EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK

RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME

الشبكة الأوروبية ـ المتوسطية لحقوق الإنسان

ASYLUM AND MIGRATION IN THE MASHREK

Leila Hilal
Shahira Samy

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Copenhagen - December 2008

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BIBLIOGRAPHIC INFORMATION

Title: Asylum and Migration in the Mashrek **– Authors:** Leila Hilal and Dr. Shahira Samy
Corporate author: Euro-Mediterranean Human Rights Network (EMHRN)
Publisher: Euro-Mediterranean Human Rights Network (EMHRN) **- Date of first publication:** December 2008 **- Pages:** 100
ISBN: 87-91224-31-4
Original language: English **– Translation into Arabic:** Aiman Haddad **– Translation into French:** Marc Forand
Proofreading and editing: Anne Czichos, Marit Fløe Jorgensen, Marc Schade-Poulsen, Chadi Sidhom
Layout: Hamza Abderrazik **– Printing:** Hellas Grafisk (Danmark)
Index terms: Human Rights, Migration, Asylum, Legal protection, Right to seek asylum, Right to education, Right to employment, Right to health, Detention, Deportation
Geographical terms: Mediterranean Countries / Middle East

This document has been produced with the financial assistance of the European Commission, the Ford Foundation, the Danish International Development Agency (DANIDA) and the Swedish International Development Cooperation Agency (SIDA).

The contents of this document are the sole responsibility of the Euro-Mediterranean Human Rights Network and can under no circumstances be regarded as reflecting the position of the European Union.

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COMMENTS & RECOMMENDATIONS

A. MIGRANTS & REFUGEES IN MASHREK COUNTRIES

Migrants and refugees in the Mashrek region suffer from many violations of their rights. They are at risk of unlawful deportation, ill treatment and exploitation, and may face great difficulties in claiming their most basic rights, such as healthcare, education, housing and work. Several different factors limit migrants' and refugees' access to their rights:

a. **Lack of political will:** As outlined in this report, the authorities often resist implementing measures which would encourage the integration of migrants and/or refugees in the host countries. Such attitudes can be explained by the fact that the Mashrek countries already host large populations of refugees (mainly Palestinians and Sudanese).

b. **Absence of appropriate laws for the provision of formal legal protections:** Lebanon, Jordan and Syria have ratified neither the 1951 Geneva Convention nor the 1967 Protocol, while Egypt has ratified both with reservations. Lebanon and Jordan have not ratified the International Convention on the Rights of Migrant Workers either. In the countries where these international instruments have been ratified, they are not being implemented fully, and none of the Mashrek countries have adopted a proper procedure for Refugee Status Determination. Laws governing the rights of refugees, when they exist, are not legally binding and often fall short of providing adequate protection. In reality, and despite the UNHCR presence in all Mashrek countries, refugees are extremely vulnerable populations and are entitled to few, if any, explicit protective measures by the state. The agreements reached between UNHCR and the Mashrek states regarding the operations of the Agency and treatment of UNHCR-registered and/or recognised refugees are limited in scope and duration, and they offer no guarantee of legal status or adequate access to social and economic rights. Moreover, laws on migration that have been adopted in the Mashrek countries are mainly repressive and provide no, or very few, rights for migrants. Migrant workers can easily be abused, with few or no means of redress. Foreign domestic workers are excluded from the Labour Codes of Egypt, Jordan and Lebanon. The nature of domestic employment, and the fact that they are sponsored by a single employer, puts domestic workers at particular risk of heightened abuse. Irregular entry and/or stay are criminalised across the region, and migrants (and refugees) who enter or stay irregularly in the Mashrek countries may face detention and unlawful deportation.

c. **Administrative barriers:** Although refugees are not legally prohibited from working, labour regulations and related administrative procedures (including the common requirement that foreign workers first prove that no national would be able to perform the tasks for which they would be hired) constitute de facto obstacles to legal employment. Legislations that make no distinction between migrants on the one hand, and refugees on the other hand, are problematic in this regard. Migrants and refugees may also face administrative difficulties in gaining access to education, for example due to the non-recognition of their former diplomas.

d. **Budgetary and material restrictions:** In some cases, limitations on migrants' and refugees' access to health and education facilities are mainly related to a lack of sufficient resources. The authorities of the hosting countries do not necessarily have the material and/or the financial capacity to provide such services, and migrants and refugees are often requested to pay full fees or, alternatively, to use private facilities. This effectively excludes many of them, as they lack the financial means to pay for these services.

e. **Restrictions on civil society organisations:** Civil society organisations that assist migrants and refugees can face many limitations on their activities in the Mashrek countries. They suffer from restrictions on freedom of association in general, and only few local human rights organisations include the protection of migrants and refugees among their

advocacy priorities, although organisations that provide legal assistance to refugees (and to some extent to migrants) do exist in Jordan, Lebanon and Egypt. Humanitarian and social workers who provide assistance (material, medical, social, etc.) to migrants and refugees seldom liaise with human rights organisations, and there are few published reports on human rights violations against migrants and refugees in these countries. The overall result is a lack of advocacy and public action to promote better living conditions for migrants and refugees.

f. **The general human rights situation:** The human rights environment in the countries of the Mashrek may exacerbate the vulnerable situation of migrants and refugees in the region, particularly with respect to those refugees and migrants detained for violations of immigration laws and/or those seeking redress for abuse. Weak adherence to the rule of law and lack of due process norms and humane prison conditions can result in additional violations. Migrant and refugee women are even further disadvantaged in the event of gender-based discrimination and violence.

g. Egypt's and Syria's general records regarding human rights and the rule of law are extremely negative. The situation in Jordan and Lebanon is also far from being satisfactory, and this makes it difficult for migrants and refugees to ensure the respect of their rights. As foreigners, they enjoy even fewer rights and means of legal recourse than nationals, whose rights are already violated on a regular basis. Moreover, in such a context, migrant and refugee women are particularly vulnerable, as they may also suffer from gender-based discrimination.

In light of this situation, the EMHRN's recommendations to the governments of the Mashrek countries, to intergovernmental and international organisations and to local NGOs are as follows:

A.1. TO THE GOVERNMENTS OF THE MASHREK COUNTRIES

Protection of refugees

Jordan, Lebanon and Syria should reconsider and accede to the 1951 Refugee Convention and 1967 Refugee Protocol. Egypt should withdraw its reservations to the 1951 Convention and fully implement it. All Mashrek countries should adopt Refugee Status Determination mechanisms and proper legislation that provides legal status and protection for refugees.

In conjunction with civil society and relevant international organisations (see below), all Mashrek countries should explore taking steps to improve their national asylum regimes. This should include the adoption of refugee status determination mechanisms and legal reforms necessary to ensure refugees' physical protection and access to independent livelihoods and social means. It should also include a review of existing laws, which should be modified in order to provide a clear distinction between those rules that apply to migrants, on the one hand, and those that apply to refugees and asylum seekers, on the other hand. In particular, persons registered with UNHCR (including those registered according to the temporary protection regime and/or those with prima facie status) should be exempted from penalties for violations of national immigration laws.

Legal measures are also needed to ensure the provision of residency and work permits to UNHCR-recognised refugees, including those with prima facie status, in line with international standards. Adequate protections must be provided, in practice, against any deportation of refugees and asylum seekers. Administrative obstacles to employment and other means of self-sufficiency must be removed. Access to health care and education should be facilitated as much as possible.

Refugee liaison offices should be set up (or strengthened, if they already exist) in the different ministries (Interior, Foreign Affairs, Labour, Social Affairs, Women, etc.).

Protection of migrants

Jordan and Lebanon should accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Immigration laws need to be reformed to remove criminal penalties for unauthorised migration, as well as for recognised refugees. Vulnerable migrants should be protected from unlawful expulsion and Article 3 of the UN Convention against Torture should be strictly respected. Authorities also need to ensure that all migrants have access to proper appeal procedures against any expulsion decision.

Jordan, Lebanon and Egypt should revise their labour codes so that they no longer exclude domestic workers or other types of (migrant) labour. All states should work to establish measures to monitor and intervene to prevent and end the exploitation and abuse of migrant workers (and especially female domestic migrant workers) in line with ILO guidelines. It is therefore recommended that governments engage in a dialogue with civil society organisations and unions to identify better means of protecting the rights of migrant workers.

Migrant workers should be informed of their rights in their own language and should know about available means of legal redress in case their rights are violated. Obstacles to seeking redress should be removed.

The UNHCR should continue to be given access to detention facilities without any exceptions to be able to assess the protection needs of detained refugees and asylum seekers.

Fight against racism, xenophobia and discrimination

The authorities of the four Mashrek countries should launch – possibly in collaboration with civil society organisations and the UN agencies – campaigns to correct public stereotypes and prejudices against refugees and migrant workers and to provide information on the rights of refugees and migrants (including constitutional rights and socio-economic and cultural rights).

Concrete actions also need to be taken to combat discriminatory and racist attitudes towards non-nationals among the staff of governmental authorities. Proper training therefore should be given to civil servants and security officers, particularly regarding the rights and practices applicable to refugees and migrants.

A.2. TO INTERGOVERNMENTAL AND INTERNATIONAL ORGANISATIONS

Several intergovernmental organisations (IGOs) and agencies, including UNHCR and IOM, are present in all of the Mashrek countries and assist migrants and/or refugees in different ways. A number of international non-governmental ogranisations (INGOs) are also present in the field and mainly provide assistance to refugees (Iraqis and Palestinians). These organisations should support the asylum and migration reform agenda and engage in advocacy efforts directed at the authorities. However, coordination between the different actors (including human rights organisations) needs to be improved.

IGOs and INGOs can assist in the creation of national coordination mechanisms to improve assistance delivery and advocacy for refugees and vulnerable migrants. They can also help the authorities in providing the necessary training and capacity building for officials who deal with refugees and migrants.

The delivery of social rights is still inadequate, and coordinated efforts are necessary to provide education and healthcare. Housing subsidies for refugees should also be a priority. Moreover, the promotion of durable solutions for Palestinian refugees should form part of any protection agenda in the region.

The UNHCR procedures and practices in the region should be strengthened to ensure that the maximum number of refugees are recognised and protected within this legal and administrative asylum environment. The UN Agency should allow asylum seekers and refugees to have legal representation for RSD processes and appeals. It should also take steps to respond to criticism from NGOs and experts regarding its procedures.

A.3. TO LOCAL NGOS

Several organisations are active in the field and provide humanitarian and/or social assistance to migrants and refugees. Church-related and community-based organisations play an important role in this domain. In Jordan and Lebanon, local organisations provide legal assistance to migrants and refugees, and in Egypt they assist refugees, but there are no such organisations in Syria. In general, human rights organisations have not yet included the promotion of migrants' and refugees' rights among their priorities, although some may sporadically work on individual cases. Efforts also seem to be more directed towards the monitoring of the situation of refugees rather than that of migrants. All in all, there is a lack of coordination between social and humanitarian workers, on the one hand, and human rights organisations on the other.

Local NGOs should thus seek to study the situation of migrants in their country more thoroughly and to familiarise their staff with the international instruments related to migrants' rights. They should establish special programmes to promote migrants' rights and respond to the protection gaps they face. Special attention should be given to migrant women and to protecting them from violence and exploitation. In general, reporting efforts regarding violations of migrants' rights need to be increased.

With regard to refugees, local NGOs should seek to improve their assessment of the refugee situation in their country and to develop more outreach programmes. Action should be taken to assist refugees in finding employment and training could be provided, for example, to help them improve their job skills. Lobbying efforts for the improvement of social rights, including access to healthcare and education, should be more structured, and systematic actions should be organised.

In general, local NGOs should prioritise legal aid and advocacy efforts to assist both refugees and migrants. More coordination between the various NGOs acting on the national level is also necessary.

B. MIGRATION & ASYLUM IN THE FRAMWORK OF THE EUROMED COOPERATION

In 1995, the EU launched the Barcelona Process (now Union for the Mediterranean) with the countries of the Mediterranean region, which includes the Mashrek countries. This process established a partnership built around three main sectors: political cooperation; economic and financial cooperation; and cultural and social cooperation. In 2005, a fourth sector was added: cooperation in the field of migration. It is within this framework that Association Agreements (AAs) were concluded with Egypt, Jordan and Lebanon. No Association Agreement has been concluded with Syria yet. Article 2 of all AAs specifies that respect for human rights and fundamental freedoms is an essential element of the cooperation between the parties, and the AAs also contain specific articles related to cooperation in the field of migration (usually under the chapter on cooperation on social matters).

The AAs represent the legal basis for the cooperation between the EU and the Mashrek countries. In addition, the EU has agreed on Action Plans (APs) with Egypt, Jordan and Lebanon within the framework of the European Neighborhood Policy (ENP). These Action Plans are non-binding documents. They identify a set of priorities for cooperation with the EU in different fields, including human rights, migration and border management.

It is within this general framework that the EU has established specific bilateral committees and/or working groups with Jordan, Lebanon and Egypt that deal with human rights and migration. These forums allow the EU and its partners to have regular exchanges on migration and human rights issues and to identify potential cooperation projects in these areas. The agendas and the content of the meetings are not made public, but violations of migrants' and refugees' rights may be discussed, as has been confirmed by European civil servants interviewed by the EMHRN. It appears, however, that such discussions mainly take place within the forums dealing with migration and social affairs, rather than in the ones dealing with human rights.

In addition to these bilateral committees/working groups, the EU also holds multilateral regional ministerial meetings with all the partners of the Barcelona Process (now Union for the Mediterranean) countries. The first Euromed ministerial meeting on migration took place in November 2007, but the conclusions of the meeting made almost no reference to migrants' rights, although an allusion was made in the preamble to the necessity of protecting the human rights of migrant women. Matters related to refugee protection were excluded from the agenda. The ministerial meeting on "strengthening the role of women in society", which took place in Istanbul in 2006, did include clear references to the need to protect migrant women against violence. However, no concrete measures for the protection of migrants and refugees were adopted following these meetings.

The European Commission has allocated funds[1] for the "Euromed Migration II" programme, whose purpose is to "strengthen the Euro-Mediterranean cooperation in the management of migration, so as to build up the Mediterranean partners' capacity to provide an effective, targeted and comprehensive solution for the various forms of migration. That includes: setting up mechanisms to promote opportunities for legal migration, support for measures to promote the linkage between migration and development and the stepping up of activities to stamp out people trafficking and illegal immigration, and to manage mixed flows".[2] The programme will also contribute to the implementation of some of the activities approved during the Euromed Ministerial Conference on Migration.

1 The project started on 4 February 2008. The total budget of the project is EUR 5 million.
2 Source: http://www.euromed-migration.eu/e933/index_eng.html.

Euromed Migration II includes four regional working groups composed of high-level officials from the Euro-Mediterranean ministerial authorities that are involved in the management of migration, as well as other relevant decision makers. Each working group deals with one of the following issues: Legislative convergence and the need for reform of migration law and its institutional framework; Labour migration; Institutional responses and national strategies to combat illegal immigration; Migrants' remittances to their countries of origin. In total, 42 training sessions will be organised on various topics that fall under the headings of the different working groups. The project will also include ten field visits and a study on women and migration in the Euro-Mediterranean region, which should mainly focus on the social and economic dimensions of women's migration, but which is also expected to examine the rights of migrant women.

The EU may also allocate funds to the Mashrek countries under bilateral cooperation programmes (formerly MEDA, presently European Neighborhood and Partnership Instrument) on border control, the fight against human trafficking, and migration and asylum issues. Within the framework of this research, it was not possible, however, to monitor these funds and to examine if such cooperation programmes have been implemented in Mashrek countries and if they included a rights-based approach.

In addition, the EU has specific financial programmes to support civil society activities. Although such programmes are not exclusively dedicated to the Mashrek countries, they can support civil society's projects there. Two of these programmes are of particular interest to organisations active in the field of migrant and reufgee protection.

The first of these programmes is the Thematic Programme for the Cooperation with Third Countries in the Areas of Migration and Asylum (formerly AENEAS). This programme covers the whole spectrum of policies related to migration and asylum issues, including those concerning migrant and refugee protection. However, it is worth noting that, in its call for proposals for the Mashrek region and Gulf countries (lot n°3), the European Commission did not include the protection of migrants among its priorities. Only projects related to refugee assistance and the fight against human trafficking could be submitted. Such a decision does not seem appropriate, considering the many difficulties migrants face in this region. Furthermore, to receive support from the European Commission, a project's budget must exceed a minimum of 500,000 Euros. In practice, this precludes small-scale organisations from applying directly, as they lack the necessary capacity to manage such large budgets.

The second programme is the European Instrument for Democracy and Human Rights (EIDHR), which has no specific geographical priorities. Projects in Mashrek countries can be financed via this programme, through either regional projects or small-scale local actions. Migration and asylum are not priorities for this Instrument, but projects related to the fight against discrimination, xenophobia and racism can be submitted. Violence against migrant women and trafficking may fall within the scope of the Instrument as well.

More generally, organisations can also apply for projects related to the implementation of international humanitarian and human rights laws, including the Geneva Convention or the CMW. Thus, while migrant and refugee protection is not explicitly specified as a priority for this Instrument, it is not excluded from it either, and European civil servants interviewed by the EMHRN confirmed this view. Many stated that they would not necessarily exclude from the EIDHR projects dedicated to the protection of migrants and refugees, although some believed that such projects should primarily be supported through the Thematic Programme on Migration and Asylum. Moreover, as the content of actions supported by the EIDHR depends mainly on the nature of the projects proposed by NGOs, a lack of focus on migrants and refugees is partly due to the fact that human rights NGOs have been slow to take up this issue.

