionist syndicate regulations combined with a lack of labour regulations and the implementation of the few that exist, makes Palestinians an unnecessary burden for the Lebanese.”³⁴⁴ Thus, Palestinians end up working mainly in the informal sectors.³⁴⁵ Surprisingly, only two percent of Palestinians in Lebanon have official work permits; “at the moment, most Palestinians work in the unofficial and unregulated labour market with precarious working conditions; only 20 per cent hold an official contract with their employer.”³⁴⁶

Furthermore, Palestinians are required to pay disproportionately high taxes, and are not allowed to own real property in Lebanon.³⁴⁷ Currently, PRS make up approximately 5% of the full SRL population. The number of PRS recorded by UNRWA Lebanon as service recipients dropped by half since the beginning of 2013 when UNRWA-Lebanon started requiring that PRS reside two weeks in Lebanon before they become eligible for services.³⁴⁸

³³⁹ UNRWA-Lebanon Interview 1, *supra* note 187 (noting that recorded PRS have the same access to health as PRL). *But see* NRC Interview, *supra* note 172 (suggesting that overall Syrian nationals under the mandate of UNHCR might have access to a greater suite of health services because of the greater funding support for healthcare relative to what UNRWA is receiving).

³⁴⁰ NRC Interview, *supra* note 172; Amel Interview, *supra* note 200. The Amel Foundation is privately funded and operates 24 health centers and 4 mobile clinics that offer low-fee services to low-income migrant populations regardless of their status).

³⁴¹ UNRWA-Lebanon Interview 1, *supra* note 187.

³⁴² *Narrow Scope for Palestinian Rights in Lebanon*, *supra* note 225, at 6.

³⁴³ *Id.* at 6, 12.

³⁴⁴ *Id.* at 8.

³⁴⁵ *Id.*

³⁴⁶ *Id.* at 15.

³⁴⁷ Caritas-Lebanon Interview, *supra* note 200; UNRWA-Lebanon Interview 2, *supra* note 185; *Id.* at 9 (“In 2001 a law was passed to exclude all Palestinians specifically from being able to own any property in the country”).

³⁴⁸ UNRWA-Lebanon Interview 1, *supra* note 187.

PRS particularly suffer movement restrictions because so many of them reside in camps, which are surrounded by government checkpoints. Passage through checkpoints requires valid identity documents.³⁴⁹ In the absence of valid unexpired visas, PRS, just like the rest of the SRL population, risk detention by the Lebanese armed forces.³⁵⁰ However, if they are apprehended, PRS face removal to Syria, which SRL do not. As a result, many PRS are confined in their cramped living quarters, afraid of confrontations with the police or armed forces.³⁵¹

Until the border closure, Lebanon was the easiest and safest country in which PRS could seek refuge, due to the proximity to areas where most PRS were living in Syria (primarily around Damascus) to the border with Lebanon.³⁵² On the surface, it may appear as though their low numbers and the pre-existing UNRWA system in Lebanon create more favorable conditions for PRS. They are taken in by a local Palestinian population and cared for by an organization whose services they are familiar with. Palestinians from Syria, however, report suffering severe trauma from the psychosocial burden of double displacement and the fact that their employment and property rights are so negatively affected when coming to Lebanon, as compared to their standard of living and rights in Syria.³⁵³

Women

Lack of privacy and safety among refugee settlements in Lebanon pose a particular threat to female Syrian refugees. Despite Lebanon's ratification of CEDAW, female Syrians face significant problems with trafficking, discrimination, mistreatment, domestic violence and early marriage while in Lebanon.³⁵⁴ While such discrimination does not appear to be a result of legal framework and policies, there are reports of forced marriages,³⁵⁵ of Syrian refugee girls and women who have entered unwanted marriages in Lebanon for reasons of security.³⁵⁶ Many families believe that their daughters will be safer being married than continuing to live with their refugee families.³⁵⁷ Additionally, access to healthcare can present an obstacle for female Syrian refugees. In Lebanon, doctors in refugee camps reportedly must ration their services between pregnant women and cancer patients—despite

³⁴⁹ UNRWA-Lebanon Interview 2 *supra* note 185.

³⁵⁰ *Id.* (reporting that in February 2014, UNRWA received around 15 cases of detained PRS).

³⁵¹ *Id.*

³⁵² UNRWA-Lebanon Interview 1, *supra* note 187 (commenting on Jordan and Egypt's policies to not admit PRS, and on the fact that both Iraq and Turkey happen to be far away from where PRS are concentrated within Syria).

³⁵³ *See Id.* (commenting on the phenomenon of arriving PRS with advanced professional degrees who have to confront the fact that they cannot exercise their profession in Lebanon, unlike in Syria).

³⁵⁴ *Syrian Women and Girls: Fleeing Death, Facing Ongoing Threats and Humiliation*, INT'L RESCUE COMM. (Aug. 2012), available at data.unhcr.org/syrianrefugees/download.php?id=900.

³⁵⁵ Lys Anzia, *Syrian Refugee Daughters Question Unwanted Offers of Marriage*, WOMEN NEWS NETWORK (Oct. 10, 2012), available at <http://womennewsnetwork.net/2012/10/10/syrian-refugee-daughters-marriage/>.

³⁵⁶ Sulome Anderson, *Child Marriages Rise among Syrian Refugee Girls*, THE ATLANTIC (May 28, 2013), available at <http://www.theatlantic.com/international/archive/2013/05/child-marriages-rise-among-syrian-refugee-girls/276287/>.

³⁵⁷ *Stand with Me: Children's Rights, Wronged*, WORLD VISION INT'L (Jan., 2014), available at <http://www.wvi.org/syria-crisis/publication/stand-me-childrens-rights-wronged> [*Stand With Me*].

the high number of pregnancies among the predominantly female Syrian refugee population—and some needy refugees must pay for health care out of pocket.³⁵⁸

Children

Lack of status has a severe impact not only on refugees who cannot renew their permits, but also on their children. Both Syrian and Palestinians from Syria face the same barriers to obtaining birth, marriage, and death certificates. When a SRL or PRS baby is born, his or her parents must register their birth in Syria, or go through a cumbersome registration process in Lebanon. For a large number of refugees who cannot successfully maneuver either process, their children become undocumented—and for Palestinian children, they become stateless since they have no citizenship.³⁵⁹

Child labor is a particular concern for the young refugee population. The growing need of refugee families to have their children work undercuts children's right to education. Access to education, however, is less of a problem than many refugee families' need to send their school-aged children out to work to support their basic needs.³⁶⁰ Many Syrian refugee children in Lebanon work in restaurants, fields, and farms in order to provide for their families, due to high rents and unemployment of many adult members of refugee families.³⁶¹ Lebanese law prohibits the employment of children under 14, and limits the work that children between 14 and 18 years of age can perform to six hours a day. Yet, Lebanese child labor laws are rarely enforced.³⁶²

Recommendations for Lebanon

Open Borders, Uniform Right of Entry and Respect for Non-Refoulement for all Refugees from Syria

While Lebanon continues to maintain an open-border policy with regard to Syrian refugees, its policies and practices do not fully provide the necessary protection for all refugees arriving from Syria. A notable weakness is the treatment of the approximately 51,000 Palestinian Syrian refugees, and those still trying to seek refuge in Lebanon. Although Palestinian refugees in Lebanon already do not enjoy equal access to education and employment as some other refugee groups, PRS face even greater hardships in the new bar to entry; the risk of detention and *refoulement* upon discovery; and

³⁵⁸ Stephanie Nebehay, *Syria's Refugees Denied Health Care Due To Lack of Aid Funds*, THE WORLD POST (Apr. 26, 2013), available at http://www.huffingtonpost.com/2013/04/26/syrian-refugees-health-care_n_3163305.html.

³⁵⁹ Frontiers-Ruwad Interview, *supra* note 152; cf MoSA Interview, *supra* note 156 ("Surveys have been undertaken by various actors involved in the protection of street children. Very few, so far, have been shown to be Syrian. They are mainly nomads.").

³⁶⁰ *Id.*

³⁶¹ *Stand With Me*, *supra* note 357.

³⁶² Code of Labor of 1946, as amended in 1996, art. 22, available at <http://www.ilo.org/dyn/travail/docs/710/Labour%20Code%20of%2023%20September%201946%20as%20amended.Publication%202010.pdf> ("It is absolutely prohibited to set to work adolescents who have not yet completed their thirteenth year of age"). The law further requires medical certification of a child's fitness for work between the ages of 14 and 18, and limits the type of jobs that children under 18 can perform.

the far more serious consequences of falling out of status. Lebanon needs to adhere to its international obligation to keep its borders open to all refugees from Syria, regardless of national origin. It must respect the obligation to *non-refoulement* towards all persons fleeing Syria, and lift all fees and fines involved in obtaining or renewing permits to stay in the country so an open-border policy is effective and implemented across the board.

Comprehensive Legal Framework including Temporary Protection

As recommended and discussed in more detail for all the Arab host states in the first section above, Lebanon should develop a formal and comprehensive legal framework for its refugee policy that incorporates international refugee norms and rights. It should include clear guidelines and administrative policies to govern how refugees are to be processed and what services they can obtain. Particularly, it should prioritize the MoU update, which was planned for 2013.

As part of a comprehensive refugee and asylum law, Lebanon should include, along the lines of the Turkey model, a Temporary Protection program for all refugees and persons displaced by war who cannot safely return. As discussed in the first section in detail, such a TP program should grant status to refugees from Syria, including Palestinians, and the long-standing Palestinian population in Lebanon. The latter have already been receiving a *de facto* Temporary Protection status, but without the basic standards of rights required under the Casablanca Protocol and international norms. We call for Lebanon to meet its obligations under international norms incorporated into many of the treaties it has ratified, and provide core rights to work, adequate housing, documented legal status, travel documents, and family unity to all refugees under a formalized TP regime.

Housing Policies

Lebanon should re-visit and repeal its 'no camps' policy for all the displaced from Syria. For those Syrian Palestinian refugees who are able to remain in Lebanon, finding housing and employment presents significant barriers to survival. Room in the Palestinian camps is limited, but rent outside of the camps is exceptionally high. The government should authorize and cooperate with NGO's and UN agencies to build camps in areas where good sanitation, adequate weatherization, livelihood facilities and transportation are developed or provided. Constructing safe and adequate camp facilities would also relieve the strain on many Syrian refugee families caused by high rents and scarce employment opportunities, and may also decrease the incidences of child labor among Syrian refugee children.

Access to Work

Lebanon should review its work permit requirements in order to facilitate access to work for all refugees, including Palestinians, without individuals needing to relinquish their refugee claims.

Foreign workers have faced two major hindrances to access to employment in Lebanon: the work permit fee imposed on all ‘foreigners’, and the requirement that labor rights can only be granted on the basis of reciprocity with Lebanese workers in the foreign nationals’ state.³⁶³ For Palestinians, these provisions have been particularly harsh, as they are the only population residing in Lebanon for decades that are still considered ‘foreigners’ under the law, and since they are effectively stateless, the principle of reciprocity could never apply in their favor. The application of the “principle of reciprocity” has led Palestinians to be “disqualified in many professions including medicine, law and engineering.”³⁶⁴ The effect of these laws has been to discriminate against Palestinians and marginalize them to a permanent underclass in the Lebanese economy. The work permit law was revoked for Syrian workers, but has remained in place for Palestinians, and applies as well to Palestinian refugees from Syria.³⁶⁵

On 17 August 2010, the Article 59 of the Labour Law was amended by long-anticipated Law 129.³⁶⁶ Since then, there were unsuccessful attempts by two different ministers of labour to implement the law.³⁶⁷ Unfortunately, barely any changes in practice have occurred during the past four years:³⁶⁸ The companion Laws No. 128 and 129 that revoke work permit fees, the reciprocity requirement and allow Palestinians to qualify for many of the previously-banned professions, remain unimplemented as of the date of this writing.³⁶⁹ Unfortunately, even the amendments do not go far enough: they still exclude Palestinian workers from social benefits towards which they make mandatory wage contributions, the family allowance and maternity sickness funds³⁷⁰ We join UNRWA and many other organizations in urging the new Labour Minister to put the amendments into force immediately so Palestinians and Palestinian refugees from Syria can fully join the labor market.³⁷¹ We also join the many calls to amend the labor laws further to allow all workers to obtain the social benefits paid for by their wage deductions.³⁷²

³⁶³ *Id.*

³⁶⁴ *Id.* at 12.

³⁶⁵ *Id.* at 11.

³⁶⁶ *Narrow Scope for Palestinian Rights in Lebanon, supra* note 225, at 11.

³⁶⁷ *Id.*

³⁶⁸ *Id.* at 12.

³⁶⁹ *Id.* According to Suleiman, “[n]o one knows when this decree will be issued” and “in the light of Lebanon’s changing national priorities and the absence of a national consensus around fundamental issues such as the Special Tribunal investigating the Hariri killing and the role of the Lebanese resistance . . . the Palestinian issue is not a priority.”

³⁷⁰ *Id.*

³⁷¹ *Id.* at 13.

³⁷² *Id.* at 11.

JORDAN

Refugees in Jordan: An Overview

Historically, Jordan has been open to many refugee populations, particularly Iraqi and Palestinian refugees.³⁷³ There has been an open-border policy in effect for Syrian refugees, exempting them from visa requirements to enter and residence permits to stay.³⁷⁴ The policy was affirmed by the Prime Minister as recently as October 2013.³⁷⁵ Other sizable refugee populations are the longstanding Palestinian refugees and thousands of Iraqi refugees. In recent years, smaller populations of African refugees have also registered in Jordan³⁷⁶. Jordan remains a resource-poor country³⁷⁷, notably among the most water insecure nations in the world.³⁷⁸ Jordan's financial constraints, infrastructure limitations and political tensions have negatively affected its traditionally welcome attitude towards refugees, particularly towards Palestinians.³⁷⁹

As of May, 2014, UNHCR has registered 598,260 Syrian refugees in Jordan.³⁸⁰ The vast majority-- approximately 93%-- of Syrians entering Jordan are families, and over half the population are children.³⁸¹ Nearly all Syrians entering Jordan are being registered, and UNHCR claims to have eliminated backlogs in 2013.³⁸² Most Syrian refugees are finding housing in urban areas: 80% of the Syrian refugees live outside of camps in host communities.³⁸³ The largest of Jordan's four camps for refugees from Syria is Za'atari; a second smaller camp for families is the Emirati Jordanian Camp;³⁸⁴ the third, Azraq, opened at the end of April 2014; and the fourth camp is Cyber City, which is supposedly for PRS but also houses Syrian refugees.³⁸⁵ Although only 20% of Syrian refugees are

³⁷³ *Jordan*, REFUGEES INT'L (July 2013), available at <http://refugeesinternational.org/where-we-work/middle-east/jordan> [Refugees International – Jordan Page].

³⁷⁴ *Submission by the U.N. High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: Jordan*, UNHCR (Mar. 7, 2013), available at <http://www.unhcr.org/refworld/docid/513d90172.htm> [Universal Periodic Review].

³⁷⁵ *Jordan Committed to Open-Border Policy — Ensour*, THE JORDAN TIMES (Oct. 22, 2013), available at <http://jordantimes.com/jordan-committed-to-open-border-policy----ensour>.

³⁷⁶ *2014 Country Profile – Jordan*, *supra* note 27.

³⁷⁷ Refugees International-Jordan Page, *supra* note 373.

³⁷⁸ *See, United Nations in Jordan Observes Three Years since Outbreak of Syrian Conflict*, WORLD FOOD PROGRAMME NEWS (Mar. 17, 2014), available at <http://www.wfp.org/news/news-release/united-nations-jordan-observes-three-years-outbreak-syrian-conflict>.

³⁷⁹ Refugees International-Jordan Page, *supra* note 373.

³⁸⁰ Interview with Karen Whiting, Senior Protection Officer, UNHCR, in Amman, Jordan (Mar. 12, 2014) [Interview with Karen Whiting]; UNHCR- Jordan overview (May 2014), available at <http://www.unhcr.org/538da1cb9.html>.

³⁸¹ *2014 Syria Regional Response Plan: Jordan*, UNHCR 6 (2014), available at <http://www.unhcr.org/syriarrp6/docs/syria-rrp6-jordan-response-plan.pdf>.

³⁸² *Id.*

³⁸³ Interview with Jonathan Campbell, Emergency Coordinator, World Food Programme in Amman, Jordan (Mar. 11, 2014) [Interview with Jonathan Campbell]; Interview with Saleh Al-Kilani, Refugee Affairs Coordinator, Ministry of Interior in Amman, Jordan (Mar. 13, 2014) [Interview with Saleh Al-Kilani].

³⁸⁴ Formerly known as Marjeeb Al Fahood.

³⁸⁵ *See Elisa Oddone, Azraq 'Green' Refugee Camp Ready to Host More Syrians*, THE JORDANIAN TIMES (Mar. 25, 2014), available at <http://jordantimes.com/azraq-green-refugee-camp-ready-to-host-more-syrians>.

living in camps, Za'atari houses over 120,000 people and is the second largest camp in the world.³⁸⁶ The majority of Syrians entering Jordan live in the governorates in the north, along the Syrian border: Al Mafraq hosts over 12% of the Syrians, not including those in Za'atari; Irbid hosts nearly 30% as does Amman; and over 10% live in Zarqa.³⁸⁷

Jordan does not permit permanent integration of refugees.³⁸⁸ According to Jordan's Memorandum of Understanding (MoU) with UNHCR, it provides temporary residence for refugees pending a durable solution elsewhere.³⁸⁹ UNHCR and other NGOs provide aid to refugees and the Government of Jordan ("GoJ") allows access to education and health services as well as certain other benefits.³⁹⁰ There has been limited resettlement of Syrians in other countries outside of Jordan.³⁹¹ As Jordan is within UNRWA's region of operation, UNHCR does not register any Palestinian refugees.³⁹² Palestinians fleeing Syria are distinguished from Syrian nationals both with regard to the UN agency registering and providing services to the refugees and to entry policies.³⁹³ As of January 2013, the GoJ has implemented a non-admission policy for Palestinian refugees.³⁹⁴

Relevant Actors

Government

Although the GoJ relinquished a substantial amount of control over the refugee situation to UNHCR in its MoU, it still retains key powers.³⁹⁵ The primary sector of the government involved in addressing refugee needs is the Ministry of Interior ("MOI").³⁹⁶ The MOI views its obligations towards refugees primarily through a national security lens.³⁹⁷ Under the MoU, the Ministry is required to provide personnel and technical assistance to UNHCR to allow the latter to conduct status determination and resettlement.³⁹⁸ The government also assists UNHCR to manage the camps, particularly Za'atari.³⁹⁹ It

³⁸⁶ *Third Syrian refugee camp set to open in Jordan at end of April – UN*, UN NEWS CENTRE (Mar. 11, 2014), available at <http://www.un.org/apps/news/story.asp?NewsID=47332&Cr=Jordan&Cr1=#.UORbNpIdWSo>.

³⁸⁷ Memorandum from Jordan Hashemite Charity Organization (Mar. 3, 2014) (on file with author).

³⁸⁸ Interview with Saleh Al-Kilani, *supra* note 383.

³⁸⁹ *Memorandum of Understanding between the Government of Jordan and UNHCR*, translated by UNHCR, REF WORLD (Apr. 5, 1998), available at mawgeng.unblog.fr/files/2009/02/moujordan.doc [MoU].

³⁹⁰ *2014 Country Profile – Jordan*, *supra* note 27.

³⁹¹ Interview with Jonathan Campbell, *supra* note 383; *Finding Solutions for Syrian Refugees: Resettlement, Humanitarian Admission, and Family Reunification*, UNHCR (Feb. 11, 2014), available at

<http://www.unhcr.org/cgi-bin/texis/vtx/home/opensslPDFViewer.html?docid=52b2febafc5&query=syrian%20resettlement>.

³⁹² Interview with Karen Whiting, *supra* note 380; *Frequently Asked Questions*, UNRWA, available at <http://www.unrwa.org/who-we-are/frequently-asked-questions>.

³⁹³ See, e.g., *Analysis: Palestinian Refugees from Syria Feel Abandoned*, IRIN (Aug. 29, 2012).

³⁹⁴ *Refugees from Syria Face Further Suffering if Jordan Closes Border*, AMNESTY INT'L (Jan. 18, 2013), available at <https://www.amnesty.org/en/news/refugees-from-syria-face-further-suffering-if-jordan-closes-border-2013-01-18>.

³⁹⁵ Olwan, Mohamed Y., *The Legal Framework of Forced Migration and Refugee Movements in Jordan*, Paper Prepared for The Forced Migration & Refugee Studies Program, The American University in Cairo, Egypt 9 (Oct. 23-25, 2007).

³⁹⁶ MoU, *supra* note 389, at art. 13.

³⁹⁷ *Ministries*, THE HASHEMITE KINGDOM OF JORDAN, available at

http://www.pm.gov.jo/english/index.php?page_type=pages&part=1&page_id=95 [Ministries].

³⁹⁸ MoU, *supra* note 389, at art. 13.

³⁹⁹ Interview with Jonathan Campbell, *supra* note 383.

initially appointed the Jordan Hashemite Charity Organization (“JHCO”) to act as the umbrella organization to organize aid and to co-manage the camp; however, the government recently re-assigned camp management to the Syrian Refugee Camp Directorate (“SRCD”), a MOI entity. The change is in response to the high volume of people in the camps, increased need for police regulation, and SRCD’s greater capacity to respond to security issues, including sexual and gender-based violence. The change is also in response to complaints of misuse of humanitarian aid resources.⁴⁰⁰

All NGOs wishing to work in Jordan with Syrian refugees must register with the Ministry of Social Development (“MoSD”).⁴⁰¹ The MoSD delegates the supervision of the various NGOs to other ministries based on the specific work the NGOs will do. For most ministries, supervision is very relaxed and entails NGOs writing a brief report. Matters involving national security are overseen by the MOI Department of Security Intelligence, which takes a much more direct supervisory role.⁴⁰² The Ministry of Labor is responsible for issuing work permits, as established under the MoU.⁴⁰³ Higher officials, such as the Prime Minister and the King have a role in defining policy towards refugees.⁴⁰⁴

UN Agencies

UNHCR

UNHCR staff is divided into sectors: resettlement; refugee status determination; child and sexual and gender-based violence (“SGBV”); and assistance within camps.⁴⁰⁵ It operates in coordination with several NGOs who specialize in addressing certain needs.⁴⁰⁶ These operational partners address psychosocial needs, access to food, health services and support for vulnerable groups such as children and women.⁴⁰⁷ UNHCR also offers cash assistance to refugees.

Along with monitoring the detention of refugees, UNHCR intervenes and advocates for refugees in detention and those subject to deportation.⁴⁰⁸ UNHCR monitors voluntary returns to ensure that they are undertaken by choice. UNHCR also periodically reviews the “bail-out” process from Za’atari to prevent trafficking and exploitation of the refugees.⁴⁰⁹ Another key role of UNHCR is verifying proper

⁴⁰⁰ *Id.*

⁴⁰¹ Confidential interview with official of aid organization, in Amman, Jordan (Mar. 12, 2014) [Aid Organization 1]

⁴⁰² *Id.*

⁴⁰³ MoU, *supra* note 389, at art. 8.

⁴⁰⁴ *See, e.g.*, Interview with Jalal Al-Husseini, Research Associate, Institut Francais des Proche Orient, in Amman, Jordan (Mar. 11, 2014)[Interview with Jalal Al-Husseini]; Interview with Renaud Rodier, Senior Emergency Coordinator, UNRWA, in Amman, Jordan (Mar. 13, 2014)[Interview with Renaud Rodier].

⁴⁰⁵ Interview with Karen Whiting, *supra* note 380.

⁴⁰⁶ 2014 Country Profile – Jordan, *supra* note 27.

⁴⁰⁷ *Id.*

⁴⁰⁸ Interview with Karen Whiting, *supra* note 380.

⁴⁰⁹ *Id.*

counting of and the accuracy of documents presented on entry and registration.⁴¹⁰ UNHCR is implementing biometric iris scans during registration and conducting Verification Appointments.⁴¹¹

UNRWA

Jordan is within UNRWA's geographic area of operation, and is thus the primary agency responsible for addressing the needs of Palestinian refugees.⁴¹² UNRWA is recording Palestinian refugees fleeing Syria, but is not re-registering people in Jordan who are already registered with UNRWA-Syria, in order to protect their ability to return at the end of the crisis.⁴¹³ As in all other UNRWA fields, it has no mandate for durable solutions and does not negotiate for resettlement of Palestinians out of Jordan⁴¹⁴

UNRWA provides cash assistance for housing, education and food when possible.⁴¹⁵ UNRWA operates schools in Jordan and is the main provider of education for Palestinian refugees. It has some access to refugees living in Cyber City, but mainly acts through NGOs to administer services. It has asked permission to provide cash assistance to individuals in Cyber City, but so far this request has not been granted. UNRWA supports NGOs working with the disabled and injured, both technically and financially. It has also created education programs to try to reach PRS and cater to their specific needs.⁴¹⁶ UNRWA has a protection unit and a 24/7 hot line to address a range of issues, including: child protection services; sexual and gender based violence; detention; deportation; denial of services; and family unity concerns.⁴¹⁷

NGOs

NGOs operate in Jordan primarily in partnership with the main UN and government agencies listed above.⁴¹⁸ Most are registered with the government through the Ministry of Social Development ("MoSD").⁴¹⁹ They must commit to at least one year of service in Jordan. Generally, the organization and collaboration between NGOs and the government and/or UNHCR is well structured and positive. However, some smaller NGOs, for instance those acting from within the Gulf States, are less well tracked.⁴²⁰ Certain NGOs have more formalized arrangements, such as the World Food Programme,

⁴¹⁰ Reem Alsalem, *UNHCR in Massive Sorting Effort to Return ID Papers to Syrian Refugees*, THE UN REFUGEE AGENCY (Oct. 17, 2013)[Reem Alsalem].

⁴¹¹ *Id.*

⁴¹² *Where We Work*, UN RELIEF WORKS AGENCY, available at <http://www.unrwa.org/where-we-work>.

⁴¹³ Confidential interview with official of Palestinian aid organization, in Amman, Jordan (Mar. 13, 2014) [Palestinian Aid Organization].

⁴¹⁴ *Id.*

⁴¹⁵ *Id.*

⁴¹⁶ *Id.*

⁴¹⁷ Interview with Renaud Rodier, *supra* note 404; *Syria Crisis Response Annual Report 2013*, UNRWA, 28 (2014), http://www.unrwa.org/sites/default/files/syria_crisis_response_annual_report_2013.pdf.

⁴¹⁸ *See, e.g.*, UNHCR Jordan Page, *supra* note 4. A list of the key INGO's and NGO's working with refugees in Jordan is attached as Annex II and includes the organizations interviewed for this Report.

⁴¹⁹ Interview with Aid Organization 1, *supra* note 401.

⁴²⁰ *Id.*

which provides a basic food kit as part of a welcome package that all refugees receive after undergoing refugee registration.⁴²¹

Legal Instruments

1998 Memorandum of Understanding

In 1998, the GoJ signed a Memorandum of Understanding (“MoU”) with UNHCR.⁴²² The MoU ties UNHCR’s refugee status determination process to durable solutions for refugees outside of Jordan, whether voluntary repatriation or resettlement.⁴²³ The MoU applies the same definition of “refugee” as the 1951 Convention Relating to the Status of Refugees (“CSR51”) without the geographic and temporal limits, even though Jordan is not a party to the treaty.⁴²⁴ In turn, the GoJ has agreed to respect its non-*refoulement* and non-discrimination obligations and to ensure refugees the right to work, access to courts and freedom from overstay fines and departure fees.⁴²⁵ Although the MoU requires UNHCR to find durable solutions for the refugees within 6 months⁴²⁶, this provision has not been enforced in practice, and acts only to establish that the residence is temporary.⁴²⁷

International Treaties that Inform Refugee Treatment

Jordan is party to neither the CSR51 nor the 1967 Protocol Relating to the Status of Refugees.⁴²⁸ Similar to Lebanon, Jordan’s decision not to be bound by the Refugee Convention or Protocol relates to its position towards Palestinian refugees.⁴²⁹ Jordan is, however, party to several other human rights treaties, many of which establish similar obligations as the CSR51.⁴³⁰ Jordan is party to the Convention Against Torture, article 3 of which prohibits *refoulement* to a country where there is reason to believe he would be in danger of torture.⁴³¹ It is also party to the International Covenant on Civil and Political Rights,⁴³² which protects the rights of freedom of movement and due process and to refrain from arbitrary detention.⁴³³ Jordan’s obligations under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of Discrimination

⁴²¹ Interview with Jonathan Campbell, *supra* note 381.

⁴²² MoU, *supra* note 389.

⁴²³ *Id.* arts. 3 and 10.

⁴²⁴ *Id.* art. 1.

⁴²⁵ *Id.* arts. 1, 6, 7, 8, 9 and 10.

⁴²⁶ *Id.* art. 5.

⁴²⁷ Interview with Karen Whiting, *supra* note 380.

⁴²⁸ *Status of Treaties*, UN TREATY COLLECTION (Apr. 15, 2014), available at https://treaties.un.org/pages/ViewDetailsII.aspx?&src=TREATY&mtdsg_no=V~2&chapter=5&Temp=mtdsg2&lang=en.

⁴²⁹ Interview with Saleh Al-Kilani, *supra* note 383.

