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Syria's Palestinian Refugees

An Account of Violence, Precarious Existence and Uncertain Futures



Palestinian Return Centre

The Palestinian Return Centre is an organisation in Consultative Status with the UN Economic and Social Council since 2015. The organisation focuses on the historical, political and legal aspects of the Palestinian Refugees. The organisation offers expert advice to various actors and agencies on the question of Palestinian Refugees within the context of the Nakba - the catastrophe following the forced displacement of Palestinians in 1948 - and serves as an information repository on other related aspects of the Palestine question and the Palestinian-Israeli conflict. It specialises in the research, analysis, and monitoring of issues pertaining to the dispersed Palestinians and their internationally recognised legal right to return.

Syria's Palestinian Refugees: An Account of Violence, Precarious Existence and Uncertain Futures

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Palestinian refugees queue for winterization items at an aid distribution center in Jaraman refugee camp in Damascus in December 2013. (unrwa.org)

Introduction

This report's main contribution is the extended quotes from a married couple of Palestinian refugees from Syria interviewed by the Palestinian Return Centre in November 2017. The excerpts from the interviews provide a firsthand account of events from early 2011 to the end of 2017. The family recalled the initial displacement that took place due to Syrian government airstrikes destroying their home. Mohammad Alaidy² and his wife Um Rawand³ used to live together in Yarmouk until 2012 when they split seeking refuge from the ongoing Syrian conflict. The account of violence and precarious living conditions experienced by the couple is accompanied by contextual information that helps explicate the trajectory of their current situation and their (uncertain) expectations for the future.

Methodology

This short report is based on two extended interviews conducted with members of the same Palestinian family (husband and wife), who fled Syria for Germany and Jordan. The Palestinian Return Centre (PRC) conducted one face-to-face interview with Um Rawand in Jordan. Meanwhile Mohammad was interviewed (through Skype) from his current residence in Germany. There have been follow up telephone interviews with the participants to clarify the information they provided and for updates.

¹ The title is inspired by Nell Gabiam's "*The Politics of Suffering: Syria's Palestinian Refugee Camps*"

² PRC has received consent to use his real name

³ At the request of the interviewee her real name has not been used to protect her identity and security.

The Palestinian Return Centre explained the background of the research project and purpose of the interviews, and explained to interviewees that they would not receive any monetary or other incentives for speaking with PRC. The interviewees consented to their interview being voice-recorded. We also received interviewees' consent to describe their experiences after informing them that they could terminate the interview at any point. No pictures were taken at the request of the interviewees. All interviews were conducted in Arabic. The interviews have been subsequently transcribed and translated into English.

To gain a broader picture of the treatment of Palestinian refugees from Syria the Palestinian Return Centre also interviewed staff of humanitarian and human rights organisations. This report has benefited from discussions held with Human Rights Watch (HRW), Danish Refugee Council and staff at the United Nations Refugee Works Agency (UNRWA) headquarters (HQ) in Amman, Jordan. We also consulted with Asylum Aid UK and the Cologne Refugee Clinic, in order to gain a better understanding of Palestinians' legal rights in Europe. The report is also the product of research conducted by accessing publically available information online. The secondary sources included consist of academic articles and books, newspaper articles, and a range of literature published by local/international NGOs and UN agencies.

Part 1:

Palestinians from Syria in the Hashemite Kingdom of Jordan



Palestinian refugees fleeing Palestine in 1948. Photograph: Wikimedia commons

1.1 Background

In October 2017 we interviewed Um Rawand at her home in the Zarqa governorate, north-east of Amman. Her father is from Nablus in Palestine and fled to Jordan in 1967, when Israel's control of Palestinian territories expanded with the conquest of the West Bank, East Jerusalem and Gaza Strip. Um Rawand's mother originates from Lubia in Tiberias (historical Palestine) but was born in Syria. As a result of the 1948 ethnic cleansing of Palestine approximately 90,000 Palestinians from the Galilee region fled to Syria for refuge.⁴

Um Rawand was born in Jordan, moved to Syria in 1997 and married Mohammad. They were among the approximately 560,000 Palestinians that lived in Syria prior to 2011.⁵ In November 2012 Um Rawand fled her home as the Syrian uprising quickly escalated into an armed conflict.

The 2011 Syrian uprising emerged in the wider regional context of popular revolutionary protests against Arab governments across North Africa and the Middle East.⁶ The Syrian war has had an enormous impact on civilians. Of its 22 million people, an estimated 4.8 million are refugees and 6.6 million have been internally displaced within the country.⁷ Palestinians have not been spared from the violence as it is estimated that over 120,000 Palestinian refugees from Syria (PRS) have left the country.⁸

4 UNRWA, 'Where We Work: Syria' (2013) <<http://www.unrwa.org/where-we-work/syria>> [Accessed 12 Mar 2012]

5 UNRWA, 'Syria Crisis' (2017) <<https://www.unrwa.org/syria-crisis>> [Accessed 4 Dec 2017]

6 Slim, H. and Trombetta, L. (2014) *Syria Crisis Common Context Analysis. Co-ordinated Accountability and Lessons Learning (CALL) Initiative*. IASC Inter-Agency Humanitarian Evaluations Steering Group, New York

7 UNHCR, 'Syria Emergency' (2017) <<http://www.unhcr.org/uk/syria-emergency.html>> [accessed 4 Dec 2017]

8 UNRWA, 'Syria Emergency Appeal' (2017) <<https://www.unrwa.org/resources/emergency-appeals/syria-emergency-appeal-2017>> [Accessed 1Dec 2017]

1.2 “In Syria we saw a lot”

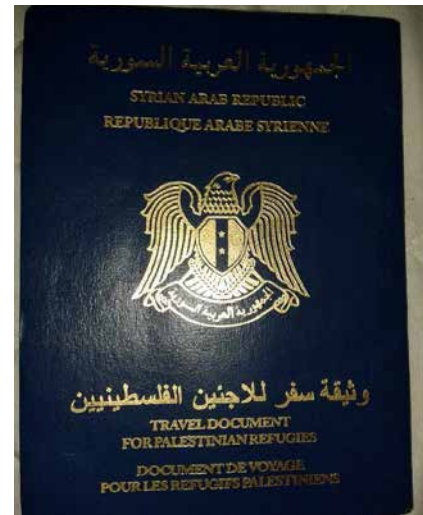
The Syrian war has been characterised by ongoing mass killings, aerial bombardments, sieges, mass imprisonments and wide-spread torture.⁹ Um Rawand recalled to us her memories of war.