The following recommendations have been formulated to support an agenda for the better protection of migrants and refugees in the Mashrek countries within the framework of the Euromed relationships:

In the framework of the Euromed Partnership

The European Commission and member states of the Union for the Mediterranean should ensure the implementation of the recommendations of the Euromed Ministerial Conference of Istanbul (strengthening the role of women in society) in relation to the protection of migrant women. The European Commission should seek to indentify the specific types of violence that migrant women face in the region. It should also map the different initiatives undertaken by the authorities to protect migrant women from such violence.

Generally speaking, more synergies are needed to ensure that issues concerning migrants' and refugees' rights are properly raised at the different levels of regional cooperation. For example, the issue of access to work for refugees should be raised at the level of the Ministerial Conference on Employment. All in all, better coordination is needed to ensure the full implementation of the conclusions of the different Ministerial Conferences that address issues related to migrants and refugees (migration, gender, employment, etc.).

The European Commission and EU Presidency also need to ensure that issues related to violations of the human rights of migrants and refugees are systematically raised with the Mashrek countries within the working groups on migration and social affairs. Such issues should also be raised within the committees dealing with human rights. At the minimum, the two forums should properly coordinate with each other.

In the framework of the Euromed Migration II programme

Issues related to the rights of migrants need to be fully included in the agendas of the different working groups created for the purpose of this programme. Special attention should be given to issues related to "legislative convergence", and discussions should take place regarding the necessary review of migration laws in the Mashrek countries in accordance with international humanitarian and human rights laws.

Special attention should also be given to the issue of violence against migrant women. Civil society should be given access to the meetings and take part in the different training sessions, and meetings should be organised with local civil society organisations that are active in the field of migrant protection in the countries where the field visits will be conducted.

Concerning the different financial instruments

The European Commission should identify regional and/or bilateral projects of cooperation, to be supported within the framework of the ENPI, that aim to provide better protection for migrants and refugees.

It is also of the utmost importance that the European Commission include the protection of migrants among the priorities for its future calls for proposals covering the Mashrek countries (lot n°3) within the Thematic Programme for Cooperation with Third Countries in the Areas of Migration and Asylum. The protection of migrant women and refugees should also be an overall priority within the Thematic Programme.

The European Parliament and the Euro-Mediterranean Parliamentary Assembly are invited to ensure a proper follow-up to all cooperation programmes with third countries (including the Mashrek countries) that are related to migration and asylum. More specifically, the members should ensure that a rights-based approach is properly integrated into such programmes.

Kamel Jendoubi
President
Euro-Mediterranean Human
Rights Network (EMHRN)

INTRODUCTION

The protection of refugee and migrant rights in the Mashrek is a matter of great urgency. The Mashrek region – defined as the countries of Egypt, Jordan, Lebanon and Syria for the purpose of this report – has been coping with mass displacement from conflicts in Palestine/Israel, Sudan and Iraq. With more than 6 million refugees,[3] the region hosts a significant percentage of the world's refugee population. Yet to date no country has a formal national asylum system in place to respond to the huge numbers of displaced persons. The Mashrek is also a notable destination and transit zone for migrant workers, a population who have yet to be fully quantified or acknowledged in the region.[4]

This report addresses refugee and migrant protection in two main parts. The first chapter provides an overview of the specific situation of the three largest refugee populations in the region - Palestinian, Iraqi and Sudanese (particularly Darfurian) refugees. Since the Sudanese population in the region is concentrated in Egypt, the overview focuses on the conditions of Darfurians there. The second chapter is an assessment of the main protection gaps facing the refugees and migrants in the countries of the region. The assessment focuses on the national component of refugee protection. The role of UNHCR, which has been expanding in the region, is noted; however, the primary purpose of the Protection Chapter is to call attention to improvements that need to be made to the national protection systems in the Mashrek countries.

The analysis is based on research conducted over a four-month period from May to August 2008. The research included a desk study to collect basic facts and information on the four countries, and to examine the situation of the largest refugee populations in the region. Fact-finding missions were then conducted to Cairo, Amman, Damascus and Beirut to allow the researchers to meet with local experts, representatives of international organisations and NGOs operating in the field. The field missions, and the information and perspectives obtained through them, were essential to understand the human rights concerns of refugees and migrants in the region. Much of the report is based on insights gleaned from these on-ground visits and interviews.[5] The research was guided by the country information fact sheets prepared by the sponsoring EMHRN. The fact sheets on each country studied are annexed to the report. A table outlining the activities of civil society in the different countries is also annexed, as is a list of relevant human rights reports published about the region.

3 The number of refugees registered with UNRWA is around 4.6 million. The UNHCR estimates that, according to government estimates, some 2 million Iraqi refugees have fled Iraq to Jordan and Syria alone. 50,000 Iraqi refugees are reported in Lebanon; 10,300 in Egypt. See: UNHCR. Global Report 2007 - Iraq Situation. http://www.unhcr.org/home/PUBL/484908962.pdf.

4 United Nations Population Fund. "Migration by Region: The Arab States." State of World Population 2006. http://www.unfpa.org/swp/2006/presskit/docs/factsheet_middle-east.doc.

5 The authors extend their appreciation to all interviewees with whom they met in the course of the field missions.

The report analyses the situation of refugees and migrants from a comparative, regional perspective in order to highlight the general protection concerns in the region without limiting the inquiry to one refugee or migrant population. As noted in the report, addressing the rights of Palestinian refugees is a vital component of improving the overall asylum and migration situation in the region. Despite this reality, the laws and practices directed at Palestinians are not part of the protection assessment in Chapter Two. Instead, the situation of the Palestinian refugees is profiled in the overview in Chapter One. This approach was in order primarily because there are long-standing rules and regulations that apply to Palestinians, separate from other refugee populations.

Finally, references to "refugees" in this report are inclusive of asylum seekers and persons recognised by UNHRC as refugees. The 1951 Convention Relating to the Status of Refugees ("1951 Convention") does not distinguish refugees from those seeking asylum and those who have been granted recognition by the UNHCR. Moreover, in the Mashrek, where there are virtually no national asylum laws or practices outside of cooperative measures with the UNHCR, many refugees do not have the opportunity to be recognised, are denied recognition, or are otherwise not being acknowledged as refugees. In order to meet the protection challenges in the region, it is necessary to use the term "refugee" to include all persons potentially covered by the 1951 Convention without reference to their status with UNHCR or the national governments concerned.

CHAPTER ONE: MASS DISPLACEMENT IN THE MASHREK

REGIONAL PERSPECTIVES*

* A general list of bibliographical sources consulted for the writing of this chapter can be found in the annex.

The recent conflicts in Iraq, Sudan and Somalia, for example, have internally and externally displaced millions of people. Syria, Jordan, Lebanon and Egypt have had to take in refugees that these wars have produced.

Challenges created by mass displacement are not new to the region. Historically, the late 1940s witnessed the birth of the Palestinian refugee exodus, creating the most massive displacement problem in the modern history of the region. Hundreds of thousands of Palestinian refugees fleeing to the neighbouring countries have settled in Jordan, Syria, Lebanon and Egypt, in addition to refugee camps in the Gaza Strip and the West Bank. Up to the present day, and with no political solution of the Palestinian-Israeli conflict in sight, the precarious status of Palestinian refugees is still a pertinent issue in the countries concerned.

The presence of refugees also affects state policies towards newer waves of displacement created by recent conflicts. In this region, the term "refugee" traditionally referred to Palestinians, and one of the staggering features of the current Iraqi refugee crisis is that these refugees have been labeled as "guests". This implies that the Iraqis' stay will only be temporary and reflects the essence of state policies, which is to deal with the "guests" only until they return home or are resettled. A long stay is therefore not envisioned. Prospects for the various communities of refugees are not all the same, however, as legal frameworks differ and living conditions vary.

This chapter discusses three main refugee populations in the Mashrek area. It addresses the situation of Darfurian refugees and Iraqis, in addition to the main features of the Palestinian refugee presence in this region. The chapter is intended to offer a general overview, and to contextualise the detailed legal analysis provided in the other half of this report. It thus covers the nature of the refugee population presence in the region and aspects of the refugees' livelihoods. The last section in each case study covers the most recent developments with respect to each refugee population, such as Darfurians' crossing of Egypt's borders with Israel, the Iraqi repatriation movement, non-ID Palestinians in Lebanon, and Palestinian refugees from Iraq stranded at the Syrian-Iraqi border.

A. DARFURIAN REFUGEES

he current crisis in Darfur developed over more than a decade, but has intensified since 2003, exacerbating the displacement of the local population. According to international human rights organisations such as Human Rights Watch and Refugees International, the primary causes of displacement in Darfur are the ongoing series of raiding, killings, rapes and land seizures by the government-supported "Janjaweed" militia against local tribes such as the Masalit, Fur and Zaghawa.

This wave of displacement from the west of Sudan is not the first refugee flow generated by a war-torn country. However, as reported by the Forced Migration Online (FMO) research guide on Sudan, it took two decades of war in South Sudan to displace four million people, but less than three years to displace two million in and from Darfur. Current figures quoted by the United Nations High Commissioner for Refugees (UNHCR) estimate two million Darfurians to be internally displaced, in addition to over 200,000 refugees who have managed to cross the borders.

Escalating violence is ongoing, with no signs that the conflict is abating or prospects for putting a halt to it. Displacement is still an issue of pressing concern, and the return of refugees is not a viable option at present.

Although the majority of refugees from Darfur have fled to Chad, many have made their way further afield to other countries, such as Egypt. It is important to note that some Darfurian refugees are also present in the other Mashrek countries and reportedly are making their way to newer countries of asylum, such as Israel and Turkey. Their numbers remain very small, however, in comparison to the Sudanese refugee population in Egypt.[6] The overview of the case of Darfurian refugees in the context of this regional perspective therefore will be confined to aspects of their presence in Egypt, where they constitute a sizable community. As the conflict is still generating new displacement and crossing the borders to Egypt is relatively easy, the Darfurian community in this country is likely to continue growing.

6 Recent UNHCR fact sheets report a total of 531 registered Sudanese in Lebanon (18 June 2008) and 177 in Jordan (June 2008). The number of registered Sudanese in Syria is 110 according to the World Refugee Survey 2008.

A.1. DARFURIANS IN EGYPT: CONTINUITY AND CHANGE

Egypt has always been a destination for Sudanese nationals, whether in the form of regular migration or for purposes of asylum, particularly with the escalation of the conflict in the south of Sudan. Refugees from the Darfur region have thus come to join a larger Sudanese presence in Egypt with both its aspirations and ailments. All Sudanese have the same status and rights under national laws and policies, without distinction as to place of origin. Hence, the problems Darfurians face are generally similar to those of the overall Sudanese community, with some additional concerns noted below. Moreover, recent political developments regarding state policies towards asylum and refugees affect Darfurians the same way as other Sudanese refugees. These will be generally discussed in the following section.

Thus, understanding the various aspects of the Darfurian presence in Egypt is only possible by considering the situation of the Sudanese refugee community as a whole. Singling out Darfurians from other Sudanese is difficult in many ways, whether in terms of numbers, legal status or aspects of livelihood. A few differences exist, however, and shall be identified throughout.

Sudanese refugees are the largest refugee population in the country. Until two years ago, when Egypt started receiving an influx of displaced Iraqis, the Sudanese were estimated to constitute about 75% of the total refugee population in the country. The latest figures on refugees in Egypt appear in UNHCR's fact sheet on Egypt of May 2008. Sudanese refugees constitute 54% of the total registered refugee population, amounting to 23,498 persons out of a total of 43,455. This figure excludes Palestinian refugees, who do not fall under UNHCR's mandate. If included, the UNHCR country plan for 2008 estimates that they would inflate the total refugee figure by a further 60-70,000.

It is important to note that these figures do not reflect the actual number of Sudanese refugees in Egypt, since the UNHCR statistics do not cover those who have never applied to the agency for refugee status and whose numbers are unknown. The long history of migration from Sudan to Egypt, enhanced by flexible entry and residency measures, makes the Sudanese presence in Egypt historically considerable. In fact, UNHCR's Country Operations Plan for 2008 indicates that Egypt continues to be host to some 3-5 million Sudanese.

Also worthy of attention is the fact that, on the one hand, the legal status of the Sudanese in Egypt has fluctuated over time, and that, on the other hand, it is different from that of other foreign and refugee communities. Egypt is a signatory to the 1951 Convention Relating to the Status of Refugees/1967 Optional Protocol and the 1969 Organisation of African Unity ("OAU") Convention Governing Special Aspects of Refugees in Africa. However, all activities pertaining to registration, documentation and refugee status determination are carried out by UNHCR according to a Memorandum of Understanding ("MOU") agreed in 1954 between the Egyptian Government and UNHCR. A major implication of this is that Egypt has not developed a national asylum policy since then, which means that the situation of asylum seekers and recognised refugees remains a function of political fluctuations.

The difficulties that the Sudanese refugees face in their daily lives have increased over the past 15 years, and have been much affected by regional and domestic policies. As highlighted by experts interviewed by the researchers throughout their field mission to Egypt last June, 1995 was a pivotal date in the history of the Sudanese presence in Egypt. An assassination attempt on President Mubarak's life in Ethiopia, attributed to Sudanese extremists, affected Egyptian policies towards the Sudanese presence in Egypt. Prior that time, the Wadi-El-Nil Treaty of 1976 provided for reciprocal treatment of the nationals of both countries. Under the treaty, Sudanese nationals were permitted to enter without a visa and were in theory given unrestricted access to employment, education, healthcare and ownership of property. The treaty was abrogated in 1995, after the assassination attempt, and the Egyptian government consequently began requiring Sudanese to carry an entry visa and a residence permit. The rights of the Sudanese reverted to those accorded to any foreign national on Egyptian territory.

From another perspective, Sudanese refugees' situation is also a function of the nature of the relationship between the governments of Sudan and Egypt. Experts draw attention to the fact that Sudanese refugees were welcomed during the dispute between Mubarak and Bashir in the late 1990s. However, starting from 2002, the situation appeared to take a different turn. According to local activists, soon after the outbreak of the conflict in Darfur, many refugees of Darfurian origin reported that Sudanese security men were chasing them in the streets of Cairo. They also claimed that the Sudanese security men would intimidate them if they did not provide information about Darfurian activists in Cairo. These statements were confirmed by a Darfurian refugee residing in Cairo during an interview with the researchers on 5 June 2008 (interview on file with researchers).

Such was the situation until 2004, when two important developments affecting the status of Sudanese refugees in Egypt took place. The first policy measure of note was the signing of the "Four Freedoms Agreement" between Egypt and Sudan, which provided reciprocal rights for their nationals regarding work, freedom of movement, residence and property ownership. However, this Agreement is not being implemented.

The second important policy development was the suspension by UNHCR of the refugee status determination ("RSD") procedures for Sudanese, which had granted applicants temporary protection. RSD was suspended on 1 June 2004 and, with the exception of cases with specific needs, has not been available for any Sudanese since then. UNHCR confirms that African Darfurians enjoy particular attention in this regard. Sudanese, irrespective of whether they are asylum seekers (yellow card holders) or refugees (blue card holders), have UNHCR documentation which gives them access to services available for refugees and legalises their status in the country.

A repatriation programme for southern Sudanese is currently being implemented by UNHCR, following a decision taken in the aftermath of the peace agreement between the government of Sudan and the leaders of the south. This policy affects the community of southern Sudanese in Egypt but is not applicable to those originating from Darfur. As the situation there is still precarious and generating displacement, repatriation is not envisioned as a UNHCR durable solution. However, as no new Darfurian asylum seekers (with the exception of vulnerable persons) have been processed for RSD by the Agency since 2004,[7] in practical terms, Darfurian refugees are neither being resettled nor repatriated. This means that long-term presence in Egypt is currently the only option for the Darfurians who have found their way to the country. .

7 Interview with a UNHCR officer in Egypt in June 2008.

A.2. ASPECTS OF LIVELIHOOD: AN OVERVIEW

Sudanese refugees are urban refugees residing primarily in Cairo and, to a much lesser extent, in Alexandria. Although no refugee camps exist in Cairo, the Sudanese are known to cluster in certain areas, such as Maadi, Nasr City, Arba'aa we noss and Ein Shams. (The legal status of refugees is reviewed in the second chapter of this report.) To gain a general understanding of their aspects of livelihood in Egypt, the following sections examine the situation regarding the refugees' right to work, access to education and healthcare, and social integration.

A.2.i. Access to work

Like all other refugees, Darfurian refugees are not granted the right to work, and, like all foreigners in Egypt, refugees are required to obtain work permits from the government. (As Sudanese, Darfurians should be exempt from this requirement under the Four Freedoms Agreement, but this is not being implemented.) According to Egyptian law, applicants for work permits must prove, among other requirements, that Egyptian nationals cannot perform the work sought. The complex criteria associated with the granting of work permits makes them very difficult to obtain.[8] Some recent developments have sought to ease the burden for the Sudanese; such as a change in government practice whereby it ceased stamping registered refugees' resident permits with "work not permitted". Nevertheless, these developments have had a minimal impact, as the assumption in Egypt remains that refugees do not have the right to work without a work permit.

Consequently, most Sudanese refugees, regardless of their official status, are only able to work sporadically, in the informal market, for little money, with no job security, and often under exploitative conditions. Generally, even those with legal status are afraid to report abuses to the police and thus have no redress for exploitation. The lack of sufficient employment opportunities causes many refugees to become impoverished. The general feeling of insecurity is further exacerbated by the many instances of harassment Sudanese are subjected to in the streets of Cairo.

It is worth noting in this regard that there are few efforts to provide employment assistance for refugees. The Coptic Evangelical Organisation for Social Services (CEOSS), for example, is known to be active in trying to provide job placements. However, the right to work is often neglected in the context of the overall services that are provided to Sudanese refugees to meet their needs and compensate for their lack of social rights.