⁴³⁰ *Status of Treaties*, *supra* note 428; Interview with Karen Whiting, *supra* note 380; Interview with Mohammad Al-Kilani, Jordan Hashemite Charity Organization, in Amman, Jordan (Mar. 10, 2014).

⁴³¹ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 3, Dec. 10, 1984, 1465 U.N.T.S. 85.

⁴³² *Status of Treaties*, *supra* note 428.

⁴³³ ICCPR, *supra* note 212, at arts. 12, 14 and 17.

Against Women ensure freedom from discrimination and equality before the law.⁴³⁴ Jordan is party to the 2004 Arab Charter on Human Rights, which also establishes many principles protected under the CSR51.⁴³⁵ It guarantees key survival rights; access to courts; freedom of movement; and freedom from arbitrary detention.⁴³⁶ The Arab Charter also provides for a limited principle of *non-refoulement*.⁴³⁷ The MoU accounts for approximately 70% of the rights laid out in the CSR51 as well.⁴³⁸

Jordanian Law on Residence and Foreigners' Affairs

Jordan's national law does not refer specifically to refugees, but foreigners generally.⁴³⁹ The Minister of Internal Affairs is authorized to issue decrees specifying the conditions under which foreigners, including refugees, can be permitted to enter into Jordan, and regulates documentation and status for entry.⁴⁴⁰ At the Minister's discretion a foreigner (including refugees) may be expelled from Jordan.⁴⁴¹

Policies and Asylum Procedure

Jordanian Asylum/Refugee Procedure Generally

UNHCR uses the term "refugee" as a term of convenience, as there is no domestic law or governing treaty that defines a 'refugee'. Under the 1998 MOU, UNHCR can register 'persons of concern' including 'refugees,' who must then be resettled within six months.⁴⁴² Successful applicants for status determination are legally considered "asylum-seekers" in Jordan and become "refugees" only upon securing a resettlement space to a third country.⁴⁴³ UNHCR conducts its interview and biometric scans, i.e., iris scans, first.⁴⁴⁴ They apply the same definition as the CSR51 without temporal or geographic restrictions, to refugees in Jordan.⁴⁴⁵

UNHCR does not register any Palestinian refugees in Jordan because it is within UNRWA's area of operation.⁴⁴⁶ 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

⁴³⁴ Convention on the Elimination of Discrimination against Women, [CEDAW], U.N. doc. A/34/46 (1979) (entered into force 3 Sept. 1981),

⁴³⁵ *Arab Charter*, *supra* note 117.

⁴³⁶ *Id.* arts. 12, 14, 26 and 38.

⁴³⁷ The *non-refoulement* provision in the Arab Charter applies to political asylum-seekers. See art. 28.

⁴³⁸ Confidential interview with Aid Organization 1, *supra* note 401.

⁴³⁹ Jordanian Law No. 24 of 1973 on Residence and Foreigners' Affairs.

⁴⁴⁰ *Id.* art. 10.

⁴⁴¹ *Id.* art. 37.

⁴⁴² MoU, *supra* note 389.

⁴⁴³ Interview with Karen Whiting, *supra* note 380.

⁴⁴⁴ *Id.*

⁴⁴⁵ MoU, *supra* note 389.

⁴⁴⁶ *Where we Work*, *supra* note 412.

livelihood as a result of the 1948 conflict.”⁴⁴⁷ The definition was expanded to include those displaced as a result of the 1967 conflict as well. The descendants of Palestine refugee males, including adopted children, are also eligible for registration.⁴⁴⁸ Registration with UNRWA entitles the individual to services, including health, education and housing based on need.⁴⁴⁹

UNRWA is only recording, not re-registering Palestinian refugees in Jordan if they are already registered in Syria. This decision is intended to preserve their status as Palestinians from Syria, and to enable them to return to Syria when the conflict ends. It has become even more important for Palestinians from Syria to maintain their registration with UNRWA-Syria and not admit departing the country since Assad’s declaration that Palestinians who leave Syria will not be welcomed back. UNRWA’s ability to register Palestinian refugees from Syria is further hampered by their fear of coming forward due to current policies.⁴⁵⁰ Palestinians have been deported for entering Jordan since the non-admission policy took effect.⁴⁵¹

Jordanian Refugee Policy: Entry

GoJ defines its border policy as “open.”⁴⁵² Prime Minister Ensour affirmed the government’s open-border policy toward Syrian refugees in October 2013.⁴⁵³ This means that the government waives visa requirements for entry and residence permit requirements for their stay. The government has imposed certain restrictions, however, due to the large influx of refugees and the GoJ’s desire to control the rate of entry at a manageable level.⁴⁵⁴ There was a time when up to 3,000 refugees fleeing Syria were arriving daily, over-extending Jordan’s resource-poor infrastructure.⁴⁵⁵ From January to April 2013 it permitted only about 300 per day, as this was shortly after the introduction of more restrictive policies. As of the time of our fieldwork, 600 refugees were entering from Syria per day, a rate that seems manageable and likely to remain fairly constant.⁴⁵⁶ In its efforts to maintain this rate of flow of refugees and to ensure that it is accepting those most in need, the GoJ prioritizes refugees at the border: children, particularly unaccompanied minors, the injured or sick, and the elderly. After

⁴⁴⁷ *Palestine Refugees*, UNITED NATIONS RELIEF WORKS AGENCY, available at <http://www.unrwa.org/palestine-refugees> (last visited Apr. 13, 2014).

⁴⁴⁸ *Id.*

⁴⁴⁹ *Exploding the Myths: UNRWA, UNCHR and the Palestine Refugees*, UNITED NATIONS RELIEF WORKS AGENCY (June 27, 2011), available at <http://www.unrwa.org/newsroom/features/exploding-myths-unrwa-unhcr-and-palestine-refugees>.

⁴⁵⁰ Interview with Palestinian Aid Organization, *supra* note 413.

⁴⁵¹ Hanine Hassan, *Palestinian Refugees from Syria War Left to Suffer by Jordan*, THE ELECTRONIC INTIFADA (Mar. 10, 2014), <http://electronicintifada.net/content/palestinian-refugees-syria-war-left-suffer-jordan/13229> [Hanine Hassan].

⁴⁵² *Jordan committed to open-border policy — Ensour*, *supra* note 3.

⁴⁵³ *Id.*

⁴⁵⁴ Interview with Jonathan Campbell, *supra* note 381.

⁴⁵⁵ Interview with Davide Terzi, International Office of Migration in Amman, Jordan (Mar. 10, 2014).

⁴⁵⁶ *Id.*

these are processed, it considers the general adult refugee population.⁴⁵⁷ Former military members are separated out, in order to maintain the ‘civilian nature’ of the general camps.⁴⁵⁸

Refugees who wish to enter through the official borders are prioritized by need as described above.⁴⁵⁹ There are approximately 25 unofficial crossing points.⁴⁶⁰ Refugees fleeing Syria who enter through the official border are typically brought to the Khalda center for registration, while those entering from unofficial border crossings are gathered at various collection sites.⁴⁶¹ The International Organization for Migration (“IOM”) transfers refugees from the collection sites to Raba’al-Sarhan, or one of the other 11 reception centers in Jordan. At the reception centers the refugees will undergo individual security clearance and interviews for registration purposes.⁴⁶²

Successful applicants are issued a UNHCR card, which is proof of registration, and a ration card if they are going to live in a camp.⁴⁶³ Those continuing on to urban areas instead of camps get the registration card, but not a ration card.⁴⁶⁴ The ration card grants access to all camp services: a World Food Programme (“WFP”) food voucher; health services; core relief items provided by Norwegian Refugee Council; and psychosocial services. They are also issued a Verification Appointment Card (“VAC”).⁴⁶⁵ The VAC documents the appointment for a subsequent interview for verification of status, which is done at Za’atari.⁴⁶⁶ At that interview, UNHCR asks for some additional information, such as specific protection and assistance needs, their occupations and family information. After verification, their Syrian identification documents are returned to them; the return of documents is new since the implementation of the VAC system. Syrians who entered prior to the implementation of biometric scanning and VAC can also go through the verification process and get their documents back. This process is designed to eliminate the use of fraudulent documents and double-counting of individuals.⁴⁶⁷

Protection Gaps

Registration Generally

The duplication of registration between UNHCR and the GOJ is cumbersome and time-consuming, and an unnecessary hardship for the refugees. After the UNHCR registration process at Raba’al-

⁴⁵⁷ Interview with Saleh Al-Kilani, *supra* note 383; *Refugees History in Jordan*, Video (Dec. 2, 2013) [*Refugees History in Jordan*], available at <http://www.youtube.com/watch?v=X4QvEBafIcc>.

⁴⁵⁸ *2013 Syrian Refugees at a Glance*, SYRIAN REGIONAL REFUGEE RESPONSE (Jan. 25, 2013), available at <https://ochanet.unocha.org/p/Documents/2013%20RRP%20English.pdf>.

⁴⁵⁹ *Refugees History in Jordan*, *supra* note 457.

⁴⁶⁰ *Id.*

⁴⁶¹ Interview with Karen Whiting, *supra* note 380.

⁴⁶² *Id.*

⁴⁶³ Interview with Saleh Al-Kilani, *supra* note 383.

⁴⁶⁴ Interview with Karen Whiting, *supra* note 380.

⁴⁶⁵ *Id.*

⁴⁶⁶ Reem Alsalem, *supra* note 410.

⁴⁶⁷ *Id.*

Sarhan, refugees must undergo a second interview by the government as well, The GoJ does not have a refugee status determination process, and there is no specific criteria the government is seeking in these interviews.⁴⁶⁸ The GoJ's interview includes a biometric scan,⁴⁶⁹ after which those refugees who will not be living in the camps can receive the MOI Service Card, entitling them to education and health services.⁴⁷⁰ For the majority of refugees who will live in one of the camps, the cards serve only as documentation of government registration because all needs are met through the camp services. Although UNHCR and the GoJ are discussing means to eliminate redundancy between the two registration processes, this has not materialized, and the current process is problematic and extremely burdensome, both for the refugees and the agencies involved.⁴⁷¹

Non-Refoulement, Deportation and Arbitrary Detention

Jordan's MOU with UNHCR establishes its obligation to respect *non-refoulement*, and the Arab Charter of Human Rights—which Jordan has ratified-- sets out a more limited scope of the obligation.⁴⁷² Article 33 of the CSR51 provides an exception to the principle of *non-refoulement* when there are “reasonable grounds for regarding [the refugee] as a danger to the security of the country... or [s/he] constitutes a danger to the community”.⁴⁷³ UNHCR has indicated that while some deportations are justified under this exception, it considers many deportations to be unlawful.⁴⁷⁴ The MOI retains the absolute right to deport foreigners, and can reject an application for residence or revoke a residence permit without specifying the reasons for that decision.⁴⁷⁵ The UNHCR has identified *refoulement* to the Human Rights Council as one of the most pressing of Jordan's legal violations.⁴⁷⁶ UNHCR categorically opposes rejection at the frontier as inconsistent with Jordan's *non-refoulement* obligation.⁴⁷⁷

Syrian nationals are being deported in some instances for violating laws, such as working illegally.⁴⁷⁸ Others are deported for posing security problems, usually as a result of political actions, regardless of specific affiliation.⁴⁷⁹ UNHCR states that it has access to detained individuals, but such access is limited when the authorities claim national security is involved.⁴⁸⁰ The GoJ views national security

⁴⁶⁸ *Regional Overview: RRP5 Update*, UN REFUGEE AGENCY (Oct. 2013), file:///C:/Users/Danielle/Downloads/REGIONALPROTECTIONOVERVIEW-DECEMBER2013.pdf.

⁴⁶⁹ *2014 Syria Regional Response Plan: Jordan*, *supra* note 381, at 18; *See also*, *Regional Overview: RRP5 Update*, *supra* note 468.

⁴⁷⁰ *Regional Overview: RRP5 Update*, *supra* note 114. The white MOI Service card is a photo ID for all persons over six years old. Interview with Saleh Al-Kilani, *supra* note 383.

⁴⁷¹ Interview with Karen Whiting, *supra* note 7.

⁴⁷² *Arab Charter*, *supra* note 117.

⁴⁷³ *CSR51*, *supra* note 108, at art. 33.

⁴⁷⁴ Interview with Karen Whiting, *supra* note 380.

⁴⁷⁵ Olwan, *supra* note 39.

⁴⁷⁶ *Universal Periodic Review*, *supra* note 374.

⁴⁷⁷ Sir Elihu Lauterpacht and Daniel Bethlehem, *The Scope and Content of the Principle of Non-refoulement: Opinion* (June 20, 2001), available at <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=419c75ce4&query=deny%20entry%20refoulement>.

⁴⁷⁸ Interview with Aid Organization 1, *supra* note 401.

⁴⁷⁹ *Id.*

⁴⁸⁰ Interview with Karen Whiting, *supra* note 380.

broadly, including commercial sex work; smuggling (of weapons, guns or people) across the border; and illegal work. The government has been quite flexible in allowing UNHCR access to cases involving commercial sex workers and some illegal work, and the Agency claims to be relatively successful in intervening and preventing deportation in these cases.⁴⁸¹ Some agency staff claim that deportations are politically motivated, to express displeasure with lack of international funding for refugee assistance, or in specific cases, in retaliation for involvement in the conflict in Syria.⁴⁸² Deportations of Syrian nationals, while a violation of international standards, does not prevent re-entry. Deported Syrian can re-enter immediately. This possibility for re-entry is not applicable to other refugee populations, for example, Iraqis who are returned get a stamp on their documents and are denied entry for 5 years and Palestinians who leave or are *refouled* cannot return.⁴⁸³

Palestinians fleeing Syria have borne the brunt of new border policies. As of January 2013, Jordan has implemented a non-admission policy toward Palestinians.⁴⁸⁴ The current policy is in line with the “Jordan-first” initiatives that began decades ago, and a similar policy of Palestinian non-admission was implemented during the Iraqi refugee crisis.⁴⁸⁵ The ban on admission of Palestinians from Syria became official in January 2013 with the Prime Minister’s declaration, but had been occurring for several months already.⁴⁸⁶ Palestinians who do manage to enter, using Syrian documents--either counterfeit or belonging to someone else--using family ties, or through unofficial crossing points, are at risk of detention and deportation.⁴⁸⁷

As a result of the non-admission policy, all Palestinians who have entered since January 2013 have technically committed an immigration crime.⁴⁸⁸ Border control is a matter of national security, thus these people are viewed as criminals and a security threat.⁴⁸⁹ To date, over 100 Palestinian refugees have been returned, with an upsurge of cases in 2014.⁴⁹⁰ Seventy-four Palestinians were returned to Syria in 2013; in January and February of 2014 alone 39 more were deported.⁴⁹¹ The majority of deportees are women, children and the elderly, which suggests the claim that they are a security threat is not credible.⁴⁹² Even the most vulnerable Palestinians are subject to deportation; wounded and unaccompanied minors have even been removed. Spouses and descendants of Black September

⁴⁸¹ *Id.*

⁴⁸² Interview with Aid Organization 1, *supra* note 401.

⁴⁸³ *Id.*

⁴⁸⁴ *Refugees from Syria Face Further Suffering if Jordan Closes Border*, *supra* note 384.

⁴⁸⁵ The first anti-Palestinian sentiment began in a speech by the King in 1988, essentially stating that Jordan was Jordan and would not be the “natural recipient” for Palestinians. Interview with Jalal Al Husseni, Institut Francais de Proche Orient in Amman, Jordan (Mar. 11, 2014).

⁴⁸⁶ *Jordan Bias at the Syrian Border*, HUMAN RIGHTS WATCH NEWS (Jul. 4, 2012), available at <http://www.hrw.org/news/2012/07/04/jordan-bias-syrian-border>.

⁴⁸⁷ Interview with Renaud Rodier, *supra* note 404.

⁴⁸⁸ *Id.*

⁴⁸⁹ *Ministries*, *supra* note 397.

⁴⁹⁰ Interview with Renaud Rodier, *supra* note 404.

⁴⁹¹ Interview with Palestinian Aid Organization, *supra* note 413.

⁴⁹² Interview with Renaud Rodier, *supra* note 404.

participants are also subject to deportation.⁴⁹³ Deportation is usually carried out within 24 hours, leaving very little time for intervention. Intelligence services often come at night and execute the return without any option for judicial review.⁴⁹⁴ The fear of removal is pervasive for Palestinian Syrian refugees in Jordan. GoJ officials have entered public schools to arrest and remove Palestinian children.⁴⁹⁵ Attempts to register births or seek permission to marry a Jordanian national can lead to exposure and expulsion as well.⁴⁹⁶ Palestinian aid organizations claim that deportation of Palestinians from Syria can be initiated on virtually any encounter with authorities.⁴⁹⁷

Under the CSR51, *non-refoulement* applies where the individual's "life or freedom would be threatened" on account of one of the five protected grounds.⁴⁹⁸ The present situation in Syria is such that one's political opinion, whether in favor of or in opposition to the government, could put life or freedom at risk.⁴⁹⁹ Thus, any returns to Syria constitute a violation of *non-refoulement*. However, many sources report that conditions in Syria are more dangerous for Palestinians than Syrian nationals, including reports of starvation in the camps.⁵⁰⁰ Palestinians fear government retaliation based on the perception that Palestinians have tended to side with the opposition; however, the opposition is equally anti-Palestinian, and has forced Palestinians out as they take over regions of the country.⁵⁰¹ Hence the removal of Palestinians to Syria falls clearly within the parameters of *refoulement*, as their life and freedom are at risk for both political opinion and nationality.⁵⁰²

Syrian refugees are not subject to arbitrary detention.⁵⁰³ They may be detained in national prisons, just as Jordanians would be, for committing crimes.⁵⁰⁴ Some NGOs have access to detention centers and refugees may access legal aid.⁵⁰⁵ UNHCR has full access to all correction facilities and juvenile centers.⁵⁰⁶ Authorities often refer cases involving refugees to UNHCR directly.⁵⁰⁷ UNHCR claims it is routinely informed about detainees and those threatened with deportation.⁵⁰⁸ UNHCR conducts detention monitoring visits and provides legal representation for all children. It can also provide legal

⁴⁹³ *Jordan: Obama Should Press King on Asylum Seeker Pushbacks*, HUMAN RIGHTS WATCH (Mar. 21, 2013), available at <http://www.hrw.org/news/2013/03/21/jordan-obama-should-press-king-asylum-seeker-pushbacks>.

⁴⁹⁴ *Id.*

⁴⁹⁵ Interview with Palestinian Aid Organization, *supra* note 413.

⁴⁹⁶ Interview with Aid Organization 1, *supra* note 401.

⁴⁹⁷ *Id.*

⁴⁹⁸ CSR51, *supra* note 117, at Art. 33(1). (No contracting State shall expel or return (*refouler*) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group, or political opinion).

⁴⁹⁹ See, e.g., Brian Michael Jenkins, *Syria's Bloody Stalemate*, US NEWS, Jan. 16, 2014, available at <http://www.usnews.com/opinion/blogs/world-report/2014/01/16/the-syrian-civil-war-will-last-for-years>.

⁵⁰⁰ *Syrian's Palestinians No More a Haven*, THE ECONOMIST (Feb. 15, 2014), available at <http://www.economist.com/news/middle-east-and-africa/21596576-palestinians-syria-have-had-enough-no-more-haven>.

⁵⁰¹ Hanine Hassan, *supra* note 451.

⁵⁰² Interview with Aid Organization 1, *supra* note 438.

⁵⁰³ *Jordan Bias at the Syrian Border*, *supra* note 486.

⁵⁰⁴ Interview with Mohamad Al-Kilani, *supra* note 430.

⁵⁰⁵ See, e.g., Interview with Aid Organization 1, *supra* note 401.

⁵⁰⁶ *Jordan*, UNHCR GLOBAL REPORT 2010, available at <http://www.unhcr.org/4dfdbf4f13.pdf>.

⁵⁰⁷ Interview with Karen Whiting, *supra* note 380.

⁵⁰⁸ *Id.*

representation for adults based on a needs assessment, other than for certain national security cases.⁵⁰⁹

Refugees living in the camps do not have freedom to leave unless they are able to “bail out.”⁵¹⁰ While approximately 320,000 refugees have been in Za’atari since the start of the crisis, only 80-100,000 are there now because the majority has been able to bail out to urban communities.⁵¹¹ In order to bail out, a refugee or refugee family must obtain the sponsorship of a Jordanian family willing to be responsible for the refugees outside of the camp.⁵¹² As of 2012, Palestinians are no longer permitted to bail out of Cyber City, prompting some organizations to characterize it as a detention facility.⁵¹³ Most agencies agree that at this point, movement out of Cyber City is extremely limited.⁵¹⁴ Early on in the conflict, agency officials claim that conditions in Cyber City were very poor, but that now the quality of shelter and assistance is comparable to Za’atari camp.⁵¹⁵ Even so, prolonged confinement has had a severely negative impact on the mental well-being of Palestinians living there; some have developed depression or aggressive behavior.⁵¹⁶ Human Rights Watch reports that as of April 2012, the GoJ has been automatically detaining Palestinian refugees from Syria.⁵¹⁷

Access to Status Determination and Durable Solutions

UNHCR is responsible for facilitating durable solutions, but Jordan does not permit permanent absorption of refugees within its borders.⁵¹⁸ Thus, repatriation and third country resettlement are the only durable solutions available to refugees.⁵¹⁹ UNHCR does not promote or facilitate returns to Syria due to the dangers returnees could face, and it only pursues resettlement on a limited basis, when it is available.⁵²⁰ UNHCR claims to have eliminated its entire backlog for Syrian refugees as of 2013.⁵²¹ The primary barrier is the lack of available resettlement slots in third countries.⁵²² Lack of adequate documentation is a problem for many refugees in seeking resettlement, although the VAC program is providing needed documentation for some.⁵²³ NGOs are advocating for Syrian refugees to

⁵⁰⁹ *Id.* 2014 Syria Regional Response Plan: Jordan, *supra* note 381, at 18.

⁵¹⁰ Interview with Renaud Rodier, *supra* note 404; see Ursula Lindsey, *The Zaatari Refugee Camp*, THE ARABIST (Apr. 2, 2013), <http://arabist.net/blog/2013/4/2/the-zaatari-refugee-camp.html>.

⁵¹¹ Interview with Sheeraz Almkhaimer, *supra* note 546.

⁵¹² Interview with Mohamad Al-Kilani, *supra* note 430.

⁵¹³ Interview with Renaud Rodier, *supra* note 404. See also Jordan Bias at the Syrian Border, *supra* note 486.

⁵¹⁴ Interview with Jonathan Campbell, *supra* note 11; Interview with Taghreed Abu Sarhan, UNFPA, in Amman, Jordan (Mar. 12, 2014); Interview with Palestinian Aid Organization, *supra* note 413.

⁵¹⁵ Interview with Renaud Rodier, *supra* note 404.

⁵¹⁶ *Id.*

⁵¹⁷ *Jordan Bias at the Border*, *supra* note 486.

⁵¹⁸ MoU, *supra* note 389.

⁵¹⁹ *Id.*

⁵²⁰ Interview with Karen Whiting, *supra* note 380.

⁵²¹ *Id.*; UNHCR slashes waiting time, clears backlog of Syrian registrations in Jordan, UNHCR (Oct. 3, 2013), available at <http://www.unhcr.org/524d5e4b6.html>

⁵²² See Interview with Saleh Al-Kilani, *supra* note 383.

⁵²³ Reem Alsalem, *supra* note 410.

have access to judges in camps in order to register births and marriages to overcome a major problem in obtaining registration documents.⁵²⁴

Resettlement of Syrian refugees is not occurring in significant numbers out of Jordan.⁵²⁵

Approximately 800 Syrians were resettled in 2013. UNHCR has set a goal for resettlement in 2014 at 3,000.⁵²⁶ The primary receiving nations will be members of the European Union, but the United States has made an 'open-ended' offer (discussed above in the Recommendations section).⁵²⁷ The Norwegian countries have offered some slots for Syrian refugees, as have certain other nations. Much of the resettlement that has occurred so far has been a result of family ties in the various accepting nations.⁵²⁸ Going forward, UNHCR has called for a new and broader program of humanitarian admission for Syrian refugees.⁵²⁹ UNHCR's focus so far has been on resettlement to the European Union because of greater numbers of refugees with family ties in Europe.⁵³⁰

The GoJ supports and encourages resettlement to third countries, but is opposed to media coverage that may make Jordan appear to be a gateway to the West and act as a draw for greater numbers of refugees.⁵³¹ Moreover, UNHCR has been approached by various countries with resettlement plans that make distinctions within the Syrian refugee population.⁵³² The GoJ claims that Germany offered 5,000 resettlement slots, but only for Christians fleeing Syria. The GoJ rejected this offer because it perceived it as discriminatory.⁵³³ The United States offered to accept 9,000 Iraqis from Syria through Amman.⁵³⁴ The plan would give preference to wealthier Iraqi professionals residing in Syria who

⁵²⁴ Interview with Aid Organization 1, *supra* note 401.

⁵²⁵ *Id.*

⁵²⁶ *Id.*; 2014 Syria Regional Response Plan: Jordan, *supra* note 281, at 28.

⁵²⁷ *The Crisis in Syria*, EUROPEAN RESETTLEMENT NETWORK (2013), available at <http://www.resettlement.eu/news/crisis-syria>.

⁵²⁸ *Id.*

⁵²⁹ Interview with Karen Whiting, *supra* note 380.

⁵³⁰ *The Crisis in Syria*, *supra* note 527.

⁵³¹ Interview with Saleh Al-Kilani, *supra* note 383.

⁵³² *Id.*

⁵³³ Interview with Taghreed M. Abu Sarhan, *supra* note 514; Interview with Maha Homs, UNICEF, in Amman, Jordan (Mar. 12, 2014); and Interview with Melinda Wells, Recovery Advisor, UN Women, in Amman, Jordan (Mar. 12, 2014). Al-Arabiya reported in March 2013 that Christian Syrians are to be given preference for admission to Germany, quoting the German Interior Minister Hans-Peter Friedrich, because "they are under particular threat of persecution." Al-Arabiya, 'Germany offers to take 5,000 more refugees' (Mar. 30, 2013), available at <http://english.alarabiya.net/en/News/2013/03/20/Germany-offers-to-take-in-5-000-more-Syrian-refugees-.html> (last visited June 6, 2014). However, according to ICMC, Christians are not given a special preference under THAP. In the 2009 resettlement of refugees from Iraq, Germany initially proposed prioritization of Christians as a persecuted minority; however UNCHR and NGOs opposed prioritization of Christians, advocating instead for prioritizing protection needs and vulnerability. Germany adapted its selection criteria as a result, and of the 2501 refugees resettled, 48% were Christian and 52% Muslim. With respect to the current refugee crisis, the Austrian government initially prioritized Christians (as a persecuted minority group and on the basis of ties with a religious organization in Austria) for humanitarian admission to Austria. However, this resulted in criticism by NGOs and other stakeholders, and Austria subsequently admitted refugees under UNHCR selection criteria. (Email correspondence from Lisa Fischer, ICMC Europe, to Cynthia Orchard, 19 June 2014, cited in RSC Report at n. 227); See also ICMC, *Welcome to Europe!*, *supra* note 29, at 179.

⁵³⁴ Sabrina Tavernise and David Rohde, *Few Iraqis Reach Safe U.S. Havens Despite Program*, N.Y. TIMES, Aug. 29, 2007, available at http://www.nytimes.com/2007/08/29/world/middleeast/29refugees.html?pagewanted=all&_r=0.

would travel to Amman to be resettled.⁵³⁵ The GoJ modified this to control the number of Iraqi refugees scheduled to be resettled to the US to 50 at a time.⁵³⁶

Organizations working with Syrian refugees give varying accounts of whether significant numbers of Syrian refugees seek resettlement.⁵³⁷ Some claim that Syrians overwhelmingly report wishing to return and that few want to be permanently resettled or even want to leave the region.⁵³⁸ One organization noted that refugees have told them they would rather be in “a tent in Syria than a palace” elsewhere.⁵³⁹ Other organizations claim that the first question refugees ask donors is “will you be able to take us in your country?”⁵⁴⁰ NGO’s claim the Syrian refugees were aware about resettlement opportunities even before the organizations themselves knew.⁵⁴¹ The Syrians who are inclined to resettle are typically young, educated professionals.⁵⁴² Older Syrians who have stronger ties to the country or those who have family still in Syria do not wish to leave.⁵⁴³

Many Syrians have already opted to return to Syria, despite the ongoing conflict.⁵⁴⁴ Approximately 100,000 Syrians have returned, citing reasons including intolerable conditions in the host community; a desire to return to work, or to join the fighting; family reunification; or simply because they miss or want to check on their homes.⁵⁴⁵ Some individuals who have entered Jordan specifically for medical treatment have voluntarily returned, as well.⁵⁴⁶ Many Syrians have stated to interviewers that they would “rather die in Syria than live in a camp.”⁵⁴⁷ The Syrian government claims to be controlling 70% of the country, and many refugees affiliated with the government believe that return is safe to those government-controlled areas.⁵⁴⁸ At the same time, the opposition claims to be controlling certain areas and that refugees are safe to return there. Individuals wishing to return must make arrangements with MOI and UNHCR.⁵⁴⁹ UNHCR monitors returns to ensure voluntariness; returnees must sign a letter witnessed by UNHCR to prove that return is voluntary. Returns are arranged both through official and unofficial borders.⁵⁵⁰ Because of the serious risk to safety,

⁵³⁵ *Id.*

⁵³⁶ *Human Rights Watch: Syrians Blocked from Fleeing War*, *supra* note 131.