In Syria we saw a lot, we saw the planes over our heads bombing places. We saw the tanks. We saw cars filled with the dead, the injured. On the road we were very afraid because of the checkpoints. Every time there's a government checkpoint my daughters would get frightened because they're still young. But on the road I didn't see fighting or dead people it was just one checkpoint after another. But in Damascus in the camp I saw a lot. And what I have seen when compared to what my husband has seen is nothing. He was there during the siege. Everyone left but few people and he was one of the few who stayed. They are the ones who ate grass, when there was no food. They used to eat cats.

Um Rawand used to live with her husband and five kids in Yarmouk, an unofficial camp (not registered with UNRWA) that has integrated over the years as a district in the city of Damascus. Before the war it hosted 220,000 people¹⁰, at the time the largest Palestinian refugee community in Syria.¹¹ Describing her life in Syria Um Rawand said: “Our life was normal, we lived in our house. My husband used to work. We were very happy, it was a nice life. We were neither poor nor rich. But we led a happy life, we were together.”

After multiple attacks causing mass displacements there are only some 4,500 civilians remaining in the camp.¹² Yarmouk has been under partial or total siege since late 2012 and hundreds of Palestinians have died either as a result of starvation or a lack of access to medical aid.¹³ Um Rawand's home was destroyed after Syrian government airstrikes hit the area. She had to move to her husband's sister's home closer to the centre of Yarmouk since the airstrikes initially targeted the edges of the camp. With the camp turning into a contended battleground, at one point she was forced to share a house with over 30 people. She said the overcrowding forced her to move again, this time to her aunt's home, also in the camp. Given that Um Rawand is a Palestinian with Jordanian citizenship, it led her to think she could seek refuge with her parents in Jordan.

In the beginning of the conflict, we left our house in 2011 - 2012. Our house was between Yarmouk Camp and the Al Hajar Al Aswad. We left to the camp to [go to] my husband's sister's house. We stayed there for three-four months, then we moved to another house. There



Syrian travel document for Palestinian refugees issued by the Syrian General Administration for Palestine Arab Refugees (GAPAR). Photograph taken in Um Rawand's home in Jordan: Pietro Stefanini and Maya Hammad/PRC October 2017

9 Ibid 3

10 Action Group for Palestinians of Syria. (2016). *Clashes and Bombing between ISIS and AL Nusra in Yarmouk*. [online] Available at: <http://www.actionpal.org.uk/en/post/3230/articles/clashes-and-bombing-between-isis-and-al-nusra-in-yarmouk> [Accessed 4 Jan. 2018].

11 Steele, J. (2017). How Yarmouk refugee camp became the worst place in Syria | Jonathan Steele. [online] *the Guardian*. Available at: <https://www.theguardian.com/news/2015/mar/05/how-yarmouk-refugee-camp-became-worst-place-syria> [Accessed 6 Dec. 2017].

12 Rollins, T. (2017). Burying the dead in Syria's Yarmouk camp. [online] *Aljazeera.com*. Available at: <http://www.aljazeera.com/news/2017/10/burying-dead-syria-yarmouk-camp-171022121649788.html> [Accessed 6 Dec. 2017].

13 Ibid



Talbieh Camp, one of the 10 officially recognized UNRWA Palestinian refugee camps in Jordan. Photograph: Palestinian Return Centre

was shooting and airstrikes, and my daughters were always afraid. They were so young. I am Jordanian I can leave to Jordan but I can't take my daughters with me. My parents here tried so hard to get me to leave to move my daughters here, the government refused. From 2011 till 2012, and we're trying and only getting rejections. And the Jordanian government was only denying my daughters entry. Palestinians are not allowed entry. After a lot of struggle and some connections [*wasta*] with officials we were able to enter Jordan. (Um Rawand)

1.3 Not Welcome

Um Rawand and her children are among the estimated 17,000 Palestinian refugees from Syria currently residing in Jordan.¹⁴ While this is a fraction of the 650,000 Syrian refugees in Jordan, the PRS are the most marginalised and vulnerable.¹⁵ At the beginning of the conflict in 2011 Jordanian authorities issued visas permitting Palestinian refugees from Syria to enter the country, but in 2012 many began to be turned away at the border or even deported if found in Jordan. Um Rawand's children have Palestinian-Syrian documentation and therefore the Jordanian authorities refused to grant them access multiple times. According to Jordanian law, women do not have the ability to pass their citizenship to spouses or children.¹⁶ At the same time, given UNRWA's definition of a Palestinian refugee, which is patrilineal, Um Rawand's children inherited their father's legal status as a Palestinian of Syria.¹⁷ As Um Rawand explained above, she was able to obtain a one-month entry permit only through "connections" (*wasta*).

¹⁴ Amin, K. (2017). *Health & Status of Palestine Refugees from Syria In Jordan: Situational Analysis*. John Snow Inc. (JSI).

¹⁵ Ibid

¹⁶ Emanuel, J. (2012). *Discriminatory Nationality Laws in Jordan and Their Effect on Mixed Refugee Families*. [online] University of Notre Dame. Available at: <https://www3.nd.edu/~ndlaw/prog-human-rights/student-research-papers/NationalityLawsInJordan.pdf> [Accessed 6 Dec. 2017].

¹⁷ Ibid 9

Since April 2012, the Jordanian authorities have been denying entry to Palestinians fleeing Syria. The government's rationale is that Palestinians, unlike Syrians, may choose to remain in Jordan instead of returning to Syria when the conflict ends.¹⁸ After initially denying it had refused access to Palestinians from Syria, the Jordanian government had to acknowledge its non-entry policy as evidence began to surface. In January 2013 Jordan's Prime Minister Abdullah Ensour finally admitted:

Jordan has made a clear and explicit sovereign decision to not allow the crossing to Jordan by our Palestinian brothers who hold Syrian documents. They should stay in Syria until the end of the crisis. Jordan is not a place to solve Israel's problems... (and) Receiving those [Palestinian] brothers ... would be a prelude to another wave of displacement.¹⁹

Jordanian authorities ultimately fear the resettling of Palestinian refugees in Jordan as an old Israeli project. Jordan should not close its borders to Palestinians fleeing war but it is important to point out Israel's responsibilities in this situation.²⁰ Israel's settler colonial regime continues to dominate the Palestinian people with a military occupation and an apartheid system that denies Palestinian refugees the right of return.