8 See: The Hague Process on Refugees and Migration. Towards an Inclusive Approach to Citizenship, Investing in Education for the Empowerment of All City Residents. THP International Workshop, World Conference on the Development of Cities. Porte Alegre, Brazil: 13 February 2008. Online at http://www.thehagueprocess.org/Upload/PDF/FINAL_REPORT_PORTO_ALEGRE.pdf.
Badawy, Tarek. Refugee Education in Egypt. Working Paper. THP International Workshop, World Conference on the Development of Cities. Porte Alegre, Brazil: 13 February 2008. Online at http://www.thehagueprocess.org/Upload/PDF/CAIRO-EGYPT-PAPER.pdf.

A.2.ii. Access to education

Education in public schools is not normally available to refugees. However, in 1992, the Ministry of Education issued Decree No. 24, which allows Sudanese children to enroll in public schools. In 2004, the Ministry of Education instructed schools to accept all refugees with UNHCR documentation and government-issued residence permits, among other documents. The extensive documentation requirements and the acutely over-crowded schools have limited this right in practice for the vast majority of Sudanese. Those who are able to pay for the fees may resort to private schooling.

A.2.iii. Access to healthcare

According to a 2005 Ministry of Health decision, foreigners, including refugees, have a right to public primary health services on par with nationals, but only Egyptians are eligible for free services. Registered refugees and asylum seekers can access healthcare services through UNHCR implementing partners such as Caritas. In practice, however, the increasing number of those in need of services means that the availability of healthcare very much depends on the ability to pay. Moreover, while several NGOs, churches and community-based organisations ("CBOs") have developed education and healthcare initiatives, many services are only available to holders of blue and yellow cards, with yellow-card holders only allowed access to emergency healthcare.

In such an atmosphere, and since there has been a suspension of RSD since 2004, Darfurian asylum seekers may be considered to be in a more vulnerable position than other southern Sudanese refugees, who may have arrived before the RSD cut-off date, are recognised as refugees by UNHCR, and thus enjoy – at least in theory – more benefits. Additionally, as the southern Sudanese have been present in the country for longer, they benefit from the help of more organisations and CBOs. Compared to their Darfurian counterparts, southern Sudanese are also more inclined to seek help from churches and faith-based organisations. Against this background of difficulties, access to basic services for refugees living in the country is not viable in practice. At the same time, whereas the above indicators (access to employment, education and healthcare) suggest that refugees' stay is transitory, a significant reduction in resettlements, in addition to the suspension of RSD, means that this state of transition is really a prolonged stay.

Faced with difficult living conditions, the Sudanese refugee community in Egypt has been deeply disenchanted with UNHCR's policy change in 2004 and the suspension of RSD, as this dampened their hopes for resettlement and prolonged a difficult stay in Egypt. Until 2004, the UNHCR Cairo office had developed one of the largest resettlement operations in the world. Interviews conducted with Sudanese asylum seekers show that resettlement to the US, Canada, Australia and other western countries has consistently been the ultimate goal for refugees. Many asylum seekers came to view resettlement almost as a right, but only one in four had their expectations met.[9]

A.3. RECENT DEVELOPMENTS

UNHCR's decision to freeze RSD in June 2004 caused unprecedented unrest among the refugee community. Two months later, 23 Sudanese refugees were reportedly arrested following a demonstration to protest against this decision. Accused of rioting and damaging public property, they were nevertheless all released the following month. It was the first instance of rioting and demonstrations by asylum seekers in Egypt.

The disillusionment of the Sudanese with their conditions and the changes in UNHCR policies was highlighted once again at the end of December 2005 with the Egyptian police's controversial, forceful removal of some 3,000 Sudanese who, three months earlier, had set up a temporary protest camp close to the UNHCR office in the Mohandiseen area, in the heart of Cairo. The demonstrators called for improvements in their living conditions, protection from return to Sudan, and resettlement in Europe or North America. This dramatic sit-in highlighted the problems facing refugees living in Egypt and the reality of their prolonged stay in the face of dwindling resettlement quotas.

In addition to this escalation of the confrontation between the refugees and the Egyptian government, deportation recently has added another dimension to the situation of refugees in Egypt and affects many African migrants and asylum seekers, including those from Darfur. Egypt previously had not regularly deported refugees, but the practice seems to have changed during the past year and a half.

In its most recent annual report, Amnesty International stated that Egyptian border police used excessive force against many migrants, refugees and asylum-seekers who tried to cross into Israel from Egypt. Such incidents and accounts of deportation were totally absent from the human rights agency's report the year before.

Analysts believe that thousands of migrants, refugees and asylum-seekers, mostly from Sudan and Eritrea or other parts of Sub-Saharan Africa, have recently been trying to cross from Egypt into Israel, and their numbers have increased since 2007. In July of that year alone, Amnesty International reported that more than 230 mostly Sudanese migrants were arrested while trying to cross into Israel without official permission. This was after Egypt had reportedly deported to Sudan a group of 48 African refugees, asylum seekers and migrants who had crossed through Egypt on their way to Israel, and whom Israel then forcibly returned to Egypt on 18 August 2007. UNHCR in Egypt had recognised 23 of the 48 as refugees or asylum seekers. It is widely believed that Israel is putting strong pressure on the Egyptian government to reduce the flow of people crossing the border into its territory without authorisation. The Sudanese government, meanwhile, has banned its citizens from traveling to Israel and reportedly punishes offenders with torture, life imprisonment, or the death penalty, thus doubling the dangers facing those deported back to Sudan. With the most recent political developments regarding the International Criminal Court's (ICC) indictment of President Bashir and with Egypt opting for political support of the Sudanese president, it is unclear how the rapprochement between the two governments could affect the refugees from Darfur.

9 Further details on this issue and a full account of the 2005 sit-in are available in the following report: Azzam, Fateh. A Tragedy of Failure and False Expectations: Report on the Events Surrounding the Three-Month Sit-in and Forced Removal of Sudanese Refugees in Cairo. The Forced Migration and Refugee Studies Program, The American University in Cairo. Cairo: 2005.
Available online at: http://www.aucegypt.edu/ResearchatAUC/rc/cmrs/reports/Documents/Report_Edited_v.pdf.

B. IRAQI REFUGEES

One of the major repercussions of the US invasion of Iraq in 2003 was a massive displacement of Iraqis into neighbouring countries. This flow of displaced persons reached its peak in the aftermath of the bombing of the al-Askareya Shi'a mosque in Samarra in February 2006. Up to five million Iraqis are believed to have fled their homes and escaped the ensuing violence. Half of them remained inside Iraq as internally displaced persons, while the other half found its way to neighbouring countries such as Syria and Jordan, and further afield to Egypt, Lebanon and others.

This massive influx of Iraqi refugees into the neighbouring countries has created a huge challenge for the region, as the number of refugees is in the millions. Together, the regional host countries carry the burden of the Iraqi refugee crisis and provide an environment where the refugees themselves are in a state of limbo, both legally and socio-politically.

Once out of Iraq, the refugees face a precarious legal status in their countries of asylum, difficult living conditions, and the desolate reality that there are no durable solutions to end their refugee status. With resettlement quotas at a minimal level, repatriation is also not a viable option (see section on "Further Developments" for figures). As the security situation in Iraq is still considered fragile and life-threatening, stability is far off, with no prospects for sustainable wide-scale repatriation in the foreseeable future. At the same time, new outbursts of violence could very likely trigger additional waves of refugees.

B.1. IRAQIS IN THE MASHREK: CONTINUITY AND CHANGE

A major characteristic of displacement in the Mashrek region is the absence of national frameworks for dealing with asylum and refugee issues. (Cf. the chapter on protection gaps.) Prior to the current Iraqi crisis, the Mashrek countries therefore had no clear policies to manage displacement on their territories. While Egypt has a sizable community of Sudanese (and other) refugees who predate the very recent wave of Iraqi displacement, the three other countries were forced to take wide-scale urgent action for the first time since the late 1940s when faced with the massive waves of Iraqi refugees.

It is worth noting that a sizable Palestinian refugee community has found refuge in those countries since the first Arab-Israeli war in 1948. The long stay of a large refugee population in the four Mashrek countries has cast a shadow on state decision-making towards the current Iraqi displacement crisis and on prospects for the development of long-term strategies to regularise the various aspects of the refugees' stay. However, in the rationale of the host governments, Palestinian refugees are always treated as a case apart, with a different set of rights and falling under the auspices of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). This is even the case in Egypt, where UNRWA does not operate. Thus, legally and institutionally, Palestinian refugees are considered as "special" by the host country governments. This perception was also echoed in the discourse of specialists and officials throughout the many interviews conducted by the researchers in the various countries.

The geographic proximity of the Mashrek countries to Iraq, easy access of Iraqis to the territories of those states, cultural affinity, family networks, business ties and trade relationships are the major factors why Iraqis fled to these particular countries. This situation has changed, however, as states

have altered their policies to various degrees of intransigence, and have discouraged further Iraqi presence in light of the intensification of the crisis and the increased number of refugees on their territories. Host states clearly want to attract international attention to the magnitude of the crisis, and they believe that neither the funds they receive nor the role of the international community are sufficient. They argue that the US, especially, should bear responsibility for a crisis that, in their belief, it has been primarily responsible for creating.

As elaborated in the second chapter of this report, Egypt is the only one of the countries to have signed the 1951 Convention. Nevertheless, UNHCR is also fully in charge of handling asylum cases and registering refugees in Jordan, Syria and Lebanon, and therefore has a significant role to play in processing asylum claims, determining refugee status and offering services to the refugee community.

The issue of how many Iraqi refugees are present in the Mashrek countries is controversial in itself. According to UNHCR estimates, over 2 million Iraqis live in neighbouring countries, but exact figures for the Iraqi refugee population in host countries are difficult to determine. A number of reasons are put forward to explain this uncertainty. Unaware of the magnitude the displacement eventually was to reach, host countries did not keep track of the entry of Iraqis. As the situation worsened and the influx increased, host countries and international organisations therefore found that they lacked the capacity to estimate total arrivals and departures. Some refugees are hesitant to come forward and are fearful of host governments' reactions, especially if their presence is irregular. Many also are uncomfortable with the negative connotation of being labelled a "refugee". In addition, a number of them are hopeful that their presence as refugees in a foreign state is only a matter of temporary transit before going back home; they thus see no need to register as refugees. Moreover, registration is not an automatic requirement to access all assistance programmes. In fact, if refugees do not take the pro-active step of asking to be registered, it is virtually impossible to find them, as they "disappear" into the urban fabric and become difficult to identify.

Hence, as is the case with the Sudanese, it becomes extremely difficult to accurately account for the number of displaced Iraqis in the four countries of concern to this study. The following table illustrates the discrepancy between refugees and asylum seekers who are officially registered with UNHCR and unofficial estimates of Iraqis in the various countries. The direct implication is that vast numbers of Iraqis are present in the host countries on an irregular basis. This makes it difficult to assess the amount of assistance required and complicates outreach to the "invisible" community.

	Iraqi refugees and asylum seekers registered with UNHCR[10]	Unofficial estimates of Iraqi refugees
Syria	153 516	1,5 million[11]
Jordan	52 295	400 000 to 750 000
Egypt	10 988	10 000 to 150 000
Lebanon	10 020	50 000

The inaccuracy of figures notwithstanding, Syria hosts the largest Iraqi refugee population in the world. To understand the scale of the issue, it suffices to mention that, while there has been no official census, it is estimated that Syria received between 30,000 and 60,000 Iraqis a month between February 2006 and October 2007 alone, inflating the overall figure to somewhere between the high hundreds of thousands and around 1.5 million. As evident from the table, however, only a fraction of those, 153,516, are registered with UNHCR.

Jordan's geographic location has also made it a primary destination for fleeing Iraqis, and it ranks second only behind Syria as a host country for Iraqi refugees. As entry to Syria and Jordan became more difficult due to visa restrictions, Iraqis also began to seek refuge in other countries. Egypt started receiving its first waves of Iraqis in 2006, and estimates of the number of refugees vary from 10,000 to 150,000. About 10,988 of them (c. 25% of the total refugee population) are currently registered with UNHCR. This figure compares to 3,098 registered by the end of 2006, and 241 at the end of 2005. This steady increase has come to a halt with the introduction of visa restrictions, which have made it virtually impossible for Iraqis to enter Egypt. Government officials who spoke to the researchers on condition of anonymity during their field visit to Cairo in June invoked security concerns to justify this decision. Finally, UNHCR puts the total number of Iraqis in Lebanon at 50,000 persons, out of which 10,020 are registered with the agency.[12]

UNHCR responded to the massive displacement of Iraqis by promoting a temporary protection regime in 2003. Lebanon and Jordan steadfastly rejected it, while Syria and Egypt's reaction implied tacit approval. This UNHCR policy and the state responses to it are behind the prima facie policy adopted by the agency regarding the registration of Iraqi refugees in the four countries. In accordance with this policy, Iraqis from the north and south of Iraq are granted prima facie refugee status. This has effectively included all Iraqis seeking asylum in the region.

Entrance of refugees and legality of stay differ from one country to the other. Until October 2007, Iraqis could enter Syria freely in line with the Syrian government's pan-Arab policy exempting Arab nationals from visa and residency requirements. However, this policy began to change in 2001, when new regulations were issued and Arab nationals were required to apply for and obtain residency permits after three months in the country. More recently, the Syrian government, faced with a huge increase in the Iraqi refugee population and a lack of support

10 Figures from UNHCR country fact sheets (Syria, February 2008/ Jordan, March 2008/ Egypt, May 2008/ Lebanon, March 2008).
11 Many experts consider the figure of 1.5 million Iraqi refugees in Syria to be exaggerated. Nevertheless, it is a figure often cited in connection with the Iraqi refugee population that has managed to flee to Syrian territory.
12 The Danish Refugee Council produces a survey on Iraqi refugees in Lebanon. Similarly, an official account of Iraqis in Jordan is presented in a study conducted by FAFO (Norway's Institute for Labour and Social Research).

from the international community, has introduced strict visa requirements for Iraqis. Today, only some 13 categories of persons can obtain a visa. According to UNHCR officials in Damascus who spoke with the researchers, restrictions are currently being implemented more strictly, and it has certainly become more difficult for Iraqis to enter the country, even if restrictions on entry technically have remained unchanged. Refugees who do manage to enter Syria face an uncertain and unstable residency – if any at all. While a number of Iraqis have managed to obtain a temporary residence permit, and some have registered with UNHCR, the majority are in an irregular situation with no legal status.

Similarly, access to Jordan is now restricted after the imposition of a visa requirement for Iraqis. The government's restrictive policy started with a shortening of the validity of tourist visas for Iraqis until 1 May 2008, which is when Jordan introduced new visa regulations requiring Iraqis to apply for entry visas in Iraq, before traveling. Analysts believe that a generally stricter attitude towards Iraqis has taken hold in the aftermath of the Amman hotel bombings of November 2005, when Iraqis killed 57 people. Under the prima facie regime, UNHCR currently only provides applicants with asylum seeker cards.[13] This means that the majority of Iraqis in Jordan do not have any legal status and that their situation is thus irregular. According to a 2007 survey by the Norwegian research institute FAFO, only 22 % of the poorest group of Iraqis interviewed had a valid residence permit. In fact, many Iraqi refugees, including those registered with UNHCR, do not meet the criteria for obtaining a residence permit. The various implications of this are detailed in the legal section of this report.

Irregular stay is also an issue in Lebanon, as, according to a survey conducted in late 2007 by the Danish Refugee Council, 77.5 % of Iraqis do not have proper legal status. Many Iraqi refugees enter Lebanon irregularly due to a very restrictive entrance policy for Iraqis. The refugees who lack legal status are frequently subject to detention and deportation, policies that distinguish Lebanon from the other three countries. Most recently, however, the Lebanese government announced that it was introducing a regularisation programme in February 2008, whereby foreign nationals are offered a three-month grace period to present themselves to the General Security Office with a national sponsor in order to obtain residency and/or a work permit. Reactions to these new measures have been mixed, however, and experts argue that fines are too high, that finding an employer willing to act as a sponsor is a difficult matter, and that exploitation and low payment cause many problems.

Except for some individual cases, especially where persons have been convicted or were suspected of having committed a crime, Egypt, Jordan and Syria have not deported or detained refugees. The Lebanese government, on the other hand, makes frequent use of both deportation and detention. Amnesty International's 2008 annual report claimed that hundreds of Iraqi refugees, including many registered with UNHCR, were detained because they lacked valid visas or residence permits. The detainees faced indefinite detention or deportation to Iraq. Some local organisations, such as the Lebanese Frontiers-Ruwad centre, have denounced the fact that detained Iraqi refugees in Lebanon were only given a choice between either accepting their detention, which may last indefinitely, or agreeing to 'voluntarily' return to Iraq. Human rights concerns related to the deportation and detention of refugees in general are discussed in the legal section of this report.

13 Under the Memorandum of Understanding (MOU) between Jordan and UNHCR, legal status is only granted to recognised refugees.

In short, although considered as prima facie refugees by UNHCR, Iraqi refugees are viewed as irregular migrants/over-stayers under the laws of their host countries. In Lebanon they are treated as such. In Syria and Jordan, they are considered "guests", a non-status that suggests a certain degree of toleration but does not guarantee legal protections.

B.2. ASPECTS OF LIVELIHOOD: AN OVERVIEW

Once in the host states, Iraqis face a number of significant obstacles to the satisfaction of their basic rights and needs. The extent of the rights they enjoy, as well as of the assistance they receive, depends on the country in which they are and their status as recognised refugees. However, even under the best of conditions, their situation is bleak. In fact, all recent reports covering the various dimensions of the Iraqi presence in the Mashrek region paint a gloomy picture of a situation that is going from bad to worse.