⁵³⁷ *See, e.g.*, Interview with Maha Homs, *supra* note 533; Interview with Jonathan Campbell, *supra* note 381.

⁵³⁸ Interview with Jonathan Campbell, *supra* note 381.

⁵³⁹ *Id.*

⁵⁴⁰ Interview with Maha Homs, *supra* note 533.

⁵⁴¹ Interview with Sheeraz Almkhaimer, *supra* note 546.

⁵⁴² *Id.*

⁵⁴³ Interview with Maha Homs, *supra* note 533.

⁵⁴⁴ *100,000 Syrian Refugees Return to their Country Voluntarily*, PETRA- JORDAN NEWS AGENCY (Mar. 21, 2014), available at http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=1&lang=2&NewsID=131275&CatID=13&Type=Home>ype=1.

⁵⁴⁵ Interview with Saleh Al-Kilani, *supra* note 383.

⁵⁴⁶ Interview with Sheeraz Almkhaimer, *supra* note 546.

⁵⁴⁷ *Id.*

⁵⁴⁸ *Id.*

⁵⁴⁹ Interview with Saleh Al-Kilani, *supra* note 383.

⁵⁵⁰ *Id.*

organizations working with Syrian refugees do not consider repatriation a viable solution in the foreseeable future.⁵⁵¹

Durable solutions are even more limited for Palestinians because UNRWA cannot negotiate resettlement for fear of interfering with the Palestinian right of return.⁵⁵² The Palestine Liberation Organization in Jordan has stated that individual Palestinian refugees have the right to choose resettlement on an individual basis, and such a choice does not negate the right of return for Palestinians.⁵⁵³ However, the PLO's official position remains that resettlement as a collective option undermines the demand for Palestinian refugees to return to their homeland.⁵⁵⁴

UNRWA is responsible for registering all Palestinian refugees in Jordan.⁵⁵⁵ Palestinians who are registered with UNRWA in Syria do not have access to registration in Jordan, and are "recorded" by UNRWA as 'Palestinian refugee-Syria' in order to maintain their right to return to Syria when the conflict ends.⁵⁵⁶ Palestinian refugees' willingness to come forward to record their presence and obtain services is limited by their fear of exposure.⁵⁵⁷ There are only 12,500 Palestinian Syrian refugees recorded with UNRWA in Jordan, compared with the 455,000 registered in Syria. Although it is "anyone's guess"⁵⁵⁸ how many more Palestinian refugees are living in Jordan, estimates range from 5,000-20,000.⁵⁵⁹ It is clear that a significant number are unrecorded and not receiving the benefits of the legal status recording process.⁵⁶⁰

Palestinian refugees have essentially no durable solutions available to them at present; return to Syria is unsafe; resettlement is not negotiated by UNRWA in order to preserve the right of return; and Jordan's recent policies affirm that integration into the Jordanian population is not a viable option.⁵⁶¹

Livelihood: Food, Shelter, Health, Work, and Education

Right to Work

The MoU states that the GoJ should allow refugees access to lawful employment to support themselves to the extent that "the laws and regulation permit." Jordan has significantly limited the

⁵⁵¹ Interview with Karen Whiting, *supra* note 380.

⁵⁵² Interview with Palestinian Aid Organization, *supra* note 413.

⁵⁵³ Interview with Mohammad Abu Baker, Palestine Liberation Organization in Amman, Jordan (Mar. 11, 2014).

⁵⁵⁴ *Id.*

⁵⁵⁵ *Where We Work*, *supra* note 412.

⁵⁵⁶ UNRWA-Jordan, *PRS in Jordan*, available at <http://www.unrwa.org/prs-jordan>.

⁵⁵⁷ Interview with Palestinian Aid Organization, *supra* note 413.

⁵⁵⁸ *Id.*

⁵⁵⁹ Interview with Aid Organization 1, *supra* note 401.

⁵⁶⁰ Interview with Renaud Rodier, *supra* note 404.

⁵⁶¹ See, e.g., *PRS in Jordan*, UNRWA (Mar. 2014), available at <http://www.unrwa.org/prs-jordan>.

occupations available to Syrians.⁵⁶² In theory, the Ministry of Labour may grant work permits to refugees, but in practice they are rarely issued.⁵⁶³ The lack of legal work is forcing many to turn to negative coping mechanisms, including child labor, early marriage⁵⁶⁴ and survival sex.⁵⁶⁵ An estimated 32,000 refugee children are working in Jordan.⁵⁶⁶ Many Syrians are working illegally, putting them at risk of detention or deportation.⁵⁶⁷ The increased competition for housing, meanwhile, has been to the detriment of Syrians and the poorest Jordanians; rent for the cheapest housing is rapidly increasing.⁵⁶⁸ There is a widespread perception that because Syrians have the reputation of being hard-working, and are willing to do many types of work that many Jordanians are not, they receive preferential hiring by many employers.⁵⁶⁹

Several organizations, including UNWomen and International Medical Corps (“IMC”) have initiated programs to provide legal earning opportunities for refugees.⁵⁷⁰ The projects help to empower vulnerable populations and fill the gap in resources where assistance falls short.⁵⁷¹ IMC is working in urban communities to develop projects that include Jordanians and refugee communities together.⁵⁷² The goals are to combat feelings of animosity between Jordanians and Syrians,⁵⁷³ to improve joint investment in communities, and to facilitate employment opportunities for both.⁵⁷⁴ UNICEF and other NGOs are using targeted cash assistance for families to help reduce the financial burden and prevent the need for child labor.⁵⁷⁵

Education and Health Care

Jordan’s policies on education and health care for refugees provide for equal access to that of nationals in many respects.⁵⁷⁶ Jordanian schools are offering “second-shifts” to accommodate Syrian students and since they teach the same curriculum, Syrian refugee children can obtain their

⁵⁶² MoU, *supra* note 389, at arts. 8 and 9.

⁵⁶³ Interview with Karen Whiting, *supra* note 380.

⁵⁶⁴ Although the lack of legal work opportunities do exacerbate the prevalence of underage marriage, it is important to note that early marriage is a cultural norm. The percentage of marriages that involve an underage person has not increased dramatically between its occurrence in Syria and now as refugees in Jordan, despite media attention. Interview with Maha Homs, *supra* note 533.

⁵⁶⁵ *Needs, Vulnerabilities and Capacities*, 2014 REFUGEE RESPONSE PLAN, available at <http://www.unhcr.org/syriarrp6/docs/syria-rrp6-jordan-response-plan.pdf>.

⁵⁶⁶ Interview with Maha Homs, *supra* note 533.

⁵⁶⁷ Hani Hazaim, *Around 160,000 Syrians Work Illegally in Jordan*, THE JORDAN TIMES (Mar. 17, 2013), available at <http://jordantimes.com/around-160000-syrians-work-illegally-in-jordan>.

⁵⁶⁸ Interview with Maha Homs, *supra* note 533.

⁵⁶⁹ *Id.*

⁵⁷⁰ Interview with Sheeraz Almukhaimer, *supra* note 546; Interview with Melinda Wells, *supra* note 533.

⁵⁷¹ *Id.*

⁵⁷² *Id.*

⁵⁷³ Many Jordanians feel that Syrians are a burden on their economy; that the international community cares more about the refugees than about the nationals themselves; or that they are taking jobs from Jordanians, despite the industries that they are working in being unappealing to Jordanians. The projects also target more petty stereotypes, for instance, the belief that Syrian women will ‘steal’ Jordanian men. *Id.*

⁵⁷⁴ *Id.*

⁵⁷⁵ Interview with Maha Homs, *supra* note 533.

⁵⁷⁶ 2014 Country Profile – Jordan, *supra* note 27.

education certifications.⁵⁷⁷ Child labor is a problem in ensuring that school-age children stay in school.⁵⁷⁸ To encourage school attendance, UNICEF, the Ministry of Education and Save the Children Jordan have initiated a joint “Back to School Campaign.”⁵⁷⁹ The WFP has also initiated a program in schools to guarantee nutritious food for more children and to encourage school attendance.⁵⁸⁰

Currently 190,000-- approximately 68% -- Syrian school-aged children attend school.⁵⁸¹ This is a significant increase from last year, when a mere one third of Syrian children attended school.⁵⁸² Through the efforts of the Ministry of Health and various UN and NGO collaborators, there are few serious health problems among the Syrian refugee population.⁵⁸³ The MOI Service Card grants access to government health services to all Syrian refugees in urban communities.⁵⁸⁴ In the camps, the UN and affiliated organizations provide health care services.⁵⁸⁵ Several NGOs provide services to non-registered refugees throughout the country as well.⁵⁸⁶ Over the past months, the Ministry of Health has been able to increase its immunization programs to reach most, if not all, of the refugee population.⁵⁸⁷

Other Refugee Populations of Concern

Iraqis and Africans

Jordan’s refugee history includes various populations over the years; most notably 2 million Palestinian refugees from prior conflicts, described in detail below, and a significant number of Iraqi refugees.⁵⁸⁸ The UNHCR has registered 32,000 Iraqis to date, but the GoJ estimates that there may be 450,000 Iraqis in the country.⁵⁸⁹ The enormous backlog of Iraqi registrations contrasts sharply with the UNHCR’s elimination of its Syrian case backlog as of 2013.⁵⁹⁰ UNHCR has also registered 1,700 Sudanese and other African refugees, including Egyptians and Somalis, in the past few years.⁵⁹¹

⁵⁷⁷ Interview with Maha Homsî, , *supra* note 533.

⁵⁷⁸ *Needs, Vulnerabilities and Capacities*, *supra* note 565.

⁵⁷⁹ *Id.*

⁵⁸⁰ *WFP Activities: Jordan*, WORLD FOOD PROGRAMME, available at <http://www.wfp.org/countries/jordan/operations> (last visited July. 13, 2014).

⁵⁸¹ *Id.*

⁵⁸² Jodi Rudoren, *A Lost Generation: Young Syrian Refugees Struggle to Survive*, N.Y. TIMES, May 8, 2013, available at <http://www.nytimes.com/2013/05/09/world/middleeast/syrian-refugees-in-jordan-struggle-to-survive.html?pagewanted=all&r=2&>.

⁵⁸³ *Needs, Vulnerabilities and Capacities*, *supra* note 565. Chronic and pre-existing issues are prevalent, but without specific links to the refugee condition.

⁵⁸⁴ Interview with Saleh Al-Kilani, *supra* note 383.

⁵⁸⁵ *2014 Country Profile – Jordan*, *supra* note 27.

⁵⁸⁶ *Needs, Vulnerabilities and Capacities*, *supra* note 565.

⁵⁸⁷ *Id.*

⁵⁸⁸ Refugees International- Jordan Page, *supra* note 373.

⁵⁸⁹ *Id.*

⁵⁹⁰ Interview with Karen Whiting, *supra* note 380.

⁵⁹¹ *2014 UNHCR Country Operations Profile – Jordan*, *supra* note 27.

Jordan offers refugees an urban, non-camp environment which poses some benefits for normalizing life in the host country, but also poses some additional economic issues for refugees.⁵⁹²

Iraqi refugees face multiple problems not entirely unlike those facing the Syrians: the majority lack legal refugee status in Jordan, and this is exacerbated by the backlog in registration. Access to durable solutions is limited by instability in Iraq, which is increasing in the current situation. Jordan's denial of integration into the country, and the arduous process of third country resettlement, as well as the inability to access legal work seriously affects Iraqis, as well. The government has, however, extended the right to education and access to health care to Iraqi refugees, similar to the services available to Syrians with the MOI Service Card.⁵⁹³

Sudanese and Somali refugees have experienced similar issues as Iraqi and Syrian refugees, but the economic hardship strikes them particularly hard.⁵⁹⁴ Overcrowding has become a substantial problem-- in one case 36 Sudanese men were found living in a 2 room flat-- health and hygiene have deteriorated; and financial aid has decreased to redirect it to the Syrian refugees. Over 50% of Sudanese and Somali refugees have had their monthly allowance of financial aid withdrawn since the Syrian crisis.⁵⁹⁵ Many Sudanese have complained that they are excluded from NGO services extended to Iraqis and Syrians, due in part to the wishes of donors.⁵⁹⁶ They also report facing discrimination in daily life, including being called racial slurs such as "Blackie" in schools.⁵⁹⁷

Palestinians

Palestinians make up the largest percentage of the Jordanian refugee population with two million registered Palestinian refugees.⁵⁹⁸ Some believe that Jordan's Palestinian population accounts for half of the nation's total population.⁵⁹⁹ Jordan has granted full citizenship to all Palestinian refugees from prior flows into the country, with the exception of approximately 140,000 refugees who originated from Gaza.⁶⁰⁰ Ten official refugee camps, and three unofficial refugee camps have been created for Palestinians and are overseen by UNRWA.⁶⁰¹ These camps have become more like urban neighborhoods than traditional refugee camps.⁶⁰² As of 2010, approximately 341,000 Palestinian refugees resided in camps, while the remaining 1.64 million did not.⁶⁰³

⁵⁹² *Refugees and Migrants*, ARAB RENAISSANCE FOR DEMOCRACY AND DEVELOPMENT (2012), available at <http://www.ardd-legalaid.org/welcome/default/Refugees?page=0>.

⁵⁹³ *Id.*

⁵⁹⁴ *Id.*

⁵⁹⁵ *Id.*

⁵⁹⁶ Zerene Haddad, *Jordan: Sudanese Refugees Struggle Against Racism Everyday*, JESUIT REFUGEE SERVICES (June 18, 2012), available at http://en.jrs.net/campaign_detail?PTN=1&TN=PROJECT-20120615095435.

⁵⁹⁷ *Id.*

⁵⁹⁸ *Where We Work*, *supra* note 412.

⁵⁹⁹ Refugees International-Jordan Page, *supra* note 373.

⁶⁰⁰ *Where we Work*, *supra* note 412.

⁶⁰¹ *Id.*

⁶⁰² Palestinian Refugee Research Net, BACKGROUND, McGill University, available at <http://prrn.mcgill.ca/background/>.

⁶⁰³ *Id.*

All Palestinians who enjoy full Jordanian citizenship theoretically are entitled to a standard of living generally equivalent to other Jordanians.⁶⁰⁴ In reality, Palestinians suffer discrimination particularly in education and employment opportunities.⁶⁰⁵ Palestinians are not afforded the same opportunities to work within the government, police, security or social services.⁶⁰⁶ Recently, 4,000 people had their Jordanian nationality revoked and are thus, newly stateless.⁶⁰⁷ This primarily has an impact on Palestinians who had previously been treated as Jordanians and/or were married to Jordanians.⁶⁰⁸ Many PRS are at risk of document confiscation and denationalization as a result of family history or political affiliation.⁶⁰⁹ Involvement in Black September⁶¹⁰ can lead to forcible removal, not only of participants themselves, but of spouses and descendants.⁶¹¹

Recommendations for Jordan

It is important to note that the GoJ has been quite generous in many respects. NGO's and UN agencies commend Jordan for its openness to refugees; it provides them health care and education services equal to its own nationals and extends the same subsidies to them for goods as to nationals.⁶¹² Despite the GoJ's own resource scarcity and weak infrastructure, its efforts towards refugees have been commendable. The numbers of refugees from Syria are simply too great for Jordan to provide for on its own, however, and it is benefiting from the massive influx of humanitarian aid coming into the country. The following recommendations for Jordan will address the gaps in protection and violations of key norms that have been occurring.

Open Borders, Uniform Right of Entry, and Respect for Non-Refoulement for all Refugees from Syria

First, we urge Jordan to fully adhere to the principle of *non-refoulement*. Jordan is bound by *non-refoulement* under several treaties, as discussed above, and under the MoU, it has agreed to the UNHCR definition as is found in the CSR51. The widespread denial of entry and the deportations of persons fleeing Syria, particularly of Palestinians, is a clear violation of Jordan's international obligations, and poses a substantial risk to life and liberty of the refugees it hosts. In the same way as for Lebanon, we call on Jordan to maintain an open border for all persons fleeing for safety.

⁶⁰⁴ *Id.*

⁶⁰⁵ Refugees International-Jordan Page, *supra* note 373.

⁶⁰⁶ Maha Al-Kahef, Marina Ferhatovic and Haneen Aweis, *Palestinians in Jordan: Same but Different*, EURO-MEDITERRANEAN ACADEMY FOR YOUNG JOURNALISTS (2014), available at <http://www.goethe.de/ins/jo/amm/prj/ema/far/paj/enindex.htm>.

⁶⁰⁷ Interview with Aid Organization 1, *supra* note 401.

⁶⁰⁸ *Id.*

⁶⁰⁹ Interview with Renaud Rodier, *supra* note 404.

⁶¹⁰ Black September refers to the brief, but bloody civil war between the Jordanian army under King Hussein and Palestinian guerillas in September 1970. Its memory acts as a barrier to fully accepting Palestinians as Jordanians out of fear of their potential political power due to their large representation in the population. *Black September*, ENCYCLOPÆDIA BRITANNICA (Sept. 30, 2013), available at <http://www.britannica.com/EBchecked/topic/439645/Palestine/45090/The-PLOs-struggle-for-Palestinian-autonomy#ref479023>.

⁶¹¹ Interview with Renaud Rodier, *supra* note 404.

⁶¹² Interview with Karen Whiting, *supra* note 380; Interview with Mohamad Al-Kilani, *supra* note 430.

Related to the right of entry for refugees, Jordan should reform its duplicative border registration process, which has become a serious hardship for refugees already suffering trauma. There is no legitimate reason for several rounds of interviews from both UNHCR and the MOI, and the paperwork involved is time-consuming and unnecessary. The Jordanian government should work with UNHCR to immediately streamline the entry and registration process for all refugees to make it quick and simple to cross the border.

As part of the obligation to allow refugees access to territory and protection, Jordan must cease its detentions and deportations of refugees, and revise its over-broad definitions of who is a security risk. Persons who pose no threat to security at all, including women and children, as well as family members of Black September participants, should not be detained or deported. Jordan must review its current policies and cease arbitrary detentions and deportations. Jordan should provide due process to those at risk of deportation, including full access to its detention facilities to recognized UN and legal aid organizations, independent adjudications and reasoned decisions with the right of appeal from all deportation orders.

Arbitrary detention includes restrictions on freedom of movement for camp-dwellers. We ask Jordan to revoke its policy of confining refugees to camps, including those in Cyber City. Either the GoJ should institute a uniform and liberal 'bail out' policy with minimal sponsorship requirements without discrimination for all refugees, or it should allow free movement into and out of the camps. Access to services can continue to be contingent on residing in camps, in the way Turkey provides service delivery, but freedom of movement should be granted to all refugees without arbitrary restrictions.

Comprehensive Legal Framework including Temporary Protection

As with Lebanon, we ask that Jordan codify into domestic law a refugee framework that covers refugee status; temporary protection; and criteria for asylum and resettlement. The GoJ agreed to consider the establishment of a nationwide refugee status determination process as part of its MoU with UNHCR in 1998.⁶¹³ Thus Jordan has demonstrated a commitment to codifying refugee law, and the MOI has indicated there has been serious consideration given to drafting refugee legislation. The GoJ has taken initial steps to draft a refugee law, but the effort has been put on hold due to fears that the timing is not right to pass such a law in the midst of the current crisis. Some within the MOI have expressed the need for greater expertise and education in the field before refugee legislation can be drafted.⁶¹⁴ Rather than view the Syrian crisis as a reason to put this effort in abeyance, it is precisely this crisis that calls for enacting such legislation on an urgent basis.

⁶¹³ MoU, *supra* note 389, at art. 14.

⁶¹⁴ Interview with Saleh Al-Kilani, *supra* note 383.

As part of a comprehensive law on refugees, we also urge Jordan to institute a formal Temporary Protection program for all persons fleeing Syria, including Palestinians, and to consider granting all Palestinian refugees in the country TP status, modeled on Turkey's new law. This is discussed in more detail in the first section, including the foundation for a comprehensive TP program for Palestinians grounded in the Casablanca Protocol.

Access to Work

Finally, we ask that the GoJ facilitate legal work opportunities for refugees by issuing work permits as provided for in article 8 of the MoU. Moreover it should encourage refugees to continue to work in various labor fields in order to fill a void in the Jordanian economy, as many of its nationals do not wish to fill these positions. Many have claimed that Jordan is benefiting from the huge influx of humanitarian aid into its economy. If a CPA is put in place that implements resettlement and humanitarian admissions in a TP program of refugees out of the main ME host states into European and other countries, Jordan should have the political space to liberalize its work policies. Using the resources of the dozens of international organizations working with refugees in Jordan, the government should be able to enhance development of the country for the benefit of both the refugee and Jordanian communities. Joint development projects will improve social relations between Jordanians and Syrian refugees, as well as enhance Jordan's economy and develop its infrastructure.

EGYPT

Refugees in Egypt: An Overview

Historically, Egypt has opened its doors to refugees of many different Middle Eastern and African nationalities, including Palestinians, the Sudanese, Ethiopians, Eritreans, Iraqis, and Somalis.⁶¹⁵ Before the Syrian conflict and Egypt's own political revolution, refugees who fled to Egypt benefited from the country's comparative stability and its comprehensive resettlement program.⁶¹⁶ Nevertheless, overpopulation and underemployment have prompted the Egyptian government to limit the rights of refugees.⁶¹⁷ At the same time, Egypt's current economic depression and transition to a new government have created a difficult environment for Syrians and other refugees who have fled to Egypt during the past five years.

By the end of September 2013, UNHCR had registered over 120,000 Syrian refugees in Egypt, and since then, the number of registered Syrians has grown to 135,030, including 50,017 households.⁶¹⁸ Unfortunately there is no mechanism in Egypt to naturalize Syrian refugees; the only durable solution the country affords is resettlement to a third country, or voluntary repatriation with the assistance of UNHCR.⁶¹⁹

According to official estimates, between 300,000 and 400,000 Syrian refugees have fled to Egypt.⁶²⁰ Egypt has not established refugee camps,⁶²¹ and the majority of Syrians in Egypt live scattered throughout greater Cairo,⁶²² Damietta, and Alexandria with the largest concentration of refugees in Cairo's 6th of October City.⁶²³ Sinai and Mansoura host smaller Syrian refugee populations.⁶²⁴ Since July 2013, apart from a few businessmen and individuals with connections to the Syrian National Coalition or the Syrian government, almost no Syrians have entered Egypt due to changes in Egyptian refugee policy.⁶²⁵

⁶¹⁵ Katarzyna Grabska, *Who Asked Them Anyway? Rights, Policies and Wellbeing of Refugees in Egypt* 25 (2006), available at http://www.migrationdrc.org/publications/research_reports/Kasia_Egypt_Research_ReportEDITED.pdf.

⁶¹⁶ *Id.* at 13.

⁶¹⁷ *Id.*

⁶¹⁸ 2014 Syria Regional Refugee Response, *supra* note 381.

⁶¹⁹ Accord entre le Haut Commissariat des Nations Unies pour les Réfugiés et le Gouvernement Egyptien arts. 2(b)-(c), 10 February 1954 [MOU]. See especially art. 2.

⁶²⁰ Interview with UNHCR-Egypt Representatives (Nov. 13, 2013).

⁶²¹ Interview with Representatives from the Ministry of Foreign Affairs in Egypt (Nov. 13, 2003) [MFA I].

⁶²² Greater Cairo includes Cairo, Giza, and Qalubia. CTR. FOR MIGRATION AND REFUGEE STUDIES AT THE AMERICAN UNIVERSITY IN CAIRO, FIELD RESEARCH ON SYRIAN REFUGEES IN EGYPT (forthcoming 2014) (manuscript at 9) (on file with authors).

⁶²³ Interview with UNHCR-Egypt Representatives, *supra* note 620.

⁶²⁴ See CTR. FOR MIGRATION AND REFUGEE STUDIES, *supra* note 622 (manuscript at 5).

⁶²⁵ Interview with UNHCR-Egypt Representatives, *supra* note 620. This policy change is explained in more detail below.

Syrian refugees have come to Egypt for a variety of reasons, including Egypt's "low cost of living" and "welcoming attitude."⁶²⁶ The majority of Syrians in Egypt came from Lebanon.⁶²⁷ A minority came directly from Syria or from third countries.⁶²⁸ Until 2012, most Syrians arriving in Egypt were from "middle- to upper-middle class families;"⁶²⁹ after that, less affluent Syrians began arriving in greater numbers.⁶³⁰

Concerning Palestinians, the Government of Egypt ("GoE") takes a hard line against classifying them as refugees.⁶³¹ As a result, the GoE does not allow Palestinians fleeing to Egypt from Syria ("PRS") to register with UNHCR, and all proposals to the GoE for Palestinian registration with UNHCR have been denied. However, the Palestinian embassy in Cairo conducts registration of PRS, and has registered between five and six thousand PRS. The embassy conducts this registration predominantly for statistical purposes, but also offers some minimal assistance.⁶³² Finally, UNRWA has established a liaison office in Cairo, but the office cannot register refugees due to its lack of formal mandate in the country.⁶³³

Relevant Actors

The United Nations

UNHCR

In Egypt, UNHCR manages all registration, documentation, and RSD procedures for refugees under the 1954 MOU. Apart from registration, UNHCR coordinates with operational partners to provide community outreach and psycho-social services to Syrian refugees.⁶³⁴ These operational partners identify the most vulnerable refugee cases and refer them to UNHCR for additional emergency housing and health care services.⁶³⁵ UNHCR's community outreach system also pays close attention to "SGBV and child protection issues including early marriage and sexual harassment of women and girls, including in school settings."⁶³⁶

⁶²⁶ See CTR. FOR MIGRATION AND REFUGEE STUDIES, *supra* note 622 (manuscript at 22) (39.9% of refugees interviewed indicated that the low cost of living was the main reason for going to Egypt).

⁶²⁷ *Id.* (manuscript at 23).

⁶²⁸ *Id.*

⁶²⁹ UNHCR, SYRIA REGIONAL RESPONSE PLAN JANUARY – DECEMBER 2013 (2013) [RRP].

⁶³⁰ *Id.* According to the Center for Migration and Refugee Studies, the highest percentage of Syrian households that researchers interviewed in Egypt earned between EGP 0/month to EGP 1000/month. CTR. FOR MIGRATION AND REFUGEE STUDIES, *supra* note 622 (manuscript at 27). EGP 1000 is \$143.68.

⁶³¹ Interview with UNRWA-Egypt (Nov. 11, 2013).

⁶³² *Id.* Assistance takes the form of a one-time EGP 500 cash aid distribution. The Section on Egyptian asylum policy and procedures explains this in greater detail.

⁶³³ *Id.*

⁶³⁴ Partners in community outreach include IOM, Terre des Hommes (TdH), Tadamon, and the Psycho-social Training Institute in Cairo ("PSTIC"). RRP, *supra* note 629, at 304.

⁶³⁵ RRP, *supra* note 629, at 304.

⁶³⁶ *Id.*

UNHCR engages with various operational partners to protect refugee children.⁶³⁷ With the help of Catholic Relief Services (“CRS”), UNHCR provides education grants up to seven hundred EGP “to pay Government school fees, provide safe transportation for children (especially girls) living in isolated areas which lack nearby schools, buy school supplies and uniforms, and where necessary attend remedial classes.”⁶³⁸ UNHCR also works with the Egyptian Ministry of Education (“MoE”) to facilitate access to public education, and supports Syrian community schools in Egypt, which the MoE has authorized.⁶³⁹

Concerning healthcare, UNHCR has partnered with many agencies to “enhance access to public health services in different Governorates, complement secondary and tertiary healthcare, support preventative care including universal vaccination coverage of Syrian children, [and provide] access to safe-motherhood services.”⁶⁴⁰ UNHCR has also worked with NGOs to provide *pro bono* legal representation for refugees in detention.⁶⁴¹

UNICEF

UNICEF works closely with UNHCR in Egypt to provide protection and assistance for Syrian refugee children.⁶⁴² For instance, UNICEF and other “local child protection partners,” are training social workers to assist refugee children in Alexandria.⁶⁴³ In response, UNICEF and local collaborators are improving the identification process to locate and provide assistance to additional cases of unaccompanied and separated children.⁶⁴⁴ UNICEF has also expanded primary healthcare services for children from Greater Cairo and Alexandria to Damietta.⁶⁴⁵

*INGO's, NGO's and non- NGO Assistance*⁶⁴⁶

Islamic Relief Worldwide

Islamic Relief along with Caritas in Alexandria and Resala in Damietta provide cash assistance for vulnerable refugees. Islamic Relief individually provides assistance to “200 families where women shoulder primary responsibility. . .” by facilitating access to UNHCR services and enrolling children in

⁶³⁷ These partners include Child Protection Committees in Alexandria, Kindergarten Supervisors League, UNICEF, and the Ministry of Education (MoE). *Id.*

⁶³⁸ *Id.* See also Interview with UNHCR-Egypt Representatives, *supra* note 620.

⁶³⁹ *RRP, supra* note 629, at 304.

⁶⁴⁰ These agencies include the Ministry of Health (MoH), UNICEF, UNFPA, WHO, and IPM. See *RRP, supra* note 629, at 322.

⁶⁴¹ Organizations providing legal representation include the Egyptian Foundation for Refugee Rights (“EFRR”) and the Freedom Center for Human Rights in Alexandria.