Jordan is currently host to over two million Palestinian refugees and the head of Jordan's Royal Hashemite Court had indicated that "the influx of Palestinians would alter Jordan's demographic balance and potentially lead to instability."²¹ In addition, the General Secretary at the Jordanian Ministry of the Interior surprisingly claimed that Palestinians are treated differently because, unlike Syrians, they are *not* facing violence. The reality on the ground would suggest the contrary: according to the Action Group for Palestinians of Syria²² since 2011 over 3600 Palestinians have been killed in the Syrian conflict, while UN agencies calculate that 95 per cent of remaining Palestinians are in need of humanitarian assistance.²³ The General Secretary even suggested that the fact that Jordan had not deported its PRS all together is a "humanitarian gesture" and Jordan will not consider Palestinians as 'refugees' because "...those Palestinians were forced to come to [Jordan] and they are refugees in another country...[Jordan] will only treat them as guests."²⁴

1.4 Deportations and Detentions

The Jordanian official policy of non-admittance to Palestinian refugees from Syria means that those who manage to enter lack legal documents to live in the country and consequently most are considered "irregular" (or undocumented), as defined by the United Nations High Commissioner for Refugees (UNHCR).²⁵ As such they face precarious living conditions and risk deportation.

18 Magid, A. (2014). Jordan admits to barring entry of Palestinian refugees from Syria. [online] *Al-Monitor*. Available at: <https://www.al-monitor.com/pulse/originals/2014/07/jordan-palestinians-syria-refugees-unrwa-hrw.html#ixzz4yJyyCau9> [Accessed 6 Dec. 2017].

19 Solomon, A. (2013). Saudi Arabia to aid Jordan with Syrian refugees. [online] *The Jerusalem Post* | JPost.com. Available at: <http://www.jpost.com/Middle-East/Saudi-Arabia-to-aid-Jordan-with-Syrian-refugees> [Accessed 6 Dec. 2017].

20 Petra.gov.jo. (2014). *Jordan News Agency (Petra)* | PM: Jordan will not be a substitute homeland for Palestinians. [online] Available at: http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?lang=2&site_id=1&NewsID=141696&Type=P [Accessed 6 Dec. 2017].

21 Human Rights Watch. (2017). *Not Welcome | Jordan's Treatment of Palestinians Escaping Syria*. [online] Available at: <https://www.hrw.org/report/2014/08/07/not-welcome/jordan-treatment-palestinians-escaping-syria> [Accessed 6 Dec. 2017].

22 Actionpal.org.uk. (2017). *Action Group for Palestinians of Syria :: Home*. [online] Available at: <http://www.actionpal.org.uk/en/> [Accessed 8 Dec. 2017].

23 Humanitarianresponse.info. (2017). *The 2017 Humanitarian Needs Overview (HNO)*. [online] Available at: https://www.humanitarianresponse.info/system/files/documents/files/2017_summary_hrp_syria_170321_0.pdf [Accessed 6 Dec. 2017].

24 Erakat, N. "Palestinian Refugees and the Syrian Uprising: Filling the Protection Gap During Secondary Forced Displacement," *Oxford International Journal of Refugee Law* 26.4 (2014)

25 Ibid 9



'Cyber City', a Jordanian government facility in Ramtha used to house Palestinian and Syrian refugees. Photograph: Tryfon Topalidis

According to the Syria Needs Analysis Project (SNAP), between 2013 and 2014 Jordanian security services have detained and forcibly returned over 100 Palestinians to Syria.²⁶ The policy is still ongoing: in the first half of 2017 UNRWA reported “four protection incidents of alleged violations of international law, which included 22 individuals who were forcibly returned to Syria”.²⁷

Jordan's treatment of Palestinians from Syria within its borders has taken extreme forms. Authorities detained some Palestinians that were caught along the Jordanian border and transferred them to 'Cyber City', a government facility in Ramtha. A small group of approximately 200 PRS that entered early in the conflict were held in the so-called 'Cyber City' camp along with 200 Syrian refugees.²⁸ Jordanian authorities closely monitored the area, which was enclosed by a fence around the entire compound as well as a checkpoint preventing refugees to move freely; thus amounting to arbitrary detention.²⁹ Some Palestinians were granted short periods of leave to visit family members in Jordanian cities, but were not officially permitted to leave the area unless it was to return to Syria.³⁰ A Palestinian interviewed by Amnesty International (AI) expressed feelings of desperation about being confined indefinitely, “I prefer to go back and die in Syria with some dignity rather than live without it here”.³¹ AI reported that the majority of Palestinian residents at Cyber City did in fact return to conflict zones in Syria. Jordanian security officials have also been forcing Palestinians to sign a 'voluntary' statement agreeing to go back to Syria. In

26 Syria Needs Analysis Project (2014). Palestinians from Syria. [online] Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/palestinians_from_syria_march_2014.pdf [Accessed 6 Dec. 2017].

27 UNRWA (2017). *Jordan: emergency appeal mid-year achievements 2017*. [online] UNRWA. Available at: https://www.unrwa.org/sites/default/files/content/resources/2017_jordan_emergency_appeal_mid-year_achievements.pdf [Accessed 6 Dec. 2017].

28 UNRWA. (2017). *PRS in Jordan* | UNRWA. [online] Available at: <https://www.unrwa.org/prs-jordan> [Accessed 6 Dec. 2017].

29 Hassan, H. (2014). Palestinian refugees from Syria war left to suffer by Jordan. [online] *The Electronic Intifada*. Available at: <https://electronicintifada.net/content/palestinian-refugees-syria-war-left-suffer-jordan/13229> [Accessed 6 Dec. 2017].

30 Human Rights Watch. (2017). *Not Welcome | Jordan's Treatment of Palestinians Escaping Syria*. [online] Available at: <https://www.hrw.org/report/2014/08/07/not-welcome/jordans-treatment-palestinians-escaping-syria> [Accessed 6 Dec. 2017].

