



SPECIAL REPORT

International communities' response to the world's largest refugee crisis

Henriette Johansen

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Cover Image: *US President Barack Obama met with Lebanese President Michel Sleiman in September last year. Acknowledging the refugee influx's destabilising effects; Obama announced a new \$8.7 million aid package to Lebanon that would support its military, suffering from splintering with the growing influence of Hezbollah*

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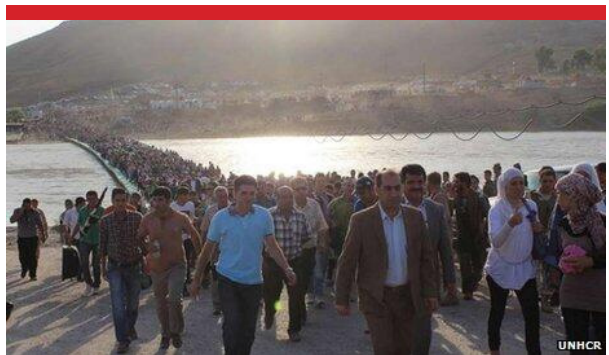
International communities' response to the world's largest refugee crisis

Last month top UN officials warned that Syrians are expected to surpass Afghans as the world's largest refugee population. Going into the fourth year of the bloody revolution-turned-war, an influx of almost one million Syrians have sought refuge in neighbouring Lebanon. The situation was recently deemed a "serious threat" by both Lebanon's Foreign Minister Gebran Bassil and Ninette Kelly, UNHCR's regional representative for Lebanon, who also described the country's precarious circumstances in a piece she wrote for MEMO earlier this year.

Last Thursday, a UN official expressed concerns that donor nations may not grasp the potential impact of this further destabilisation in Lebanon and called for an international "shouldering" of the situation.

"If this country is not bolstered, then the very real prospect of it collapsing and the conflict of Syria spreading full force to Lebanon becomes much more likely," Kelly insisted during a recent visit to Washington.

There are currently 953,626 registered Syrian refugees in Lebanon. Of them, 85 per cent are located outside the refugee camps. Prior to the Syrian influx, Lebanon's Palestinian refugee camps sheltered only 53 per cent of the Palestinians. With Lebanon's no-camp policy, upheld by the fear of their permanent settlement, the pre-existing 12 Palestinian



camps are currently exceeding their capacities, pushing Syrian newcomers to reside under motorway bridges, deserted factories and empty garages. On the verge of collapsing; this rural informal resettlement configuration is setting the bar unbearably high for humanitarian outreach.

For Syria's over 2.5 million externally displaced people, the small Levant country braved the responsibility as the core benefactor of "re-settling" or giving asylum, all the while comparatively resourceful hosts like Europe and America have commanded strict access and turned down hundreds of thousands of applicants.

The European Union has assisted collectively with \$2.8 billion in humanitarian aid. According to a recent report from Migration Policy Centre, Europe is currently hosting 60,000 refugees fleeing the brutal war, whilst America is hosting a modest number of 36 individuals since the beginning of last year; despite receiving over 135,000 asylum applications.

Urgent Asylum and Red Tape in the US

America donated \$1.3 billion in humanitarian assistance to Syrian refugees and has many major non-government organisations (NGO) working for their settlement within Lebanon and Jordan. Whilst America is busy supporting refugees' re-settlement within the Arab region, despite their dire conditions, it has not reached the Obama administration's current quota for the resettlement of 70,000 individuals per year in to the US; a plan that has not even materialised over the past five years.

We spoke to Khairunissa Dhala, Amnesty International's researcher on refugee and migrants' rights, who described the comparatively marginal effort of the US as "unacceptable" saying the refugee situation has simply become "too great to bear" for the region alone. Dhala expressed a deep worry for the dire consequences this has for the refugees and their status within these countries.

Whilst welcoming the move by the US government to remove any unnecessary red tape that would allow those in need of urgent

asylum to claim it, Dhala emphasised that the US and other members of the international community “urgently need to do more to share the burden with host countries”.

Having resettled only 25 Syrian refugees in 2011-12; America’s total of number of individual resettlements since the start of the war amounts to 121. This has stirred heated discussions and demands for amends from human rights advocates and many lawmakers.

MEMO spoke to Eleanor Acer of advocacy group Human Rights First who confirmed America’s shockingly poor immigration law provisions vis-à-vis the current refugee crisis. The organisation proved the US refugee asylum process was mislabelling refugees as “supporters of terrorism”, due to innocent contacts with armed groups.