⁶⁴² *RRP, supra* note 629, at 307.

⁶⁴³ *Id.* So far, UNHCR has identified 61 cases of unaccompanied and separated children in Egypt.

⁶⁴⁴ *Id.*

⁶⁴⁵ *Id.* at 314.

⁶⁴⁶ A list of the key INGO's and NGO's working with refugees in Egypt is attached as Annex III and includes the organizations interviewed for this Report.

schools.⁶⁴⁷ Beneficiaries of this program receive financial assistance for school fees and assistance in finding employment. Islamic Relief has also provided 1,000 Syrian refugees with “food packages and monthly vouchers to cover various food, household, and child care items.”⁶⁴⁸

Salafi and Other Faith-Based Organizations

Currently, faith-based organizations in Egypt provide approximately eighty percent of the housing assistance for Syrian refugees.⁶⁴⁹ Housing assistance depends on family size, and may range from four hundred EGP to thirteen hundred EGP per month.⁶⁵⁰

American University in Cairo

The American University in Cairo (AUC) has provided UNHCR with substantial assistance in refugee registration.⁶⁵¹ Currently, the AUC is conducting field research on Syrian refugees in order to supplement UNHCR’s own assessments and to include information on Syrian refugees who are not UNHCR-registered.⁶⁵²

U.S. Embassy

The U.S., French, and British embassies have issued a joint proposal to the Ministry of Foreign Affairs requesting a one-month amnesty for visa requirements.⁶⁵³ If adopted, the one-month amnesty period would allow Syrians in Egypt who have registered with UNHCR but have not received a residency permit, to identify themselves to the Egyptian government and obtain a residency permit without risking arrest or detention.⁶⁵⁴

The U.S. embassy has also consistently lobbied against the removal of PRS to Lebanon; removal to Lebanon eventually results in the return of PRS to Syria, a violation of *non-refoulement*.⁶⁵⁵ With assistance from NGO partners, the United States has resettled a few particularly vulnerable Syrian refugees from Egypt. The U.S. embassy indicated that the United States may accept the permanent resettlement of up to 2,000 Syrian refugees. The embassy, however, did not say how many of those Syrian refugees would come from Egypt specifically. Also, the United States will not make any resettlement slots available to PRS.⁶⁵⁶

⁶⁴⁷ *Syrian Arab Republic/People and Projects: Reducing Suffering of Syrians in Egypt*, ISLAMIC RELIEF WORLDWIDE (Aug. 12 2013), <http://www.islamic-relief.com/wherework/stories/11-SY-942-reducing-suffering-of-syrians-in-egypt.aspx>.

⁶⁴⁸ *Id.*

⁶⁴⁹ Interview with UNHCR-Egypt Representatives, *supra* note 620

⁶⁵⁰ *Id.* UNHCR estimates that the average rent in poorer neighborhoods is between twelve hundred EGP per month and 2,050 EGP per month. *RRP*, *supra* note 629, at 325.

⁶⁵¹ *See id.*

⁶⁵² *See* CTR. FOR MIGRATION AND REFUGEE STUDIES, *supra* note 622, (manuscript at 8).

⁶⁵³ Interview with the U.S. Embassy (Nov. 14, 2014).

⁶⁵⁴ *Id.*

⁶⁵⁵ *Id.*

⁶⁵⁶ *Id.*

Legal Instruments

Because Egypt has not established domestic asylum procedures, the principal legal instrument governing refugee relations in the country is a memorandum of understanding (“MOU”) between Egypt and UNHCR that was executed in 1954.⁶⁵⁷ Under the terms of the MOU, UNHCR is responsible for conducting refugee status determination (“RSD”) pursuant to the refugee definition in UNHCR’s original mandate.⁶⁵⁸ Since 1954, Egypt has acceded to CSR51, PSR67, and the 1969 OAU Convention, which have expanded the definition of a refugee.⁶⁵⁹ As a result, UNHCR adjudicates refugee status under the refugee definitions of its own mandate, CSR51, and the 1969 OAU Convention.⁶⁶⁰

1954 Memorandum of Understanding

In the 1954 MOU, UNHCR accepted full responsibility for conducting RSD in Egypt, and agreed to cooperate “with governmental authorities in view of undertaking the census of and identifying the refugees eligible under the mandate of the High Commissioner.”⁶⁶¹ The mandate of the High Commissioner mirrors UNHCR’s statute (“the Statute”), and UNHCR is authorized to conduct RSD in Egypt under the Statute’s refugee definition.⁶⁶²

According to the Statute’s terms, the “competence” of the High Commissioner extends to:

Any person who, as a result of events occurring before 1 January 1951 and owing to well founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it.⁶⁶³

⁶⁵⁷ 2014 Country Profile – Egypt, *supra* note 25.

⁶⁵⁸ Article 3 of the UNHCR Statute indicates that “The High Commissioner shall follow policy directives given him by the General Assembly or the Economic and Social Council.” Statute of the United Nations Office of the High Commissioner for Refugees, art. 3, December 1950, available at <http://www.unhcr.org/3b66c39e1.html> [UNHCR Statute]. Also, according to Article 9 of the Statute, “[t]he High Commissioner shall engage in such additional activities, including repatriation and resettlement, as the General Assembly may determine, within the limits of the resources placed at his disposal.” UNHCR Statute, art. 9. GA Res 2863 (XXVI) of 1971 and Excom Conclusion No.76 (XLV) expand UNHCR’s protection mandate to include the Organization of African Unity.

⁶⁵⁹ Michael Kagan, Shared Responsibility in a New Egypt, A Strategy for Refugee Protection 11 (2011).

⁶⁶⁰ *Id.*

⁶⁶¹ MOU, *supra* note 619, art. 2(a); See Tarek Badawy, *The Memorandum of Understanding between Egypt and the Office of the United Nations High Commissioner for Refugees: Problems and Recommendations* (2010) (This type of MOU, where UNHCR takes full RSD responsibility, is common in developing countries who are parties to the Convention Related to the Status of Refugees . . . in order to ease the burden on the host nation”).

⁶⁶² UNHCR Statute, *supra* note 658.

⁶⁶³ *Id.* chapter II, paragraph 6A(i).

Additionally, the High Commissioner's mandate includes:

Any other person who is outside the country of his nationality, or if he has no nationality, the country of his former habitual residence, because he has or had well-founded fear of persecution by reason of his race, religion, nationality or political opinion and is unable or, because of such fear, is unwilling to avail himself of the protection of the government of the country of his nationality, or, if he has no nationality, to return to the country of his former habitual residence.⁶⁶⁴

The UNHCR Statute's refugee definition is not geographically limited and does not confine protection to individuals arriving and seeking asylum from Europe. However, the Statute notably does not provide protection to individuals experiencing a well-founded fear of persecution due to their membership in a particular social group.⁶⁶⁵

The 1954 MOU is a judicially enforceable agreement, and it limits durable solutions for refugees to voluntary repatriation and resettlement to third countries.⁶⁶⁶ The MOU also guarantees that the GoE will grant residence permits to individuals deemed refugees by UNHCR. However, the MOU does not specify what these residence permits must look like, and states only that the residence permits must be issued in accordance with existing government regulations.⁶⁶⁷

1951 Convention and 1967 Protocol

Egypt acceded to CSR51 and PSR67 in 1981,⁶⁶⁸ entering reservations to articles 12(1), 20, 22(1), 23, and 24,⁶⁶⁹ and incorporated both treaties into its domestic law in November of that same year.⁶⁷⁰ Even though CSR51 and PSR67 do not explicitly grant access to durable solutions, article 34 of CSR51 imposes a qualified duty on states to facilitate the integration or naturalization of refugees.⁶⁷¹ This naturalization provision, along with others in the convention that promote refugee integration, conflicts with the limited list of durable solutions provided for under Egypt's MOU. As noted above,

⁶⁶⁴ *Id.* chapter II, paragraph 6B.

⁶⁶⁵ In contrast to the *CSR51*, the UNHCR *Statute* does not incorporate a geographical limitation into its refugee definition. UNHCR *Statute*, *supra* note 658.

⁶⁶⁶ *MOU*, *supra* note 619, arts. 2(a)-(b).

⁶⁶⁷ *Id.* art. 6.

⁶⁶⁸ *CSR51*, *supra* note 108.

⁶⁶⁹ Article 12(1) states that a refugee's status will be "governed by the law of the country of his domicile or, failing this, of his residence;" however, Egypt reserved this article in order to apply Egyptian law to refugees living in Egypt. *Declarations and Reservations to the 1951 Refugee Convention*, UNHCR (Apr. 1, 2011), available at <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3d9abe177&query=1951%20Refugee%20Convention>. Egypt also reserved articles 20, 22(1), 23, and 24 to the extent that these articles require treatment of refugees equal to nationals.

⁶⁷⁰ Presidential Decree 331 of 1980, *Al-Jarida Al-Rasmiyya*, May 28, 1981 (Egypt); *World Refugee Survey 2009: Egypt*, U.S. COMM. FOR REFUGEES AND IMMIGRANTS (2009), available at <http://www.refugees.org/resources/refugee-warehousing/archived-world-refugee-surveys/2009-world-refugee-survey.html> (last visited Mar. 12, 2014).

⁶⁷¹ *CSR51*, *supra* note 108, art. 34; see also Guy S. Goodwin-Gill & Jane McAdams, *THE REFUGEE IN INT'L LAW* 489 (2007) ("[N]either general international law nor treaty obliges any state to accord durable solutions.").

in spite of the MOU's limitations, Egypt acceded to CSR51 and PSR67 in 1981 without entering a reservation to article 34.

OAU Convention

In 1980, Egypt acceded to the 1969 OAU Convention,⁶⁷² which expanded the definition of a refugee to include:

[E]very person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.⁶⁷³

This expanded refugee definition allows UNHCR Egypt to grant refugee status to a greater number of individuals while conducting RSD.⁶⁷⁴ However, individuals who may only qualify for refugee status under the 1969 OAU Convention, such as Palestinians, face unique problems in resettlement. Western countries—which do not adhere to the 1969 OAU Convention's expanded refugee definition—may refuse to resettle refugees that do not meet the CSR51 criterion. On the other hand, many Central and South American countries have agreed to the terms of the Cartagena Declaration, which expands the region's refugee definition:

[T]he definition or concept of a refugee . . . 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.⁶⁷⁵

The similarities between the Cartagena Declaration and the 1969 OAU Convention may allow for resettlement of OAU refugees in Central and South America. Despite these instruments' nearly congruent refugee definitions, however, UNHCR has not yet resettled refugees residing in Egypt in Cartagena countries.

Policies and Asylum Procedure

The GoE has indicated that it plans to accept more responsibility for RSD procedures and the implementation of domestic asylum and refugee law. To accomplish these goals, the GoE established the Refugee Affairs Committee under a 1984 presidential decree.⁶⁷⁶ This Committee, in turn, created

⁶⁷² *Organization of African Unity, Convention Governing the Specific Aspects of Refugee*, Sep. 10, 1969, 1001 U.N.T.S. 45.

⁶⁷³ *Id.* Art. I(2).

⁶⁷⁴ Kagan, *supra* note 659.

⁶⁷⁵ *Cartagena Declaration*, *supra* note 109.

⁶⁷⁶ Presidential Decree 188 of 1984, *Al-Jarida Al-Rasmiyya*, 15 May 1984 (Egypt).

the Department of Refugee Affairs within Egypt's Ministry of Foreign Affairs. The Department's role was to conduct RSD, but so far it has not.⁶⁷⁷ Rather, UNHCR remains the sole organ responsible for RSD in Egypt under the terms of the 1954 MOU.

Egyptian Asylum Procedure Generally

The asylum process begins with an application to UNHCR.⁶⁷⁸ In determining an individual's refugee status, UNHCR considers that Egypt is a signatory of CSR51, PSR67, and the 1969 OAU Convention.⁶⁷⁹

Registration

UNHCR registration is the first step toward refugee status recognition in Egypt,⁶⁸⁰ and out of the 300,000 to 400,000 Syrian refugees in Egypt, UNHCR has registered 135,030.⁶⁸¹ Once a Syrian refugee registers with UNHCR, he or she receives a yellow card.⁶⁸² The yellow card indicates to the GoE that the individual is awaiting RSD in Egypt.⁶⁸³ Within fifteen days after receiving a yellow card, the individual must contact the Ministry of Foreign Affairs, where he or she will receive a reference number from the Department of Refugees. After receiving a reference number, the individual may submit a registration application form to the Immigration Department of the Ministry of the Interior's Residence Unit for a residence permit. Holding a residence permit, rather than a yellow card on its own, prevents arrest and detention for violating Egypt's immigration laws.⁶⁸⁴ UNHCR is not aware of any situations where a Syrian with a yellow card has been denied a residency permit.⁶⁸⁵ UNHCR registration does, however, entail certain disadvantages. For instance, the Syrian embassy refuses consular services to individuals who have registered with UNHCR. Additionally, once an individual receives a UNHCR yellow card, he or she may not leave Egypt.⁶⁸⁶

Refugee Status Determination

RSD for UNHCR-registered Syrians began in January 2014. Under UNHCR's RSD procedures, recognized refugees receive blue cards. As of now, only a few Syrians have received blue cards.⁶⁸⁷

Egyptian Refugee Policy: Entry

⁶⁷⁷ GRABSKA, *supra* note 615, at 25.

⁶⁷⁸ *Id.* at 47.

⁶⁷⁹ UNHCR JOINT ASSESSMENT FOR SYRIAN REFUGEES IN EGYPT 8 (2012), available at <https://data.unhcr.org/syrianrefugees/download.php?id=1219>.

⁶⁸⁰ See Interview with UNHCR-Egypt Representatives, *supra* note 620.

⁶⁸¹ 2014 Syria Regional Refugee Response, *supra* note 381.

⁶⁸² See Interview with UNHCR-Egypt Representatives, *supra* note 620.

⁶⁸³ Refugee Status Determination, BOSLA EGYPT, <http://bosla-egypt.info/en/legal-aid/refugee-status-determination> (last visited Mar. 12, 2013).

⁶⁸⁴ *Id.* Bosla Egypt's website offers comprehensive instructions for each of the steps to obtain an Egyptian residency permit.

⁶⁸⁵ See Interview with UNHCR Representatives, *supra* note 620.

⁶⁸⁶ *Id.*

⁶⁸⁷ *Id.*

Syrians

July 2013 marked a shift in Egyptian migration policy that eventually prevented Syrian refugees from entering the country. Before July, Egypt did not require that Syrians obtain a visa prior to arrival.⁶⁸⁸ At this time, Syrians were freely granted renewable three-month tourist visas as they entered Egypt.⁶⁸⁹ According to the government, this “visa-free regime” applied only to refugees fleeing Syria, and refugees of all other nationalities were required to obtain a visa prior to crossing the Egyptian border.⁶⁹⁰

After July, the GoE began restricting visa renewals⁶⁹¹ and requiring that all Syrians obtain a visa in order to enter Egypt.⁶⁹² Under this new policy, Syrians must approach the Egyptian embassy in Damascus to request a visa, and also obtain a security clearance from Egyptian National Security.⁶⁹³ Syrians are not receiving security clearances, however, and, as a result, the flow of Syrian refugees to Egypt has essentially stopped.

Palestinians and Palestinians from Syria

Palestinians in Egypt comprise one of the largest refugee populations in the country.⁶⁹⁴ Currently, around 160,000 Palestinians reside in Egypt, and between 5,000 and 6,000 have fled to Egypt from Syria.⁶⁹⁵ The rights of Palestinians in Egypt have been subject to regional politics, which often disregard legal obligations. The GoE recognizes Palestinians merely as visitors or tourists—not refugees.⁶⁹⁶ Because Egypt does not allow for Palestinians to receive refugee status, PRS have no access to UNHCR yellow cards or RSD.⁶⁹⁷ Without a yellow card, PRS cannot receive a residency permit from the government, which places PRS in a particularly susceptible position for arrest and removal.⁶⁹⁸ Although Palestinians are forbidden from UNHCR registration, Palestinians from Syria may register with the Palestinian embassy in Cairo, and, upon registration, the head of each Palestinian family receives 500 Egyptian pounds (“EGP”).⁶⁹⁹

⁶⁸⁸ *Id.*

⁶⁸⁹ *Id.*

⁶⁹⁰ See *MFA I*, *supra* note 621.

⁶⁹¹ See Interview with UNHCR-Egypt Representatives, *supra* note 620.

⁶⁹² See *MFA I*, *supra* note 621; *Egypt: Syria Refugees Detained, Coerced to Return*, HUMAN RIGHTS WATCH (Nov. 11 2013), <http://www.hrw.org/news/2013/11/10/egypt-syria-refugees-detained-coerced-return>.

⁶⁹³ See *MFA I*, *supra* note 621.

⁶⁹⁴ U.S. COMM. FOR REFUGEES AND IMMIGRANTS, *supra* note 670.

⁶⁹⁵ Interview with the U.S. Embassy, *supra* note 653.

⁶⁹⁶ Interview with UNRWA-Egypt, *supra* note 620.

⁶⁹⁷ *Id.* Additionally, UNRWA-Egypt is a liaison office with no formal mandate in Egypt, and no direct contact with Palestinian refugees. UNRWA-Egypt liaises with the Ministry of Foreign Affairs and the League of Arab States (“LAS”). However, UNRWA’s main function in Egypt is to work through the LAS for donations towards UNRWA’s global operations and for Gaza in particular—not for Palestinian refugees in Egypt. *Id.*

⁶⁹⁸ *Id.*

⁶⁹⁹ *Id.* At the current exchange rate, EGP 500 is \$71.84.

At the beginning of the Syrian conflict, PRS were able to obtain a three-month tourist visa eligible for a single sixty-day renewal—similar to the visas given to Syrians generally.⁷⁰⁰ After the visa expired, however, PRS had to choose between leaving the country or remaining in Egypt illegally, and being subject to arrest, detention, and deportation to Syria or Lebanon.⁷⁰¹ Egypt has not granted any tourist visas to Palestinians from Syria since July 2013; however, in November 2013, UNRWA indicated that some of the PRS families remaining in Egypt were once again able to receive short-term renewable visas.⁷⁰² There was no discernable explanation for this shift in Egyptian refugee policy.

The GoE denies mistreatment of Palestinian refugees, and claims that any restrictions on the entry or stay of Palestinians have related to increased security measures recently imposed on other refugee populations, such as the Libyans.⁷⁰³ The Egyptian government’s prohibition of UNHCR registration and RSD has resulted in a failure on the government’s part to extend Convention refugee protection to Palestinians from Syria.

Protection Gaps

UNHCR Registration

From the outset of the Syrian refugee crisis, UNHCR has struggled to inform refugees of its registration procedure. To expand the number of registered Syrian refugees, UNHCR has established a “mobile registration process” in both Alexandria and Damietta, and has increased efforts to inform Syrians of the benefits of UNHCR registration.⁷⁰⁴ Due to security concerns, however, mobile registration has maintained a slow pace,⁷⁰⁵ and many of the Syrians that live scattered throughout Egypt’s urban centers continue to remain unaware of UNHCR’s registration initiatives.⁷⁰⁶ For these and other reasons, UNHCR has only been able to register under half of the estimated Syrians who have fled to Egypt. Apart from the information gap, many Syrians see their stay in Egypt as temporary, and feel uneasy about bypassing consular services by registering with UNHCR instead.⁷⁰⁷ Initial information from a report produced by AUC indicates that over 40% of Syrians surveyed have not registered with UNHCR, and over 20% have no intention to register.⁷⁰⁸ Syrians see little benefit in registering with UNHCR, and only a small percentage of those who have undergone registration

⁷⁰⁰ *Id.*

⁷⁰¹ *Id.* In Lebanon, Palestinians are given 48-hour transit visas, held at the border, and returned to Syria. *But see MFA II, supra* note 621. (denying removal of Palestinians or any other refugees directly to Syria).

⁷⁰² Interview with UNRWA-Egypt, *supra* note 620.

⁷⁰³ *See MFA II, supra* note 621.

⁷⁰⁴ Interview with UNHCR-Egypt Representatives, *supra* note 620.

⁷⁰⁵ *Id.*

⁷⁰⁶ *See* CTR. FOR MIGRATION AND REFUGEE STUDIES, *supra* note 622 (manuscript at 25).

⁷⁰⁷ Interview with UNHCR-Egypt Representatives, *supra* note 620.

⁷⁰⁸ *See* CTR. FOR MIGRATION AND REFUGEE STUDIES, *supra* note 622 (manuscript at 26).

are completely satisfied with the registration process.⁷⁰⁹ As previously mentioned, registration does not necessarily prevent detention, and according to the U.S. embassy, between 20% and 30% of detained Syrian refugees were UNHCR-registered.⁷¹⁰ Finally, only a small percentage of Syrians have received medical assistance and financial aid as a result of registration.⁷¹¹

Arrest, Detention, and Non-Refoulement

Egypt has an obligation under regional and international law to recognize the principle of *non-refoulement*.⁷¹² While protection against *refoulement* should be applicable to all individuals who fall within the CSR51 and 1969 OAU Convention refugee definitions,⁷¹³ Egypt has deviated from this principle and has engaged in forcible return of refugees.⁷¹⁴

Arrest and detentions of Syrian refugees began in earnest in the weeks leading up to the clearing of Rabaa Square in August 2013.⁷¹⁵ In Rabaa Square, Egyptian security forces attacked a gathering of pro-Morsi supporters, arresting protesters and a few Syrian refugees who attended the demonstration.⁷¹⁶ After the Rabaa Square events, police began detaining Syrians for allegedly supporting the Muslim Brotherhood in its push to reinstate the deposed President, Mohamed Morsi.⁷¹⁷ The exact number of Syrians detained for political reasons, however, is difficult to ascertain.

Syrian refugees have also begun seeking the assistance of smugglers to undertake the treacherous journey to Europe by boat, which has resulted in a second major wave of refugee detentions.⁷¹⁸ On September 17, 2013, Egyptian authorities opened fire on a boat carrying around 200 Syrian and Palestinian refugees.⁷¹⁹ According to Amnesty International, the Egyptian navy surrounded the vessel shortly after departure from Egypt and “fired shots into the hull, into which dozens of refugees had been tightly packed.”⁷²⁰ On October 11, 2013, another boat carrying refugees capsized off

⁷⁰⁹ *Id.* (manuscript at 25).

⁷¹⁰ Interview with the U.S. Embassy, *supra* note 653.

⁷¹¹ See CTR. FOR MIGRATION AND REFUGEE STUDIES, *supra* note 622 (manuscript at 25).

⁷¹² Egypt is as a signatory of the CSR51, the PSR67, the 1969 OAU Convention, and the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“CAT”), all of which prohibit *refoulement*.

⁷¹³ There is ample evidence from Egypt’s practices that the state is not a ‘persistent objector’ to *non-refoulement* and has traditionally respected UNHCR’s competence in managing RSD procedures and making refugee status decisions. Kagan, *supra* note 659.

⁷¹⁴ *Id.* at 4; *Egypt: Don’t Force Palestinians Back to Syria*, HUMAN RIGHTS WATCH (Jan. 18, 2013),

<http://www.hrw.org/news/2013/01/18/egypt-don-t-force-palestinians-back-syria>; U.S. COMM. FOR REFUGEES AND IMMIGRANTS, *supra* note 670.

⁷¹⁵ Interview with UNHCR-Egypt Representatives, *supra* note 620.; *Hundreds Killed in Egypt Crackdown on Morsi Supporters*, ALJAZEERA AMERICA (Aug. 14, 2013), <http://america.aljazeera.com/articles/2013/8/14/egypt-military-raidpromorsicamp.html>.

⁷¹⁶ Interview with UNHCR-Egypt Representatives, *supra* note 620.

⁷¹⁷ *Egypt ‘Illegally Detaining Syrian Refugees’*, BBC NEWS MIDDLE EAST (Oct. 17, 2013), <http://www.bbc.com/news/world-middle-east-24562719>.

⁷¹⁸ See *Egypt: Boat Sinking Underlines Wider Tragedy for Refugees from Syria*, AMNESTY INT’L (Oct. 11, 2013), <https://www.amnesty.org/en/news/egypt-boat-sinking-underlines-wider-tragedy-refugees-syria-2013-10-11>.

⁷¹⁹ AMNESTY INT’L, *supra* note 718.

⁷²⁰ *Id.*

Alexandria and 12 perished. Fortunately, 74 Syrians and 100 Palestinians were rescued. Other reports indicate that defrauding smugglers have been taking money from predominantly Palestinian refugees for boat travel to Europe and then calling the authorities. So far, 10,000 Syrian, PRS, and other refugees have arrived in Italy from Egypt's shores.⁷²¹

In November 2013, Human Rights Watch ("HRW") released an article documenting this second wave of detentions of refugees who had attempted to flee from Egypt to Europe.⁷²² According to HRW, the GoE detained approximately 1,500 refugees from Syria, which included "at least 400 Palestinians and 250 children as young as two months old."⁷²³ In "squalid and overcrowded" detention centers, Egyptian authorities either threatened to transfer Syrian refugees to regular prisons or flatly informed refugees that they would remain in detention until they "raised enough money to purchase plane tickets to leave Egypt."⁷²⁴ HRW reported that, as a result of these practices, 1,200 of the second-wave refugees were "coerced to depart" from Egypt to nearby third countries such as Turkey and Lebanon, and "dozens" of refugees were returned to Syria. At least 35 PRS detained during the second wave were also returned to Syria.⁷²⁵

The GoE does not allow UNHCR direct access to detention centers.⁷²⁶ The Egyptian authorities, however, have been more welcoming to NGOs who seek to provide assistance to detainees. As a result, UNHCR was able to provide indirect assistance to some of the detainees in Alexandria through various NGO collaborators. Generally, the Egyptian police have also been cooperative with NGO and volunteer attorney assistance in detention centers.⁷²⁷ For instance, ECESR was able to represent 615 of the second-wave refugee detainees. As a result of this representation, prosecutors dropped the charges against almost all of ECESR's clients and ordered their release, but National Security ignored the majority of these release orders.⁷²⁸ For the few refugees who *were* released back into Egypt, the government confiscated yellow cards and passports.⁷²⁹

In December of 2013, Egypt's detention practices slightly shifted. According to a report by Reuters, a government spokesman stated that "[m]ore than 170 [of the remaining] Syrian and Palestinian refugees held since October were released . . . and granted temporary permits to stay in Egypt."⁷³⁰ According to the GoE, these temporary permits are valid for three months. Still, 35 Syrians remain in

⁷²¹ Interview with UNHCR-Egypt Representatives, *supra* note 620.

⁷²² HUMAN RIGHTS WATCH, *supra* note 714.

⁷²³ *Id.*

⁷²⁴ *Id.*

⁷²⁵ *Id.* UNHCR confirmed this report.

⁷²⁶ Interview with UNHCR-Egypt Representatives, *supra* note 620. *But see MFA I, supra* note 621 (stating that UNHCR does have access to detention centers).

⁷²⁷ Interview with UNHCR-Egypt Representatives, *supra* note 620.

⁷²⁸ HUMAN RIGHTS WATCH, *supra* note 714.

⁷²⁹ Interview with UNHCR-Egypt Representatives, *supra* note 620.

⁷³⁰ Maggie Fick, *Most Syrian and Palestinian Refugees Held in Egypt Released*, REUTERS (Dec. 11, 2013, 12:16 PM), available at <http://www.reuters.com/article/2013/12/10/us-egypt-palestinians-idUSBRE9B90UG20131210>.

detention “under review” by the Egyptian authorities.⁷³¹ This group of refugees represents the last of the detained refugees charged with “immigration violations” for attempting to flee from Egypt to Europe. Finally, according to UNRWA, no Palestinians remain in Egyptian detention as of December 2013.⁷³²

Detention of refugees in Egypt is completely under the purview of the Ministry of the Interior (“MoI”). The Ministry of Foreign Affairs has requested that the MoI change certain visa and detention policies, but the MoI, which retains sole authority in this area, has rejected these requests.⁷³³ While the MFA has been open for discussion with the embassies of other foreign governments about detention in Egypt, the MoI refuses to engage.⁷³⁴ For this reason, there is no discernible refugee detention policy governing the MoI’s two waves of refugee arrests and detainee releases. Some have noted that it is possible that the MoI and Egyptian National Security are operating under an absence of policy for lack of executive direction due to current political instability.⁷³⁵

Access to Status Determination and Durable Solutions

UNHCR is responsible for facilitating durable solutions, but the 1954 MOU effectively limits the durable solutions available for refugees to voluntary repatriation—which is impossible for Syrian refugees—and resettlement.⁷³⁶ Resettlement, however, has been anything but consistent in Egypt. The GoE protests UNHCR’s declining rates of both repatriation and resettlement, but has done little in facilitating the first step, RSD, for Syrian refugees in Egypt.

UNCHR lists Syrian and Sudanese refugees as “people of concern” for RSD in 2014,⁷³⁷ but owing to the political instability in Egypt, UNHCR’s main focus this year will be “providing protection by conducting registration on an individual basis and refugee status determination,” as well as pursuing “durable solutions where feasible.”⁷³⁸ As of yet, no updates are available regarding RSD for Syrians in Egypt. Absent additional information, it is difficult to predict the effectiveness of Syrian RSD, which was scheduled to begin in January 2014.

Housing

According to UNHCR, housing is the most significant protection gap for Syrian refugees in Egypt.⁷³⁹ So far, UNHCR and NGO collaborators have assessed around 80,000 housing-needs cases, but only

⁷³¹ *Id.*

⁷³² Interview with UNRWA-Egypt, *supra* note 631.