B.2.i. Access to work

In practice, the complexity of obtaining a work permit makes it very difficult for refugees to work in the various countries of the region (see the legal chapter for further analysis). As a response, many resort to the informal market to engage in trade and business. Solving the question of employment for a large portion of the Iraqi refugees will remain problematic, however. In Egypt for example, Iraqis are considered distinct from other refugee communities. Highly educated, urban and highly skilled, the Iraqis are a refugee population in limbo and find it difficult to cope with the low-skill job market their Sudanese counterparts tend to resort to. Other problems associated with informal work in the Mashrek countries are low pay, exploitation and arbitrary dismissal. Even in Lebanon, where there currently is a possibility for regularisation of status and access to work, questions of exploitation and abuse of foreign workers are issues worthy of examination.

Without regular access to the job market and the ability to generate their own income, refugees are in danger of becoming impoverished. A number of the displaced Iraqis have fled with savings that have sustained them in their countries of asylum. To a great extent, this has created the false assumption among local populations that Iraqis are rich, and thus has caused resentment. Iraqis often are even accused of being responsible for the soaring prices and sky-rocketing real-estate rates that have recently plagued the countries of the Mashrek. While a fraction of the Iraqis may have been relatively well-off, the vast majority of them were not. Moreover, the length of their stay, in conjuction with their inability to work, has drained their savings at a fast rate. The latest UNHCR survey, for example, found that the number of Iraqi refugees in Syria who live on less than US$100 per month had soared from 5% in November 2007 to 20% in March 2008. As a consequence, many Iraqi families now have to deal with child labour, prostitution and domestic violence, problems that had hitherto been unknown to them.

B.2.ii. Access to education

The problems of depleted resources and lack of access to the job market are exacerbated by the restricted availability of other basic social rights, such as education and healthcare. These vary from one country to another, but the increasing number of Iraqis and the lack of resources have strained the little that is available.

While Iraqi refugee children have no access to public schooling in Egypt, free access to schools is available to all in Syria. Nevertheless, only a small percentage of the refugee children go to school. As of May 2008, 43,749 out of an estimated 200,000 school-aged Iraqi children were in primary and secondary education in Syria. Child labour, limited school capacity and overcrowded classrooms limit children's ability to attend classes. On the other hand, some drop out of school because they find the curriculum too difficult.

Unlike in Syria, where the policy has always been to provide free education, this right did not exist in Jordan as recently as last year. In 2006, Jordan still barred Iraqi refugee children without residency permits from attending Jordanian public and private schools. Last year, however, the government issued a decision to allow access to public education for all refugee children, including those without legal status. Similarly as in Syria, the Jordanian public education sector is struggling to accommodate the 24,000 Iraqi refugee children, and some Jordanian experts argue that there is a lack of information about this new measure and that it has not been fully implemented. Similar capacity problems also face the refugees residing in Lebanon.

B.2.iii. Access to healthcare

With the exception of Syria, where free public healthcare is available to everyone, the countries of the Mashrek only make healthcare available to those who have the necessary financial means, and there is generally a discrepancy between demand for and supply of health-related services. In Jordan, Iraqi refugees formally have access to basic emergency healthcare, but, otherwise, either have to pay or to resort to organisations that offer healthcare services.

Refugees mainly rely on the services provided by local and international agencies to meet their basic rights and needs. The level of support provided by the international community has been far from adequate, however, and there have been insufficient funds to cater to the large numbers of refugees. Reaching the refugee community through adequate outreach programmes is additionally complicated by the fact that the Iraqis are urban refugees scattered throughout the capital cities and that many of them are not registered with UNHCR, as stated above. Many NGOs operating in the field also complain about the lack of coordination among the different players, which results in inefficient service delivery and assessment of the needs of the refugee community. The phenomenon of CBOs, which are widely spread in Egypt, as an effort by the refugee community to fill the gaps and address its own needs, is absent in Jordan and Syria. This may be partly attributed to the nature of the political environment. However, longevity is another factor, for even in Egypt, where the refugees arrived only recently, Iraqis have not yet formed CBOs to cater to their needs. Whether the Egyptian government's security concerns will hamper the development of this phenomenon in the future, as the Iraqi presence in the country increases, is a question worthy of consideration.

The countries of the Mashrek have different ways of channeling the funds they receive for refugees. Egypt, for example, refuses to receive funds specifically allocated for the refugee community. By contrast, Syria and Jordan have adopted a rigorous policy of attracting as much funding as possible and persistently highlight the insufficiency of what is provided in meeting the costs of the increasing needs of the refugees present on their territories. According to experts interviewed by the researchers in Amman, money for refugees is directed to national projects to benefit both refugees and citizens. It is worth noting in this regard that some experts believe that such funds are being politicised, in the sense that little of this money finds its way to refugees in need.

Host governments thus seek to attract funds, but at the same time are wary of addressing the issues of refugee rights and long-term settlement in their countries. In addition, governments are apprehensive about allowing for too much stabilisation in the situation of the refugees they host, since this might encourage even more refugees to cross the border from Iraq.

B.3. RECENT DEVELOPMENTS

The situation of refugees is difficult due to their precarious legal status and lack of access to basic services, and there are few prospects for durable solutions in the short and medium term. While host states have no national protection frameworks to deal with the refugee presence on their territories, the absence of provisions for various social rights, such as education and health, is an additional significant obstacle to the local survival of refugees.

Resettlement also remains inadequate as a durable solution, as the quotas that receiving countries have allocated for Iraqis are low. According to a report issued by the European Council on Refugees and Exile in 2007 ("Five years on Europe is still ignoring its responsibilities towards Iraqi refugees, March 2008"), a little over 1,650 Iraqis were resettled in the countries covered by ECRE's 2008 survey. At present, only seven EU Member States are engaged in resettlement efforts – Denmark, Finland, Ireland, The Netherlands, Portugal, Sweden and the UK, in addition to Norway and Iceland. Several other EU Member States have recently expressed interest in undertaking new resettlement activities. As for the US, it has fallen short of its goal to resettle 7,000 vulnerable Iraqis in 2007. The resettlement target for 2008 is set at 12,000, a low figure, even if achieved, when compared to the large number of Iraqi refugees stranded outside their country of origin.

On the other hand, conditions in Iraq do not encourage repatriation as an official, UN-endorsed durable solution policy. Recent developments and conflicting messages of stability and security in Iraq have brought this into the limelight and should be considered with caution. Keen on advocating a notion of stability to the outside world, the Iraqi government has recently made a number of political moves aiming to encourage refugees to return.

In this context, news agencies reported in August 2008 that several hundred Iraqi refugees were flying to Iraq from Egypt on the Iraqi prime minister's plane. The Iraqi government declared that this was the first of several government-organised flights to accelerate the return of Iraqis "willingly and voluntarily". The Iraqi Chargé d'Affaires in Cairo said that the flight was evidence that the security situation in Iraq had improved. However, many of those returning on the free flight said that they had come back only because they had run out of money after years of living abroad and that they still feared the dangers in their homeland. These flights were preceded by a number of government-organised free bus trips from Syria in 2007.

A recent survey by UNHCR found that only 4% of respondents planned to return to Iraq. This figure, from a March 2008 survey, was significantly lower than that of a similar survey from November 2007, in which 14% of respondents said the security situation had improved to a point where they felt they could return. Even then, many of those who did return were doing so because of a lack of money and due to visa problems. In fact, in spite of some signs that violence was declining in Iraq in 2007, the trend has reversed itself in recent months. In March and April 2008 alone, more than 2,000 people were killed in clashes. Apart from poor security and the continuing violence that make safety in Iraq an ongoing concern, returnees face many problems which have not yet been addressed in anticipation of their return. This includes lack of access to basic services, badly damaged homes and the takeover of their houses by other Iraqis.

King Abdullah II's recent visit to Iraq was a further indication of the regional developments regarding the promotion of repatriation of Iraqi refugees. Within just a few days of the orchestration of the Cairo-Baghdad flights, Jordan's king held talks with Iraqi leaders on the first visit to Iraq by an Arab head of state since 2003. Commentators believe that this visit was meant to affirm Jordan's support for the Iraqi government and its efforts with regard to security, stability and reconstruction. Significantly, the talks between the two leaders covered the need to assist the return of Iraqi refugees from Jordan.

C. PALESTINIAN REFUGEES

Palestinian refugees presently constitute the largest and most protracted case of displacement in the world. The first mass wave of displacement occurred in 1948, at the time of the establishment of the state of Israel and the first Arab-Israeli War, when about two thirds of the entire Palestinian population became refugees in what Palestinians refer to as the nakba (catastrophe). The majority of these refugees fled to the West Bank, Gaza Strip, Jordan, Syria, Lebanon and, to a lesser extent, to Egypt. Known as the Arab host countries, the latter remain the main geographical locations of the Palestinian refugee presence until the present day.

While it stands out as a compelling case of displacement, the multidimensional nature of the Palestinian refugee question marks it as a matter that goes far beyond mere physical displacement. The Palestinian refugee problem is an intrinsic part not only of the Israeli-Palestinian conflict, but of the wider Arab-Israeli conflict as well. The lack of progress in reaching a comprehensive peace agreement means that, six decades on, no durable solutions have been found for the Palestinian refugees. Repatriation of Palestinian refugees is currently not a politically viable option, despite the affirmation of this right under international law. At the same time, while voluntary repatriation is the UNHCR's preferred durable solution for refugee problems worldwide, Palestinian refugees stand out in that they adamantly demand their right to return to their homes – a legal demand consistently denied by the government of Israel.

In such a context, the various dimensions of their presence in the host countries have become a bleak reality for four generations of refugees. The dynamics of the Palestinian-Israeli negotiating track have not been the sole factor to influence the presence of the refugees in the host states. Various domestic political calculations, intrinsic to each particular host state, reflect on the multifaceted dimensions of their presence. A complex set of factors therefore has had an impact on host state policies towards the refugees, their legal status in the countries where they reside, and the various aspects of their livelihood.

The general rationale the Arab states have tirelessly articulated over the decades is to maintain the national Palestinian identity pending implementation of the right of return. Accordingly, the host states' initial response to the first flows of Palestinian refugees was to welcome them, albeit temporarily. This implied an adoption of various policies that uphold their status as refugees who are awaiting an imminent return. Some aspects of these policies have changed over time, yet their essence has persisted. As a result, many Arab governments strongly oppose both local integration and naturalisation of the refugees. At present, hopes for a solution are largely tied to the dynamics of the peace process.

While Palestinian refugees have defined the host countries' experience with refugees and certainly have affected policies towards the most recent, massive displacement of Iraqis, and while Palestinians share many of the problems of a displaced community, they still stand out as a refugee population. With the exception of some of the refugees outside of UNRWA's fields of operations and in Egypt, Palestinian refugees are the only group of refugees who do not fall under the auspices of the UNHCR. Although it is the UN agency responsible for dealing with most Palestinian refugees in the region, UNRWA has no protection mandate with respect to a durable solution and only assists in matters of education, healthcare and other social services. The lack of protection regarding durable solutions, coupled with the politicisation of the refugees by their host states, has had a significant impact on Palestinians as a refugee community.

C.1. PALESTINIANS IN THE MASHREK: CONTINUITY AND CHANGE

The many complex aspects of the Palestinian refugee question include the issue of how to determine precisely how many Palestinians were displaced, what the current total number is, and what methods of enumeration should be used. Much as is the case with variances in the estimates of the number of displaced Iraqis presently in the Mashrek countries, figures produced at the early stages of the Palestinian exodus ranged from as low as 500,000 to as high as almost a million. The generally accepted average figure put forward in 1949 by the United Nations Conciliation Commission for Palestine (UNCCP) accounted for 726,000 Palestinian refugees.

This marked the birth of the Palestinian refugee population, which suffered a second major wave of displacement in 1967. A direct repercussion of the Six-Day War was that an additional 300,000 Palestinians fled from the West Bank and Gaza to Jordan, Syria, Egypt and elsewhere. Of these, approximately 180,000 were first-time refugees (referred to as "displaced persons"), while the remainder were 1948 refugees who had been uprooted for the second time.

According to a UNRWA census, there were 4,618,141 registered Palestinian refugees in June 2008, who represented approximately 18% of the total number of refugees in the world. The following table, based on UNRWA figures, provides an overview of the Palestinian refugee populations in the various countries of concern.

Field of Operations	Number of Official Camps	Number of Registered Refugees in Camps	Total Number of Registered Refugees
Jordan	10	335 307	1 930 703
Lebanon	12	220 809	416 608
Syrie	9	123 646	456 983
West Bank	19	191 408	754 263
Gaza Strip	8	492 299	1 059 584
Total	58	1 363 469	4 618 141
Egypt[14]			50 000 -70 000

14 The Forced Migration Online research guide on Palestinian refugees in Egypt puts the figure at 50,000 in 2002. The UNHCR 2008 Country Plan for Egypt estimates that the number of Palestinian refugees in Egypt ranges between 50,000 and 70,000.

It is important to note that UNRWA statistics are the official figures used to estimate the number of Palestinian refugees. For a number of reasons, however, some caution should be exercised when considering these numbers. As UNRWA's mandate only covers the West Bank, Gaza, Syria, Jordan and Lebanon, its figures are not all-inclusive and do not account for Palestinians elsewhere, such as in Iraq. In practice, Egypt is not actually covered by UNRWA in any way.[15] UNRWA's definition of "refugees"[16] is different from the universally accepted definition contained in the 1951 Convention that was adopted by UNHCR worldwide. There has been much controversy over the adequacy of the definition and its inclusion of the descendants of those who lost their homes in 1948 and have acquired citizenship rights in third countries.

However, even within the terms of UNRWA's own definition, its statistics are not wholly accurate. For example, some refugees have never registered with the organisation. In other instances – particularly with regard to refugees in Lebanon – UNRWA figures are significantly inflated because many refugees who have left Lebanon are still included in UNRWA's records. It is estimated that there currently are around 250,000 to 300,000 Palestinian refugees in Lebanon, as opposed to the official figure of 416,000 in UNRWA's files.

Unlike UNHCR, UNRWA, as noted above, does not offer durable solutions or protection to refugees who are registered with it. This singles out Palestinians as the only refugee population devoid of protection in terms of the search for durable solutions. On the regional level, the 1965 Protocol for the Treatment of Palestinians in Arab States, known as the Casablanca Protocol, was adopted by the Council of Foreign Ministers of the League of Arab States. Formally, it is a regional instrument acknowledging certain rights for Palestinians by calling upon member states to «take the necessary measures» to guarantee to Palestinians full residency rights, freedom of movement within and among Arab countries, and the right to work on a par with citizens. However, the reality on the ground was different and the Casablanca Protocol provisions were not activated as they clashed with subsequent political developments in the various host countries. The legal status and living conditions of Palestinian refugees therefore continued to vary from one host country to the other.

One of the most significant consequences of the Palestinian refugee problem is that about 60% of Palestinian refugees are also stateless persons with no recognised citizenship. Palestinians who lost their homes in 1948 and subsequently acquired permanent residency status in Jordan or Israel are the only ones to have collectively acquired citizenship rights since 1948, after Israel effectively denationalised the refugees in the early 1950s by adopting its Law of Nationality.

15 UNRWA runs a small liaison office in Cairo which is mainly responsible for liaising with the Arab League, as well as for facilitating aid convoys to the Gaza Strip.

16 It defines as refugees individuals whose "normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict" and their descendants.

Palestinians who have lived in Jordan or under Jordanian administration in the West Bank since 1948 are all Jordanian citizens. After the 1988 severance of administrative and legal ties between Jordan and the West Bank, however, the legal status of Palestinians living in the West Bank changed. They were given temporary passports that had to be renewed every two years instead of the regular passports that granted them full citizenship rights in Jordan. (The renewal period was extended to five years by royal decree in 1995.) This placed persons from the West Bank on a par with the ex-Gaza refugees (about 150,000), who had been granted only temporary passports since 1968.

The legal status of Palestinian refugees in Syria is regulated by the Syrian Arab Republic Law no. 260 of 1957. The Law stipulates that Palestinians living in Syria have the same duties and responsibilities as Syrian citizens but are not entitled to nationality and political rights.

In Lebanon, meanwhile, the general status of Palestinians is that of foreign aliens without rights. Political and historical conditions in this country have created extremely difficult circumstances for Palestine refugees. Since the 1990s, in particular, the Lebanese authorities have made it increasingly difficult for Palestinians – and even for those registered with UNRWA as refugees – to leave Lebanon, even only temporarily, and obtain re-entry permits.

In addition to the UNRWA-registered refugees in Lebanon, there are between 10,000 and 40,000 Palestinians who do not fall under UNRWA's mandate, but who, like the UNRWA-registered refugees, have identity cards issued by the Lebanese authorities. Yet a third group of Palestinian refugees is neither recognised by the Lebanese authorities nor under UNRWA's mandate. Numbering between 3,000 and 5,000, they are commonly referred to as the non-ID Palestinian refugees. Most non-ID Palestinians are either former fighters or descendants of combatants who came to Lebanon in the 1970s, leaving Jordan in the aftermath of the Black September clashes with the Jordanian regime. These non-ID refugees suffer further restrictions on their movement inside the country and live in fear of discovery lest they are arrested and detained by the authorities. Even civil matters, such as marriage, present obstacles for the non-ID Palestinians, whose administrative dealings cannot be legally registered. UNRWA often allows non-ID children to attend its schools – but they cannot pass their examinations at age 18 and gain qualifications because this would require legal papers. Some very recent developments affecting the non-ID Palestinians are highlighted in the last part of this section.

Unlike in Jordan, Syria and Lebanon, Palestinian refugees in Egypt are not registered with UNRWA, as Egypt does not fall within the Agency's geographical mandate. Assistance was first provided by the Egyptian government's High Committee for Palestinian Immigrants, and Palestinians were treated on a par with Egyptian citizens and enjoyed the national protection of the Egyptian state. This remained the situation until the 1970s, when regulations were amended to single out Palestinians as foreigners and thus withdraw the rights and services they had enjoyed until then.