“Thousands of refugees remain stuck in legal limbo by immigration law definitions of ‘terrorism’ that are widely acknowledged to be harming the very refugees the United States has committed to protect,” Acer said.

In February, the Obama administration took steps to allow case-by-case adjudication, including extensive background checks, safeguards and exceptions of some cases that might have otherwise been withdrawn from consideration by these provisions. Changing these provisions is key for the US to be able to welcome important numbers of Syrian refugees and to guarantee their cases avoid setbacks merely because they come from rebel-held areas or had contact with “unsavoury” groups.

One case in which the existing law had been invoked to bar a refugee was that of a florist who had sold bouquets to a group that the US had designated as a terrorist organisation. Another case was that of a family whose residential neighbourhood was being bombed by government forces; the family had provided shelter for a wounded opposition fighter in their home.

**Current revised regulations follows:
SYRIANS AND INADMISSIBILITY GROUNDS**

In the Syrian context, these immigration law provisions threaten to automatically exclude from refugee protection the following categories of people, regardless of the circumstances and even if they are recognised to present no threat to the United States:

- Anyone who fought with any armed opposition group in Syria;
- Anyone who provided “material support” to any opposition force or opposition fighter, or solicited funds or members for such a force; and
- Even anyone whose spouse or parent is found to have done any of these things.

This year, the United Nations is trying to relocate 30,000 displaced Syrians it considers especially in danger. Witnesses at a Senate hearing last month had testified that Washington would normally accept half.

Facing current atrocities in Syria “the United States has a moral imperative as the largest resettlement programme in the world to provide refuge to a large number of Syrian refugees,” Acer said. She explained how it is also in the strategic interest of the US government to lead an international initiative to support the stability of key refugee-hosting states, including key US allies such as Lebanon and Jordan.

The stability of Jordan and Lebanon are at stake. Destabilisation of the region, which includes countries closely allied with the US, would deal a devastating blow to American foreign policy imperatives. Syrian refugees now constitute a quarter of the population of Lebanon.

By developing a comprehensive long term plan for addressing this crisis that includes not only critical humanitarian and development aid, but also real responsibility sharing in terms of hosting and providing refuge to Syrian refugees, the United States would send a strong signal to states in the region that the international community will truly share in the responsibility of addressing this

crisis by hosting at least some portion of the refugee population.

The United States should aim this year to resettle at least 15,000 Syrian refugees, and should then considerably increase the number it takes in. Such a commitment would give the US the credibility to effectively press other countries to increase their own efforts and the international community could, in turn, ensure that several hundred thousand refugees are ultimately resettled from Syria's neighbouring states.

Advocating an International Responsibility of Hosting Refugees

A Boston-based legal research team, led by Dr Susan Akram, is currently working to decipher the myriad of legislative hierarchies and loopholes in regional and international refugee law. In the hopes of advocating an international responsibility for hosting refugees and waking the dormant viewers and donors to improve conditions; Akram says it is their goal to shed light on something that "has received relatively little attention so far".

Investigating laws on a regional and domestic level that are affecting the rights of Syrian refugees, their aim to analyse the relationship of law policies at a domestic and regional level affecting the refugees in Egypt, Turkey, Jordan and Lebanon. They aspire to address the key protection gaps between existing legal obligations and their limitations on the ground and link these finding to international obligations of responsibility-sharing, and then assess key mechanisms that require third states outside the region to offer refugee and humanitarian status. After two years of fieldwork, the research group is finally about to present their findings.

Inspecting legal instruments and mechanisms, refugees face in Turkey, Egypt, Jordan, Lebanon on regional, domestic and international levels; the group identified key processes for a refugee status to be acquired, protection gaps and identified links to international responsibility of protection.

TURKEY

A signatory member to the 1951 Convention on Refugees, however with restrictions concerning its obligations towards European refugees: Turkey has not had a treaty-based obligation to protect non-European refugees in its land. Instead, Turkey has entered into a Memorandum of Understanding (MoU) with the UN High Commissioner for Refugees (UNHCR) and has incorporated temporary asylum for non-European refugees into its law and working arrangement with UNHCR. It stipulates that temporary asylum-seekers are not to be considered for permanent status in Turkey, but applications for resettlement are processed by the UNHCR. Turkey's domestic legislation that governs displaced persons is currently its 1994 'Regulation on Procedures' related to the movement of foreigners, and governs the two-track process for temporary asylum.

As the war broke out in Syria, the Turkish government issued a circular to grant people arriving from Syria "temporary protection" status, a status not defined under the 1994 law. Temporary Protection (TP) under this circular is modelled on the EU's TP status passed after the Balkan crisis and affords Syrians immediate access to a simple registration process that each governorate controls, following which the individuals are given all essentials in one of the 17 camps run by the government: food, clothing, shelter, healthcare and education, as well as key protection rights ordinarily guaranteed under the 1951 Refugee Convention.