⁷³³ *See MFA I, supra* note 621.

⁷³⁴ Interview with the U.S. Embassy, *supra* note 653.

⁷³⁵ *Id.*

⁷³⁶ *MOU, supra* note 619, at arts. 2(a)-(b).

⁷³⁷ *2014 Country Profile – Egypt, supra* note 25.

⁷³⁸ *Id.*

⁷³⁹ Interview with UNHCR-Egypt Representatives, *supra* note 620.

40,000 of those cases have received financial assistance.⁷⁴⁰ In several areas, Salafi and other faith-based organizations have also provided additional housing assistance and, in some cases, even free housing.⁷⁴¹ Despite assistance efforts, however, many Syrians have been experiencing exploitation in the housing market. Egyptian landlords are increasing rent, and Syrians are having difficulty paying higher costs.⁷⁴²

On average, housing assistance ranges from four hundred EGP per month to thirteen hundred EGP per month depending on the size of the family in need.⁷⁴³ While these housing assistance grants are substantial, they are in many cases insufficient to cover the cost of rent.⁷⁴⁴ Additionally, UNHCR and its partners implemented a one-time “emergency assistance grant to newly arriving Syrians” who met basic vulnerability criteria. UNHCR developed this emergency assistance program because the limited capacity to assess vulnerability and the 10-week “waiting period in vulnerability assessments” by UNHCR and its collaborators made it difficult to provide immediate housing assistance. Depending on family size, emergency grants ranged from seven hundred to eighteen hundred EGP.⁷⁴⁵

To ameliorate the housing gap, UNHCR urges greater donations to provide housing assistance that will reach more vulnerable refugee families. UNHCR also recommends that Egypt increase the availability of affordable housing to complement financial assistance programs.⁷⁴⁶ To this end, “UN-Habitat has offered to assist Syrian refugees and provide them with . . . technical and financial assistance through local authorities and civil society organizations to enable them to identify, assess, document, and implement shelter solutions.”⁷⁴⁷

Employment

Legal employment is currently not a feasible option for refugees in Egypt.⁷⁴⁸ The 2003 Labor Law has effectively curtailed the right to work for refugees in Egypt along with the law’s implementing Ministerial Decree and the 2004 Decree of the Ministry of Manpower and Emigration.⁷⁴⁹ Egypt’s domestic employment laws require a work permit for legal employment and establish rigorous criteria to obtain the permit. Among the requirements are sponsorship by an Egyptian employer and

⁷⁴⁰ *Id.*

⁷⁴¹ *Id.*

⁷⁴² See CTR. FOR MIGRATION AND REFUGEE STUDIES, *supra* note 622 (manuscript at 38).

⁷⁴³ Interview with UNHCR-Egypt Representatives, *supra* note 620.

⁷⁴⁴ RRP, *supra* note 629, at 325. UNHCR estimates that rent in poorer neighborhoods costs between twelve hundred and 2,050 EGP per month.

⁷⁴⁵ *Id.*

⁷⁴⁶ *Id.* at 326.

⁷⁴⁷ *Id.*

⁷⁴⁸ U.S. COMM. FOR REFUGEES AND IMMIGRANTS, *supra* note 670.

⁷⁴⁹ Law No. 12 of 2003 (Labour Law), *Al-Jarida Al-Rasmiyya*, May 7, 2003 (Egypt); Decree No. 218 of 2004, *Al-Jarida Al-Rasmiyya*, Aug. 14, 2004 (Egypt); Decision No. 357 of 2004 (Decision on regulating the procedure for issuing work permits to foreigners) *Al-Jarida Al-Rasmiyya*, 6 July 2004 (Egypt).

non-competition with Egyptian Nationals.⁷⁵⁰ Additionally, the 2003 Labor Law excludes Palestinians from legal employment because the law requires a foreigner's state to reciprocate similar employment opportunities for Egyptians.⁷⁵¹ Egypt invokes its reservation to Article 24 of CSR51 to justify the preservation of its discriminatory labor laws.⁷⁵²

Although Egyptian law makes it difficult to obtain a work permit, Syrian refugees may freely request permits to operate businesses. Syrians with business permits may open businesses without an Egyptian partner. The Ministry of Labor is in charge of granting business licenses. As a result of this policy, Syrians have opened many small shops and restaurants in Cairo.⁷⁵³

According to UNHCR, refugees are finding work, but are underpaid.⁷⁵⁴ Initial reports from the AUC indicated that around 20% of surveyed refugees have found work recently, but that work opportunities decline with the age of refugees.⁷⁵⁵ Most employment opportunities are for vendor positions, but some Syrian refugees have been working in factories or have been doing other professional work.⁷⁵⁶ The majority of Syrians refer to the inability to find suitable work as one main reason for changing their profession in Egypt. Job security is another significant concern among refugees, along with low wages.⁷⁵⁷ Since arriving, Syrian refugees' savings have diminished, and employment opportunities are becoming increasingly competitive.⁷⁵⁸ Negative publicity combined with the general job crisis in Egypt has also made obtaining employment extremely difficult for Syrians.⁷⁵⁹

PRS face similar challenges in finding employment.⁷⁶⁰ Many of the Palestinians from Syria living in 6th of October City have opened small businesses and shops. However, no Palestinians receive work permits—not even 1948 Palestinian refugees. If a PRS manages to open a business in Egypt, it must be under the name of an Egyptian national.⁷⁶¹

Education

As a general matter, the Egyptian government has allowed Syrians equal access to Egypt's public schools, but the poor quality of the public education system and transportation issues deter the

⁷⁵⁰ *Id.*

⁷⁵¹ Law No. 12 of 2003 (Labour Law), *Al-Jarida Al-Rasmiyya*, 7 May 2003 (Egypt).

⁷⁵² U.S. COMM. FOR REFUGEES AND IMMIGRANTS, *supra* note 670.

⁷⁵³ *See MFA I, supra* note 621.

⁷⁵⁴ Interview with UNHCR-Egypt Representatives, *supra* note 620.

⁷⁵⁵ *See* CTR. FOR MIGRATION AND REFUGEE STUDIES, *supra* note 622 (manuscript at 16).

⁷⁵⁶ *See id.* (manuscript at 18).

⁷⁵⁷ *See id.* (manuscript at 18-19).

⁷⁵⁸ Interview with UNHCR-Egypt Representatives, *supra* note 620.

⁷⁵⁹ *See* CTR. FOR MIGRATION AND REFUGEE STUDIES, *supra* note 622 (manuscript at 38). *See also supra* Part V.6.

⁷⁶⁰ Interview with UNRWA-Egypt, *supra* note 631.

⁷⁶¹ *Id.*

attendance of Syrian refugee children.⁷⁶² Also, many Syrian families cannot afford the cost of enrollment fees and school supplies. Recently, UNHCR, UNICEF, and CRS petitioned the GoE to ease these and other burdens in accessing public education in Alexandria.⁷⁶³ This resulted in a meeting between the GoE's Director of Education and a number of Syrian refugees to establish "direct links between his office and the Syrian community."⁷⁶⁴ Additionally, UNHCR is providing support in Alexandria "to improve and rehabilitate schools in areas heavily populated with Syrian refugees."⁷⁶⁵

Apart from access issues in Alexandria, other problems prevent Syrian children from attending school in Egypt. For instance, Syrian children are having difficulty adapting to the Egyptian dialect of school teachers, which prevents them from understanding lessons in the Egyptian curriculum. UNHCR also indicates that overcrowded classrooms and the risk of sexual harassment of young girls at Egyptian schools has prevented enrollment.⁷⁶⁶

In 6th of October City, a Syrian community school has been established that serves around 2,000 Syrian children. Syrian students receive instruction under the Egyptian curriculum, but from Syrian teachers. The community school also includes additional Syrian coursework. The GoE permitted the establishment of this community school, and students receive Egyptian accreditation for their coursework if they are able to pass Egypt's national exams.⁷⁶⁷

In response to problems in education, UNHCR also established an Education Working Group in which the agency, its partners, and a representative from the MoE meet to discuss potential education solutions for Syrian refugees.⁷⁶⁸ Accordingly, CRS has pledged to continue its educational grant program for vulnerable Syrian refugees, and UNHCR estimates that 80% of the vulnerable Syrian education cases will receive grants "upon enrollment and proof of regular attendance at school."⁷⁶⁹ UNHCR is also advocating for the implementation of a program to train 100 Syrian primary education instructors, to teach the Egyptian curriculum to Syrian children.⁷⁷⁰

Concerning PRS, the GoE generally allowed Palestinian enrollment in public education until Morsi's ouster in 2011.⁷⁷¹ Enrollment of children in public schools was one path for PRS to obtain residency permits. After Morsi, Palestinian refugees arriving from Syria had virtually no access to public

⁷⁶² *RRP*, *supra* note 629, at 321.

⁷⁶³ *Id.* at 321-322.

⁷⁶⁴ *Id.* at 321.

⁷⁶⁵ *Id.*

⁷⁶⁶ *Id.*

⁷⁶⁷ *Id.*

⁷⁶⁸ *Id.* at 322. UNHCR's partners include UNICEF, CRS, Save the Children, Tadamon, AMERA, Kindergarten Supervisor League, and St. Andrew's.

⁷⁶⁹ *Id.*

⁷⁷⁰ *Id.*

⁷⁷¹ Interview with UNRWA-Egypt, *supra* note 631.

education. If Palestinians' visas had expired, they were not allowed to enroll children in public schools. There had also been instances in which PRS children were expelled from school when their parents' visas expired. Recently, however, Palestinian students across the board were allowed access to Egyptian public education.⁷⁷² This change coincides roughly with the December 2013 release of Syrian refugees and PRS from Egyptian detention centers.

Healthcare

UNCHR and its implementing partners work with the Ministry of Health to address some of Syrian refugees' most pressing health issues, including "acute and chronic illnesses, maternal and child health, and psychological needs."⁷⁷³ As a result of this collaboration, Syrians have been included in referral care for emergencies and preventative care services, such as an anti-polio vaccination plan in 6th of October City that reached 51,000 individuals and included 2,700 Syrian children. The MoH has also been responsive in decentralizing "primary curative health and referral care services access for Syrians residing in Alexandria and its surroundings."⁷⁷⁴ The GoE's decision to allow access for Syrians to public health facilities and hospitals has been instrumental in providing care for hundreds of Syrian refugees.⁷⁷⁵

Healthcare is limited, unfortunately, by the capacity of those public health facilities and hospitals to provide effective services for the burgeoning Syrian population in Egypt. The WHO plans to increase its presence in Cairo, Giza, Alexandria, and Damietta. UNICEF will also expand into Damietta and Dakahleya or El Fayoum. Save the Children will provide services in Assiut.⁷⁷⁶

Other Refugee Populations in Egypt

The Sinai Peninsula, which connects Egypt to Israel, has been the site of some of Egypt's worst violations *non-refoulement*. Many refugees in this region attempt to cross into Israel.⁷⁷⁷ Those who are caught illegally entering Egypt with the intention of crossing into Israel are generally denied access to RSD procedures and are subjected to arbitrary detention and *refoulement*.⁷⁷⁸ One poignant example is the *refoulement* of 1,200 undocumented Eritreans who were apprehended entering Egypt in 2008.⁷⁷⁹ The 1,200 were denied access to RSD procedures and repatriated to Eritrea in violation

⁷⁷² *Id.*

⁷⁷³ *RRP, supra* note 629, at 313. UNHCR's implementing partners in health care are WHO, UNFPA, UNICEF, IPM, Save the Children, Arab Medical Union, Caritas, Mahmoud Hospital Society, PSTIC, TdH, Refuge Egypt, and Resala Association.

⁷⁷⁴ *Id.*

⁷⁷⁵ *Id.* at 314.

⁷⁷⁶ *Id.*

⁷⁷⁷ Kagan, *supra* note 659, at 30. The treatment of refugees, particularly African refugees, in Israel, has also been subject to severe criticism, as Israel, a state-party to the CSR51, does not comply with its obligations towards them. Israel, like all other states parties to the Refugee Convention, has a burden-sharing obligation which it is not fulfilling. Israel's responses to the crisis of refugees in the MENA region, however, is beyond the scope of this report.

⁷⁷⁸ *Id.* at 35; U.S. COMM. FOR REFUGEES AND IMMIGRANTS, *supra* note 670.

⁷⁷⁹ *Egypt: Don't Deport Eritreans*, HUMAN RIGHTS WATCH (Nov. 15, 2011), available at <http://www.hrw.org/news/2011/11/15/egypt-don-t-deport-eritreans>.

of international law. In 2011, similar abuses to Eritrean refugee populations were once again documented.⁷⁸⁰ Problems in the Sinai Peninsula are not limited to *refoulement* and RSD refusal. Authorities have also resorted to shooting individuals who attempt to cross into Israel.⁷⁸¹ Many refugees and asylum-seekers in Sinai are also victims of human trafficking: refugees in the Sinai have been kidnapped and held for ransom.⁷⁸² During captivity, victims are beaten violently and subjected to other various forms of brutal treatment.⁷⁸³

Because of the large numbers of Syrian refugees entering Egypt in a relatively short period of time, their needs often overshadow the needs of other refugee populations, such as the Eritreans and Sudanese. As a result, UNHCR has expedited RSD procedures for Syrians at the expense of African refugees who have been in Egypt for a much longer period of time. For instance, a recently-arrived Sudanese refugee in Egypt would not receive a UNHCR RSD interview until 2016-2018. By contrast, a Syrian would be able to undergo RSD this year. While the Syrian refugee crisis is severe, Egypt and UNHCR cannot allow preferential treatment for Syrian refugees at the expense of African and other refugee populations that have been awaiting refugee protection in Egypt for years.

Recommendations for Egypt

Comprehensive Legal Framework including Temporary Protection

As for all the other main host states in the ME, we recommend that Egypt codify into domestic law a clear, formal refugee policy incorporating temporary protection, asylum, and refugee criteria for resettlement. Although Egypt is a party to both CSR51 and the OAU Convention, Egypt is respecting its obligations under neither treaty vis-à-vis the refugees in its territory. Under the OAU Convention, Egypt should be granting, at minimum, temporary protection to all individuals meeting the broader ‘refugee’ definition of OAU. This would apply to all those fleeing Syria, including Palestinians. Egypt has a direct obligation to offer both TP under the OAU criteria and asylum under CSR51.

As part of a CPA, Egypt can assist in the resettlement of the pre-existing refugee populations on its territory—Somalis, Ethiopians, Eritreans and Sudanese—by working with UNHCR to facilitate their immediate access to RSD, and facilitate their resettlement outside the region. After prioritizing these groups for resettlement, the Egyptian government should put a comprehensive TP program in place for refugees from Syria, including PRS. The Egyptian government is urged to offer TP as well to Palestinian refugees who have been in Egypt from 1948, and with each subsequent wave of the

⁷⁸⁰ *Id.*

⁷⁸¹ U.S. COMM. FOR REFUGEES AND IMMIGRANTS, *supra* note 670; *Egypt: Stop Killing Migrants in Sinai*, HUMAN RIGHTS WATCH (Sep. 10, 2009), available at <http://www.hrw.org/news/2009/09/10/egypt-stop-killing-migrants-sinai>.

⁷⁸² *Egypt/Sudan Refugees and Asylum Seekers Face Brutal Treatment, Kidnapping for Ransom, and Human Trafficking*, AMNESTY USA (2013), available at <http://www.amnestyusa.org/sites/default/files/afr040012013en.pdf>.

⁷⁸³ *Id.*

Palestinian flight. Egypt is also a party to the Casablanca Protocol and a number of Arab League Resolutions, which explicitly guarantee core rights to Palestinian refugees in the Arab League states, including permitting dual citizenship. Nothing in the Casablanca Protocol undermines Palestinian refugees' right to return. The Egyptian government can also facilitate resettlement of those Palestinian refugees for whom UNHCR can negotiate spaces in those Latin American countries willing to admit them (discussed in the first section).

Respect for Non-Refoulement, an End to Arbitrary Detention and Deportation of Refugees

Second, we ask that the Egyptian Government legislate clear policies concerning detention and deportation that conform to its obligations under CSR51. This requires detention of refugees in only narrowly-defined, exceptional security cases; guarantees of due process including access to counsel, neutral decisionmaking, and access to appeal before detention and deportation orders are entered. Detention of refugees under CSR51 must be the exception, not the rule, and Egypt must immediately release Syrian refugees who do not pose any real threat, and end the blanket policy of arrest and detention of Syrian and Palestinian refugees. Sending refugees back to Syria, including PRS, whether directly through deportation, or indirectly through forcing them to choose between remaining in detention or purchasing airline tickets out of the country, violates Egypt's unconditional obligation of *non-refoulement*.

Right of Entry and Arbitrary Barriers to Entry of Refugees and Right to Remain

Egypt has recently put a number of policies in place that are preventing individuals fleeing Syria to obtain visas, to renew visas, to register with UNHCR, and to remain in legal status. Egypt's new requirements for advance security clearance, for canceling visas upon registration with UNHCR, and other policies discussed above, have virtually stopped the entry of refugees from Syria and discouraged the vast majority in Egypt from registering with UNHCR. As part of an international CPA, with additional resettlement and admission of refugees out of Egypt, Egypt should have the political space to rescind some of these policies. Related to the issue of status, we ask that the Ministry of the Interior implement the U.S., British, and French embassies' amnesty proposal, which would allow all UNHCR-registered and non-registered Syrian refugees to identify themselves to the GoE and receive a residence permit without fear of retaliation. We also ask that the GoE and UNHCR not prioritize refugees from Syria for RSD processing over other refugee populations who have been awaiting RSD interviews for years.

Housing Policies

The housing situation for refugees in Egypt—not just refugees from Syria—is a disaster. All housing is private, and private housing interests have lobbied hard to prevent the government from initiating any public housing programs. This situation, however, is unsustainable, both for the Egyptian poor

and for the thousands of refugees in the country. We heard from many groups, including government staff, that there needs to be a public housing program, and we urge the Egyptian government to partner with NGO's to initiate a public housing program in Cairo and other cities to benefit both Egyptians and refugees. Egypt should take advantage of the influx of international organizations with funding to address the needs of the new refugees from Syria and Iraq to finance public housing initiatives. As far as both housing and other resources, we ask that the GoE ensure fair distribution of resources to refugees of all nationalities on a non-discriminatory basis. While Syrian refugees comprise the vast majority of refugees in Egypt at the present time, UNHCR must not prioritize recently-arriving Syrians for resources over refugees of other nationalities that have been languishing in difficult conditions in Egypt for years.

Access to Work

With high unemployment and a tense security environment, it is difficult to advocate for more favorable labor laws for refugees. The 2003 Labor Law and its Ministerial Decree, along with the 2004 Decree of the Ministry of Manpower and related employment laws have made it impossible for refugees to obtain work permits and, hence, legal employment. Nevertheless, Syrian refugees have been able to obtain licenses to open businesses. The effect of these policies is that well-off refugees are able to obtain permission to start businesses, but poor refugees cannot get permits to work. Discriminatory labor policies include the 2003 Labor Law provision that excludes Palestinians from work based on the requirement that a foreigner's state must reciprocate similar employment opportunities for Egyptians. This provision is absurd because Palestinians do not have a 'state' that can offer Egyptians employment. Moreover, it is completely inconsistent with Egypt's ratification of the Casablanca Protocol, which provides that "Palestinians currently residing in the land of [an Arab host state] have the right of employment on par with its citizens."⁷⁸⁴

We believe that if Egypt participated in a CPA that allowed movement of large numbers of qualifying refugees into resettlement and TP slots abroad, as well as instituted a formalized TP program in Egypt, access to legal employment within Egypt must be part of that CPA. At a minimum, the discriminatory work permit policies must be changed so that all refugees have the same criteria for work permits, and the criteria must be reasonable to allow persons qualifying for jobs to work. The reciprocity principle must be waived for Palestinians, and Egypt should renew its commitment to implement the rights provisions of the Casablanca Protocol.

⁷⁸⁴ *Casablanca Protocol*, *supra* note 117.

TURKEY

Refugees in Turkey: An Overview

At the start of 2013, the government of Turkey (“GoT”) estimated that 150,000 people had found refuge from Syria’s civil war on Turkish territory, either in cities or in one of 14 refugee camps constructed by the GoT in provinces on the Syrian border. Turkey has an open-border policy with Syria, and Syrians are given unrestricted access to cross the border at designated points.⁷⁸⁵ At the time of writing, the government’s official reports state that there are approximately 700,000 Syrian refugees currently living in Turkey,⁷⁸⁶ but both governmental and non-governmental actors agree that there are many more refugees present in the country,⁷⁸⁷ and most actors estimate that there are one million or more Syrian refugees in Turkey.⁷⁸⁸

Approximately 220,000 refugees now live in 22 refugee camps spread across ten provinces in Southern Turkey.⁷⁸⁹ The existing camps are full, and the construction of new camps requires not only suitable infrastructure but also adequate funding.⁷⁹⁰ There are concerns that Turkey’s border provinces are running out of flat spaces suitable for constructing camps.⁷⁹¹

The remaining refugees (approximately 500,000, according to official reports) live in urban areas around the country.⁷⁹² Refugees are less visible in Istanbul than in the border provinces, but can be

⁷⁸⁵ Interview with Zaid Hydari, Co-Coordinator, Helsinki Citizens Assembly Refugee Advocacy and Support Program’s Refugee Status Determination Legal Assistance Unit, in Istanbul, Turk. (Nov. 19, 2013).

⁷⁸⁶ As this article goes to publication, UNHCR reported this number. U.N. HIGH COMMISSIONER FOR REFUGEES, INTER-AGENCY REGIONAL RESPONSE FOR SYRIAN REFUGEES 1, 1 (Mar. 7, 2014), available at <http://reliefweb.int/sites/reliefweb.int/files/resources/Inter-Agency%20Regional%20Response%20-%20Syrian%20Refugees%2020140313.pdf>. The only official source of demographic and other data regarding refugees from Syria on Turkish territory is the GoT; UNHCR must rely on the numbers supplied by the GoT in its reports. See *Turkey Overview*, SYRIA REGIONAL RESPONSE PLAN, available at <http://data.unhcr.org/syrianrefugees/country.php?id=224> (Jan. 2014) (citing AFAD as source of all numbers reported under “Persons of Concern”); UNHCR, SYRIA REGIONAL RESPONSE PLAN JAN. – DEC. 2013: PRELIMINARY YEAR-END REPORT 18-21 (Nov. 30, 2013), available at <http://reliefweb.int/sites/reliefweb.int/files/resources/RRP5preliminaryyear-endreport-FINAL.pdf> (“As of 30 November 2013, the number of Syrian refugees in camps set up and run by AFAD stood at over 205,000, while around 330,000 non-camp refugees had been registered. The GoT estimates that the total number of non-camp refugees is significantly higher.”).

⁷⁸⁷ HCA estimates that there were approximately one million Syrian refugees living in Turkey by the end of the 2013. See Interview with Zaid Hydari, *supra* note 785.

⁷⁸⁸ *Republic of Turkey Prime Ministry Disaster and Emergency Management Presidency [AFAD], Syrian Refugees in Turkey, 2013: Field Survey Results, A Preliminary Remarks* (2013) [AFAD report 2013] (“There is no accurate information on the total number of Syrian refugees living in Turkey. . . . According to the AFAD guesstimates, it is believed that there are a total of 350,000 Syrian refugees outside the camps in various cities. According to these guesstimates a total of 36 percent of the Syrian refugees in Turkey live in the camps at various cities in Turkey. A total of 64 percent live outside of the camps in various cities in Turkey. According to the reports of the United Nations, at the end of 2013, the number of Syrian citizens in Turkey will exceed 1 million.”). Despite the AFAD report’s alleged reliance on UN reports, the UNHCR periodic situation update continues to report only AFAD data on refugee numbers. See, e.g., UNHCR Turkey Syrian Refugee Daily Strep: Jan. 17, 2014, available at <http://data.unhcr.org/syrianrefugees>.

⁷⁸⁹ Interview with Zaid Hydari, *supra* note 785; Interview with the Ministry of Foreign Affairs in Ankara, Turk. (Nov. 20, 2013) [Nov. 20, 2013 Interview with the Ministry of Foreign Affairs].

⁷⁹⁰ *Id.*

⁷⁹¹ *Id.*

⁷⁹² Interview with Zaid Hydari, *supra* note 785. Helsinki Citizens Assembly (HCA) estimates that there are 100,000 Syrian refugees living in Istanbul alone.

seen living in parks in Ankara.⁷⁹³ Some Syrians live with host families in the cities, while other, more vulnerable populations live in collective shelters in mosques, wedding halls, and barns.⁷⁹⁴

Relevant Actors

Government Agencies

The Turkish government has been the primary actor in the Syrian refugee crisis. Several reports have found that Turkey's expenditures on people arriving from Syria – including health, education, food, and costs of other services, exceed two and a half billion USD.⁷⁹⁵ Meanwhile, Turkey has received little aid from the international community.⁷⁹⁶ While the GoT has responded to the crisis with tremendous generosity, it has been unwilling to share information on its actions or give access to Syrian refugees to NGOs and INGOs. The GoT's protection and assistance activities are unevenly implemented across the country.⁷⁹⁷ Our fieldwork has indicated that the Turkish government has handled the influx of refugees from Syria in a technocratic manner, marginalizing other traditional refugee relief actors, such as NGOs and INGOs.⁷⁹⁸

Ministry of Interior

The Ministry of Interior (MoI) shares with the Prime Ministry ultimate authority on the Syrian refugee situation. To date, the MoI's policy making has concentrated on issuing circulars promulgating the central government's precepts to local authorities.⁷⁹⁹ For example, the MoI issued a circular on Temporary Protection for Syrians, which lacked specificity and has been applied in haphazard and inconsistent ways by the local authorities.⁸⁰⁰ Local governors take different levels of risk in interpreting the circulars, resulting in very different practices towards Syrians and NGOs in each province. For example, some governors allow NGOs to work with refugees within a province, set up schools, and provide other services to refugees. Other governors do not allow NGOs to provide services in any form.⁸⁰¹

⁷⁹³ *Id.*

⁷⁹⁴ Interview with Sema Genel Karaosmanoğlu, Director, and Gökhan Erkutlu, Operations Manager, Support to Life, in Istanbul, Turk. (Nov. 18, 2013).

⁷⁹⁵ Nov. 20, 2013 Interview with the Ministry of Foreign Affairs, *supra* note 789; Interview with the Ministry of Foreign Affairs in Ankara, Turk (Nov. 20, 2013) [Nov. 22, 2013 Interview with Ministry of Foreign Affairs].

⁷⁹⁶ Interview with UNHCR in Ankara, Turk. (Nov. 20, 2013) [UNHCR-Turkey Interview].

⁷⁹⁷ See Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794 (noting that the Turkish government has traditionally been a very strong state, and does not like to share the power of decision-making).

⁷⁹⁸ *Id.*; Interview with Zaid Hydari, *supra* note 785.

⁷⁹⁹ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794. These circulars have covered such topics as education and healthcare.

⁸⁰⁰ *Id.*; Interview with Zaid Hydari, *supra* note 785.

⁸⁰¹ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

The police in each province are directly governed by the MoI and have traditionally been responsible for registering asylum-seekers and receiving asylum claims.⁸⁰² This was the case during previous influxes of refugees from Iran, Iraq, and Afghanistan.⁸⁰³ Since no formal registration occurs for Syrians, the MoI and the Prime Ministry have sought to centralize the treatment of Syrian refugees to this point,⁸⁰⁴ and have implemented central government policies on temporary protection directly, without relying on local police.⁸⁰⁵

Directorate General on Migration Administration

At the time of writing, the GoT is actively transitioning into the new law on Foreigners and International Protection.⁸⁰⁶ The law establishes a Directorate General on Migration Administration (DGMA), an office which will be solely responsible for promulgating policies related to foreigners and international protection, as well as refuge registration.⁸⁰⁷ The DGMA will also be responsible for classifying individuals as temporary protection recipients rather than refugees.⁸⁰⁸ The Turkish Disaster and Emergency Presidency, an agency controlled by the Prime Ministry, will retain responsibility for actually implementing Temporary Protection.⁸⁰⁹

Prime Ministry: Turkish Disaster and Emergency Presidency

The Turkish Disaster and Emergency Presidency (AFAD) was set up in 2009 by consolidating three separate agencies, AFAD has been responsible for building and maintaining the refugee camps and its large staff is directly responsible for most assistance-related needs of the refugees out of Syria who reside in camps.⁸¹⁰ AFAD, as its name suggests, is mainly responsible for emergency management and disaster relief; before the Syrian crisis, the agencies comprising AFAD gained experience in managing humanitarian response following Turkey's 1999 earthquake.⁸¹¹ AFAD's staff has no prior experience working with refugees; for example, it did not know that building camps along the border with Syria goes completely against the established practice of protection for refugees fleeing armed conflict.⁸¹² When the new law comes into effect, AFAD will continue to manage the camps.⁸¹³ It is expected that AFAD will also retain responsibility for providing assistance to individuals receiving

⁸⁰² Interview with Zaid Hydari, *supra* note 785; Interview with UNHCR in Ankara, Turk. (Nov. 20, 2013) [UNHCR-Turkey Interview].

⁸⁰³ UNHCR-Turkey Interview, *supra* note 796.

⁸⁰⁴ Interview with Zaid Hydari, *supra* note 785.