31 Sammonds, N. (2013). *'A dog has more freedom' – Palestinians at Cyber City camp for refugees from Syria*. [online] Amnesty International. Available at: <https://www.amnesty.org/en/latest/campaigns/2013/07/a-dog-has-more-freedom-palestinians-at-cyber-city-camp-for-refugees-from-syria/> [Accessed 6 Dec. 2017].

one reported case, a Palestinian allegedly wanted by the Syrian authorities was killed after being forcibly returned.³²

In October 2016 it was announced that PRS and Syrians residing in Cyber City had been transferred to King Abdullah Park (KAP), a refugee camp in the Irbid Governorate in Jordan.³³ UNRWA announced that between May to early June 2017 there has been a considerable increase in the number of PRS transferred by the Jordanian authorities to KAP. UNRWA's 2017 mid-year progress report states that "a Protection Team is monitoring these transfers very closely and has a permanent presence in KAP to assist PRS with protection issues."³⁴ UNRWA has also been providing KAP residents with primary health services through a partnership with the Jordan Health Aid Society.³⁵

1.5 Discrimination against Palestinian-Jordanians fleeing Syria

Before the Syrian conflict began Um Rawand used to visit her parents in Jordan with her husband and kids. For her daughters and husband to enter, she needed her parents to prepare a document requesting permission from the Jordanian authorities. The process included having to pay a 'kafaleh' (deposit) of 5000 JDs. This would allow them to acquire a one-month visa, renewable upon request. Um Rawand explained to PRC that after one month if she had not renewed it she would have to pay a fine or she could go to the Ministry of Interior, and ask for an exemption under the pretext of being a Jordanian national. Um Rawand believes that now if her daughters want to travel outside Jordan she can issue an exemption for the fines accumulated in the five years they have resided in the country without proper documentation. However, it remains unclear whether the Jordanian authorities would easily allow Palestinians from Syria to exit without repercussions. A researcher at Human Rights Watch explained to PRC of a case similar to Um Rawand's, where a PRS family tried to leave the country but was arrested at the airport due to authorities discovering their long-term irregular stay in Jordan.

In a follow up interview Um Rawand informed PRC that her application for a card³⁶ that would grant benefits to children of Jordanian women married to non-Jordanians has been rejected. After inquiring about the reason for rejection Um Rawand was told that the card can only be obtained by children who have a nationality or whose father holds a valid nationality. The Ministry of Interior official informed her that children who hold a 'Palestinian document' of any kind are not included in the new regulation.

Jordan's harsh treatment of Palestinians fleeing Syria extends to Palestinians, like Um Rawand, who are actually Jordanian citizens. Of the 17,000 PRS approximately half hold Jordanian documents and one third lack legal documents to live in Jordan.³⁷ Jordanian citizenship has not stopped

32 Amnesty.org.uk. (2013). *Syrian refugees being denied entry into neighbouring Jordan* - new report. [online] Available at: <https://www.amnesty.org.uk/press-releases/syrian-refugees-being-denied-entry-neighbouring-jordan-new-report-0> [Accessed 6 Dec. 2017].

33 UNRWA (2016). 'Annual Operational Report' [online] Available at: https://www.unrwa.org/sites/default/files/content/resources/2016_annual_operational_report_web.pdf [Accessed 6 Dec. 2017].

34 UNRWA (2017). 'Jordan Emergency Appeal Mid-Year Achievements' Available at: [Accessed 6 Dec. 2017]. https://www.unrwa.org/sites/default/files/content/resources/2017_jordan_emergency_appeal_mid-year_achievements.pdf

35 Ibid

36 *Jordan Times*. (2017). Children of Jordanian women married to foreigners to be granted new higher education rights — official. [online] Available at: <http://www.jordantimes.com/news/local/children-jordanian-women-married-foreigners-be-granted-new-higher-education-rights-%E2%80%9494> [Accessed 11 Dec. 2017].

37 Ibid 9



Photograph: UNRWA.

the authorities from deporting PRS. According to UNRWA spokesman Christopher Gunness, “UNRWA has received reports that [Palestinian refugees from Syria] have had their Jordanian documents confiscated when they approached government offices and then refouled (expelled or returned) to Syria.”³⁸ PRS with Jordanian documents like Um Rawand continue to face the threat of arrest and removal of their citizenship.

Thousands of Palestinians fled to Syria following the 1970-1971 conflict between the Jordanian army and PLO factions.³⁹ While Jordanian authorities have not confirmed that denationalisation of Jordanians of Palestinian origin is related to the Black September history, a small amount of families with members who had participated in the confrontation have either been refused entry or when found in Jordan, have had their citizenship revoked by authorities or have been deported back to Syria.⁴⁰

What we may refer to here as ‘Jordanian PRS’ (about half of the total PRS in Jordan have Jordanian documents) are not given official notice that their citizenship has been withdrawn but tend to find out “during routine procedures such as renewing a passport or an ID card, or registering a marriage or the birth of a child at Jordan’s Civil Status Department.”⁴¹ The ordeal continues once Palestinians are stripped of their Jordanian documents and return to Syria with no legal documentation. This can prevent them from crossing government or opposition checkpoints, trapping them indefinitely in border areas cut off from access to humanitarian aid.

Jordanian authorities have also denied entry to those with expired Jordanian documents. Some Palestinian refugees from Syria have turned to using forged Syrian identity documents to enter Jordan. This has consequently led to many Palestinians hiding their identity in order to continue receiving support from humanitarian organisations. A humanitarian worker from

³⁸ Ibid 14

³⁹ Ibid 23

⁴⁰ Ibid

⁴¹ Ibid

an international NGO explained during an interview PRC conducted in Jordan that there is certainly an unconfirmed number of Palestinians posing as Syrians receiving aid from UNHCR. There are also cases of Palestinians that are, for instance, married to Syrians who were initially registered with UNHCR but subsequently turned over to UNRWA.