C.2. ASPECTS OF LIVELIHOOD: AN OVERVIEW[17]

Today, about one third of refugees live in 59 camps recognised by UNRWA in Jordan, Syria and Lebanon. Camp dwellers suffer from poverty, overcrowding, lack of infrastructure, discrimination, and conflict. Like the camps, the homes of most of the remaining two thirds are situated within or in close proximity to urban areas in the host countries.

C.2.i. Egypt

In Egypt, Palestinians experienced worsening treatment after the signing of the peace treaty with Israel in 1978. According to one study, free education to Palestinian students was withdrawn in 1978 with the gradual imposition of hard currency tuition fees, treating them as foreigners.[18] Palestinian students were also barred from joining colleges of medicine, pharmacy, economics, political science, and journalism. In addition, presidential decrees in July 1978 (No. 47 and 48) cancelled earlier decisions which had treated Palestinians like Egyptians. The Ministry of Human Resources also prohibited the employment of foreigners, including Palestinians, in trade (and particularly in imports and exports), with the exception of those who were married to Egyptians for more than five years.

C.2.ii. Jordan

Since many of them were granted citizenship in the early 1950s, Palestinian refugees currently represent over half the population of Jordan and outnumber the original Jordanian population. Partly as a consequence of the conflict between the PLO and the monarchy in 1970-1971 (known as Black September), however, Palestinians have suffered under-representation in the public sector and security forces and have fared much better in the private sector. Despite having Jordanian citizenship, Palestinian refugees in Jordan still maintain their status as refugees and citizenship has not supplanted their right of return.

Palestinian refugees with full Jordanian citizenship officially have access to all public services. Those living in the refugee camps, however, generally use UNRWA services, including UNRWA schools and other educational centres. Displaced Palestinians and Gazans also have access to both public schools and UNRWA schools upon proving residence in a camp. However, all holders of the two/five-year temporary passports are treated as foreigners and are required to pay their fees in foreign currency, which makes it difficult for the majority of them to enrol in Jordanian universities. Additionally, holders of temporary passports are required to apply for a work permit to work in the private sector.

17 A vast amount of literature covers the various aspects of Palestinian refugees' livelihoods in the host countries. A good place to start is the Forced Migration Online research guides on Palestinian refugees, which also include a list of relevant bibliographies. www.forcedmigration.org.

18 El-Abed, Oroub. Palestinian Livelihoods in Egypt. Working Paper No.3, 2003. The Forced Migration and Refugee Studies Program, The American University in Cairo. Cairo: 2003.

C.2.iii. Syria

Unlike Jordan, Syria has maintained the stateless status of its Palestinians but has provided them with the same economic and social rights enjoyed by Syrian citizens. As mentioned above, the 1956 law treats Palestinians as Syrians in all matters pertaining to employment, commerce, education, healthcare and national obligations.

C.2.iv. Lebanon

Hundreds of thousands of Palestinians are stateless in Lebanon and over half live in overcrowded camps. In sharp contrast to Syria, Lebanon provides the clearest example of a host state's denial of rights to refugees. In a country which considers the Palestinian (Sunni Muslim) presence a threat to its sectarian balance, Palestinian refugees have no political, social or civil rights. The situation of the Palestinians in Lebanon deteriorated steadily in the wake of the expulsion of PLO guerrillas following the 1982 Israeli invasion. The granting of rights to Palestinians is seen as a step towards permanent integration – which could upset the fragile domestic political equation. In line with this view, the state has prohibited the expansion of existing refugee camps and has opposed any projects to develop infrastructure within the camps. Such policies have contributed to overcrowding and unsafe building practices. Except for a few NGOs, UNRWA is the only education and healthcare provider for Palestinian refugees in Lebanon.

The right to work is severely restricted, and massive poverty has become the norm. The government previously maintained an official list of over 70 professions from which Palestinians are barred. Examples include accounting, medicine, engineering, electricians, guards, cooks and hairdressers, or ownership of businesses involving activities such as currency exchange, publishing and trade. Palestinians are also not eligible for employment in the public sector. Moreover, the regulations of professional associations specify that members must hold Lebanese nationality for at least ten years or that there must be reciprocity of treatment for Lebanese professionals in the country of citizenship of the foreign professional applying to practice in Lebanon.

In June 2005, Lebanon's Minister of Labour announced that Palestinian refugees would be permitted to work in various occupations that they had previously been barred from by law. However, this excluded occupations governed by a professional syndicate, such as engineering, medicine or pharmaceutics. Moreover, Palestinian refugees are still required to acquire a work permit, which is extremely difficult for them to accomplish. Several hundred permits are issued to Palestinians every year, while thousands are issued to other foreign workers in Lebanon. The difficulties in obtaining work permits force many Palestinians into the informal market and leave others open to exploitation by private employers.

C.3. DÉVELOPPEMENTS RÉCENTS

Some recent developments are worth noting. On the positive side, new regulations affecting the non-ID Palestinian refugees in Lebanon are believed to be improving their precarious legal status. On 19 August 2008, the Lebanese authorities and the Palestine Liberation Organization (PLO) finally agreed to give temporary ID cards to the non-ID Palestinian refugees. Applicants allegedly will have to undergo a background check and the General Security Office will have to confirm their right to obtain an ID. Moreover, the ID cards will only be temporary.

Adding to the long suffering caused by their lack of legal status and host states' policies, the Palestinian refugees from Iraq who were recently stranded at the Syrian/Iraqi border are still awaiting a solution. Many of the approximately 34,000 Palestinians in Iraq have been living in the country since 1948. Unlike Palestinian refugees in neighbouring Jordan, Syria or Lebanon, those who lived under the Baathist regime did not fall under the UNRWA mandate. They were never given formal refugee status by the Iraqi authorities, nor, with few exceptions, were they offered citizenship. Instead, Palestinian refugees in Iraq were under the purview of the Iraqi Ministry of Defence, and later of the Ministry of Labour and Social Affairs. They were issued special travel documents, had the right to work, and were given full access to health, education and other government services.

Given their uncertain legal status and the loss of benefits previously provided to them, the fall of the Saddam Hussein regime in 2003 left Palestinians particularly vulnerable. They have been targeted by militias resenting their close affiliation with the Baathist regime, and the situation further worsened after the February 2006 bombing of Al-Askariyya mosque in Samarra.

In response to the deteriorating security situation, many Palestinians have attempted to seek refuge in neighbouring countries and farther afield. According to UNHCR, about 21,000 have left Iraq since 2003, and only 13,000 remain. Some Palestinians went to the Jordanian border, and those who managed to enter the country were housed together with Iranian Kurds in Al-Ruweished camp about 50-70 km from the border. With the exception of some 386 mixed married couples, who were admitted to Jordan, the refugees remained in the camp for about 4 years, without any access to education services. A number of Palestinians returned to Baghdad, and Al-Ruweished camp was closed after the Palestinian residents were resettled in Canada, New Zealand and Brazil, among other countries, or transferred to Al-Hol camp in northeast Syria.

Another group of Palestinians seeking refuge outside Iraq are currently stranded in three makeshift camps at the border between Syria and Iraq. Established on 16 December 2006 and situated in a remote area near the border with Syria (but inside Iraq), Al-Waleed camp now has 1,560 residents, with an additional 30-40 persons arriving each week after fleeing ongoing threats and attacks in Baghdad. Very little assistance is provided to the camp's inhabitants, who live under very harsh conditions due to security and permission issues that make it difficult to access the camps. Only two agencies, UNHCR and ICRC, currently provide basic help.

Al-Tanf camp lies in the no-man's land between Iraq and Syria, about 260 kilometres away from the nearest populated area. Infested with snakes and scorpions and previously blighted by fires, Al-Tanf was established in May 2006 when a group of 389 Palestinians fleeing Iraq were denied entry by the Syrian government, in stark contrast to its generous pan-nationalist policy of admitting Arabs. As of 14 May 2008, Al-Tanf was hosting 710 people. One of the reasons for the increase of the population in the camp was that a number of Palestinians from Iraq who entered Syria with forged passports (around 4,000 living in Syria) were being picked up by Syrian security forces and sent to the camps. UNHCR attends to the basic needs of the camp, UNRWA and UNICEF have established a school, and basic medical care is provided to camp residents.

Located in Al-Hassakah governorate in northeast Syria, Al-Hol Refugee Camp was originally set up by UNHCR in 1991 to host refugees fleeing Iraq after the suppression of the uprisings in the aftermath of the Gulf War. As of 14 May 2008, it housed 326 Palestinians, the vast majority of whom were stranded at the Iraq/Jordan border before being transferred to Al-Hol under UNHCR auspices in May 2006. Some have been resettled, but the majority still live under harsh conditions. UNHCR provides food, water and fuel. UNRWA provides basic healthcare, education and social services.

A number of announcements suggest some developments regarding the Palestinian refugees stranded at the Syrian-Iraqi border. As recently as 30 July 2008, news agencies reported that a senior Palestinian diplomat (Dalil al-Qasous, Palestinian chargé d'affaires in Baghdad) had stated that Palestinian refugees stranded at the Syrian-Iraqi border might be able to go back to their homes in Iraq, where they would be offered protection and humanitarian aid by the Iraqi authorities. While, at the date of writing, this piece of news remained unconfirmed, it is worth mentioning that the Iraqi government's desire to market a more stable Iraq to the international community is reflected in a variety of policies encouraging refugees from Iraq to return. This matter is highlighted in the previous section on Iraqi refugees. This policy should be viewed in parallel with the announcement in late August 2008 that 10,000 Palestinian refugees living in Iraq received special identity cards, formally recognising them for the first time as legal refugees. The move, carried out by the Ministry of Refugees, will allegedly enable them to receive social security benefits, which they lost in 2003.

On the other hand, there have been various calls for resettlement as a solution to the plight of the Palestinian refugees from Iraq. Chile recently agreed to resettle 116 Palestinians from Al-Hol camp. Moreover, more than two dozen vulnerable Palestinians from the Al-Waleed camp will leave for Iceland, while another group of 155 refugees from the Al-Tanf camp are bound for Sweden. Refugees International also recently called on the US government to urgently resettle 3,000 Palestinian refugees from the Syria-Iraq border, in response to announcements that the vulnerable population would be relocated to Sudan..

CHAPTER TWO: MAIN PROTECTION GAPS

This chapter highlights the main protection gaps facing refugees and migrants in the Mashrek region. The gaps relative to refugees and migrants are reviewed separately here, even though the two populations are often lumped together in Mashrek regional analysis. This approach of lumping together migrants and refugees has contributed to the protection crisis in the region. Refugees are treated as irregular migrants in the region, without regard to their special protection needs. On the other hand, there is an established humanitarian protection and advocacy network for refugees through the UNHCR and its implementing and organisational partners. Unlike in the case of refugees, migrant workers have no specific international organisation devoted to their protection. The International Organisation for Migration ("IOM") primarily provides border management support to governments and refugee relocation services in the region, but is not regularly engaged in migrant protection. Civil society in the region is also much less knowledgeable and active with respect to migrant workers' rights, with some notable exceptions in the case of female domestic workers. One such example is Caritas Lebanon Migrant Center, which includes female domestic workers in its advocacy and humanitarian assistance activities. Finally, Mashrek states do not maintain official statistics on inward migration. The only officially available statistics are of the number of work permits issued by the labour ministries. These numbers do not reflect the total number of migrants, however, and, in particular, exclude irregular migrants. The distinctions between asylum and migration frameworks and the needs and realities in the region need to be better understood to promote the necessary reforms.

A. REFUGEES

This part analyses the legal and administrative gaps in refugee protection in the region.

A.1. RATIFICATION OF INTERNATIONAL INSTRUMENTS

Of the four countries of the Mashrek region, only Egypt has ratified the 1951 Refugee Convention and 1967 Optional Protocol. Egypt, whose representatives were part of the Convention drafting committee, initially signed the treaty in 1951 and ratified it more than thirty years later, in 1981.

Egypt entered substantive reservations to five articles of the 1951 Convention, four of which relate to social and economic welfare entitlements (rationing; access to primary education; access to public relief and assistance; and labour legislation and social security). The fifth reservation concerns applicable personal status laws. However, because Egypt did not publish the reservations when it ratified the 1951 Convention, some legal experts doubt whether they have the force of law in the country.[19]

In the late 1990s, UNHCR entered into a dialogue with the governments of the Middle East to promote the development of national refugee protection regimes. At the center of the talks with Syria, Lebanon and Jordan was state accession to the 1951 Convention and the creation of a national asylum system. Dialogue with Egypt focused on increasing the protection role of the state. While the talks have resulted in some new commitments, the three countries still have not ratified the Convention.

19 Interview with Tarek Badawy in Cairo, 3 June 2008. Egyptian officials, however, indicated that they continued to consider these reservations valid.

The resistance to ratifying the 1951 Convention cannot simply be explained as an interest in escaping international scrutiny or cultural relativism, for these same countries have all ratified or acceded to all of the core international human rights treaties – the ICCPR, ICESCR, CERD, CEDAW, CRC, and CAT. (Egypt has also ratified all of these treaties.) The continued refusal to ratify the 1951 Refugee Convention, as well as Egypt's refusal to fully accept the responsibilities associated with it, rather appears grounded in a deep-seated ambivalence in the region toward refugees and their international rights. Judging from interviews conducted with refugee activists in the region, this ambivalence may be attributed to several factors, which are reviewed below and explain to a large extent why these countries, Egypt included, have yet to establish coherent, adequate national asylum regimes.

A.1.i. The unresolved issue of durable solutions for Palestinian refugees

The displacement of millions of Palestinians from their country of origin to surrounding Arab countries and territories in 1948 remains an ongoing crisis in the region. As stated in the Regional Section, Lebanon, Syria and Jordan, in particular, have been hosting substantial numbers of Palestinian refugees since their original displacement in 1948. Subsequent waves of Palestinian refugees in 1967, and most recently as a result of population transfer measures in the Occupied Palestinian Territory, have continued to increase their numbers. This may be of particular concern for Egypt as it seeks to grapple with the unfolding humanitarian catastrophe on its borders in the Gaza Strip.

Durable solutions for Palestinian refugees have been left to bi-lateral political negotiations between Israel and the PLO, which have yet to conclude a just settlement for Palestinian refugees. Without any durable solution in sight, however, states in the region are reluctant to take on the burden of hosting additional refugee populations. In contrast to the Palestinian refugee

host states of Jordan, Lebanon and Syria, Egypt, which received a relatively small number of Palestinian refugees in 1948, ratified the 1951 Refugee Convention. While far from enjoying full human rights, Palestinian refugees in Egypt have not figured as prominently in defining the country's refugee policies.

A.1.ii. Opposition to integration

While the countries of the Mashrek have historically been generous in allowing entrance to refugees from the Arab League states, an anti-integration stance has shaped their response to international pressures to take on more responsibilities for refugees in line with international law. This stance is motivated in large part by the unresolved Palestinian refugee problem, and perpetuated by massive flows of Iraqi and Sudanese refugees. In this context, the governments of the region cannot agree to a treaty and associated regime that is viewed as promoting refugee integration.

By way of example, the main operational agreements on asylum procedures that have been reached between UNHCR and Jordan and Lebanon are premised against integration. The Memorandum of Understanding between the Directorate General of General Security and the Regional Office of the United Nations High Commissioner for Refugees Concerning the Processing of Cases of Asylum Seekers Applying for Refugee Status with UNHCR Office ("Lebanon MOU") explicitly states in the preamble that "(...) Lebanon is 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, (and) the term 'asylum seeker' shall mean ... 'a person seeking asylum in a country other than Lebanon'". It will be discussed in more detail below how Lebanon and Jordan both significantly limit the duration of time for which they grant legal status to registered refugees. Legal status is only granted to allow enough time for UNHCR to search for durable solutions, excluding local integration. Egypt likewise has been granting only temporary residency permits to asylum seekers and refugees. Syria, which has yet to sign a MOU with UNHCR, appears to be limiting the legal stay of Iraqi refugees who have been admitted as "guests".

A.1.iii. Concern about a lack of resources and capacity

The anti-integrationist stance is also linked to concerns about having to provide for the well-being of refugees. These states, which are already overburdened and under-resourced, point to the situation of their own citizens to justify why they cannot make additional provisions to accommodate foreigners. An argument that was repeated in each country the researchers visited was that it would be impossible to give more access to refugees since nationals were suffering and struggling to get by economically and socially. As Egypt clarified in its reservations to Articles 20, 22, 23 and 24 of the 1951 Refugee Convention, "...the competent Egyptian authorities had reservations because these articles consider the refugee as equal to the national. We made this general reservation to avoid any obstacle which might affect the authority of Egypt in granting privileges to refugees on a case-by-case basis."[20] This concern has only been

20 UNHCR reservation list, unofficial translation on file with authors.

reinforced by the recent Iraqi refugee flows, which have increased the humanitarian burdens on the states without an end in sight and with inadequate, uncoordinated levels of support from the United States and donor countries.[21]

A.1.iv. Popular suspicion of refugees

A general suspicion toward refugees and lack of appreciation for their plight was witnessed in all the countries visited. This suspicion is mostly evident in social attitudes of the national population and is fueled by the widespread perception that foreigners in general, and refugees in particular burden the economy, drain resources and bring crime. Recent studies have questioned these conclusions, but their messages have not been widely circulated by the governments.[22] A legal system which penalises irregular migration likely adds to hostility toward refugees as well, as refugees are often assumed to be illegals and not to have any rights.

A.1.v. National security

States have also invoked national security concerns to justify restrictions on refugees, especially in relation to Iraqi refugees and their attempts to establish community-based organisations.[23]

A.2. ABSENCE DE RÉGIMES NATIONAUX D'ASILE

The absence of domestic asylum regimes is one of the principal characteristics of refugee protection in the region. This includes the absence of formal legal frameworks granting physical protection to refugees, as well as of a national administrative scheme to decide asylum claims.