⁸⁰⁵ Interview with Ministry of Foreign Affairs, *supra* note 789.

⁸⁰⁶ *See infra*.

⁸⁰⁷ UNHCR-Turkey Interview, *supra* note 796.

⁸⁰⁸ Interview with Ministry of Foreign Affairs, *supra* note 789.

⁸⁰⁹ AFAD Interview, *supra* note 786.

⁸¹⁰ UNHCR-Turkey Interview, *supra* note 796.

⁸¹¹ AFAD Interview, *supra* note 786.

⁸¹² UNHCR-Turkey Interview, *supra* note 796.

⁸¹³ Interview with Ministry of Foreign Affairs, *supra* note 789; *see also* Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

temporary protection.⁸¹⁴ However, the new Directorate for Migration Affairs will be responsible for refugees living outside the camps.⁸¹⁵

Ministry of Foreign Affairs

The Ministry of Foreign Affairs (MFA) has been responsible for the foreign policy aspects of the Syrian refugee crisis, including maintaining Turkey's open-border policy and assisting with family reunification for refugees. The MFA's responsibilities will not change with the new law.⁸¹⁶

UN Agencies

UNRWA does not operate in Turkey.⁸¹⁷ UNHCR has worked in Turkey since 1960, pursuant to Turkey's ratification of the CSR51.⁸¹⁸ Under the 1994 Council of Ministers Regulation discussed above, UNHCR conducts RSD for the populations the GoT recognizes as refugees, but will not resettle within its borders due to Turkey's limitation of the CSR51 to refugees from Europe.⁸¹⁹ Unlike other host countries in the region, UNHCR provides its services *through* the Turkish government rather than doing so directly.⁸²⁰ This reflects the GoT's strong central control over matters relating to migration and population flows.⁸²¹ In the current situation, UNHCR supports the GoT by providing technical advice on such matters as registration and camp management.⁸²² UNHCR has dispatched mobile teams that visit camps every two to three days. UNHCR observes voluntary repatriation procedures to ensure that refugees are returning to Syria free of coercion, delivers some non-food items to the camps, and ensures that refugees' basic needs are being covered in the camps. In 2014, among other related assistance projects, UNHCR will fund approximately 200 psychiatrists and social workers to provide services to Syrians in both the refugee camps and urban areas. UNHCR will support the new DGMA in developing efficient methods for refugee registration. Finally, UNHCR is Turkey's primary financial supporter.⁸²³

NGOs

⁸¹⁴ AFAD Interview, *supra* note 786.

⁸¹⁵ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

⁸¹⁶ Interview with Ministry of Foreign Affairs, *supra* note 789.

⁸¹⁷ However, the Turkish Foreign Ministry states that "Turkey provides assistance to the Palestinian refugees through [UNRWA] and participates in the Temporary International Presence in Hebron (TIPH)." Republic of Turkey Ministry of Foreign Affairs, *Turkey's Political Relations with the Palestinian National Authority*, REPUBLIC OF TURKEY MINISTRY OF FOREIGN AFFAIRS (Jan. 20, 2014, 8:10 PM), available at <http://www.mfa.gov.tr/turkey-s-political-relations-with-the-palestinian-national-authority.en.mfa>.

⁸¹⁸ UNHCR-Turkey Interview, *supra* note 796.

⁸¹⁹ *Id.*

⁸²⁰ AFAD Interview, *supra* note 786.

⁸²¹ See, e.g., Euro-Mediterranean Human Rights Network, *Syrian Refugees in Turkey: A Status in Limbo* 15 (Oct. 2011), available at <http://www.euromedrights.org>; Helsinki Citizens' Assembly Turkey, *Syrian Refugees in Turkey: Briefing Note*, Nov. 16, 2012, at 4-5; Amnesty International Briefing, *Turkey: National authorities and the international community must act in partnership to meet the needs of Syrian refugees* (Apr. 20, 2013), available at <https://www.amnesty.org/en/library/asset/EUR44/009/2013/en/25f4a914-0009-4dd1-822f-49cd2785df67/eur440092013en.pdf>.

⁸²² UNHCR-Turkey Interview, *supra* note 796.

⁸²³ *Id.*

The NGOs assisting Syrian refugees operate without clear guidance from the GoT regarding the activities they are allowed to engage in; the scope of their assistance work is not governed by any formal agreements, such as MOUs with the Turkish government, leaving NGOs engaged in assistance work to risk sanctions from the government.⁸²⁴ Some NGOs have been able to operate in the field in Turkey by acting as arms of the Turkish government and carrying out government directives and objectives within the camps.⁸²⁵ For example, the Turkish Red Crescent has taken over this role for all food needs in the camps,⁸²⁶ but must maintain a very close relationship with the GoT and adhere to its objectives to fill this role.⁸²⁷

Other NGOs operate more independently, and without formal permits from the government, to provide legal services to asylum-seekers, undertake advocacy and monitoring, and provide humanitarian aid.⁸²⁸ NGOs provide refugees with food aid, hygiene products, household kits, and winterization supplies. They also provide psychosocial programs in various provinces in Turkey, including life skills modules for youth, nutrition classes, and intercultural activities engaging local host communities. NGOs have also provided the non-camp refugees with debit cards through a cash assistance program allowing refugees to shop for food.⁸²⁹

Legal Instruments

MOU

Unlike the other host countries considered in this report, we were not able to find any record of an MOU between the Turkish government and UNHCR. This is consistent with Turkey's historical tendency towards an opaque migration and refugee policy. Various NGOs confirmed that Turkey prefers to be the sole interlocutor for UN agencies engaged in refugee and migration management, where possible.⁸³⁰ The only publicly available document regarding the status of UNHCR in Turkey is a letter from 1960 through which the Turkish Prime Minister extends permission to UNHCR to establish representation in Turkey.⁸³¹

Treaties

⁸²⁴ Interview with Zaid Hydari, *supra* note 785. A list of the key INGO's and NGO's working with refugees in Turkey is attached as Annex IV and includes the organizations interviewed for this Report.

⁸²⁵ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

⁸²⁶ AFAD Interview, *supra* note X.

⁸²⁷ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

⁸²⁸ Interview with Zaid Hydari, *supra* note 785.

⁸²⁹ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794. For example, Syrian women were used to using formula rather than breastfeeding, so Turkish mothers are teaching Syrian women how to breastfeed.

⁸³⁰ *Id.*; Interview with Zaid Hydari, *supra* note 785.

⁸³¹ National Authorities, *Turkey: Prime Minister letter of 22-07-60 authorizing UNHCR to name a Representation in Turkey* (July 22, 1960), available at <http://www.refworld.org/docid/3f4df3e24.html> (last visited Apr. 12, 2014).

1951 and 1967 Conventions

Turkey has acceded to the Convention relating to the Status of Refugees (CSR51), and to the 1967 Protocol relating to the Status of Refugees (PSR67). However, Turkey retained the “geographical limitation”⁸³² from the CSR51, whereby only persons seeking asylum and arriving from Europe are protected by the Convention.⁸³³ Accordingly, Turkey does not extend refugee status to persons fleeing conflicts or other situations outside Europe.⁸³⁴ Turkey’s adherence to the geographical limitation expresses its long-standing resistance to integrate non-European refugees into society.

National Legislation and Regulations

1994 Council of Ministers Regulation

Pursuant to a 1994 Regulation, currently being replaced by the 2013 law on Foreigners and International Protection, Turkey permits persons in need of international protection (who would be classified as refugees, if Turkey had not retained its geographic limitation) to remain in Turkey on a temporary basis until they are resettled.⁸³⁵ This Regulation gives UNHCR the authority to carry out RSD and facilitate resettlement for non-European refugees.⁸³⁶ The 1994 Regulation provided that where there was a mass influx of asylum-seekers, the GoT could suspend the provisions regarding entry for temporary refugees, preempting the establishment of a *de-facto* temporary protection regime.⁸³⁷ Prior to the 1994 Regulation, Turkey’s refugee policy consisted of decrees or “circulars,” issued by the Council of Ministers to relevant branches of the administration and local governments. Because of the broad language of the text of the 1994 Regulation, this practice of “filling in” missing details from the text continued after its enactment.⁸³⁸ Using its discretionary power, the MoI has

⁸³² “The instrument of accession stipulates that the Government of Turkey maintains the provisions of the declaration made under section B of article 1 of the Convention relating to the Status of Refugees, done at Geneva on 28 July 1951, according to which it applies the Convention only to persons who have become refugees as a result of events occurring in Europe, and also the reservation clause made upon ratification of the Convention to the effect that no provision of this Convention may be interpreted as granting to refugees greater rights than those accorded to Turkish citizens in Turkey.” Available at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-5&chapter=5&lang=en.

⁸³³ This limitation arises out of Art. (B)(1)(a) of the 1951 Convention, which allows state parties to narrow the scope of the Convention only to refugees arriving from European countries as a result from World War II. Turkey defines “Europe” as the countries members of the Council of Europe. As a result eligible for convention refugee treatment are people from all 27 EU countries, Switzerland, Norway, Albania; Andorra; Armenia; Azerbaijan; Bosnia and Herzegovina; Georgia; Republic of Moldova; Montenegro; Russian Federation; Serbia; “The former Yugoslav Republic of Macedonia”; and Ukraine.

⁸³⁴ UNHCR-Turkey Interview, *supra* note 796.

⁸³⁵ Regulation No. 1994/6169 on the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum From Another Country (last amended 2006) [Turkey], No. 1994/6169, 19 January 1994, available at <http://www.unhcr.org/refworld/docid/49746cc62.html> [1994 Regulation].

⁸³⁶ UNHCR-Turkey Interview, *supra* note 796.

⁸³⁷ See 1994 Regulation, Art. 8 (“As long as there are no political decisions taken to the contrary, and provided that Turkey’s obligations under international law are maintained, and taking into account its territorial interests, it is essential that population movements be stopped at the border, and that asylum seekers be prevented from crossing over into Turkey.”).

⁸³⁸ See Cavidan Soykan, *New Draft Law on Foreigners and International Protection in Turkey*, Oxford Monitor of Forced Migration, 38, 40, n. 13 (2012) (“A Circular by the Ministry of Interior specifying some rules and procedures that should be followed in the return centers by the local police in 2010.”) Circular 2010/18, Doc. No. B.050.OKM.0000.11-12/632 (19.03.2010). Another circular issued in March, 2010 (No: B.050.OKM.0000.11-12/631, Circular 2010/19, 19.03.2010) for the security forces so that they take into consideration the asylum applications of irregular migrants in detention if they wish to seek asylum before their deportation process is completed. Another circular which came out in July, 2011 empowered the

transferred to the local governorates' police departments the authority to process temporary asylum applications, a practice that has been widely criticized by non-profit organizations and human rights commentators because it threatens the civilian nature of asylum.⁸³⁹ Sensitive to this criticism, the GoT has created the DGMA, which will centralize asylum seekers' processing.

2012 Council of Ministers Directive

In April 2012, the government issued a Directive explaining the substance and application of the Temporary Protection regime.⁸⁴⁰ Because the Directive is not promulgated as actual law, there is no formal, government-wide, sanctioned basis for temporary protection for refugees from Syria; rather, temporary protection is administered and provided on an informal basis.⁸⁴¹ The Directive does not make reference to individual beneficiaries of "temporary protection," but refers to "nationals and stateless [persons] from Syria arriving in Turkey en masse," and it sets out some guidance for state agencies dealing with the Syrians.⁸⁴² Despite this informality, Syrians arriving in Turkey have been welcomed under the temporary protection regime.⁸⁴³ While the directive does not explicitly state that it mirrors the EU Temporary Protection directive, it embodies the basic elements set out in both UNHCR's 1994 Report on International Protection, which first described a temporary protection scheme,⁸⁴⁴ as well as the EU's Directive on Temporary Protection.⁸⁴⁵

2013 Law on Foreigners and International Protection

On April 4, 2013, the National Assembly passed the Law on Foreigners and International Protection ("LFIP").⁸⁴⁶ The law preserves the geographical limitation to the CSR51, but otherwise provides

governorships of seven cities [. . .] together with the Istanbul Ataturk Airport border management authority as the last decision making bodies for the initial process of asylum applications (Circular Number: B.05.1.EGM.0.13.49548, 18.07.2011).").

⁸³⁹ See Soykan, *supra*, note 12, at 40-41 ("At present, the police officers working under the authority of local Departments of Foreigners, Passport, Borders and Asylum deal with asylum applicants in every city.").

⁸⁴⁰ The directive has not been officially translated by the Turkish government. An unofficial copy was shared with author by the Helsinki Citizens Assembly and is on file with author; see also UNHCR interview, *supra* note X.

⁸⁴¹ Interview with Zaid Hydari, *supra* note 785.

⁸⁴² The directive has not been officially translated into English by the Turkish government. An unofficial copy was shared with author by the Helsinki Citizens Assembly and is on file with authors.

⁸⁴³ UNHCR-Turkey Interview, *supra* note 796.

⁸⁴⁴ UNHCR, NOTE ON INTERNATIONAL PROTECTION, UN Doc. A/AC.96/830 at 23 (1994) ("The basic elements and standards of treatment agreed upon for refugees benefiting from temporary protection . . . include:

- admission to safety in the country of refuge;
- respect for basic human rights . . . ;
- protection against *refoulement*;
- repatriation when conditions in the country of origin allow.").

⁸⁴⁵ Council Directive, *supra* note 12.

⁸⁴⁶ An unofficial English translation is available on UNHCR's website: *Law of Foreigners and International Protection* [Turkey], Law No. 6458, 4 April 2013, available at <http://www.refworld.org/docid/5167fbb20.html>; see also Yabancılar ve Uluslararası Koruma Kanun Tasarısı - Draft Law on Foreigners and International Protection [LFIP]. Even though the draft was officially only introduced in May 2012, the planning for this law had been underway at least since the National Action Plan on Asylum and Migration was signed by the Prime Minister in 2005. Turkish National Action Plan for the Adoption of the 'EU *acquis*' in the Field of Asylum and Migration (2005), available at <http://www.carim.org/> [NAP]. Also available at <http://www.egm.gov.tr> (official website of the General Directorate of Security) in Turkish and English. The Turkish authorities benefited from EU support, as early as 2011, through a twinning project aimed at helping Turkish legislators draft a migration law in compliance with the *acquis*. European Commission, *Supporting the Effective Functioning of the General Directorate of Migration Management by Performing a Comprehensive Needs Assessment 3* (2011) (describing the twinning

greater substantive protections to people seeking humanitarian protection in Turkey.⁸⁴⁷ The LFIP shifts the authority to manage the asylum process and to govern other protection-related matters to a new agency within MoI, the Directorate General on Migration Administration (DGMA), charged with implementing “policies and strategies related to migration.”⁸⁴⁸ The DGMA will also “ensure coordination between the related agencies and organizations [and] carry out the tasks and procedures related to foreigners’ entry into, stay in, exit and deportation from Turkey, international protection, temporary protection and protection of victims of human trafficking.”⁸⁴⁹

This is a meaningful and long-awaited institutional change that will remove the management of refugees and other protection seekers from the purview of the police. At the same time, registration of protection seekers will continue to be carried out locally by the governorates.⁸⁵⁰ Alongside the DGMA, the new LFIP establishes the Migration Policies Board (MPB), an ad-hoc structure combining representatives of various ministries whose functions touch on issues of migration and international protection.⁸⁵¹ The LFIP does not make explicit the relationship between the MPB and DGMA, but a comparison of their respective functions leads to the conclusion that the MPB will have the upper hand in designing particular policies, while the DGMA will act as an implementing operational body. Most importantly for Syrians, the new law contains a provision formalizing temporary protection.⁸⁵²

Policies and Asylum Procedure

Temporary Protection

project as “an assessment of the comprehensive needs and priorities of the General Directorate in view of the effective functioning and implementation of its core asylum and migration management related mandate”.

⁸⁴⁷ Cavidan Soykan, *New Draft Law on Foreigners and International Protection in Turkey*, 2 OXFORD MONITOR OF FORCED MIGRATION, 38 (2012) (“The most important change introduced by the new law is the fact that migration and the treatment of refugees will no longer be governed by secondary legislation; further, the draft law establishes conditions for the provision of subsidiary protection to individuals ineligible for refugee status; it shifts the implementation of refugee determination procedures away from the police and in the hands of a new civilian agency). Further, the new draft provides that “applicants would be entitled free legal aid in case of a negative decision (Article 81); financial support for voluntary repatriation (Article 87); a stipend (Article 94) and; would be able to stay at reception centers during the process (Article 100).” *Id.* at 42.

⁸⁴⁸ *Law of Foreigners and International Protection* [Turkey], Law No. 6458, 4 April 2013, available at <http://www.refworld.org/docid/5167fbb20.html> [LFIP]. Chapter V, Section 1 describes the establishment, duties and powers of the DGMA. Note, however, that in different English texts the new body has also been referred to as “Directorate General of Migration Management” or “General Directorate of Migration Management.” All of these are equivalent.

⁸⁴⁹ LFIP, Art. 103.

⁸⁵⁰ LFIP, Art. 65.

⁸⁵¹ The MPB is tasked with a broad spectrum of powers listed under Art. 105(3). They include (1) determining the implementation of Turkey’s migration policies and strategies; (2) drafting strategy documents on migration, (3) **identifying methods and measures to be applied in the event of mass influx**; (4) deciding on procedures for admitting foreigners collectively into Turkey “due to humanitarian considerations,” and, (5) making decisions “to ensure coordination between public agencies and organizations that work in the field of migration.” LFIP, Art. 105.

⁸⁵² See LFIP Art. 91(2) (designating discretion to the Council of Ministers in determining the proceedings to be followed with regard to Temporary Protection, and granting “designation of powers and duties of institutions and organizations” tasked with implementing these proceedings, and the role of international organizations in situations of mass influx.).

Pursuant to the 2012 Council of Ministers Directive, Turkey's current policy is to grant Temporary Protection, rather than refugee status, to all persons fleeing the situation in Syria.⁸⁵³ This policy is aligned with the new LFIP because the new law leaves the specific elements of temporary protection to the discretion of the Council of Ministers.⁸⁵⁴ Turkish officials have, to this point, refused to recognize Syrians as refugees, instead referring to them as "guests" or "*mesafir*." Still, Turkey is providing Syrians with many of the services traditionally afforded to persons under international protection, including shelter, food, and healthcare.⁸⁵⁵ UNHCR supports the GoT's temporary protection regime and considers it compatible with international standards.⁸⁵⁶

The current temporary protection regime in Turkey appears to draw on the 2001 European Union directive regarding state action in the event of a mass influx of refugees.⁸⁵⁷ As mentioned above, the new LFIP refers to the concept of "temporary protection" but does not explicitly define it, implying that the scope and guarantees of such protection are to be determined on a case-by-case basis by the government.⁸⁵⁸

The temporary protection regime has three main elements:

1. An open door policy for all Syrians;
2. No forced returns to Syria (*non-refoulement*)
3. Unlimited duration of stay in Turkey.⁸⁵⁹

As a practical matter, Syrian nationals arriving in Turkey who are able to reside in one of the twenty-two camps run by GoT have immediate access to registration and to the official benefits of temporary

⁸⁵³ Nov. 22, 2013 Interview with Ministry of Foreign Affairs, *supra* note 795; AFAD Interview, *supra* note 786. See also UNHCR-Turkey Interview, *supra*, note 796. The general consensus among service providers in Turkey is that Syrians are ineligible for residence permits at this time. At the beginning of the refugee crisis, Syrians entering in a regular fashion with Syrian documents may obtain a residence permit, while individuals who enter without documents are only eligible for temporary protection. See Interview with Zaid Hydari, *supra* note 785. However, it seems that this has become a historical fact; after a great influx of Syrians into cities such as Istanbul and Ankara, the government has stopped granting residence permits. See Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794. The government claims that there is no discrimination in the provision of temporary protection to people fleeing Syria: Sunnis, Kurds, Alewites, Christians, and other minorities fleeing Syria receive the same status as other Syrians, and are permitted to stay in the camps.

⁸⁵⁴ See LFIP Art. 91.

⁸⁵⁵ UNHCR-Turkey Interview, *supra* note 796; AFAD Interview, *supra* note 786; Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

⁸⁵⁶ See Helsinki Citizens' Assembly Turkey, *Syrian Refugees in Turkey: Briefing Note 2* (Nov. 16, 2012) ("With regards [*sic*] the Syrians, in fall 2011 UNHCR adopted the position that the international protection needs of all Syrian nationals in Turkey are covered by the Government's "temporary protection" scheme, and stopped registering Syrians and carrying out status determination for them. Therefore, unlike other nationalities of "non-European" refugees, Syrian refugees in Turkey do not have access to the UNHCR procedure and resettlement."); Syria Regional Response Plan, January to June 2013, available at <http://data.unhcr.org/syrianrefugees/uploads/SyriaRRP.pdf>; See also UNHCR 2013 Note, *supra* note 44, at 4–5 ("Turkey has formally provided Syrian refugees with temporary protection based on Executive Committee Conclusion No. 22 (1981) and recently incorporated temporary protection into its new national asylum law.").

⁸⁵⁷ Interview with Zaid Hydari, *supra* note 785.

⁸⁵⁸ LFIP, Art. 91; See Dersim Yabasun, *Turkey: Establishing a New Asylum System* (Mar. 28, 2013), available at <http://www.theforeignreport.com/2013/03/28/turkey-establishing-a-new-asylum-system/#.UVkAft37PE>.

⁸⁵⁹ UNHCR-Turkey Interview, *supra* note 796.

protection.⁸⁶⁰ The camps offer high-quality services, and Syrians in the camps have access to education, healthcare, food, and other services, including televisions broadcasting Arabic television programs.⁸⁶¹ Syrians in the camps receive a food card issued by the World Food Program in cooperation with the Turkish government.⁸⁶²

Syrian nationals who opt to not settle in the camps need to register with the government on their own initiative.⁸⁶³ While these individuals are free to stay anywhere in Turkey, the government does not provide any aid to non-camp refugees.⁸⁶⁴ In particular, non-camp refugees do not receive automatic access to cash vouchers for food, housing assistance, or guaranteed access to schools for their children.⁸⁶⁵

Registration

The Turkish government's current registration procedure for Syrians does not follow UNHCR's protocol for refugee status determination registration. At the beginning of the crisis in 2011, registration occurred on an *ad hoc* basis. Different camps had different approaches, and different provinces established varying practices to register Syrians residing outside of camps. After significant advocacy for unification of the procedure on the part of UNHCR, the MoI began a process of uniform registration using biometric data.⁸⁶⁶ This new process allows the government to prevent duplicate registrations; it may also help standardize registration processes among provinces.⁸⁶⁷

Individuals who register provide basic biographical details such as name, date and place of birth; this registration does not include a vulnerability profiling, which distinguishes it from traditional UNHCR registration procedures.⁸⁶⁸ AFAD only collects the information absolutely necessary to address Syrians' immediate humanitarian needs, and believes that the UNHCR process is too slow and intrusive.⁸⁶⁹ Syrians need not present any documentation to be eligible for registration and

⁸⁶⁰ *Id.* Most of the camp populations are conservative Syrians originating from rural areas in Syria, as well as some urban areas in northern Syria. Some ethnic groups, like the Assyrians, have requested and received a separate camp. See Nov. 20, 2013 Interview with the Ministry of Foreign Affairs, *supra* note 789. (Unfortunately, as of our most recent communication with the relevant branch of the Turkish government, only fourteen Assyrians had moved into a camp built to accommodate two thousand persons.) Confidential e-mail from Turkish government official (Feb. 19, 2014) (on file with author). Most secular and liberal Syrians end up in urban areas rather than the camps. See UNHCR-Turkey interview, *supra* note 796.

⁸⁶¹ Nov. 20, 2013 Interview with the Ministry of Foreign Affairs, *supra* note 789. The services within the camps have been called "five star." Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

⁸⁶² Interview with Ministry of Foreign Affairs, *supra* note 789.

⁸⁶³ Refugee Council USA, Background on Refugee Protection Concerns in Turkey (Apr. 4, 2013).

⁸⁶⁴ AFAD Interview, *supra* note 786.

⁸⁶⁵ STL report, *supra* note 40, at 4-6.

⁸⁶⁶ UNHCR-Turkey Interview, *supra* note 796.

⁸⁶⁷ AFAD Interview, *supra* note 786. This process was first used in the camps, and did not begin in urban areas until January, 2013; it was first introduced in Gaziantep, Hatay, and Killis.

⁸⁶⁸ UNHCR-Turkey Interview, *supra* note 796.

⁸⁶⁹ AFAD Interview, *supra* note 786. As the government's official policy is that Syrians are not refugees, it does not see the need to collect information from Syrians for the purpose of determining refugee status.

temporary protection in Turkey,⁸⁷⁰ and individuals who have received an AFAD registration card may receive free health care in Turkey.⁸⁷¹

UNHCR has provided the government with Mobile Registration Units (MRUs) to facilitate formal registration for refugees living in the cities. The goal of the MRUs is to address under-registration among urban refugees, which has led to under-counting of the total population of Syrians in Turkey.⁸⁷² These MRUs should contribute to standardizing the registration process. Registration information is currently only recorded in Turkish; this could pose a problem for refugees waiting to undergo third-country resettlement, as UNHCR's standard Registration and Resettlement Form is in English.⁸⁷³

Non-Refoulement

Despite the "geographical limitation" to the CSR51, Turkey's legal framework on international protection between 1994 and 2013 largely complied with its *non-refoulement* obligation. Non-European asylum seekers were not subject to *refoulement* if they registered with the government "without delay," provided valid identification, and qualified to receive resettlement assistance from UNHCR or a country of resettlement. In addition, ethnic Turks could remain in the country under the 1934 Law on Settlement, regardless of their country of origin.⁸⁷⁴

The LFIP explicitly prohibits forced return of any person who would be "subject to torture, inhuman or degrading punishment or treatment," or whose life or freedom would be "under threat on account of his or her race, religion, nationality, membership of a particular social group or political opinion."⁸⁷⁵ Such protection from *refoulement* is extended to three general groups of persons: refugees (individuals fleeing European countries),⁸⁷⁶ conditional refugees (individuals who would be refugees, but for their non-European country of origin),⁸⁷⁷ and persons granted subsidiary protection.⁸⁷⁸ The LFIP does not provide a formal guarantee of *non-refoulement* for recipients of

⁸⁷⁰ Interview with Zaid Hydari, *supra* note 785; AFAD Interview, *supra* note 786.

⁸⁷¹ UNHCR-Turkey Interview, *supra* note 796. *Also see* Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794 (arguing that, at this point, some actors argue that registration remains meaningless. Refugees receive government services in the refugee camps, or they do not receive services at all. Registration itself does not provide Syrians with legal status to remain in Turkey; rather, temporary protection provides a broad legal scheme permitting Syrians, registered or not, to be present within the country. Whether the UNHCR mobile registration units will change this remains to be seen.).

⁸⁷² Refugee Council USA, *supra* note 47. *See also* Interview with Zaid Hydari, *supra* note 785.

⁸⁷³ UNHCR-Turkey Interview, *supra* note 796.

⁸⁷⁴ *World Refugee Survey 2009: Turkey*, U.S. COMM. FOR REFUGEES AND IMMIGRANTS (2009), available at <http://www.refugees.org/resources/refugee-warehousing/archived-world-refugee-surveys/2009-wrs-country-updates/turkey.html> (last visited July 24, 2014).

⁸⁷⁵ LFIP, Art. 4.

⁸⁷⁶ LFIP, Art. 3(1)(b) defines "European Countries" as "Member States of the Council of Europe and other countries to be determined by the Council of Ministers."

⁸⁷⁷ LFIP, Art. 62. *See* comparison chart at the end of the section for exact text of the definitions of "refugee," "conditional refugee" and person granted "subsidiary protection."

⁸⁷⁸ LFIP, Art. 63 states that "subsidiary protection" is granted to persons who do not otherwise qualify for the status of refugee or conditional refugee, but who have shown that they are unwilling or unable to avail themselves of the protection of their country, and upon return to that country they would face either: (a) death penalty or execution; (b) torture or inhuman or

temporary protection. In addition, under the LFIP a temporary or indefinite withholding of deportation can apply to five categories of persons who have been found deportable.⁸⁷⁹

The LFIP does not articulate a policy regarding *refoulement* through border closures or turning away of refugees at the border.⁸⁸⁰ The LFIP categorically excludes certain individuals from entering Turkey. However, the second provision of the LFIP Art. 7 offers certain due process guarantees to persons turned away at the border, such as notification of their rights of appeal.⁸⁸¹ Further, the LFIP guarantees to UNHCR access to international protection applicants “including those at the border gates,” allowing UNHCR to monitor the forced return of potential refugees.⁸⁸²

In practice, these exclusions have not been applied to temporary protection applicants.⁸⁸³ Interviews with various government officials, NGOs, and UNHCR staff persons have affirmed that Turkey has maintained a consistent practice of *non-refoulement* with regard to Syrians. However, Amnesty International reported that up to 600 Syrians were forcibly expelled by Turkey in early 2013.⁸⁸⁴

Syrians living in the camps are free to return to Syria if they desire, but must undergo counseling prior to departing⁸⁸⁵ and demonstrate their decision to return to Syria was made without any coercion.⁸⁸⁶ While UNHCR does not have the capacity to observe all interviews, various organizations have reported that the Turkish repatriation procedure is satisfactory; UNHCR claims there are no documented cases of forced return to Syria.⁸⁸⁷ Non-camp refugees frequently cross the Syrian border

degrading treatment or punishment; or (c) serious threat to his or her person by reason of indiscriminate violence in situations of international or internal conflict. LFIP also states that beneficiaries of temporary protection may be required to reside in a designated province (art. 82), that they should be issued an identification document valid for one year (art. 83), and that such document should serve as a work permit, though access to employment is not guaranteed (art. 89).