1.6 “The Palestinian has been wronged” - Surviving on Aid

The remaining PRS in Jordan maintain a precarious existence. Still scarred by the experience of war in Syria, they live in Jordan as unwanted, surplus population. UNRWA’s latest figures estimate that 87 per cent of PRS in Jordan have been categorised as “vulnerable or extremely vulnerable.”⁴² Exploitation, arrest, and deportation are the main threat to PRS’s livelihoods. As a result of the Jordanian government’s policy, most PRS are prevented from securing employment, accessing public services and cannot legally work to earn money for rent. Um Rawand, for a short period of time, was working as a hairdresser from 9am to 9pm every day for just 100JD per month (140 US\$).

UNRWA has tried to respond to the Syrian crisis supporting most PRS through three core services: education, health and cash assistance. UNRWA provides basic education for grades 1 through 10 to registered Palestinian refugees children in Jordan as well as PRS. Three of Um Rawand’s children are enrolled in UNRWA schools while her eldest daughter, who is now 18, has dropped out. School dropouts for refugee children are usually linked to difficulties arising after displacement, having to adapt to a new school system and coping with war-related trauma.⁴³ Um Rawand told us that initially she tried to register her kids in Jordanian schools but was rejected. Jordan does not allow Palestinians of Syria to send their children to public schools. However it does permit Syrian refugees to attend public schools through a double-shift system.

Um Rawand has not been satisfied with UNRWA’s health assistance, she said: “They are very basic services. Their treatment is bad. Their medicine is usually out. The diagnosis they give is usually the same thing for any illness. It’s pitiful.” UNRWA does have a policy of reimbursement for hospitalisation, but not all PRS have benefited from it. Um Rawand explained to us that when one of her daughters broke a leg, to avoid paying the high fee she admitted her daughter to the hospital under a Jordanian name. Um Rawand told PRC that her daughter’s broken leg did not qualify under UNRWA’s reimbursement criteria.

My daughter broke her leg a while ago, and only two weeks ago did we remove the cast. I don’t have any health documents to take to the hospital with me for her treatment. The x-ray costs a lot, almost 100 JDs or more. So we took an x-ray of her under a different girl’s name. The girl was Jordanian, so that the cost of the x-ray can be less. When I came to issue a medical report so that my daughter can get sick leave from school, they refused the medical report with the Jordanian girl’s name, until I paid, something similar to a bribe in order to issue a medical report with my daughter’s name on it.

⁴² Ibid 27

⁴³ UNRWA. (2013). *UNRWA School Dropout: An Agency Wide Study* | UNRWA. [online] Available at: <https://www.unrwa.org/resources/reports/unrwa-school-dropout-agency-wide-study> [Accessed 6 Dec. 2017].

In 2017, UNRWA estimates that it will need US\$ 411 million to respond to the ongoing crisis resulting from the Syrian war. This is compounding the existing chronic funding crisis the agency faces.⁴⁴ In Jordan, UNRWA had to terminate housing assistance to Palestinian refugees from Syria in July 2015 due to funding shortfalls.⁴⁵ Um Rawand is a beneficiary of the agency's cash assistance program. She initially received only food assistance before UNRWA changed its policy. The cash assistance is just enough to carry on, Um Rawand told us. She also resented the way Palestinians are singled out and treated differently than Syrians.

I get 500 in total, for my children and me. It's supposed to come every three months but we actually get it every four or five months. They take very long to give you the cash assistance. But I have rent to pay, schools to prepare for, house allowance, electricity, water, food, the 500 doesn't really help. To be honest with you, the Palestinian has been wronged. For the Syrians it is easier, they get a monthly allowance, a food coupon from the UNHCR. Visa card food and visa card money. And even with that, the organisations and other people doing good deeds are helping the Syrians. But the Palestinians from Syria don't get any of this aid. (Um Rawand)

Unlike Syrians, Palestinians cannot legally live in the official refugee camps for Syrians and have no choice but to rent apartments in Jordanian towns and cities.⁴⁶ Palestinian refugees from Syria do not receive assistance from other UN agencies (such as UNHCR and the World Food Program).⁴⁷ In the 2016-18 Jordan response plan for the Syrian crisis there is no mention of Palestinian refugees, and UNRWA is absent.⁴⁸ PRS are excluded from the mandate of most international humanitarian agencies responding to the Syrian crisis in Jordan. Given the "illegal" status of PRS in Jordan, even talking about their situation is a "sensitive issue" for both UNRWA and other INGOs. According to a humanitarian worker that prefers to remain unnamed, when encountering Palestinian refugees from Syria they are supposed to refer them to UNRWA but not help them. For UNRWA, supporting a category of Palestinians that the Jordanian government deems a security issue remains a serious obstacle.

"Protection Gap"

This brings us to what is referred to in the literature as the "protection gap" that Palestinian refugees face. UNRWA has been created to serve solely Palestinian refugees. Therefore, UNHCR's legal regime excludes Palestinians from its mandate, unless they have ceased to access assistance

44 Jansen, M. (2017) 'Pierre Krähenbühl: There is 'no political horizon' for the Palestinian people' *The Irish Times* Available at: <https://www.irishtimes.com/news/world/middle-east/pierre-kr%C3%A4henb%C3%BChl-there-is-no-political-horizon-for-the-palestinian-people-1.3309958>

45 United Nations Relief and Works Agency for Palestine Refugees (UNRWA) Representative Office to the European Union, "Helping Vulnerable Palestine Refugees from Syria Meet Their Essential Needs," August 11, 2015,

<https://europa.eu/eyd2015/en/unrwa/stories/palestine-refugees-syria-jordan-cash-assistance> (accessed February 12, 2016).

46 Ibid 23

47 European Union. (2016). *Action Document for EU Trust Fund to be used for the decisions of the Operational Board*. [online] Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/neighbourhood/countries/syria/madad/2016/20160912-action-doc-maintaining-resilience-of-the-palestinian-refugees.pdf> [Accessed 6 Dec. 2017].