A.2.i. Lack of Formal Legal Frameworks

All countries of the region recognise the right to "political asylum" ("al lojou' al seyasy"); yet this offers virtually no protection to refugees in the region. The constitutions of Egypt, Jordan and Syria prohibit the extradition of "political refugees". The Egyptian Constitution states that the "right to political asylum shall be granted by the State to every foreigner persecuted for defending the people's interests, human rights, peace or justice. The extradition of political refugees shall be prohibited."[24] Jordan's constitution provides that "(p)olitical refugees shall not be extradited on account of their political beliefs or for their defence of liberty."[25] In Syria, the Constitution reads: "Political refugees cannot be extradited because of their political principles or their defence of freedom."[26] In Lebanon, the right is contained in the primary immigration legislation. In all instances, however, it falls short of international standards. The right protects

21 Weiss Fagan, Patricia. Iraqi Refugees: Seeking Stability in Syria and Jordan. Institute for the Study of International Migration and Center for International Regional Studies, Georgetown University School of Foreign Service in Qatar. 2007.
22 One such study was published by the Center for Strategic Studies at the University of Jordan.
23 Interviews with refugee policy experts and activists in Jordan and Egypt.
24 Permanent Constitution of Egypt, 1971, Art. 53.
25 The Constitution of the Hashemite Kingdom of Jordan, 1952, Art. 53.
26 Constitution of the Syrian Arab Republic, 13 March 1973, Art. 34.

individuals persecuted because of their oppositional activity, but excludes persons fleeing group-based persecution, such as persons targeted in ethnic conflicts or victims of sexual-based gender violence. Moreover, none of the countries have adopted regulations or administrative measures to make the right functional and accessible to asylum seekers. In practice, it has only been granted in some high-level cases per the decision of the executive office.[27]

Beyond the political refugee provisions, there is no asylum legislation providing access for refugees or governing their stay. In all countries concerned, refugees are subject to the standard immigration laws. These laws, reviewed in detail in Part B of this chapter, penalise unauthorised migration, without exemption for refugees or other vulnerable populations.[28] The allowable penalties often include detention and expulsion, and thereby put refugees at risk of being returned to a country where their life or freedom would be threatened ("refoulement").

Despite the lack of legislative guarantees for physical protection, regional states are still arguably bound by the principle of non-refoulement. First, non-refoulement is considered customary international law generally binding on states. Refugee advocates in the region also point out that non-refoulement may by implication be part of national law through the ratification of international instruments which prohibit cruel, inhuman and degrading treatment or punishment (i.e., CAT and ICCPR). In Lebanon and Egypt, the Courts have reportedly recognised the validity of this argument and opposed the return of refugees in a few cases. In Egypt, this argument may be taken a step further as a result of the country's ratification of the Refugee Convention, which it incorporated into its domestic laws.[29] Accordingly, one can argue that Egypt agreed to be bound by non-refoulement.

However, this legal approach has yet to be acknowledged by any government or translated into an explicit national policy against refoulement. As discussed in more detail below, states only refrain from returning unauthorised refugees on a de facto, ad hoc basis and not out of any recognised compliance with an enforceable legal obligation. Nevertheless, reference to existing international commitments may present some advocacy opportunities to promote compliance with asylum principles.

In some cases, states have entered into a memorandum of understanding ("MOU") with UNHCR and committed themselves to the principle of non-refoulement and other rights and duties. The MOU between the Government of Jordan and UNHCR incorporates the 1951 Refugee Convention definition of a refugee – a broader category than political asylum seeker – and agrees "that the principle of non-refoulement should be respected…"[30] The MOU applicable to Lebanon includes a commitment not to deport persons except in cases of a grave crime

27 Political asylum has been granted to former heads of state. See: Badawy, Tarek. Refugee Children and the Right to Education in Egypt, Examining the Gap between Theory and Practice. P.3.
In Lebanon, only one high-profile refugee has ever been granted political asylum (in 1999, from the Japanese Red Army). See also: US Committee for Refugees and Immigrants (USCRI). World Refugee Survey 2007.
28 Lebanon, where the so-called right to political asylum is contained within the immigration law, is an exception to this rule. However, as noted, the right does not translate into protection for the average asylum seeker as Lebanon never took steps to implement it.
29 Badawy, Tarek. Refugee Children and the Right to Education in Egypt, Examining the Gap between Theory and Practice.
30 Jordan-UNHCR MOU, Art. 2 (1); the definition of a refugee was referenced in Art. 1.

threatening national security.[31] These provisions related to non-refoulement, however, are of limited relevance. The Jordanian MOU expressly excludes from its commitment to non-refoulement persons whose asylum applications were rejected by UNHCR.[32] Lebanon's non-refoulement provision applies only to the General Security – not to the government as a whole. In general, the MOUs only provide coverage for refugees for a limited period of time while UNHCR seeks resettlement options for them.

A.2.ii. Lack of administrative mechanisms for determining asylum claims

None of the governments concerned have an institutional mechanism to review applications or grant refugee status to asylum seekers, although refugee status determination is considered a state obligation. Following Egypt's ratification of the 1951 Convention in 1981, a Presidential Decree was issued calling for the creation of an inter-ministerial committee to assess asylum claims in implementation of the Refugee Convention. According to refugee lawyers and activists on the ground in Egypt, the committee was only functional for a short period of time. No evidence exists of its work, if there was any. In Lebanon, the legislative provisions on "political asylum" similarly called for an inter-ministerial committee to decide asylum requests,[33] but were never made operational. In Jordan's MOU with the UNHCR, the government agreed to consider establishing a national mechanism for status determination, but, to date, no concrete steps towards establishing this mechanism have been reported. In its 2006 Country Operations report for Syria, UNHCR noted that a joint UNHCR-Syrian government committee to assess asylum claims would be established, but it was never formed. The failure to follow through and create administrative apparatuses to fulfill their international refugee obligations is further evidence of states' ambivalence regarding refugee rights.

At the same time, and given the Iraqi refugee crisis and the increased protection activities of UNHCR in the region, these states have established liaison offices or appointed ministerial liaison positions to communicate with the refugee agency, among other activities. Egypt is the only country, however, to have established a Refugee Department. This Department is based at the Ministry of Foreign Affairs and serves as the public face on refugee matters, while actual decisions on refugee status and protection are often left to the Ministry of Interior.

31 Lebanese GSO-UNHCR MOU, paragraph 7.
32 Jordan-UNHCR MOU Art.2 (2).
33 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country, Official Journal, No. 28-1962 ("Lebanon Law of Entry and Exit for Foreigners"), Art. 27 (on file with the authors).

A.2.iii. Lack of formal guarantees granting refugees registered with UNHCR legal status and social and economic protection

In the absence of national asylum regimes, UNHCR has been acting to fill in the gaps to the extent possible. State responsibility for refugee status determination ("RSD") has been handed over to UNHCR in all countries. Refugee registration, asylum applications, exclusion hearings and appeals are all processed by the local UNHCR offices. Between 1997 and 2001, 39% of all asylum claims processed by the Agency were from the local offices in the region.[34] This number has likely not changed substantially, as there has been no change in the status quo of refugee policy in the region, while the number of refugees has increased with the Darfurian and Iraqi refugee flows.

UNHCR's effectiveness in filling the gap created by the lack of national asylum regimes depends on state involvement. The fact that UNHCR is the sole body in charge of refugee status determination alone presents a serious human rights concern, especially in the case of rejected asylum applications. In such cases, an individual must appeal to the same body that previously rejected the original claim. This substantially reduces the chances for a fair re-examination of the claim.

Furthermore, UNHCR does not have the power to grant refugees legal status or work permits. It is up to the hosting states to adopt legal measures and institutional practices to grant residency to refugees registered with the Agency. States should also provide economic and social goods and services to refugees on a par with other non-nationals. As efforts to get the Mashrek states to accede to the 1951 Convention and assume the responsibility for refugee status determination have apparently reached a dead end for the time being, state recognition granted to UNHCR-registered refugees becomes an especially significant step for improving the protection environment in the countries of the region. While states have been generally cooperative with UNHCR, allowing it relatively wide latitude regarding registration and RSD, and while they provide humanitarian assistance to refugees and intervene on most occasions[35] when registered refugees are detained for violations of immigration laws, states should take more steps to ensure that UNHCR recognition can lead to greater protections and economic and social entitlements.

In Egypt, Jordan and Lebanon, state recognition of refugees is regulated according to the non-binding MOUs agreed between each country and the UNHCR. In Syria, the provision of state recognition has been arranged through verbal exchanges with UNHCR and an unwritten government policy of "tolerance". In all cases, recognition is normally manifested via a temporary residency permit or its equivalent. In Lebanon and Jordan, the permits are issued for short periods only to allow UNHCR time to seek resettlement or voluntary return for the refugees – options that are not readily available to the overwhelming majority of refugees. For different reasons, Iraqi and Palestinian refugees have generally been excluded from coverage under the MOU and treated according to a special set of procedures.[36] These exceptions are explained in the Regional Chapter.

34 Zaiotti, Ruben. "Dealing with Non-Palestinian Refugees in the Middle East: Policies and Practices in an Uncertain Environment." International Journal of Refugee Law 2006: p.337.

35 While the general rule in the region has been to allow UNHCR to intervene on behalf of refugees, there were exceptions reported in each country visited. In Egypt, UNHCR access to detained refugees is of particular concern.

Residency of refugees in Jordan

The Jordan-UNHCR MOU similarly provides for recognised refugees to be granted six-month legal residency while UNHCR searches for a durable solution, excluding local integration.[37] Under the MOU, legal status appears to be reserved for recognised refugees, leaving asylum seekers and rejected refugees in a legal limbo. The MOU does not include any provisions for the renewal of the residence permits, limiting the legalised stay of refugees to six months. The MOU makes provisions for refugees to be allowed to work in line with national laws,[38] but this has yet to be translated into a national policy to allow refugees to work without burdensome conditions.

Residency of refugees in Lebanon

Under the Lebanon MOU, the General Security Office (GSO) issues registered asylum seekers a temporary "circulation permit"[39] valid for three months while UNHCR completes the status determination process. If the person is recognised as a refugee, the GSO issues another temporary circulation permit for six months while UNHCR seeks resettlement. The permit can be extended up to three more months. Persons who enter illegally have only two months to register their refugee claims with the UNHCR to be covered by the terms of the MOU.

Residency of refugees in Syria

Despite the lack of express commitments or a regularised system of recognition and protection,[40] Syria has typically tolerated the stay of refugees in the country for several months at a time. Recent Syrian practices regarding refugee recognition have been publicised with respect to the treatment of Iraqi refugees, who constitute the vast majority of refugees in the country. Iraqis allowed to enter the country must report to immigration officials to apply for three-month residency permits. [41] The permits must be renewed at the border unless there are exceptional circumstances, like illness, or if the person has a child enrolled in school.[42] In addition, Syria has begun to stamp permits issued to Iraqis with exit stamps, indicating that their policy of tolerance is waning.[43]

36 Iraqi refugees are not being processed by UNHCR according to the MOU in Jordan and Lebanon. This benefits the refugees, as the MOU limits the period of stay for refugees to one year. Palestinian refugees generally fall outside of the UNHCR's mandate. Palestinian refugees fleeing Iraq, however, do fall under the Agency's mandate, but are still not being processed for refugee status.

37 Jordan-UNHCR MOU, Art. 5.

38 Ibid., Art 8.

39 According to the terms of the Lebanese GSO-UNHCR MOU, a "temporary circulation permit does not protect the asylum seekers or refugees awaiting resettlement to a third country from legal prosecution in the event of violation of the Lebanese laws or expulsion from Lebanon in case of a grave crime threatening national security such as membership to terrorist or organized crimes." Article 7.

40 See UNHCR Country Operations Plan for 2006.

41 See: US Committee for Refugees and Immigrants (USCRI). World Refugee Survey 2008.

42 Interview with UNHCR Damascus, June 2008.

43 International Crisis Group (ICG). Failed Responsibility: Iraqi Refugees in Syria, Jordan and Lebanon. Middle East Report N°77. 10 July 2008. Available online at http://www.crisisgroup.org/home/index.cfm?id=5563.

Residency of refugees in Egypt

In its MOU with UNHCR, signed in 1954, Egypt agreed to grant residency permits and limited travel documents to recognised refugees in accordance with "effective regulations."[44] Of the four countries of the Mashrek, only Egypt has passed a law granting registered refugees special legal status. Minister of Interior Decree No. 8180 of 1996 grants refugees registered with the UNHCR temporary three-year residency permits which can be renewed.[45] This Decree, however, is not being implemented, as registered refugees receive six-month residence permits according to a ministerial decision.[46] While Egypt is bypassing what could be an important national legal step towards refugee protection, none of the other countries have enacted any similar measures.

Refugees are required to submit applications for residency directly to the government and must regularly renew their permits and refugee status with UNHCR. To obtain the permits, asylum seekers and refugees must first register with the Ministry of Foreign Affairs and then seek a permit from the Ministry of Interior. A fee is required for the application as well. Yet, a positive feature that is unique to Egypt is that the residency permits are renewable as long as the person remains of concern to UNHCR.[47]

Even where the state grants residency permits to recognised refugees, however, there is no automatic entitlement to the right to work or the right to access education or health services in the country.

The shortcomings in state practice with respect to UNHCR-recognised refugees mean that, while the Agency's presence is a step forward in the region, more effort is needed from the states to ensure that the Agency can be more effective, especially in the absence of steps to build a national asylum scheme.

A.2.iv. Inadequate protections against detention and refoulement

As briefly noted above, one of the main protection gaps facing refugees in the Mashrek is that they are subject to national immigration legislation which does not distinguish between irregular migrants and refugees. Immigration legislation in all four countries of the region includes financial penalties and prison sentences for unauthorised entry into the country. In some cases, expulsion may be ordered and a re-entry ban applied. Judging from a straightforward reading of the law in place in each country, an undocumented refugee could therefore be criminally prosecuted for his/her irregular presence and/or expelled to the place where his/her life or freedom is threatened.[48] As noted above, the MOUs between UNHCR and Egypt, Jordan and Lebanon, respectively, afford little formal protection from the risk of arrest, detention and refoulement,

Interview with UNHCR Damascus, June 2008.
44 Egypt-UNHCR MOU, Art. 7.
45 Egypt, Minister of Interior Decree No. 8180 of 1996, Art. 2 (8).
46 UNHCR, Most Frequently Asked Questions Residence Permits in Egypt for Asylum-Seekers and Refugees.
47 Ibid.
48 See the fact sheets in the Annex for the specific penalties legally applicable in each country.

as they are limited in scope and duration. Moreover, in Jordan and Lebanon, they are not being applied to most Iraqi refugees who are being registered as prima facie refugees and not individually processed for refugee status unless they are being considered for resettlement. In addition, it is estimated that there are thousands of refugees in the Mashrek region who never even attempt to register with UNHCR while others may be rejected by the Agency.[49]

Refugees have had to rely on the goodwill of states to allow them to stay in spite of their irregular status. This goodwill has been forthcoming as the countries of the region have historically refrained from deporting refugees en masse for unauthorised migration.[50] It has also been of particular significance as it has allowed Iraqi refugees temporary, albeit insecure, refuge in the Mashrek region.[51]

However, this has not been enough to ensure the protection of all refugees, including Iraqis. Moreover, the goodwill appears to be crumbling. In both Jordan and Syria, some Iraqi refugees have been returned home after being accused of crimes such as prostitution or theft.[52] Single female refugees accused of prostitution are of special concern in this regard. Syria deported one Ahwazi Arab refugee back to Iran, where he faced a death sentence, and cited security grounds for not allowing UNHCR prior access to the individual.[53] In Lebanon, refugees are often detained indefinitely for illegal entry or stay, as a way to pressure them to return.[54] The government has also forcibly returned hundreds of refugees accused of violating the immigration law.[55] The increasing visa restrictions that are applied for Iraqi refugees trying to enter the countries of the Mashrek also call into question the extent to which the policy of tolerance still exists.[56]

Egypt, in particular, has of late carried out mass deportations and other measures that threaten refugees. According to Amnesty International, in a recent development, "(r)efugees, asylum-seekers and migrants from countries in sub-saharan Africa who pass through Egypt's southern border are immediately arrested and then forcibly returned."[57] Up to 1,200 Eritrean nationals were collectively deported in June of this year after breaching Egypt's southern border. UNHCR was denied access to them.[58] Migrants and refugees have also been fatally shot by Egyptian

49 The discrepancies between the number of Iraqi refugees in the countries of the Mashrek and the number of Iraqis registered with the UNHCR are significant. For example, Refugees International reported that, in 2007, the number of Iraqis in Jordan was estimated to be 450,000. UNHCR had registered only 52,000. (USCRI World Refugee Survey 2008.) The Regional Chapter provides an analysis of the reasons why many refugees fail to approach the Agency.
50 See, for example, Ruben Zaiotti, "Dealing with Non-Palestinian Refugees in the Middle East: Policies and Practices in an Uncertain Environment," IJRL (2006).
51 International Crisis Group 2008.
See also: Weiss Fagan 2007, op.cit.
52 Interview with UNHCR, Damascus 2008. See also USCRI, World Refugee Survey 2008 for Jordan and Syria. Jordan reportedly deported 100 Iraqis who had been detained for criminal activity or threatening national security.
53 See USCRI World Refugee Survey 2008; interview with UNHCR officials in Damascus in May 2008.
54 Human Rights Watch. Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon. 3 December 2007. Available online at http://www.hrw.org/en/reports/2007/12/03/rot-here-or-die-there. See also: Frontiers, Ruwad Association. "Refugee and Migrant Protection in Lebanon." Annual Report 2007.
55 Frontiers 2007, op.cit.
56 See the Regional Chapter for more information about the entry restrictions being applied to Iraqi refugees.
57 Amnesty International. Egypt: Deadly Journeys through the Desert. 20 August 2008. Available online at http://www.amnesty.org/en/library/info/MDE12/015/2008/en.
58 Interview with UNHCR official in Egypt in June 2008.

security forces when attempting to enter Israel through the Sinai.[59] These refugees are accused of illegal entrance and exit.[60]

Even if states refrain from detaining and deporting refugees, irregular legal status has an impact on the refugees' sense of security and leaves them vulnerable to abuse. It also precludes them from obtaining legal employment, as national laws require that foreigners have work permits from the appropriate authorities. Such work permits typically require legal residence, without exception for refugees in the relevant labour codes. Many refugee women and some refugee men who have either been rejected for refugee status by UNHCR or who are otherwise irregularly present seek work in the informal sector and as domestic workers - an unregulated, often abusive form of work. Employers can also exploit the irregular status of a refugee. Women and children are particularly at risk in this regard; it has been reported in field interviews that they tend to try to find work to allow their husbands to stay at home and avoid arrest. In addition, unregistered refugees who do not enjoy legal status may not be able to access national social services and, in some cases, UNHCR-sponsored assistance, or they may be reluctant to do so – even if formally allowed to – out of fear of being arrested. State policies that refrain from deporting refugees are not comprehensive or adequate guarantees of protection and leave refugees at serious risk for a host of abuses.