⁸⁷⁹ LFIP, Art. 55 applies to a person 1) “for whom there are serious indications that he or she will be subjected to the death penalty, torture, cruel or degrading treatment or punishment in the country to which they will be deported”; (2) for whom traveling [to the country of deportation] will pose a risk related to health problems, age or pregnancy; (3) “who cannot receive treatment in the country to which he or she will be expelled” for a life-threatening condition whose treatment is ongoing; (4) who is a victim of human trafficking; (5) who suffered “psychological, physical or sexual violence until their treatment is completed.” (*emphasis added*).

⁸⁸⁰ There have been reports of partial border closures by GoT. See Hayata Destek/Support to life, *Situation Report: Syrian Refugees in Turkey 2* (Aug. 2013), available at <http://www.supporttolife.org> [STL report]; *Human Rights Watch: Syrians Blocked from Fleeing War*, *supra* note 131.

⁸⁸¹ LFIP, Art. 7: “Foreigners who shall not be permitted entry into Turkey (1) A foreigner shall not be permitted entry into Turkey and shall be turned away in case; a) it is determined that his or her passport, passport substituting document, visa or residence permit or work permit is absent or fraudulent; or that he or she has obtained these permits fraudulently, b) he or she does not hold a passport or a passport substitute document which is valid for at least 60 days as of the expiry of visa, visa exemption or residence permit, c) he or she falls under the scope of the foreigners listed under the first paragraph of [Art. 15], without prejudice to the second paragraph of [Art. 15] of this Law, and regardless of whether or not he or she is exempted from a visa. (2) Procedures undertaken with regard to this Article shall be notified to foreigners who are turned away at the borders. The notification shall include the way in which foreigners can effectively use their right of appeal against the decision as well as information on their other rights and obligations in this process.”

⁸⁸² LFIP, Art. 92(3).

⁸⁸³ Nov. 20, 2013 Interview with the Ministry of Foreign Affairs, *supra* note 789.

⁸⁸⁴ *Turkey forces hundreds of Syrian refugees back across border*, AMNESTY INT’L (Mar. 28, 2013), available at <http://www.amnesty.org/en/for-media/press-releases/turkey-forces-hundreds-syrian-refugees-back-across-border-2013-03-28>.

⁸⁸⁵ Nov. 20, 2013 Interview with Ministry of Foreign Affairs, *supra* note 789.

⁸⁸⁶ UNHCR-Turkey Interview, *supra* note 796.

⁸⁸⁷ *Id.*

to return to their homes and business in Syria, to get food, care for the elderly and those unable to travel and collect crops.⁸⁸⁸

Right to Freedom from Arbitrary Detention

In 2009, Turkey amended its 1994 Regulation after two decisions in the European Court of Human Rights (ECtHR).⁸⁸⁹ Prior to the amendments, administrative detention of aliens in Turkey was carried out in “foreigners’ guesthouses” (subsequently renamed “removal centers”). The ECtHR decisions found that living standards in the foreigners’ guesthouses violated basic human rights.⁸⁹⁰ Despite the amendment, access to detainees by IGOs, NGOs and legal aid providers remained relatively limited.⁸⁹¹ NGO observers and legal aid providers were prohibited from entering “transit zones” at international airports where newly arrived undocumented aliens were held awaiting accelerated deportation.⁸⁹²

The new law regulates the conditions under which administrative detention may occur and places certain limits on its duration. Detention pending deportation may not exceed six months. If the alien may not be deported because of lack of cooperation by the foreign government or by the alien, the period of detention may be extended by a maximum of six additional months.⁸⁹³ Deportable aliens are subject to detention if they are considered to be flight risks, a danger to public health or safety, or if they have committed immigration fraud.⁸⁹⁴ A deportable alien may appeal a detention order, and local authorities must reevaluate the necessity of detention each month. Finally, in the absence of counsel, free legal representation will be made available to detainees who appeal a deportation decision while in administrative detention.⁸⁹⁵

⁸⁸⁸ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

⁸⁸⁹ *Abdolkhani & Karimnia v. Turkey* (No. 2), 2010 Eur. Ct. H.R. (Application no. 30471/08), available at <http://hudoc.echr.coe.int/sites/eng-press/pages/search.aspx?i=003-3210216-3575372> (violation of Art. 3 of ECHR on account of the detention of refugees for three months in the basement of police headquarters); *Dbouba v. Turkey*, 2010 Eur. Ct. H.R. (Application no. 15916/09), available at <http://www.refworld.org/docid/4c3efc222.html> (violation of Art. 5 of ECHR on account of unlawful detention of refugee in a foreigner guesthouse ordering Turkey to release the refugee as soon as possible).

⁸⁹⁰ *Tehrani et al. v. Turkey*, 2010 Eur. Ct. H.R. (Applications no. 32940/08, 41626/08, 43616/08), at 91 – 95, available at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-98259> (finding that the conditions in the Tunca detention center were severely overcrowded and that they violated Art. 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms).

⁸⁹¹ See Rachel Levitan, Esra Kaytaz et al., *Unwelcome Guests: The Detention of Refugees in Turkey's "Foreigners' Guesthouses,"* 26 *Refugee* 56 (1) (Spring 2009). Levitan describes how pressure on the Turkish government resulted in redrafting of Art. 23 of the Law on Sojourn & Travel of Aliens in Turkey; the government also set out minimum standards for removal center conditions and for construction of many more removal centers across the country. As of 2010 the Turkish government still refused to share a new directive on removal centers with media or NGOs; U.S. Committee for Refugees and Immigrants, *supra* note 31. The U.S. Committee also reported in 2009 that Turkey detains “refugees and asylum seekers with special security risks [at] the Refugee Guesthouse in Yozgat province.” The amended regulation states “any violation of laws against illegal entry and stay” could result in detention and deportation for temporary asylum seekers.

⁸⁹² Levitan, *supra* note 891, at 56 (“Neither UNHCR nor local NGOs are given access to asylum seekers held in ‘transit zones’ in Turkey’s airports.”).

⁸⁹³ LFIP, Art. 57(3).

⁸⁹⁴ LFIP, Art. 57(2).

⁸⁹⁵ LFIP, Art. 57(7).

As of now, there is no official or corroborated data on the detention of Syrian refugees in Turkey, apart from sporadic early reports,⁸⁹⁶ and our field research did not reveal a practice of arbitrary detention of refugees from Syria.⁸⁹⁷ It appears that individuals are detained in accordance with Turkish law, and held in foreigners' sections of police stations. Minors are held in state shelters, and separate facilities exist for women.⁸⁹⁸ Turkey has built six new detention centers since the onset of the Syrian refugee crisis. One center near the Greek border is used primarily to detain individuals caught attempting to cross into Greece to gain access to the European Union.⁸⁹⁹

Right to Family Re-Unification

In an effort to align Turkey's asylum system with that of the EU, the GoT has been facilitating family reunification for refugees since 2005.⁹⁰⁰ The 1994 Regulation dictated that temporary asylees⁹⁰¹ were to reside in a satellite city assigned by the government,⁹⁰² and were permitted to petition the government to be housed in a city where they could show they had family members.⁹⁰³ The LFIP continues to provide for family reunification within Turkey, agreeing to facilitate family reunification for "the spouse, minor child and dependent adult child of the applicant or the beneficiary of international protection."⁹⁰⁴ International protection applications "lodged on behalf of a family shall be examined as one application and the decision shall apply to the whole family,"⁹⁰⁵ and families accommodated in "Reception and Accommodation Centers" are housed together "as far as available resources permit."⁹⁰⁶

For Syrians specifically, the MFA actively facilitates family reunification requests, and helps bring relatives from Lebanon and Jordan to join their family members in Turkey.⁹⁰⁷ AFAD has provided Syrians with airplane tickets to facilitate family reunification. AFAD is working with the Ministries of

⁸⁹⁶ Euro-Mediterranean Human Rights Network, *Syrian Refugees in Turkey: A Status in Limbo* 14 (Oct. 2011), available at <http://www.euromedrights.org> ("A number of refugees complained about tight security restrictions and reported the detention of a number of residents following protests or fights over what they perceived as unfair management procedures. For instance, a woman in Yayladağı said her five sons got into a fight with food distribution staff, and were taken away and detained for 24 hours. When they were released they were taken to a different camp. The sons had still failed to be reunited with their mother at the time of the mission.").

⁸⁹⁷ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

⁸⁹⁸ Interview with Zaid Hydari, *supra* note 785.

⁸⁹⁹ *Id.* Only lawyers registered in Turkey are able to access detention centers. Lawyers must show authorization for particular clients before they are able to access the detention centers, and they are unable to gain authorization if they do not know who the identity of a detainee held within the center. NGOs providing legal assistance have reported greater success gaining release for Syrians as compared to non-Syrians. *See id.*

⁹⁰⁰ NAP, *supra* note 846.

⁹⁰¹ LFIP, Art. 61 discontinues the use of "temporary asylee" and coins the phrase "conditional refugee" to refer to the same category of protected persons.

⁹⁰² U. S. DEP'T OF STATE, *supra* note 52, at 51 ("UNHCR-recognized refugees and asylum seekers in Turkey are assigned to one of 61 satellite cities. Provincial governments are responsible for meeting their basic needs, including by providing access to employment, healthcare, and education although support varies from one location to another.").

⁹⁰³ Levitan, *supra* note 891, at 80.

⁹⁰⁴ LFIP, Art. 3(1)(b). This expands upon the definition of family reunification in the 1994 Regulation, which did not include dependent adult children. *See* 1994 Regulation, Art. 3.

⁹⁰⁵ LFIP, Art. 78.

⁹⁰⁶ LFIP, Art. 95(7). Similarly, LFIP Art. 59 guarantees separate accommodation to families detained pending deportation.

⁹⁰⁷ Interview with Ministry of Foreign Affairs, *supra* note 789 (noting that Turkey has not included the Egyptian Ministry of Foreign Affairs in this endeavor, as it does not consider Egypt a democratic country.).

Foreign Affairs in Jordan and Lebanon to create a multi-state registration database to facilitate family reunification and avoid duplicate registrations.⁹⁰⁸

Education

Educational services are being provided within the camps,⁹⁰⁹ but children outside of the camps do not have formal access to schooling.⁹¹⁰ “Many Syrian refugee students drop out because of difficulties in the language . . . where the refugee children are not proficient in the dominant language of instruction.”⁹¹¹ In Istanbul, a number of Arabic-speaking Syrian schools have been established, though the schools are largely kept secret. As a result, these schools are not audited, and nobody is ensuring the legitimacy of the school curricula. Syrians have also been establishing schools by teaching *Qu’ran* classes, and using these schools as an avenue for primary education.⁹¹²

Healthcare

Individuals who have registered with AFAD are eligible to receive free health care in Turkey.⁹¹³ Government officials have expressed concern about the continued capability to deliver healthcare by Arabic-speaking doctors. Doctors in Turkey for the most part do not speak Arabic; when the GoT issued a request for certified doctors who speak Arabic, only Palestine responded to Turkey’s call for Arabic-speaking doctors. Unfortunately, according to the Turkish government, Palestinian doctors were unable to meet Turkey’s certification requirements.⁹¹⁴

Collaboration with NGO / INGO

Currently, NGOs’ and INGOs’ ability to work with Syrian refugees is at the discretion of the GoT, and the GoT may expel an INGO from Turkey if it is unsatisfied with its performance or actions.⁹¹⁵ Although most NGOs are registered with the government, this registration does not assure that an NGO can operate with refugees in the field.⁹¹⁶ NGOs have technical experience they can use to assist the government, and have pushed for a formal accreditation process for the past five years, but the government has yet to establish any formal practice or criteria for accreditation and field authorization. NGOs speculate that this hesitance is due to the GoT’s fear that if it allows other actors

⁹⁰⁸ AFAD Interview, *supra* note 786.

⁹⁰⁹ Nov. 20, 2013 Interview with the Ministry of Foreign Affairs, *supra* note 789.

⁹¹⁰ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794. The government has issued a circular on education services, but we have not been able to obtain the circular at this time.

⁹¹¹ SYRIAN DISPLACEMENT CRISIS, *supra* note 134, at 26.

⁹¹² Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

⁹¹³ Interview with Zaid Hydari, *supra* note 785; *also see* UNHCR interview, *supra* note 796.

⁹¹⁴ Nov. 20, 2013 Interview with Ministry of Foreign Affairs, *supra* note 789.

⁹¹⁵ Interview with Zaid Hydari, *supra* note 785; *also see* Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794 (As of March, 2013, STL was not aware that any significant INGOs had been asked to leave Turkey, particularly because the government would have to take over the aid that the INGOs have been providing.).

⁹¹⁶ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794; Helsinki Citizens’ Assembly Turkey, *Syrian Refugees in Turkey: Briefing Note 5* (Nov. 16, 2012) (“HCA and other leading national human rights and refugee advocacy NGOs have twice filed joint written requests to be allowed to visit the camps in the border region for oversight purposes. On both occasions the requests were turned down ostensibly on confidentiality reasons”).

to assist in the crisis, the GoT's control over the refugees will be diminished. Fortunately, while the government has not formally entered into agreements with NGOs authorizing NGOs work in the field, it seems that the government has permitted NGO's to work quite freely in the areas where refugees from Syria reside.⁹¹⁷

Populations of Special Concern

Pre-existing refugee populations

Turkey has always been a destination for refugees, due in part to its geographic position as a bridge between Asia and Europe. Prior to the war in Syria, Turkey had seen several major inflows of refugees during almost every major conflict in the Middle East: the Iranian revolution, the wars in Afghanistan, the first Gulf War in Iraq, and the 2003 War in Iraq.⁹¹⁸ This has led to a significant increase in the population of asylum seekers in Turkey.⁹¹⁹ "As of March 22, 2013, there were 34,471 persons registered with UNHCR Turkey, the majority from Iraq (40%), Afghanistan (26%), and Iran (20%). In addition to the Syrian influx into Turkey over the past year, Turkey has also seen substantial increased arrivals of Iraqis and Iranians."⁹²⁰ Turkey would be handling a significant refugee population even if Syrians were not in the country.

Palestinians

Unlike Jordan and Lebanon, Turkey has not hosted significant numbers of Palestinian refugees.⁹²¹ Under the present temporary protection regime, Palestinians arriving from Syria are entitled to registration and treatment on par with Syrian nationals, which includes the right to reside in the camps set up by the GoT.⁹²² According to HCA, Palestinians ex-Syria are only entitled to temporary protection if they have the documentation to prove that they were long-term Syrian residents arriving from Syria, rather than elsewhere.⁹²³ Government officials, by contrast, state that

⁹¹⁷ *Id.*

⁹¹⁸ UNHCR-Turkey Interview, *supra* note 796; Nov. 20, 2013 Interview with Ministry of Foreign Affairs, *supra* note 789.

⁹¹⁹ Interview with Zaid Hydari, *supra* note 785.

⁹²⁰ U. S. DEP'T OF STATE, *supra* note 52, at 50–51. Additionally, "Turkey has also seen substantial, increased arrivals of Iraqis and Iranians" between 2012 and 2013. *Id.* at 51. HCA reported large numbers of refugees entering the country from Iraq, Iran, and Afghanistan. See Interview with Zaid Hydari, *supra* note 785. AFAD added that approximately seventy-thousand refugees were in Turkey awaiting third-country resettlement prior to the start of the Syrian refugee crisis. AFAD Interview, *supra* note 786. NGOs have estimated that in 2013 alone, between ten and fifteen thousand Afghans have arrived in Turkey, some of whom are secondary movers from Iran; approximately nine thousand Iraqis also arrived during the summer of 2013 alone. Interview with Zaid Hydari, *supra* note 785. As further evidence of the number of non-Syrian asylum-seekers in Turkey, HCA reported that it helped process between 5-6,000 asylum applications when it began its legal assistance program for refugees in 2005; in 2012, this number rose to about twenty-six thousand, and year's end estimates for 2013 put the number somewhere around 35,000 asylum applicants. None of these individuals were Syrian. *Id.*

⁹²¹ Ibrahim Kaya, Reform in Turkish Asylum Law: Adopting the EU Acquis?, CARIM Research Reports 2009/16, available at <http://www.carim.org/Publications/> (Reports data supplied by the Turkish General Directorate of Security according to which 93 Palestinians arrived in Turkey to seek international protection between 1995 and 2007; more than 50% of these arrived in between 2005 and 2007, and 11 of the 93 refugees were successfully resettled outside of Turkey).

⁹²² See AFAD interview, *supra* note 786 (noting there were no particularized reports on the actual numbers of Palestinians in Turkey and their presence in the camps are not known to the authors.).

⁹²³ Interview with Zaid Hydari, *supra* note 785.

Palestinians and other stateless persons do not need documents proving they are Palestinians out of Syria.⁹²⁴ Other agencies have reported that Palestinians ex-Syria undergo the exact registration process that is afforded to Syrians, and are not subject to discriminatory treatment.⁹²⁵ The overall impression from our interviews in Turkey is that Palestinians ex-Syria receive the same status and treatment as Syrians themselves.⁹²⁶

Turkey has incorporated Art. 1(D) of CSR51 in the LFIP's Art. 64(1)(a), regarding the application of international protection to Palestinian refugees.⁹²⁷ The provision states that persons receiving protection or assistance from an agency of the United Nations other than UNHCR are excluded from international protection. However, once such protection 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," such persons may receive protection in Turkey. This text tracks both Art. 1(D) of CSR51 and Art. 12(1)(a) of the European Union's 2004 Directive on minimum standards for qualification for refugee status or subsidiary protection.⁹²⁸ It remains to be seen whether Turkey, in interpreting this provision of the LFIP, will follow the European Court of Justice in *El Karem, El Kott & Others* to extend international protection to Palestinians for whom UNRWA protection has ceased for reasons beyond their control.⁹²⁹ However, this question is currently moot, as temporary protection is applied equally to Palestinians out of Syria and Syrian nationals.

Protection Gaps

Registration Generally

⁹²⁴ Nov. 20, 2013 Interview with Ministry of Foreign Affairs, *supra* note 789.

⁹²⁵ UNHCR-Turkey Interview, *supra* note 796.

⁹²⁶ Nov. 20, 2013 Interview with the Ministry of Foreign Affairs, *supra* note 789.

⁹²⁷ LFIP, Art. 64. The title of the article is "Exclusion from International Protection." Article 61(1)(a) excludes from access to international protection any person who is currently receiving "protection or assistance" from organs of the UN other than UNHCR.

⁹²⁸ *CRS51*, *supra* note 108, art. 1(D) ("This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance. When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention."); *Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted*, art. 12(1)(a), OJ L 304/12 of 30.9.2004, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:304:0012:0023:EN:PDF> ("A third country national or a stateless person is excluded from being a refugee, if: (a) he or she falls within the scope of Article 1D of the Geneva Convention, relating to protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees. When such protection or assistance has ceased for any reason, without the position of such persons being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Directive."). The text of CSR51 art. 1(D), and the EU directive give no direction to states about what events satisfy the condition of "when such protection or assistance has ceased for any reason."

⁹²⁹ See Case C-364/11, *El Karem, El Kott & Others v Bevándorlási és Állampolgársági Hivatal*, 2012 E.C.R. 0000, at 65, available at <http://curia.europa.eu/juris/celex.jsf?celex=62011CJ0364&lang1=en&type=NOT&ancre=> (finding that UNRWA protection can reasonably be found to have ceased over an applicant when that applicant has left an UNRWA area for reasons beyond the applicant's control, such as where "that person's safety was at serious risk and it was impossible for [UNRWA] to guarantee that his living conditions in that area would be commensurate with the mission entrusted to that organ or agency").

Registration does not occur uniformly, so there is “no systematic, reliable way to gather data about the Syrian refugees.”⁹³⁰ At the outset of the crisis, AFAD, the state agency that primarily carries out registrations, had no experience with registering refugees or identifying individual vulnerabilities, and collected information more directly tied to refugees’ livelihood and frontline humanitarian assistance.⁹³¹ Additionally, while registration within the camps has been relatively straightforward for AFAD, measuring the size and characteristics of the out-of-camp population has proven difficult.⁹³² According to the Turkish non-profit Support to Life (“STL”), AFAD only provides official refugee numbers within the ten provinces housing the camps.⁹³³

UNHCR’s work in providing protection and assistance to refugees—livelihood support, humanitarian assistance and durable solutions -- is triggered by registration that covers information about ethnicity, religion, and vulnerabilities.⁹³⁴ Thus, unregistered refugees scattered throughout Turkey’s cities and towns, have limited access to assistance and services. This is a particular problem in the major cities like Ankara and Istanbul, where refugees cannot find housing and are living in parks, community centers and mosques. Many are homeless and in desperate circumstances. This gap in registration and official information about the size of the refugee population is being addressed by UNHCR, which has provided MRU’s to the government to begin registering the refugees living in the cities.⁹³⁵ However, mobile registration has begun only recently, and until there is a more efficient and expansive process for registering refugees outside the camps, there will be greater social problems with refugees visibly homeless, and friction with the local population.

Non-camp refugees are typically very mobile, and frequently relocate in search of affordable housing.⁹³⁶ In certain neighborhoods, police respond to complaints about Syrians by asking them to leave the residences they have rented; Syrians are unsure of their legal rights, and often comply.⁹³⁷ The resulting situation continues to pose a host of challenges both to the GoT, and to domestic and international entities providing aid to refugees from Syria.

Refugee Status Determination

Syrian refugees do not have access to RSD.⁹³⁸ There are reports that UNHCR is authorized to conduct RSD for Palestinian refugees who have arrived from countries other than Syria, but Syrians and

⁹³⁰ Interview with Zaid Hydari, *supra* note 785.

⁹³¹ UNHCR-Turkey Interview, *supra* note 796.

⁹³² *Id.*

⁹³³ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

⁹³⁴ UNHCR-Turkey interview, *supra* note 796.

⁹³⁵ Interview with Zaid Hydari, *supra* note 785.

⁹³⁶ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

⁹³⁷ *Id.*

⁹³⁸ Interview with Zaid Hydari, *supra* note 785.

Palestinians ex-Syria are not eligible for RSD at this time.⁹³⁹ Under the 1994 Regulation, non-Europeans could obtain temporary asylum by registering with the police within ten days of arrival.⁹⁴⁰ Once registered, the applicant would then register at a local UNHCR office and undergo a UNHCR RSD procedure.⁹⁴¹ The temporary protection status extended to individuals fleeing Syria is distinct from “temporary asylum” in that it does not allow UNHCR to perform an RSD procedure. Under the new law, refugees eligible for “conditional refugee status” (the new term for “temporary asylum”) will be processed by the DGMA and local governorates, without direct reliance on UNHCR findings.⁹⁴² Syrians are not eligible for this process because they are covered by the temporary protection regime, and seen as a temporary mass influx. Both Turkish authorities and UNHCR have been silent as to if and how the people currently referred to as “guests” from Syria could eventually apply for formal refugee status.

Livelihood Issues

The current temporary protection scheme does not recognize the right to legally work,⁹⁴³ and Syrians do not have formal access to the labor market.⁹⁴⁴ However, many Syrians need to work to sustain themselves.⁹⁴⁵ “[I]ncome generation activities are scarce . . . in most refugee households the income-expenditure gap is substantial and increasing.”⁹⁴⁶ Turkish authorities have turned a blind eye to Syrians’ informal participation in the workforce.⁹⁴⁷ Syrians’ informal work has created challenges for the economy. While the government has taken measures to provide for Syrians in Turkey while also “averting the risk of destabilizing the economic balance,”⁹⁴⁸ Syrians outside the camps must come up with a way to meet their livelihood needs, with the exception of basic healthcare, which is provided for free to Syrians.

Psychosocial Support and SGVB

⁹³⁹ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

⁹⁴⁰ A Turkish Ministry of the Interior outline of the process available through UNHCR, *available at* [http://www.unhcr.org.tr/uploads/root/9_basic_information_for_the_asylumseekers_in_turkey_\(by_turkish_ministry_of_interior\).pdf](http://www.unhcr.org.tr/uploads/root/9_basic_information_for_the_asylumseekers_in_turkey_(by_turkish_ministry_of_interior).pdf).

⁹⁴¹ The procedure is outlined in detail in a UNHCR available in several languages from the UNHCR website, *available at* http://www.unhcr.org.tr/uploads/root/1_-_information_for_non-europeans_asking_asylum_in_turkey.pdf.

⁹⁴² LFIP, Art. 65. In addition, under LFIP Art. 92(3), even though RSD will not be carried out by UNHCR, “UNHCR may present its opinions to the authorities at every stage of the application.”

⁹⁴³ UNHCR-Turkey Interview, *supra* note 796.

⁹⁴⁴ Nov. 20, 2013 Interview with the Ministry of Foreign Affairs, *supra* note 789.

⁹⁴⁵ See Pistone, *supra* note 56, at 141, 147 ([Referring to the Iraqi refugee population, but equally applicable to the Syrian refugee crisis]:

“[T]his group moved into urban centers, where adequate housing was scarce and costly. While many refugees did flee with cash, making it possible to pay rent for some time after their flight, the inability to work in their host countries meant that these finite cash reserves dwindled rapidly.”)

⁹⁴⁶ SYRIAN DISPLACEMENT CRISIS, *supra* note 134, at 3.

⁹⁴⁷ UNHCR-Turkey Interview, *supra* note 796. Syrians have been working underground in low-wage positions such as field labor. See Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

⁹⁴⁸ Nov. 20, 2013 Interview with the Ministry of Foreign Affairs, *supra* note 789.

Agencies have generally found that Syrians have inadequate access to psychosocial support.⁹⁴⁹ As with many other crises where individuals are fleeing traumatic events, facing broken families, and living in crowded conditions, SGVB is a problem.⁹⁵⁰

Recommendations for Turkey

The preceding overview of Turkey's legal obligations and policies toward refugees describes a system marked by a high level of governmental control and a tradition of broad discretion for the executive branch in devising policies tailored to specific refugee crises. Turkey's approach to the Syrian refugee crisis was quite appropriate given the prevailing view of the crisis at the time: that the conflict would, in many ways, mirror the Arab Spring and be extinguished quickly through an ousting of Assad from power. Had that been the course of events, short-term provision of food, water, and shelter would have been sufficient.⁹⁵¹ However, now that it is clear that the crisis will not end quickly, and given that there are far more refugees living outside the camps than inside the camps, the government must devise a new strategy to enable it to efficiently meet the needs of the Syrian refugees.

Implement the LFIP in Partnership with UN Agencies and NGO's

Turkey's new law, the LFIP, enacted in April 2013, comes at a time when Turkey is facing the greatest refugee influx in its already long history of refugee reception. The new law is a major positive development in refugee protection for Turkey and the region. The LFIP promises to align Turkish law more closely with the principles of CSR51 and with the EU *aquis* on international protection, while, at least nominally preserving the geographical limitation on the application of CSR51. Of great significance to the development of the temporary protection regime designed for Syrians is the entry into operation of the new DGMA in April 2014, which will take the lead on implementing policies related to temporary protection.

In order to effectively implement the new law, however, Turkey should move from a completely government-controlled process to a better partnership with UN agencies and NGO's. The government has been very generous and very effective in providing protection and assistance to the camp refugees. However, as part of formalizing its temporary protection program under the new law, it should give more space to humanitarian agencies to expand their service delivery and broaden the availability of protection and assistance to non-camp refugees. Many excellent NGO's are operating in Turkey, and with closer partnership and more transparent policies for NGO's to follow, these

⁹⁴⁹ UNHCR-Turkey Interview, *supra* note 796.

⁹⁵⁰ *Id.*

⁹⁵¹ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

agencies can do more to fill the major gaps that currently exist in protection and assistance needs. In particular, UNHCR and NGO's have raised the need for much greater delivery of psychosocial and SGBV services.

Service provider stability would be improved if Turkey promulgated a uniform and transparent registration process for NGOs and INGOs. This would have the added benefit of allowing organizations to obtain formal recognition and draw greater funding for their work; international NGO's can more readily seek funding if they have recognized legal status to operate in Turkey.⁹⁵²

Non-Camp Registration and Service Provision

Turkey must increase efforts to register refugees,⁹⁵³ to produce registration profiles in English, and to respond to future needs and vulnerabilities (rather than simply the immediate humanitarian needs of refugees).⁹⁵⁴ Despite the GoT's spectacular performance in building and supplying refugee camps, at this point, the greater need is for the GoT to focus its efforts on broader provision of assistance and protection services to refugees residing outside of camps.

Additionally, resettlement cannot occur without RSD. Further, resources should be invested in making the GoT registration procedure compatible with the UNHCR RSD questionnaires so that potential candidates for refugee status could, at a later date, be transferred to UNHCR for processing without undue delay and complications. While Turkey's concerns that RSD will create an increased "pull factor" attracting refugees to Turkey (rather than other countries in the region) are legitimate, if Turkey takes part in a multi-national CPA, these fears could be ameliorated through the responsibility-sharing mechanisms detailed in the first section of our report.⁹⁵⁵

Grant Access to Work Permits

The current temporary protection scheme does not recognize the right to work in Turkey.⁹⁵⁶ However, income is the biggest problem for refugees living outside the camps in Turkey,⁹⁵⁷ and "access to livelihoods is a priority."⁹⁵⁸ Many Syrians need to work to sustain themselves, and Turkish authorities have turned a blind eye to Syrians' informal participation in the workforce.⁹⁵⁹ Turkey has

⁹⁵² Interview with Zaid Hydari, *supra* note 785.