48 Hashemite Kingdom of Jordan Ministry of Planning and International Cooperation (2016). *Jordan Response Plan for the Syria Crisis 2016 - 2018*. [online] Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/JRP16_18_Document-final+draft.pdf [Accessed 6 Dec. 2017].

from UNRWA or if they are outside UNRWA's five areas of operation.⁴⁹ UNRWA does provide some international protection to Palestinian refugees, but as Erakat argues the protection remains "geographically truncated and insufficient."⁵⁰

In its 2016 Syria Emergency Appeal UNRWA details some protection advocacy on behalf of PRS in Jordan. UNRWA stated that it has appealed to Jordanian authorities to "uphold the principle of non-refoulement and equal treatment for all refugees, in accordance with international law, and to consider temporary access for Palestine refugees fleeing the conflict, for humanitarian reasons."⁵¹ Refugees identified at risk of deportation were assisted through referrals to external organisations that can support them with counselling and information. In some cases of deportations UNRWA sent protest letters to the Ministry of Foreign Affairs, and had communication with the ICRC, the UNHCR, and the Syrian Refugee Assistance Directorate to advocate for the rights of PRS.⁵²

One of the main differences between UNHCR and UNRWA is that the latter does not have the mandate to provide for solutions e.g. support the voluntary return of refugees to their homeland or seek alternative viable solutions (compensation and resettlement). The United Nations Conciliation Commission for Palestine (UNCCP) was created to provide diplomatic and legal protection to Palestinian refugees, including facilitating return on their behalf.⁵³ However, due to a lack of political support for its work, the agency fell into abeyance by 1950.⁵⁴ UNRWA lacks a specific mandate on protection, yet over the years especially since the 1982 Israeli invasion of Lebanon it has dealt with protection issues concerning refugees' safety. UNRWA broadly defines protection as what the agency does to "safeguard and advance the rights of Palestine refugees."⁵⁵ The agency explains solutions for the Palestinian refugee problem is the responsibility of the parties to the conflict and its role is to "address the humanitarian and human development needs of Palestine refugees in the interim".⁵⁶

49 UNHCR. (2014). *UNHCR Guidelines on International Protection*. [online] Available at: <http://www.unhcr.org/5485cabf9.pdf> [Accessed 6 Dec. 2017].

50 Erakat, N. "Palestinian Refugees and the Syrian Uprising: Filling the Protection Gap During Secondary Forced Displacement," *Oxford International Journal of Refugee Law* 26.4 (2014)

51 Ibid 4

52 Ibid

53 Rempel, T. (2000). *The United Nations Conciliation Commission for Palestine, Protection, and a Durable Solution for Palestinian Refugees*. [online] Available at: https://www.badil.org/phocadownload/Badil_docs/bulletins-and-briefs/Brief-No.5.pdf [Accessed 6 Dec. 2017].

54 Ibid 41

55 Bartholomeusz, ibid; Mark Brailsford, 'Incorporating Protection into UNRWA Operations', conference paper, 'Relief and Works to Human Development: UNRWA and Palestinian Refugees After 60 Years' (8 and 9 Oct 2010), <http://www.aub.edu.lb/ifi/public_policy/pal_camps/pc_events/Documents/20101008ifi_unrwa60_conference/conference_papers/day1/ifi_unrwa_conf_day1panel2_paper1_brailsford.pdf>.

56 UNHCR Executive Committee of the High Commissioner's Programme, 'Protracted Refugee Situations', UN doc EC/54/SC/CRP.14, 10 June 2004.

Part 2:

Siege, Torture and Separation



Palestinians in Yarmouk await for humanitarian aid. Photograph: UNRWA

We now turn to the story of Um Rawand's husband, Abu Mohammad. PRC interviewed him in November 2017. Mohammad was born and raised in Syria. His father left Palestine at the age of three in the aftermath of the 1967 War. They used to own a house on Safad Street in Yarmouk camp.

Mohammad fled Syria in 2015, after Daesh (ISIS) entered Yarmouk. He left the camp after realising he was wanted by Daesh, "They kill almost everyone who works with NGOs and does any sort of assistance. And for what reason? I have no idea," Abu Mohammad said. Throughout the war, he used to be an ambulance driver for the Syrian branch of the Palestine Red Crescent Society (PRCS) and while on duty almost got hit by airstrikes and shelling on multiple occasions.

When the Syrian army entered the Al Hajar Al Aswad, I used to collect the injured and the dead civilians they left behind. Once I collected almost 48-50 dead bodies from Al Hajar Al Aswad and that is without including the corpses collected by other ambulance drivers. I remember seeing the [Syrian] government's army kill two young boys with a butcher's knife once. With what I have seen, it's a miracle I can still sleep. Back then I was never home. I was always out, driving, burying people, taking care of someone or delivering medicine somewhere. My poor wife would tell me "please send me one word a day just so I know you're alive."

Mohammad feared he was also wanted by the Syrian government. He said it is "due to some spies who told on me." According to Mohammad, the Syrian government wanted anyone inside the camp, "civilian or working for an NGO, you're wanted. They tell you 'why are you sitting with terrorists? Why didn't you get out?'"

Life for Mohammad was different before 2011. In Syria, the over 500,000 Palestinians were treated almost as equals to Syrian nationals.⁵⁷ Palestinians are granted nearly the same rights as Syrians, except being denied the right to vote or participate in elections. Together with Jordan, Syria was deemed a relatively welcoming host state for Palestinian refugees.⁵⁸

However, with the emergence of the Syrian conflict Palestinian refugees started to be framed as a security threat. Amid the rising violence in Yarmouk, Mohammad's daughters were increasingly distraught by the terrorising sound of airplanes and airstrikes. Eventually, his wife and daughters were able to enter Jordan without him. Unable to join them, he continued to look after their belongings and hoped to reunite with them soon. He expected the crisis to conclude within one year.

And then the siege came. "I used to weigh 105 Kilos, I became 41 kilos then. I ate birds legs, I drank water with salt and pepper, I ate grass, I knew of people who cooked cats, dogs", Mohammad recalled. "If us, young people barely got through this, then how did the old and the very young fare?" he asked. Starvation did become a weapon in Yarmouk. The camp had been under siege by Syrian government forces since December 2012 after armed rebels entered the camp. Around 200 have died from starvation there after government forces "began to prevent all access to Yarmouk".⁵⁹

Although knowing that Jordan denied Palestinians entrance, Mohammad initially tried to reach his family. But he told PRC that the Daraa road to the Jordanian-Syrian border was filled with Syrian government checkpoints and thus extremely dangerous. Mohammad expressed anger towards Arab Governments' treatment of Palestinians fleeing the crisis. He pointed out, "None of the Gulf countries opened their doors for us." Mohammad was still hopeful to somehow reach his wife and kids. "When I was sure I couldn't go to Jordan, my next step was to try to get somewhere where I can see my daughters later on in the future. I didn't care where I would end up, even if it was a tent in the middle of the desert I just wanted to see them," Mohammad said.