A.3. LACK OF SOCIAL AND ECONOMIC PROTECTION

The ability of refugees to access economic and social rights differs between the countries of the region and sometimes between refugee populations. However, because refugees are primarily treated as foreigners without special residency status or rights, they are required to have permits for work in all of the countries,. These permits are off-limits to most refugees. The Regional Chapter above addresses the economic and social protection situation of the three largest refugee populations. The following section on migrant workers' rights is equally relevant for a better understanding of refugees' rights with respect to work and employment.

59 Ibid.
60 Ibid.; Interview with human rights lawyer in Cairo in June 2008.

B. MIGRANT PROTECTION REGIMES

In spite of common perceptions to the contrary, migration to the region is significant. The UN considers the Mashrek a destination region, citing Jordan, Lebanon and Syria as "importers of low-skilled labour from Asia."[61] The Mashrek is also a known transit zone for African and Asian migrants.[62] The laws and practices assessed in this section concern both refugees and migrant workers.

B.1. MIGRANT WORKERS CONVENTION

Only two countries of the Mashrek region – Egypt and Syria – are party to the Migrant Workers Convention. Egypt entered reservations to Articles 4 (definition of family) and 18(6) (remedy for wrongful conviction). Syria entered no substantive reservations. Each state has reported once to the Convention's implementing body, the Committee on the Protection of the Rights of all Migrant Workers and Members of their Families ("CMW").[63]

The Migrant Workers Convention has only been in force since July 2003, and only 37 states had acceded to or ratified the Convention by the end of 2007.[64] Syria and Egypt may have been eager to do so given that they have a significant outflow of expatriate migrant workers in the region. Jordan and Lebanon, on the other hand, have more incoming migrants, many of whom are Arab workers subject to bi-lateral agreements or domestic service workers who fall outside the normal system of labour governance.

61 UNFPA 2006, op.cit.
62 Amnesty International 2008, op.cit.
63 Egypt: CMW/C/EGY/1 21 August 2006; Syria: CMW/C/SYR/1 11 July 2007.
64 Office of the United Nations High Commissioner for Human Rights, http://www2.ohchr.org/english/bodies/ratification/13.htm.

The issue of migrant worker rights is generally under-studied and under-appreciated across the region. While the region has a long history of dealing with mass refugee flows, much less attention has been paid to the situation and rights of migrants. In the face of a lack of acknowledgement of the extent of non-refugee immigration in the region in general, a definitive explanation as to why Jordan and Lebanon have not ratified the Convention is impossible to give.

B.2. LAWS PENALISING UNAUTHORISED MIGRATION

All the countries of the Mashrek have immigration legislation governing the entrance, stay and exit of foreigners. The immigration laws represent the primary national legal standards applicable to the movement and stay (i.e., legal status) of tourists, migrant workers and refugees alike in each country. They have not been substantially updated since their adoption to account for the development of international standards on migrant and refugee rights or the governments' agreements with UNHCR. None provide protection for vulnerable migrants, such as pregnant women or minors, or (as discussed in the asylum section) for refugees.

Of particular concern for protection purposes is the fact that, in each country, the immigration law penalises irregular migration and includes criminal prosecution for certain violations. The criminalisation of irregular migration is considered disproportionate to the violation and can often lead to additional human rights abuses, such as denial of access to a lawyer and ill-treatment in prison.[65] It is also regarded as inconsistent with international asylum principles and

65 See, for example, EIPR and FIDH, "Egypt: Protection of the Rights of All Migrant Workers and Members of their Families," shadow report submitted to the UN Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families, April 2007. In Egypt, torture and ill-treatment in prison is considered widespread in all places of detention, possibly subjecting migrant workers who have been arrested for documentation violations to grave abuses; ibid, p. 8.

may be an obstacle that prevents victims of trafficking and/or smuggling to come forward to report their situation to the authorities. In countries in the region where there is no asylum regime and few, if any, legal protections exist for migrant rights in general, the penalisation of irregular entry and stay is a matter of concern.

The fact sheets annexed to this report detail the penalties that are applied for irregular migration under the relevant legislation in the various countries .[66] In all countries, unauthorised entry is generally punishable by a fine, imprisonment and expulsion. Unauthorised entry is normally defined as entering the country at places other than designated border points or pursuant to fraudulent statements or documents. In Jordan and Syria, a fine may be applied in lieu of a sentence for unauthorised entry, but expulsion is still applicable. In Lebanon, all three penalties are automatically applied for illegal entry. In some cases, unauthorised exit and the overstaying of residency permits are also subject to criminal sentencing and expulsion. In Syria, expulsion is specifically possible for any of these three violations (entry, exit and overstays).

In all countries, even if prison and expulsion are not explicitly prescribed, the minister of interior or authority in charge of immigration enforcement has the discretion to expel any foreigner. In Jordan, the relevant provision states that the Minister of Interior "(m)ay on proposal of the Director (of Public Security) expel a foreigner".[67] In Syria, the Minister of Interior "may order the expulsion of any alien for reasons of security and public interest."[68] In Lebanon, the "expulsion of an alien will be decided by the Director of General Security in cases where he presents a threat to public security."[69] The Egyptian Minister of Interior also has wide discretion to expel anyone under the Foreigners Act, but is precluded from expelling a person with special residency status under the original immigration law, except in cases where national security or public health, order or values are threatened.[70]

As noted, the discretionary power to expel foreigners is not subject to limitations for asylum seekers, refugees or vulnerable migrants in any of the countries. The power may be invoked irrespective of the status of the person, the motivations behind the violation, or the suffering that may be caused by applying it. Moreover, as demonstrated by the review of the relevant provisions above, this discretionary power is granted either unconditionally or with conditions that are vague enough to be easily manipulated, and that are most often based on national security considerations.

66 These legislations may have been subject to minor amendments such as, for example, a change in the fees for violations of the law. Minor amendments have not been tracked in the current study.
67 Jordan, Law No. 24 of 1973 on Residence and Foreigners' Affairs, Art. 37.
68 Syria, Legislative Decree No. 29 of 1970, The Entry and Exit of Aliens to and from the Syrian Arab Republic and their Residence therein, Art 25.
69 Lebanon Law of Entry and Exit for Foreigners, Art. 17 (according to an unofficial translation).
70 Egypt, Act Concerning Entry and Residence of Foreign Nationals Law No. 89 of 1960 (amended by Law 49/1968, 124/1980, 100/1983, 99/1996 and 88/2005). Under the Law, the Minister is supposed to refer expulsion of special residents to an administrative panel for decision.

B.2.i. Administrative detention prior to expulsion

In each instance, the minister's discretion includes the power to detain individuals as required to execute an order of expulsion, often without an administrative hearing or opportunity for appeal.[71] Under the Lebanese immigration law, for instance, the Director of the GSO can arrest and detain persons for the period necessary to carry out the expulsion.[72] The option of detention and expulsion without a fair hearing further threatens the rights of refugees and migrants in the region, including the right of non-refoulement.

All countries but Lebanon have a formal re-entry ban. In accordance with this ban, expelled persons are required to obtain special permission from the appropriate ministry to reenter the country. This ban does not distinguish as to the reasons for seeking re-entry, and re-entry without special permission would be subject to generalised penalties for violations under the law. This places undue burden on persons who may be fleeing persecution or who may be the victims of trafficking, as well as on migrants and refugees seeking family reunification.

B.2.ii. Criminalisation of assistance to irregular migrants

Although none of the countries directly criminalise assistance to irregularly present migrants, the immigration laws typically require that foreigners and the persons who lodge them report to security officials. In Syria, this requirement extends to transporting foreigners. In Lebanon, failure to report lodging of a foreigner is subject to a monetary fine. In Jordan, employers who employ non-nationals who do not hold a valid residency permit are similarly subject to a fine. Other penalties may apply to persons in association with foreigners, especially in the case of leasing or selling property to non-nationals.

The criminalisation of irregular migration and the responsibilities placed on nationals who lodge or employ foreigners may contribute to a hostile environment for refugees and migrants.[73] A policy of arrest and detention for migrants who irregularly enter or stay in the country can promote a negative image of refugees and migrants among the general public. Forcing citizens to report on foreigners or monitor their legal status further contributes to the negative association. Some may even avoid employing or housing foreigners altogether under threat of penalty or out of a desire not to involve the security authorities. Most significantly, persons may use the threat of penalty to exploit migrants and refugees. Such incidents have been noted in human rights reports[74] and the economic distress experienced in the region compounds this problem. In each country visited, people complained about refugees and migrants and accused them of bringing crime and economic troubles.

71 While not conclusively or comprehensively assessed in this study, an examination of the treatment of refugees and migrants detained for criminal trial and expulsion will be necessary for a more comprehensive understanding of the state of human rights protection in the region. Human rights reports from the region indicate that the minimal safeguards are not being applied, especially with respect to an adequate trial and legal defense for persons accused of violating immigration or labour laws. See, for example, Amnesty International 2008, op.cit., Human Rights Watch 2007, op.cit.
72 Lebanon Law of Entry and Exit for Foreigners, Art. 18 (according to an unofficial translation).
73 See Fact Sheets in Annex for further information on penalties
74 Human Rights Watch 2007, op.cit.

B.2.iii. Weak legal and administrative means for the protection of migrant worker rights

There is a general lack of specialised legislation that aims to protect migrant rights in the countries of the Mashrek. None of the principal labour codes in the countries concerned specifically exclude foreign workers on the basis of their nationality. In theory, foreign workers thus are equally entitled to the protections afforded by national labour legislation.

In each country, some fundamental constitutional rights are granted without distinction as to the status of the person. These rights typically include due process rights, the right to privacy in the home, and freedom of religion. All these rights are part of the corpus of rights available under the Convention on Migrant Workers Rights. The notable exclusion, however, is that each state's constitution limits to its citizens the right to equal protection under the law and to non-discrimination, thereby taking the principle of equality before the law out of the legal apparatus governing migrant workers. For example, the Syrian constitution states that "The citizens are equal before the law in their rights and duties."[75] Irrespective of this legal limitation, labour legislation and available constitutional guarantees may offer some formal protections for workers. In Syria and Egypt, the ratification of the Convention on Migrant Workers adds to the formal legal principles that one could argue are available to migrant workers.

The situation is very different in practice. Under the labour and immigration laws, foreigners are required to obtain work permits from the Ministry of Labour or its equivalent. Permits can be difficult to obtain and are normally reserved by law for jobs where the required expertise or skills cannot be found within the national workforce. In Jordan, for example, under Section 12 of the Labour Code, "Non-Jordanian workers shall only be employed upon authorization by the Minister or his duly mandated representative, provided that the work they undertake requires expertise and skills unavailable or insufficient within the Jordanian workforce. In such cases, priority shall be given to Arab experts, technical specialists and workers." This condition is particularly burdensome to meet for unskilled or semi-skilled workers – who constitute the majority of migrant workers in the region. Permits are typically issued to the employer directly, which could inhibit foreign workers from seeking what few legal entitlements may be available to them. Work permits normally either directly or indirectly require a valid residency status as well.

Without a valid work permit or residency rights, migrant workers are not likely to be treated to the general rights afforded by the labour legislation. While evidence is not widely available, provisions in the law that require foreigners to have work permits likely function as effective exclusion mechanisms for irregular migrants. This is of particular concern in the absence of specialised protections or rules governing irregular migrant workers, such as refugees or other vulnerable persons. In some cases, even working with a permit may subject a migrant to expulsion.[76]

75 Syrian Constitution, Art. 25(3).
76 See USCRI, World Refugee Survey 2008.

In addition to the weak legal regime, there is reportedly a lack of monitoring and enforcement regarding fields of migrant labour. As discussed in the following section, this is of particular concern in the area of domestic employment. The ILO recently developed Action Plans to improve the administrative capacities of the relevant national institutions in Lebanon and Jordan, the two states with the highest number of incoming migrant workers. Hostility toward foreigners, who are often perceived as taking scarce jobs and resources, further contributes to the lack of enforcement of – and consideration given to – migrant worker rights.

B.2.iv. Exclusion of foreign domestic workers from the labour laws

While there are insufficient legal and administrative regulations for migrant workers, domestic migrant workers find themselves in an even weaker position, as domestic labour has specifically been excluded from coverage under the principal labour legislation in the region. For example, Egyptian Labor Law No. 12 states that the law does not apply to "domestic workers and their equivalent."[77] The legal exclusion affects a substantial portion of all migrant workers in the region and nearly all female workers.[78] In Jordan, the exclusion extends to agricultural workers, another common labour market for foreign migrants:[79] "The provisions of the Code shall apply to all workers and employers, except…(3) domestic servants, gardeners, cooks and the like… (and) (4) agricultural workers…"[80] In Syria, the employment of non-nationals in the domestic service arena is regulated alongside other areas of labour under Decision No. 2040 of 2005; however, this Decision is limited to the procedures for employers to apply for work permits. The Decision does not cover the conditions of employment, which are still largely unregulated by the state.[81] In general, domestic service has not been considered part of the traditional workplace and private persons have not been treated as regular employers.[82]

The exclusion of domestic workers from the labour codes, and the attitude underlying this exclusion, make such workers especially vulnerable to exploitation and abuse. While entitled to work contracts that guarantee certain rights and conditions, these contracts have not been enough to ensure the rights of domestic workers under a system that considers them to be outside of the normal legal purview. Moreover, these countries typically grant work permits to employers on behalf of the foreign worker, rather than directly to the employee. The sponsorship arrangements can further curtail rights, as individuals are beholden to their employers and are generally not granted an open-ended right to work in the country. The sponsorship arrangement may also prevent people from seeking assistance or redress in cases of abuse and exploitation.

77 Art. 4(b).
78 Domestic work is the most significant category of employment attracting women to the Arab region. See: International Labour Organisation. Gender and Migration in Arab States: The Case of Domestic Workers. Simel Esim and Monica Smith, Eds. Beirut: June 2004, p. 15.
79 300,000 migrant workers in Jordan: 50,000 are domestic workers; 54,077 are employed in the Qualified Industrial Zones; the remaining are employed in agriculture and construction. See UNDP Human Development Report 2004.
80 Jordan Labour Code, Law No. 8 of 1996, Art. 3.
81 See: IOM Damascus. "Exploratory Study on Foreign Domestic Work in Syria." August 2003. Note that the Exploratory Study criticises Syria for banning domestic service recruitment agencies as this indirectly harms the workers. Syria has since then decided to "legalise" and regulate these agencies.
82 Esim and Smith 2004, op.cit., p. 15.

The situation of female domestic workers employed in households has received a relatively significant amount of attention from international organisations and some local NGOs in the past decade. Very serious human rights violations that have been reported and urgently need to be addressed include restrictions on freedom of movement, slave-like working conditions, wage violations, and verbal, physical and psychological abuse. The confiscation of domestic workers' passports and identification documents (in violation of laws prohibiting such acts by anyone other than the relevant authorities) is also a common form of abuse against female domestic workers.

In response to the situation, and following initiatives spearheaded by the ILO and the IOM in Syria, governments have considered how to close the legal loopholes that affect domestic workers. New draft legislation has been debated and there has been increased regulation of the domestic service industry. However, the nature of domestic service in these countries (private, sponsorship-driven) makes it difficult to supervise and enforce whatever formal legal provisions are put in place. For these regulations to be effective, they will have to be accompanied by monitoring and enforcement, which will require specialised mechanisms. States have yet to institutionalise an enforcement mechanism that can protect domestic labourers from the severe abuses that they are known to be subjected to. A two-fold strategy is necessary to genuinely improve the dire situation in which these migrant workers find themselves.

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ANNEXE 2:
MAP OF CIVIL SOCIETY ORGANISATIONS IN THE MASHREK AREA[83]

Individual tables are provided for each of the countries of concern to the study: Egypt, Jordan, Syria and Lebanon.