⁹⁵³ SYRIAN DISPLACEMENT CRISIS, *supra* note 134, at 17 ("Registration is a central concern of the refugees since it constitutes the major access point to government services, such as health and education, and humanitarian assistance.").

⁹⁵⁴ Human Rights First, *Refuge at Risk*, *supra* note 39, at 26 ("The United States and other donors should encourage Turkey to include more protection information in registration, as this will help inform decisions on who is most in need of resettlement.").

⁹⁵⁵ Interview with Zaid Hydari, *supra* note 785.

⁹⁵⁶ UNHCR-Turkey Interview, *supra* note 796.

⁹⁵⁷ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

⁹⁵⁸ Interview with Zaid Hydari, *supra* note X.

⁹⁵⁹ UNHCR-Turkey Interview, *supra* note 796. *Also see* Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794 ("There are skilled people among the Syrians. Some are doctors, teachers, and engineers. Syrians will create their own market.").

been unwilling to grant work permits to refugees because of the resistance it faces from its labor unions. Turkey's TP, however, to be consistent with the EU Directive, should allow granting work permits to refugees. This would allow Turkey to scale down the amount of money spent on feeding and housing refugees.⁹⁶⁰ As with Lebanon, Jordan and Egypt, if a multi-national CPA is implemented, there should be more political space for Turkey to lift its labor restrictions and allow persons with TP the right to work.

Moving Forward

It is extraordinarily important to emphasize that current host countries have communicated that “a token small resettlement effort would hardly make an impact and might even attract more refugees to their countries.”⁹⁶¹ As such, countries offering resettlement must “commit to receiving a sizeable number of refugees,” making such efforts a “demonstration of actual support rather than a mere token gesture.”⁹⁶² Providing only “token support” to host countries may, at this point, cause more harm than good. During our field interviews, we were repeatedly reminded by organizations across the region that ‘other refugees should not have to pay for the Syrian refugee crisis, either.’ Hence, it is critical that pre-existing refugees in the Middle East host states be prioritized for removal out of the region and resettled on an urgent basis.

At the same time, the huge refugee flow out of Syria can and must be shared by many more countries outside the ME region; temporary protection provides an interim solution to allow that to happen, and ensures a response that is appropriate for the scope of the crisis. Our recommendations would move refugees who have been waiting and entitled to resettlement out of the region, while temporary protection in the EU, the US and elsewhere would allow significant short-term movement of the displaced from Syria out of the region but create no obligation on third states to permanently absorb them. The combination of these two programs would lift the pressure of large numbers of refugees from the host states, and allow them the space and resources to grant standards of rights to those remaining that they will not—and perhaps cannot—contemplate under current conditions.

With meaningful responsibility-sharing through a multi-leveled CPA by the global community, it would be possible to advocate for a TP program within the ME region as well for the refugees and displaced from Syria, including Palestinians; a TP program with guaranteed minimum standards for the right to work, to adequate shelter and housing, the right to legal status, truly open borders, and robust respect for *non-refoulement*.

⁹⁶⁰ Interview with Sema Karaosmanoğlu and Gökhan Erkutlu, *supra* note 794.

⁹⁶¹ Human Rights First, *Refuge at Risk*, *supra* note 39, at 26.

⁹⁶² *Id.* at 26.

These observations lead to the conclusion that measures that contain the refugees within the region will seriously destabilize the host states, causing the conflict to expand outwards, inevitably affecting security far beyond the region. Moreover, the status quo will evolve over time into a protracted refugee situation that will drain more and more resources from within and outside the region. In light of these concerns, it is in the interests of the global community to put a CPA in place now, while equitable responsibility sharing is still possible in a planned program that builds on an existing framework of refugee, immigration and humanitarian laws and policies. Together, a concerted, worldwide effort can prevent the Syrian refugee crisis from turning into a protracted humanitarian disaster.

ANNEX I: Major INGO's/NGO's in Lebanon

Norwegian People's Aid	Norwegian People's Aid (NPA) became involved in Lebanon following the Israeli invasion in 1982 and today focuses on the support of local organizations promoting rights of Palestinian refugees and vulnerable groups, like the rights of women and youth to participate in society and violence against women.
Norwegian Refugee Council	The Norwegian Refugee Council (NRC) is an independent, humanitarian, non-profit, non-governmental organization which provides assistance, protection and durable solutions to refugees and internally displaced persons worldwide.
Amel Association	Amel's primary objectives are to promote social, economic and cultural rights for the underprivileged in Lebanon. This consists of advocating and lobbying for the principles of human rights in the aim of ensuring Social Justice. Amel provides a wide range of social and other services to refugees, as well as professional and psychological training as a means to better integrate them into Lebanese society.
Frontiers-Ruwad	FR was founded by a number of Lebanese human rights activists who were involved on the Ad-Hoc Committee in Support of Refugees and Asylum seekers (ACSRA). FR has two main areas of focus: migration and statelessness in Lebanon. It provides legal assistance to refugees and stateless persons as well as legal representation to refugees, stateless and vulnerable groups.
Caritas Lebanon Migrants Center	CLMC is a specialized center of Caritas Lebanon that supports the human rights of migrants. It seeks to ensure that all asylum-seekers and migrants in Lebanon have their "rights protected and respected." It also conducts trainings on migrants' rights.
Action contre la Faim	Action against Hunger was founded in 1979 by a group of prominent French intellectuals in response to the emergency in Afghanistan. Action against Hunger is now recognized as one of the leading organizations in the fight against hunger worldwide.

<p>Agence d'aide a la cooperation technique et au development (ACTED)</p>	<p>Also known as the Agency for Technical Cooperation and Development, ACTED, based in Paris, is a non-governmental organization that provides emergency relief, food security, health promotion, education and training, economic development, microfinance, and cultural promotion to those in need. ACTED has been working in Lebanon since 2006 in order to mitigate the impact of the Syrian refugee crisis in the country.</p>
<p>Al Majmoua</p>	<p>Al Majmoua is dedicated to providing financial assistance to as many working poor as possible, in order to improve the lives of vulnerable groups and allow those people to contribute to the national welfare of Lebanon. It is the leading microfinance NGO in Lebanon.</p>
<p>Association Justice et Misericorde, Caritas (AJEM)</p>	<p>AJEM was created in 1996 by social workers. It deals mainly with the rights of prisoners in Lebanon, and advocates against torture and inhumane treatment. AJEM has been heavily involved in the National Campaign for the Abolition of the Death Penalty in Lebanon.</p>
<p>Concern Worldwide Ireland</p>	<p>Concern works on poverty alleviation in over 50 countries, focusing on education, health, livelihoods and HIV/AIDS. Concern started working in Lebanon in 2013 because of the large influx of refugees coming from Syria. It is currently delivering clean water for almost 30,000 people in some of the poorest districts holding the greatest number of Syrian refugees.</p>
<p>Comitato Internazionale per lo Sviluppo dei Popoli</p>	<p>Also known as the International Committee for the Development of People, CISP was established in 1983 and is located in Rome. CISP focuses on the right to social and economic security; the right to health, access to water and sanitation; the right to a future; and the right to humanitarian assistance. CISP supports public policies on social cohesion and strengthening civil society. CISP began working in Palestine and in Lebanon in 1995.</p>
<p>Cooperative Housing Foundation International (Global Communities)</p>	<p>Global Communities is an international non-profit organization that works to bring about sustainable changes that improve the lives and livelihoods of vulnerable communities. Global Communities operates on the belief that the people who understand their needs best are the people of the community itself.</p>

Danish Refugee Council	The Danish Refugee Council (DRC) is a humanitarian, non-governmental, non-profit organization founded in 1956 that works in more than 30 countries throughout the world. In Denmark, DRC assists refugees in all aspects of integration as well as asylum procedures. Internationally, DRC supports the protection of refugees, and promoting durable solutions for conflict-affected populations.
Green Shield	Green Shield is a non-governmental organization headquartered in New Delhi, India. It works on health care delivery, vocational training and education in order to promote self-employment and environmental issues.
International Medical Corps	IMC is a global, humanitarian, nonprofit organization dedicated to saving lives and relieving suffering through health care training and relief and development programs. Established in 1984 by volunteer doctors and nurses, IMC is a private, voluntary, nonpolitical, nonsectarian organization. IMC offers training and health care to local populations, medical assistance to people at greatest risk, and rehabilitates devastated health care systems.
International Orthodox Christian Charities	IOCC represents the Orthodox Christians in North America and to provides support for those in need. IOCC's aim is to enable people to improve their own lives and to live with dignity, respect, and hope. IOCC created a community kitchen in Lebanon to respond to growing malnutrition among refugee families.
International Relief and Development	IRD's mission is to reduce the suffering of the world's most vulnerable groups of people and to provide resources to increase self-sufficiency. Since 1998 it has provided more than \$3 billion in humanitarian assistance. IRC works in Lebanon through the Protective Support to Syrian Refugees in Lebanon program, which gives refugees legal assistance and information about their rights.
International Rescue Committee	IRC responds to the world's worst humanitarian crises and helps people to survive and rebuild their lives. Founded in 1933 at the request of Albert Einstein, the IRC offers care and life-changing assistance to refugees forced to flee from war or disaster.

INTERSOS	INTERSOS works in disaster and armed conflict situations. It was established in 1992 and intervened in Lebanon in the summer of 2006 in response to the consequences of the civil war and attacks by Israeli forces. INTERSOS has continued over the years in its effort to promote dialogue, reconciliation and social togetherness in Lebanon.
Islamic Relief Worldwide	Islamic Relief enables communities to mitigate the effects of disasters by providing relief, and for protection and recovery. Islamic Relief also focuses on sustainable livelihoods and support for those who are marginalized and vulnerable. Islamic Relief responded to the Syrian refugee crisis in Lebanon, and continues to provide hospital rehabilitation, repairing water facilities and providing for livelihood needs.
Medair	Medair is a Christian humanitarian organization that works to relieve human suffering in the world's most devastated areas. Core activities include: health and nutrition, water, sanitation, shelter and infrastructure. Currently in Lebanon, Medair is trying to provide refugee families with shelter kits. It is also providing essential items such as household items for cooking.
Mercy Corps	Established in 1979, Mercy Corps is actively responding to the Syrian refugee crisis in Lebanon by providing food assistance, clothing, blankets, mattresses and infant care supplies. MC is digging wells and building playgrounds for children, providing individuals with cash assistance and business skills training and trying to promote cooperation between refugees and their host communities.
Oxfam UK	Oxfam addresses the root causes of poverty; it provides life's basics like food, water, health and education, as well as responds to complex issues such as climate change and human rights. Oxfam has been active in global humanitarian work for over 70 years.
Premiere Urgence- Aide Medicale Internationale	Created in 2011 as a merger of two French NGOs, this organization works to bring about a global response to the basic needs of populations suffering from acute humanitarian crises to allow them to recover their autonomy and dignity. It has been heavily involved in assisting victims of the Syrian crisis.

Restart	Restart is an organization that was created in 1996 and is primarily concerned with providing rehabilitation to victims of torture and violence. Its mission is respect for human rights, dignity, and integrity of individuals, and improving the mental and psycho-social wellbeing of refugees.
Right to Play	Right to Play seeks to provide quality education by training local teachers and community leaders to make education fun and to also improve health practices by providing games for children to learn hygiene habits. This organization is committed to promoting peaceful communities through play. Right to Play has established weekly play programs for children who have suffered from the negative effects of the Syrian civil war in Lebanon.
Terre des Hommes Italia	Terre des Hommes Italia, based in Milan, is focused on carrying out humanitarian relief and international projects on child protection. In Lebanon, it advocates for the promotion of children's rights, particularly against human trafficking.
War Child Holland	War Child is strongly against children being subjected to the effects of war. Established in 1993, it works in Lebanon to help children deal with the challenges from the Syrian conflict and provides access to basic educational services.
World Vision International	World Vision is a well-known Christian organization that works towards promoting the rights and protection of children. World Vision has taken an active role in Lebanon to serve displaced children who have sought refuge from Syria in Lebanon.

ANNEX II: Major INGO's/NGO's in Jordan

<p>Jordan Hashemite Charity Organization</p>	<p>Jordan Hashemite Charity Organization (JHCO) for Arab and Muslim relief development and cooperation was established on January 10, 1990. JHCO is the government umbrella organization coordinating the efforts of NGO's working in Jordan. It is coordinating the humanitarian assistance efforts to Syrian refugees in Jordan and, until recently, was the organization in charge of service delivery in the Jordanian refugee camps.</p>
<p>Institut Francais des Proche-Orient</p>	<p>The Institute is a center for study and research in all fields relating to the ancient and modern civilizations of the Near East. The institute aims at raising the French contribution to research to the highest academic standards in the various fields of research related to Middle Eastern civilizations, from the earliest times to the contemporary period. The Institute also trains young researchers for careers in teaching and research. The Institute is carrying out independent research on various aspects of the Syrian crisis.</p>
<p>IOM in Amman</p>	<p>Established in 1951, IOM is the leading inter-governmental organization in the field of migration and works closely with governmental, intergovernmental and non-governmental partners. With 155 member states, a further 11 states holding observer status and offices in over 100 countries, IOM is dedicated to promoting humane and orderly migration for the benefit of all. It does so by providing services and advice to governments and migrants. IOM is working with the displaced and refugee populations from Syria in the region.</p>
<p>International Medical Corps</p>	<p>International Medical Corps is a global, humanitarian, nonprofit organization dedicated to saving lives and relieving suffering through health care training and relief and development programs. Established in 1984 by volunteer doctors and nurses, IMC is a private, voluntary, nonpolitical, nonsectarian organization.. By In Jordan, IMC offers training and health care to local populations, medical assistance to people at highest risk, and responds to emergency situations.</p>

Palestine Liberation Organization	The Palestine Liberation Organization (PLO) was established in 1964 as a broad national front, or an umbrella organization, comprising numerous organizations of the Palestinian resistance movement, political parties, and popular organizations. The Arab Summit in 1974 recognized the PLO as the “sole and legitimate representative of the Palestinian people” and since then the PLO has represented Palestine at the United Nations, the Movement of Non-Aligned Countries (NAM), the Organization of the Islamic Conference (OIC), and in many other fora. With regard to the Syrian crisis, the PLO has been dealing with the assistance, humanitarian and protection needs of the Palestinians who have been displaced from Syria and fled to countries within the region, and working with UNRWA and the Arab host states to deliver aid, including health, education and social services.
ARDD-Legal Aid	ARDD-Legal Aid promotes and defends human rights through litigation and free legal services to marginalized people, especially refugees and migrants. It empowers citizens and government institutions to develop justice and peace in Jordan as well as the wider Middle East.
ACF (Action Contre la Faim)	Action against Hunger was founded in 1979 by a group of French intellectuals exclusively dedicated to ending hunger. Action against Hunger is working in Jordan with refugee and local communities to prevent hunger.
ACTED (Agency for Technical Cooperation and Development)	ACTED is a non-governmental organization with headquarters in Paris, founded in 1993, provides emergency relief, food security, health promotion, education and training, economic development, microfinance, and cultural promotion to those in need. Independent, private and not-for-profit, ACTED respects a strict political and religious impartiality and operates according to principles of non-discrimination and transparency.
CARE (CARE International)	CARE is a leading humanitarian organization fighting global poverty. It places special focus on working alongside poor women on the premise that women, equipped with the proper resources, have the power to help whole families and entire communities escape poverty.

AVSI (Associazione Volontari per il Servizio Internazionale)	AVSI Foundation is an international not-for-profit, non-governmental organization (NGO) founded in Italy in 1972. Its mission is to support human development in developing countries according to the social teaching of the Catholic Church.
Caritas	Caritas shares the mission of the Catholic Church to serve the poor and to promote charity and justice throughout the world.
DRC (Danish Refugee Council)	The Danish Refugee Council (DRC) is a humanitarian, non-governmental, non-profit organization founded in 1956 that works in more than 30 countries throughout the world. In Denmark, DRC assists refugees in all aspects of integration as well as asylum procedures. In Jordan, DRC actively participates in supporting the protection of refugees, and promoting durable solutions for the refugees from Syria.
FCA (Finn Church Aid)	Finn Church Aid (FCA) is the largest Finnish development cooperation organization and the second largest provider of humanitarian aid, operating in over 20 countries, where the need is most dire. FCA is engaged in humanitarian assistance for the refugees from Syrian in Jordan.
Global Communities	Global Communities is an international non-profit organization that works closely with communities worldwide to bring about sustainable changes to improve the lives and livelihoods of the vulnerable. Global Communities operates in Jordan on community-driven development projects.
ICMC (International Catholic Migration Commission)	ICMC has been serving uprooted people since 1951: refugees, internally displaced persons (IDPs) and migrants, regardless of faith, race, ethnicity or nationality. ICMC works directly with migrants and refugees in more than 40 countries around the world to address the challenges of people on the move with expertise and action. Together with worldwide membership of Catholic Bishops Conferences, and alongside government and non-governmental partners, ICMC advocates and implements rights-based policies and <i>durable solutions</i> for vulnerable men, women and children across the globe.

HI (Handicap International)	Co-recipient of the 1997 Nobel Peace Prize, Handicap International is the world's most comprehensive mine action charity. It is an independent and impartial organization working in situations of poverty and exclusion, conflict and disaster. The heart of its work is victim assistance, but its teams also prevent injuries through weapons and landmine clearance, risk education activities, stockpile management, and advocacy to ban landmines and cluster bombs.
LWF (Lutheran World Federation)	The LWF is a global communion of 142 churches in the Lutheran tradition, representing over 72.2 million Christians in 79 countries. LWF is also providing humanitarian assistance to the refugees from Syria in Jordan.
Medair	Medair is an international humanitarian aid agency providing help for populations affected by natural disasters or conflict.
Mercy Corps	<i>Mercy Corps</i> is an international development organization that helps people around the world survive and thrive after conflict, crisis and natural disaster.
NICCOD (Nippon International Cooperation for Community Development)	NICCOD was established in 1979 to support for economic and mental self-reliance in developing countries. Since then, it has implemented projects in the fields of education, vocational training, and protection of environment, organic farm and assistance of refugee in many countries. It has also been implementing a wide range of projects in various areas of Jordan since it launched a micro credit project in Karak in 1993.
NRC (Norwegian Refugee Council)	The Norwegian Refugee Council (NRC) is an independent, humanitarian, non-profit, non-governmental organization which provides assistance, protection and durable solutions to refugees and internally displaced persons worldwide. NRC is engaged in similar work with refugees from Syria in Jordan as in Lebanon.
SCI (Save the Children International)	Save the Children comprises Save the Children International and 30 member organizations working to deliver change for children in 120 countries. Save the Children International delivers health, welfare and education programs internationally to ensure we achieve the greatest possible impact for children.

IRC (International Rescue Committee)	The International Rescue Committee responds to the world's worst humanitarian crises and helps people to survive and rebuild their lives. Founded in, the IRC offers lifesaving care and life-changing assistance to refugees forced to flee from war or disaster.
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ANNEX III: Major INGO's/NGO's in Egypt

Islamic Relief Worldwide	Islamic Relief along with Caritas in Alexandria and Resala in Damietta provide cash assistance for vulnerable refugees. Islamic Relief individually provides assistance to families where women shoulder primary responsibility by facilitating access to UNHCR services and enrolling children in schools. Beneficiaries of this program receive financial assistance for school fees and assistance in finding employment. Islamic Relief has also provided 1,000 Syrian refugees with food packages and monthly vouchers for essential care items.
World Food Program	The World Food Program (WFP) provides food vouchers for Syrian refugees and Palestinians; the vouchers are worth two hundred EGP per month per individual. The program has reached 70,000 refugees to date.
Psycho-Social Training Institute in Cairo	The Psycho-Social Training Institute in Cairo (PSTIC) trains Syrian psycho-social workers to provide community outreach. PSTIC is currently developing an alternative housing program for children in detention. PSTIC also offers an emergency response service with 24-hour support for psychological, mental health, housing, and protection crises.
Catholic Relief Services	Catholic Relief Services (CRS) began a livelihood project consisting of job placement and vocational training, and has processed fifty cases for Syrian job placement. CRS also provides funding for Syrian Refugee access to Egyptian public schools.
Salafi and other faith-based organizations	Faith based organizations in Egypt provide approximately eighty percent of the housing assistance for Syrian refugees.
St. Andrews	St. Andrews has established the Resettlement Legal Aid Project (RLAP). Through this program, St. Andrews conducts community workshops to explain resettlement and eligibility in addition to providing direct legal aid. RLAP conducts interviews for potential RSD candidates, evaluates whether candidates meet the legal criteria for resettlement, and assists qualifying candidates in preparing testimony for UNHCR, IOM, and other immigration agencies.

<p>Egyptian Foundation for Refugee Rights, Egyptian Center for Economic and Social Rights, Freedom Center for Human Rights in Alexandria</p>	<p>These NGOs provide <i>pro bono</i> legal representation for Syrian Refugees. The GoE prohibits UNHCR access to detained refugees, but NGO attorneys have had less trouble accessing refugees held in detention centers.</p>
<p>Tadamon</p>	<p>Tadamon is the largest refugee-serving NGO in Egypt and provides a variety of services to refugees of all nationalities. Tadamon’s programs include education, vocational training, community integration and outreach, psycho-social support, emergency support, health services, nutrition, and SGBV counseling and support.</p>
<p>Save the Children</p>	<p>Save the Children provides assistance to children in 120 countries. In Egypt, Save the Children has offered assistance programs since 1982 including education, health, nutrition, community development, child protection, and emergency relief and recovery. Save the Children has extended its programs to include Syrian refugees, in partnership with UNHCR and other NGOs.</p>
<p>Caritas</p>	<p>Caritas collaborates with the UNHCR to provide “financial assistance, subsidized primary healthcare to Syrian refugees through its clinics.” Caritas also refers refugees in need of secondary and tertiary healthcare to specialize hospitals. In detention centers, Caritas provided healthcare services for Syrian refugees.</p>

ANNEX IV: Major INGO's/NGO's in Turkey

<p>Association for Solidarity with Asylum-Seekers and Migrants (ASAM)</p>	<p>The Association for Solidarity with Asylum-Seekers and Migrants is concerned with defending the human rights of refugees, asylum seekers, and internally displaced persons regardless of race, religion, nationality, or political conviction. ASAM aims to promote better understanding and to generate solutions to those problems encountered by refugees, asylum-seekers, and migrants through media events in order to raise awareness in public opinion and support. ASAM also conducts research to better understand the causes of refugee-creating predicaments; supporting and publishing research in the field; and providing expert advice and consultation..</p>
<p>Human Resources Development Foundation (HRDF)</p>	<p>The Human Resources Development Foundation is a leading non-profit, non-governmental, and autonomous organization in Turkey. Established in 1988 by businesspersons and academics, , HRDF aims to contribute to the solution of health, education, and employment problems which have a negative impact on the economic, social, and cultural development of people.</p>
<p>Turkish Red Crescent Society</p>	<p>Turkish Red Crescent Society is a humanitarian organization that provides relief to the vulnerable and those in need by mobilizing the power and resources of the community to protect human dignity. It supports and provides assistance to communities that are coping with disasters.</p>
<p>Amnesty International</p>	<p>Amnesty International is a global movement of more than 3 million supporters, members and activists in over 150 countries and territories who campaign to end grave abuses of human rights. Amnesty International's vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. AI has been reporting on the human rights situation of the refugees from Syria in the host states, including Turkey.</p>
<p>Ankara Refugee Lunch Support Group (ARLSG)</p>	<p>The Ankara Refugee Lunch Support Group serves lunches to asylum seekers and refugees awaiting interviews at the UNHCR registration center. They provide meals to 50–80 people each day. The ARLSG also has volunteers who hold English and Turkish classes, have an</p>

	ongoing thrift project, and meets several other needs of displaced peoples such as social, mental and financial support.
Bar Associations Caritas – Caritas Internationalis	Caritas shares the mission of the Catholic Church to serve the poor and to promote charity and justice throughout the world. Caritas provides clothes, blankets, and food parcels. Caritas also has medical centers and provides doctor visits to refugees, the displaced and the poor.. Caritas helps Syrian refugees find shelter, warmth, and schooling for their children. Counselors offer support to cope with depression and bereavement.
Danish Refugee Council (DRC)	The Danish Refugee Council has largely targeted its work in Turkey towards refugees in rural and urban areas outside government-managed camps. Through local partnerships, DRC provides support to Syrian refugees in Turkey in the following sectors: protection, capacity building, community infrastructure and services. DRC is establishing two community centers to serve as hubs for psychosocial, life skills, and rehabilitative support, counseling, intercultural activities, and legal counseling. DRC works closely with national partners to transfer knowledge and skills in DRC's areas of expertise, and to provide information management and coordination services for NGOs operating in Turkey to ensure adequate information-sharing.
Foundation for Human Rights and Freedoms and Humanitarian Relief	The Foundation for Human Rights and Freedoms and Humanitarian Relief was established in Istanbul to deliver humanitarian aid and to prevent violations of basic rights and freedoms of people who have fallen victim to a disaster, affected by war, natural disasters, and similar calamities. The Foundation prioritizes war-hit and post-war regions, disaster zones, and impoverished countries and regions. The Foundation aims at providing needy and disadvantaged people with a dignified life through humanitarian action, fighting against violations of basic liberties and human rights, and taking an active role in solving international crisis where interstate diplomacy is inadequate.
Helsinki Citizens Assembly (HCA)	The Helsinki Citizens Assembly works on a platform of fundamental rights and freedoms, peace, democracy, and pluralism. HCA works independently from political parties, governments, and states with the primary aims of introducing basic rights and freedoms accepted

	<p>in international agreements and universal standards into daily life. HCA promotes peaceful conflict resolution through mutual dialogue, aims to improve pluralist democratic bodies and civil society initiatives, and to ensure supremacy of law and to defend an economic system that promotes the well-being of humanity and the environment.</p>
Human Rights Association (HRA)	<p>Human Rights Association monitors and investigates human rights violations in Turkey, and informs the public such violations. HRA addresses the rights of prisoners in Turkey, fights against torture, promotes peaceful, non-violent, and democratic solutions to the Kurdish question, promotes economic and social justice, human rights education, and produces a variety of reports and publications.</p>
Human Rights Foundation	<p>Founded by the HRA, the Human Rights Foundation aims to help torture survivors regain physical and psychological health; works to abolish torture and impunity in Turkey; and promotes human rights.</p>
International Blue Crescent	<p>The International Blue Crescent works to alleviate human suffering, hunger, and illiteracy. IBC has provided disaster relief activities through meal distributions in tent camps, and medical equipment donations to hospitals. IBC works closely in cooperation with the United Nations World Food Program.</p>
International Catholic Migration Commission (ICMC)	<p>The International Catholic Migration Commission serves and protects refugees, internally displaced persons, and migrants regardless of faith, race, ethnicity, or nationality. ICMC responds to the challenges of individuals on the move, implements and advocates for rights-based policies and durable solutions through a worldwide network of member organizations.</p>
International Medical Corps	<p>The International Medical Corps is dedicated to saving lives and relieving suffering through health care training and relief, as well as through development programs. International Medical Corps rehabilitates devastated health care systems, bringing them back to self-reliance by providing training and health care to local populations, and medical assistance to people at highest risk,</p>
International Middle East Peace Research Center (IMPR)	<p>The International Middle East Peace Research Center's primary functions include conducting research and facilitating activities in order to contribute to the cooperation, peace, and social interest of</p>

	all social groups in the Middle East and North Africa.
International Rescue Committee (IRC)	The International Rescue Committee responds to the world's worst humanitarian crises and helps people survive, recover, and rebuild their lives. The IRC works with local partner organizations in Turkey in providing primary and reproductive health care, access to clean drinking water, vaccinations, schooling and educational opportunities, counseling, skills training, village savings and loan associations, agricultural training, legal assistance, and resettlement support to the refugees.
KADER – Chaldean-Assyrian Solidarity Association	KADER aims to assist those persons seeking the right of asylum in Turkey, mainly refugees from Iraq and the Middle East. KADER welcomes asylum-seekers and provides orientation and guidance during their stay in Turkey, financial support for medical care, maternal and child health education, and daily living aid and food distribution.
Jesuit Refugee Service (JRS)	The primary mission of the Jesuit Refugee Service is to accompany, serve, and advocate for the rights of refugees and other forcibly displaced persons. JRS advocates for just and generous policies and programs that benefit victims of forced displacement, seeking a durable solution to the plight of those made vulnerable by exile. JRS works to meet the educational, health, social, and various other needs of refugees and other forcibly displaced persons.
Relief International	Relief International provides emergency relief, rehabilitation, development assistance, and program services to vulnerable communities.
Support to Life (STL)	Support to Life was founded with the principal objective of working with disaster-stricken communities to help them meet their basic needs and rights. STL focuses on disaster preparedness and disaster risk reduction, and has provided humanitarian assistance to refugees in Turkey and elsewhere in the areas of shelter, food, water and sanitation, emergency education, psychosocial care, infrastructure recovery, school reconstruction, and community-based disaster reduction, linking relief with development.