He was able to flee Yarmouk with the help of a person who took him by car from Al-Zahra to Qudssaya, where he stayed for two weeks. Then someone else transported him to Idlib. First stop on his journey was Turkey but he claims he was arrested in Idlib by the Free Syrian Army. They accused Mohammad of being a member of Daesh, and tortured him.

When I was on my way to Turkey, the Free [Syrian] Army in Idlib caught me. They took me to their headquarters where they have an underground prison, they covered my eyes and took all my clothes and belongings. They made me sleep there for eight days with the excuse that I am [part of] Daesh. I was in a 1.5 m by 1m cell. At midnight, they would take me upstairs to the torture room, where they hit me with a plastic green water pipe. They hit my chest my legs everywhere. My last left bone in my ribcage is still broken from their torture. They tortured me for 8 days straight when I was a civilian, an ambulance driver providing people with food and medicine, helping out when there's a fire, an airstrike. In the end this is what the Free Syrian Army did to me. I told them over and over that I wasn't Daesh, but they didn't believe me. When they released me, I wasn't able to walk because of how swollen my legs and feet were. I remember they gave me only one meal a day in the morning, a

57 Bolongaro, K. (2017). Palestinian Syrians: Twice refugees. [online] *Aljazeera.com*. Available at: <http://www.aljazeera.com/indepth/features/2016/03/palestinian-syrians-refugees-160321055107834.html> [Accessed 6 Dec. 2017].

58 Ibid 41

59 Clare Murphy, M. (2015). Yarmouk siege lifted on paper but still "hell" on the ground. [online] *The Electronic Intifada*. Available at: <https://electronicintifada.net/blogs/maureen-clare-murphy/yarmouk-siege-lifted-paper-still-hell-ground> [Accessed 6 Dec. 2017]; and UNRWA. (2017). *The crisis in Yarmouk camp* | UNRWA. [online] Available at: <https://www.unrwa.org/crisis-in-yarmouk> [Accessed 6 Dec. 2017].

piece of bread two olives and some halawa. When I was leaving they took 3000 lira from me. When I finally got my phone I found so many missed calls from family and friends.

2.1 The Road to Uncertainty

Caught between the violence of multiple sides fighting in Syria, alas, Mohammad was forced to flee the country. Following his release from prison, Mohammad tells us he had to pay almost US\$ 1500 to be able to escape to Turkey. He was smuggled into Turkey through the mountains, then through Greece, Serbia, Macedonia and he finally reached Germany in November 2015, with the help of the German government which facilitated some means of transportation. He was given a residence in the city of Kiel, the capital and most populous city in the northern German state of Schleswig-Holstein. He currently shares an apartment with two other men and receives around 360 to 370 Euros per month from the German government. Mohammad was grateful for the support but said “It’s not enough. Sometimes I have to send money to my mum in Damascus or my wife. I remember once, my daughters asked me for gifts on Eid, and I couldn’t really send them anything.”

Mohammad is now trying to re-establish some sense of normalcy to his life. The main challenge is reuniting with his wife and kids, whom he has not seen in five years. Family reunification is a right granted to refugees under European law. But Mohammad is not considered a refugee, according to Germany’s Federal Office for Migration and Refugees (BAMF). Mohammad told us he cannot obtain family reunification because he has only been given a one-year residency permit in Germany. PRC believes Mohammad has been given “Subsidiary Protection” which is a status given to those who do not qualify as refugees. The Flensburg Immigration Office, which deals with Mohammad’s case, has not responded to our request for an interview.

According to BAMF an individual gets subsidiary protection “when neither asylum nor refugee status can be granted, nor he cannot go back to his home country because of possible serious harm by state or non-state agents.”⁶⁰ In terms of legal rights, a person with subsidiary protection gets a visa for one year, which can be extended by two years every time. If the person manages to secure his income and learn German, he gets a settlement permit for five years. He can apply for jobs in Germany but is not entitled to privileged family reunification. Instead, applicants who are awarded political asylum or refugee status receive a three-year residence permit and can apply for family reunification.⁶¹

Germany does not recognise Mohammad as a refugee, - a status hinging, under Geneva guidelines, on “a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.”⁶² Cynthia Orchard, Legal Policy Officer at Asylum Aid UK, told PRC that Mohammad could be eligible for international protection and refugee status under Article 1A(2) and article 1D of the 1951 Geneva Convention on Refugees. Given that he is not in an UNRWA area and not receiving assistance or protection from the

60 InfoMigrants. (2017). *The dilemma of Palestinian refugees in Germany*. [online] Available at: <http://www.infomigrants.net/en/post/2346/the-dilemma-of-palestinian-refugees-in-germany> [Accessed 6 Dec. 2017].

61 Loc.gov. (2017). *Refugee Law and Policy: Germany*. [online] Available at: <https://www.loc.gov/law/help/refugee-law/germany.php> [Accessed 6 Dec. 2017].

62 UNHCR. (2017). *Refugees and Asylum-Seekers*. [online] Available at: <http://unhcr.org.ua/en/who-we-help/2011-08-26-06-55-36> [Accessed 6 Dec. 2017].

agency he could be eligible under the clause 1D.⁶³ Both Germany and Jordan are essentially discriminating against Palestinians fleeing Syria by not treating them as refugees and denying them legitimate rights.