I- Egypt

Name of organisation	Status[84] (local or international)	Date of establishment (or operation in the country for international org.)	Nature of activities/services provided	Population of concern (refugees/ migrants/ both)	Contact details
Africa Hope Learning Centre	Local	1998	General education for grades 1-8	Refugees	9 Road 261 Maadi Tel 0225193877 info@ahlc.info http://www.ahlc.info/
AMERA (Africa & Middle East Refugee Assistance)	International	2003	RSD legal assistance Protection Psycho-social support Assistance for unaccompanied minors Access to education and other social services and rights Community outreach, training of lawyers and awareness-raising SGBV activities, including visiting victims in detention, legal aid and counselling, medical referrals, matching persons to safe houses and assisting them to seek resettlement through UNHCR	Refugees	3 Tawfik Diab Street 3rd Floor, Apt 15 Garden City, Cairo Tel 0 22795 3202 Fax 0 2 792 6424 info@amera-uk.org http://www.amera-uk.org/egypt
Association for the Development and Enhancement of Women (ADEW)	Local	1987	Micro-credit Program Legal Assistance and Awareness Program Health Program Arab Women Speak Out Program Literacy Program Shelter Program - has provided shelter to a few refugee women that are victims of SGBV	Refugees	8/10 Matif El Manial Street Cairo Tel: 2023644324
Cairo Family Planning Association	Local	1967	Educational courses on first aid, reproductive health and vocational training / home economics/ SGBV awareness sessions	Refugees	50 El-Ghomoria street, El-Tawil Building, 3rd floor, Downtown Cairo Tel: 0225914515

83 This map is a cumulative effort. It draws on the researchers' fieldwork, interviews and research in the four countries in question, as well as on previously published reports, a list of which is available in the bibliography attached to this report. The map is intended to be as comprehensive as possible yet does not claim to account for each and every NGO operating in the four countries. Rather, the objective is to offer a broad picture of the organisations that are active in this field and of the scope and nature of the services they provide. The map also includes each organisation's contact information (including websites, when available).

84 Local organisations are registered or organised nationally and include community-based organisations.

Name of organisation	Status	Date of establishment	Nature of activities/services provided	Population of concern	Contact details
Caritas	Internationale	1967	Emergency grants Subsistence allowance Medical assistance Vocational training Social counselling	Refugees	1 Mahmoud Sedky St., Kholoussy, Choubra - 11231, Cairo P.O. Box 43 Tel: 0224310201 – 0224310318 http://www.caritasegypt.com/
Catholic Relief Services	International	1956	Implements UNHCR educational programme by providing educational grants and grants for literacy courses for adults	Refugees	13 Ibrahim Naguib street. P.O. Box 2410 Garden City Tel: 0227941360 / 0227958034 http://crs.org/egypt/
Center for Migration and Refugee Studies (MRS), American University in Cairo	Local		Research programme and publication of reports Postgraduate education on forced migration and refugee studies Outreach programmes with the public and refugee communities	Refugees and Migrants	American University in Cairo, Greek Campus, Mohamed Mahmoud Street, Tahrir, Cairo Tel: 022797.6762 http://www.aucegypt.edu/ResearchatAUC/rc/cmrs/Pages/default.aspx
Coptic Evangelical Organisation for Social Services (CEOSS)	Local	1960	Capacity building of UNHCR partner CBOs Vocational training Counselling on job placement	Refugees	331 Dr. Ahmed Zaki Street, El Nozha el Guedida, Cairo PO Box 162-11811 Tel 0226221425/6/7/8 http://www.ceoss.org.eg/site/lang__en/331/default.aspx
Egyptian Initiative for Personal Rights	Local	2002	Some awareness-raising on refugee and migrant rights Has produced a report on migrant rights	Refugees and Migrants	8 Mohamed Ali Jinnah (formerly Elbergas) St., Garden City, apt. 9, 4th floor Cairo Tel./fax: +(202) 2794-3606, 2796-2682 eipr@eipr.org http://www.eipr.org/en/
The Egyptian Organization for Human Rights (EOHR)	Local	1985	Assessment of human rights situation Awareness raising reports	Refugees and Migrants	8/10 Mathaf El-Manial St, 10th Floor, Manyal El-Roda, Cairo, Tel 02 33636811 – 33620467 Fax 0233621613 http://en.eohr.org/
Ma'an	Local	N/A	Promote respect for human rights, women's rights Community-based training Women capacity building	Refugees	40 Balaksa Street, flat 7, Abdeen, Cairo Tel 0227960013
Modern Education Centre for Sudanese (MEC)	Local	2003	Basic education for young people Literacy classes for adults	Refugees	8 Balsam Street, El-Matareya, Cairo Mecs2003_edu@yahoo.com
El Nadim Centre for the Rehabilitation of Torture Victims	Local	Août 1993	Provides medical and psychological rehabilitation to victims of torture and violence.	Refugees	3A, Soliman Al Halaby Street Al Tawfikia Cairo PO Box 347 Imbaba Kit Kat Cairo Tel 02 25787089 Faz 02 25776792 nadeem@link.net www.hrinfo.net/egypt/nadeem

Name of organisation	Status	Date of establishment	Nature of activities/services provided	Population of concern	Contact details
Refugee Egypt All Saints Cathedral	Local	1988	Primary and secondary health care Education Emergency food assistance Clothing assistance Income generation activities	Refugees	All Saints' Cathedral, 5 Michel Lutfallah Street, Zamalek, CAIRO Tel 0 2 27364846/7 Fax 0 2 27358941 info@refuge-egypt.org www.refuge-egypt.org
Sakakini (Sacred Heart Community Church)	Local	1984	Educational programmes Computer training Food distribution and financial assistance Vocational training	Refugees	Address: Sacred Heart Church 72 Ahmed Said Street Abbassia - 11381 Cairo Tel. 0.2.2682 43 51 http://www.comboniegypt.org/sakakini%2016.htm
Sons of Sudan Charity Association	Local	2001	Provides some families with a monthly stipend and aid in special circumstances such as marriage or death, education classes in English and Arabic language, computer literacy and handicraft classes. It also provides newly-arrived Sudanese with temporary housing.	Refugees	N/A
St Andrew's Church	Local	1979	Education Vocational training Income generation Financial assistance	Refugees	38, 26th of July Street Tel 022575 9451 st.andrewsrs@gmail.com http://standrewschurchcairo.com/refugeemc.htm
Sudanese Community Development Programme (SCDP)	Local	2001	Primary and pre-school education Adult education programme Computer classes	Refugees	3 Kamel Pasha Street, off Naham Street, Ain Shams, Cairo Scdp_edu@yahoo.com
Sudanese Development Initiative (SUDIA)	Local	1995	Training seminars, computer classes, support for project start-up	Refugees	33 Abdle Khalek Tharwat Street, 7th floor, Tel 0223956275 http://sudia.org
Tadamon (The Egyptian Refugee Multicultural Council)	Local	February 2006	Capacity-building of member organisations and community-based organisations Integration projects between refugees and Egyptians through civil society Vocational training Awareness-raising	Refugees	8 El-Bergas Street. 3rd Floor, Garden City, Cairo Tel/Fax 02 27944420 / 27943606

II- Jordan

Name of organisation	Status	Date of establishment	Nature of activities/services provided	Population of concern	Contact details
CARE	International	1948	Psychosocial community services Humanitarian Assistance Counselling Education fees	Refugees	http://www.careinternational.org.uk/10977/jordan/care-in-jordan-.html
Caritas	International	1967	Medical care Household assistance Educational assistance Gender awareness training/HIV-AIDS Counselling Community centre project Providing legal assistance and monitoring/mediation for domestic migrant workers	Refugees and Migrants	Omar Ben-el-Khattab Street, 11181 Amman P.O. Box 2258, 11181 Amman Tel +962 6 46 39 032 Fax +962 (6) 59 23 518 cari@go.com.jo caritas_jordan@wanadoo.jo http://www.caritas.org/worldmap/mona/jordan.html
Catholic Relief Services	International	1961	Social counselling Healthcare Education	Refugees and Migrants	http://crs.org/Jordan
Chaldean Church	Local	N/A	Community services In-kind support Emergency and health care services	Refugees	http://www.cnewa.org/generalpg-verus.aspx?pageID=53
Centre for Human Security	Local	2002	Research activities Hosted dialogue on Iraqi refugees with government and civil society	Refugees	
International Catholic Migration Commission (ICMC)	International	2002	Health care in collaboration with Caritas Outreach	Refugees and Migrants	Jabal Amman, 2nd Circle, Bhuturi St. Malhas Center, 2nd Floor PO Box 3304 11181 Amman Tel + 962 6 461 8679 Fax + 962 6 462 4548
Internationale Medical Corps	International	1980s	Primary health care Mental health care and psychosocial support Maternal and child care Medical training for doctors working in NGO-run primary health clinics in communities with large refugee populations	Refugees	imc@imcworldwide.org http://www.imcworldwide.org/section/work/middle_east/jordan
International Relief and Development	International	1998	Health care Community service project Psychological assistance	Refugees	Prince Rashed Area, Princess Tharwat Street Sido Al Kurdi Complex #71 3rd Floor ird@ird-dc.org http://www.ird-dc.org/what/countries/jordan.html
The Jordanian Alliance Against Hunger	Local	2004	Food distribution	Refugees and Migrants	http://www.johud.org.jo/index.php?option=com_content&task=view&id=58&Itemid=1
Jordan Red Crescent Society	International	December 1947	Health care and hospital treatment Vocational training	Refugees	P.O.Box 10001 Amman 11151 Jordan Tel 00962 6 4773141 Fax 00962 6 4750815 info@jordanredcrescent.org www.jordanredcrescent.org

Name of organisation	Status	Date of establishment	Nature of activities/services provided	Population of concern	Contact details
Jordan Women Union (JWU)	Local	N/A	Hotline Project Specialised psychological and social advice for women; Health and psychological treatment for women SGBV programme Capacity building programmes Shelter for women	Refugees and Migrants	Karmil Street, Jabal Hussein Amman 11196, P.O. Box: 961188 Tel (962-6) 568 7037 Fax (962-6) 568 9522 E-mail: jwu@go.com.jo
Middle East Council of Churches	International	N/A	Financial Assistance In-kind assistance	Refugees and Migrants	http://www.oikoumene.org/en/member-churches/regions/middle-east/mecc.html
Mizan: Law group for human rights	Locale	June 1998	Legal counselling and aid Lobbying at government level Training and workshops for refugees and non-refugees (including government, women and children) Human rights awareness Monitoring of UNHCR RSD activities	Refugees	Jabal Al-Hussain, Al-Razi Street, Abu Baker Complex, 2nd Fl., Amman P.O. Box: 928357, Amman 11190. Tel +962-6-5690691 Fax +962-6-5690681 mizan@mizangroup.jo http://www.mizangroup.jo/inner_links_en.php?id=15
National Center for Human Rights (NCHR)	Local	2002	Reception of complaints by refugees Advocacy directed at government regarding complaints and documentation of refugees and migrant rights Participation in dialogue on national asylum legislation Human rights and informational publications Human rights training for government and judiciary	Refugees and Migrants	P.O. Box : 5503 Amman 11183 Tel + 962 - 6 - 5931256 /+ 962 - 6 - 5932257 /+ 962 - 6 - 5931071 Fax + 962 - 6 - 5930072 mail@nchr.org.jo
Noor Al Hussein Foundation	Local	1985	Institute for Family Health Psycho-social support	Refugees and Migrants	P.O. Box 926687 Amman 11110 Tel +962 6 560 7460 Fax +962 6 560 6994 khf-nhf@khf.org.jo http://www.nooralhusseinfoundation.org/
Questscope	International	1988	Education Community services Services for unaccompanied children	Refugees	PO Box 910729 Amman 11191 Tel +962 6 461 8951 Fax +962 6 461 8952 info@questscope.org http://www.questscope.net/index.html
Save the Children	International	1985	Education	Refugees	http://www.savethechildren.org/countries/middle-east-eurasia/jordan.html
Terre des Hommes	International	1989	Food distribution In-kind assistance	Refugees	info@terredeshommes.org
Tikeyet Um Ali	Local	N/A	Food Distribution	Refugees	N/A

III- Syria

Name of organisation	Status	Date of establishment	Nature of activities/services provided	Population of concern	Contact details
Caritas	International	N/A	In-patient and out-patient health care Vocational training Youth activities	Refugees	Caritas Syrie, Mgr Joseph Absi, c/o Greek Catholic Patriarchate, P.O. Box 22249, Damascus, Syria Tel: +963 119 820 Fax: +963 11 541 8966 caritassyrie@yahoo.com http://www.caritas.org/worldmap/mona/syria.html
Danish Refugee Council	International	2008	Educational and community services	Refugees	
Greek Orthodox Patriarchate of Antioch & All the East in cooperation with International Orthodox Christian Charities	International	2002	Education Food distribution In-kind assistance Vocational training	Refugees	relief@iocc.org http://www.iocc.org
Ibrahim Al-Khalil Convent	Local	N/A	Food distribution Health care	Refugees	Jaramaneh, Kachkoul
International Catholic Migration Commission (ICMC)	International	Not registered	Assistance to Caritas	Refugees	icmc@icmc.net
Oasis (Sisters of the Good Shepherd)	Local	N/A	Psycho-social assistance for women	Refugees	
Palestinian Red Crescent	International	1968	Health care	Refugees	info@palestinercs.org
Première Urgence	International	2007	School development projects with Ministry of Education	Refugees	Pu.syr.hom@gmail.com
Sisters of the Good Shepherd	International	N/A	Provide care for women	Refugees	Bab Touma
Syrian Arab Red Crescent	International	2000	Health care Food distribution to UNHCR-registered Iraqis In-kind assistance	Refugees	Al Assad Suburb - East entrance Highway / Damascus - Homs P.O. Box 56 Damascus Tel 00963 11 535 58 73/535 62 91/535 64 62 Fax (963) (11) 535 71 71 sarc@net.sy
Syrian National Association for Women's Role in Development	Local	N/A	Building a shelter for women victims of violence Psycho-social counselling Legal assistance for victims of trafficking	Refugees and Migrants	N/A
Syrian Women's Union	Local		Vocational training Psycho-social counselling Cooperation with IOM on anti-trafficking efforts	Refugees	
Terre des Hommes-Syrie	International	N/A	Health care In-kind assistance Educational services	Refugees	Ousrat al-ikhaa al-souria Bab Touma 145 Dehdeily, Damas Tel: (963) 11 54 14 222 tdhsy@mail.sy

IV- Lebanon

Name of organisation	Status	Date of establishment	Nature of activities/services provided	Population of concern	Contact details
AJEM (Association Justice et Miséricorde)	Local	1996	Health care Assistance to detainees Health care	Refugees and Migrants	Antelias, Centre Aramta, 5ème étage Tel. 00 961 1 901 560; 00 961 3 131 570 ajem@intracom.net.lb
Amel Association	Local	1979	Child Protection Social Support Community Centres Prevention of Child Labour Among Iraqi Refugee	Refugees and Migrants	Amel bldg. Abu Chakra str. Musaytbeh, Beirut P.O.Box: 14/5561 Tel: 01/317293/4 - 304910 - 03/533394 Fax: 961 - 1 - 305646 info@amel.org.lb http://www.amel.org.lb/aasite/index.asp
Caritas	International	1974 (Caritas Lebanon Migrant Center CLMC, 1994)	Health care Access and services provision inside detention camps Social, medical, legal assistance to migrants and refuges Lobbying of government on legislative reforms and policies Awareness raising Advocacy and policy work on legislative reform and rights of migrants	Refugees and Migrants	Dr. Youssef Hajjar Street, Sin El feel, Kalaa, PO Box 165274 Ashrafeya Beirut 11002030 executive@caritas.org.lb http://www.caritas.org.lb/en/homepage.html
Danish Refugee Council (DRC)	International	2004	Relief and livelihood programmes Legal aid and assistance programme for non-ID Palestinians Population assessment surveys Research and human rights reporting	Refugees	5th floor, Aresco Palace Building Justinian Street, Hamra Tel: +961 1 736 987 drclebanon@cyberia.net.lb https://www.drc.dk/Lebanon.1740.0.html
Frontiers/Ruwad	Local	2004	Legal aid Counselling Research and publication on pertinent refugee rights in Lebanon Awareness raising Lobbying government on refugee rights	Refugees and Migrants	Bardaro, Beirut, on Badaro Street P.O. Box 13 6299 Beirut frontierscenter@fastmail.fm http://www.frontiersassociation.org/ + 961-1-389-556
ICMC	International	2002	Humanitarian Assistance EVI programmes Collaboration with Caritas on migrant assistance	Refugees and Migrants	Tel: +961 1502 vasseur@icmc.net http://www.icmc.net/e/programmes_operations/present_programmes/jordan.htm
Insan Association	Local	2000	Basic education for children School integration programmes Social child care	Refugees and Migrants	CFU building, Dekwaneh P.O. Box: 16-7155 Beirut Tel/Fax: +961 (0)1 512 029 insan_info@yahoo.com http://www.insanliban.blogspot.com/
Médecins du Monde (MDM)	International	2005	Medical services Medical services in prisons and detention centres	Refugees and Migrants	mdmliban@yahoo.fr http://www.medecinsdumonde.org.uk/
The Middle East Council of Churches (MECC)	International	Mai 1974			meccls@cyberia.net.lb http://www.oikoumene.org/en/member-churches/regions/middle-east/mecc.html

Name of organisation	Status	Date of establishment	Nature of activities/services provided	Population of concern	Contact details
Norwegian Refugee Council	International	2006	Educational programming Housing rehabilitation Regional protection activities	Refugees	Ain Mreisseh, John F. Kennedy Street, Ayad Building, Floor 1 Tel / Fax : + 961 1 366 113 + 961 1 366 114 + 961 1 366 115 http://www.nrc.no
Palestinian Human Rights Organization	Local	1997	Monitoring and documentation of human rights violations Education and training Sponsors dialogue between Lebanese and Palestinian refugee civil society Research and advocacy Legal aid	Palestinian refugees	Mar Elias Camp-UNESCO Beirut Lebanon Tel.: 961 1 306 740 www.palhumanrights.org

EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK
RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME
الشبكة الأوروبية ـ المتوسطية لحقوق الإنسان

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www.euromedrights.net