2.2 Political Motives

In February 2016 the German Parliament passed a legislation stripping the right of family reunification to refugees like Mohammad categorised with subsidiary status. The restriction is set to remain in effect until at least March 2018. This change came among new regulations promoted by the conservative wing of the ruling coalition, which included the Interior Ministry instructing the federal migration office to abandon written procedures that classified migrants from Syria as refugees. It now requires individual interviews, like in Mohammad's case, which is a more discretionary system that enabled officials to grant only subsidiary protection to multitudes of asylum seekers. Thomas de Maizière, the German interior minister has stated, "We're telling them, 'You will get protection, but only so-called subsidiary protection — that is to say, for a limited period and without family unification.'"⁶⁴

With Germany significantly reducing the rate of refugee claims it accepts, hundreds of thousands fleeing Syria are being categorised under subsidiary protection.⁶⁵ Thousands are seeking legal action and taking the German government to court for being denied protection under the 1951 Geneva Conventions. Many have been successful.⁶⁶

It has been reported that some rejected asylum seekers have complained in court against the German authorities for writing that their nationality was "not clear" or "unknown" on their documents.⁶⁷ Mohammad does not know why he has not received refugee status. He recalled to us his court hearings:

In my first court session, they asked me 'why are you here?' And I told them everything, how I'm a fugitive wanted by both the government and Da'esh. I told them how my family is in Jordan and that I have come here to re-establish myself. In the second court session, I told them that I am a Palestinian Syrian, that I am stateless and asked them 'why are you giving me one year residency?' If they had given me a three year residency then I could've been with my family. But they gave no justification for their decision to give me a one year residency. It all depends on the judge and the translator communicating my information to him.

63 Article 1 D: 'This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or Assistance. When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention

64 Osborne, S. (2017). Germany imposes restrictions on Syrian refugees in surprise U-turn. [online] *The Independent*. Available at: <http://www.independent.co.uk/news/world/europe/refugee-crisis-germany-imposes-restrictions-on-syrian-refugees-in-surprise-u-turn-a6724931.html> [Accessed 6 Dec. 2017].

65 Stanley-Becker, L. (2017). In Germany, Merkel welcomed hundreds of thousands of refugees. Now many are suing her government.. [online] *Washington Post*. Available at: https://www.washingtonpost.com/world/europe/merkel-welcomed-hundreds-of-thousands-of-refugees-now-some-are-suing-her-government/2017/07/20/2d9e13aa-68a7-11e7-94ab-5b1f0ff459df_story.html?utm_term=.3776bfcf4b69 [Accessed 6 Dec. 2017].

66 Ibid 65, Gil-Bazo, M. (2006). *Refugee status, subsidiary protection, and the right to be granted asylum under EC law*.. [online] UNHCR. Available at: <http://www.unhcr.org/uk/research/working/455993882/refugee-status-subsidiary-protection-right-granted-asylum-under-ec-law.html> [Accessed 6 Dec. 2017]. p.140 <http://www.badil.org/phocadownloadpap/badil-new/publications/Handbook-art1d/Art1D-2015Handbook.pdf>

67 Ibid 52

He has recently renewed his residency permit but he does not find out until 2018 whether he will obtain the three-year residency permit required for him to apply for family reunification. He has also requested for a travel document, just for three months, which would allow him (depending on the Jordanian authorities) to go visit his family for 20 days. A further uncertainty looms around in case his family reunification is successful: the fact that the family reunification procedure would exclude his eldest daughter, because she is now over 18 years old. According to German Law adult children are not entitled to family reunification. But they can request family reunification and can be granted under special conditions. Mohammad conveyed to us his fear:

I can't sleep, I can't eat because I am so scared that Germany won't include her in my request for family reunification. And if they don't then it's a catastrophe because I haven't seen them in six years.



Palestinian refugees in a camp in the Yarmouk camp in Damascus are fleeing intense fighting. Credit: Reuters/Stringer

Conclusions

This short report has attempted to bring to light the experiences of a Palestinian refugee family displaced from war-ravaged Syria. Tracking Um Rawand's and Mohammad's paths seeking refuge outside of their previous habitual residence has provided insights valuable for understanding the many challenges faced by Palestinians of Syria.

In regards to the Jordanian government, this report shows that it refused to grant Palestinians the same rights and protection offered to Syrians. Jordanian authorities have taken extreme measures in confining Palestinians in carceral conditions (at Cyber city and then KAP) and continue to arrest and deport Palestinians back to potential conflict zones in Syria. These discriminatory measures have included PRS with Jordanian documents, clearly evidencing a calculated policy against a vulnerable refugee population. Although not a party to the 1951 Refugee Convention, in forcibly repatriating Palestinian refugees back to Syria, the Jordanian authorities "are in violation of the principle of non-refoulement."⁶⁸ Furthermore, the revocation of Palestinian-Jordanians nationality is in contravention of the Jordanian Constitution.⁶⁹

Fundamentally, going forward, remains unclear who will advocate for the Palestinian refugees from Syria in Jordan (and elsewhere), and what role UNRWA will play in giving voice to their plight. UNRWA's support to PRS is a necessary lifeline, although it is insufficient and unsustainable. The response from international and local aid agencies to Palestinian refugees fleeing Syria has been inadequate. International NGOs should do more to ensure that they do not discriminate against Palestinians.

Germany has accepted more refugees from Syria than any other EU country. But as it pivots towards restricting its "open door" policy, Palestinians such as Mohammad are caught between

⁶⁸ Ibid 17

⁶⁹ ARDD-Legal Aid (2015). *Mapping the Legal Obstacles Palestinians Face in Jordan*. [online] Jordan. Available at: https://ar-dd-jo.org/sites/default/files/resource-files/mapping_the_legal_obstacles_palestinians_face_in_jordan_en.pdf [Accessed 7 Dec. 2017].

political manoeuvres of governments and the ongoing conflict and oppression Palestinians face in the Middle East. The legislation passed in the German Parliament in February 2016 to strip the right of family reunification from migrants with subsidiary status is set to remain in effect at least until March 2018. Um Rawand and Mohammad will be waiting to find out if they can finally be reunited.

Israel continues to advance its settler colonial project in Palestine and denying refugees the right of return is a core Israeli policy. While Arab host states should grant Palestinians fleeing conflict the same rights afforded to other refugees, it should be recognised that it is Israel that is ultimately responsible for the current Palestinian refugee problem.

Palestinian refugees like Um Rawand and Mohammad, although in great need of support while their futures remain uncertain, should not be seen as merely passive figures awaiting humanitarian aid and protection. As evidenced in the interviews, they continue to make legitimate political demands.

To conclude, while talking about the Palestinian right of return, Um Rawand said:

It is of course our right. It has to happen.

I wish [to go] to every place there is in Palestine. Whether it was my hometown or not I would still want to go. Haifa, Khalil [Hebron], I want to go everywhere in Palestine. Because it is a faraway dream.



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