Turkey's law changed on April 1, when it enforced its new Law on Foreigners and International Protection (LFIP). This law formalises the temporary protection and all policies relating to migration under a new Directorate General on Migration Management (DGMA). Akram explained how Turkey's model is "working remarkably well for the Syrian refugees" and it attempts to equalise the Palestinian protection gap existing in most other countries in the region and elsewhere in Europe and America, as it conducts no discrimination for temporary protection between Syrian nationals and others, such as the Palestinians.

EGYPT

Egypt is both signatory to the 1951 Refugee Convention and the 1969 Organisation of African Unity (OAU) Convention on Refugees. The OAU convention has an even broader definition of refugee than the 1951 Convention: extending protection to persons who are compelled to flee their habitual residence due to “external aggression, occupation, foreign domination or events seriously disturbing public order”. This definition, Akram affirms “would apply to pretty much every Syrian fleeing the conflict today.” However, Egypt has not developed any domestic asylum procedures despite these two instruments, and under its MoU with the UNHCR, Egypt allows refugees to be registered by the UNHCR, but only for the purpose of resettlement.

The government has handed over all responsibility for refugee registration, processing, assistance and resettlement to the UNHCR for all refugees, except Palestinians. Syrians have not been treated as refugees, but “guests” who were for decades given preferential treatment with visas regularly granted due to the special relationship Syria had with Egypt. Initially, Syrians could enter for three months on a tourist visa, which was regularly renewed.



[Source: Vice, Syrian refugees persecuted by the Egyptian Government]

Akram explained that the restrictions on resettlement were tightened in July 2013 with the government forcing Syrians to have a visa and security clearance prior to arrival in Egypt - “both of which”, she stressed “have become very difficult to obtain now”.

The UNHCR and Egypt have agreed that Syrians can also be registered for resettlement; once their visas expire, they must register for permits to stay and then for resettlement with the UNHCR.

Palestinians can get visas to Egypt if they have Syrian travel documents (or Egyptian travel documents, which some have), but cannot register for Refugee Status Determination (RSD) with the UNHCR.

“They have great difficulty renewing their visas and cannot get permits to stay and once they fall out of status they are getting arrested and detained until they can purchase airline tickets to leave Egypt,” Akram explained.

The United Nations Relief and Works Agency for Palestine Refugees (UNRWA) is not mandated to operate in Egypt and by their de facto exemption from the UNHCR assistance, they suffer great humanitarian aid deficit. Akram highlighted that the situation of Palestinians in Egypt is “extremely desperate and getting worse”.



[source: BBC, Syrian refugees persecuted by the Egyptian Government. Lawyers said they were prevented from representing some of those detained]

On this matter, not much progress has been made due to Egypt’s own political flux and the escalating friction between security services and the established ministries.

“We understand that over 1,000 Palestinians from Syria have been detained,” Akram said, explaining how the government makes their release from detention contingent on their obtaining airline tickets to exit the country.

With no where they can go, Palestinians are trying to leave Egypt illegally by boats, heading to Italy; getting out of Egypt any way they can. Akram said that survival for those Palestinians without means is “very difficult” as the only institutional assistance they

have to rely on is through the Palestinian embassy.

Trying to provide food and other aid for the Palestinians from Syria, the embassy is having to raise funds for assistance, normally covered by the UN. Deportations have been reported of Palestinians from Egypt to Lebanon, giving them a 48 hour visa for entry and then, Akram explained “they must leave or are subject to removal”.



[source: Jordan Times pool photo by Mandel Ngan. The Zataari refugee camp, near the Syrian border, opened by the Jordanian government at the end of July 2013 to house 500 people, has swollen to a population of more than 26,000.]

JORDAN

Jordan is not a party to the Refugee Convention and has no established refugee law or established policy towards refugees. It has a provision in its constitution to provide protection to “political refugees”, however only activated in very exceptional cases. Jordan established a MoU in 1998 with UNHCR enabling asylum-seekers to remain in the country pending status determination with the UNHCR. Once registered as “refugees” with the UNHCR, they can remain in Jordan for six months pending resettlement.

It is through this practice that Jordan is renewing the permits and humanitarian aid service cards of Syrian refugees (white and green cards). Approximately 250,000 Syrians are living in either the government-run camps or in urban areas at present.

For Palestinians, the process is different. Palestinians are not entitled to any status and the Jordanian government has put a policy in place of “not one more Palestinian in Jordan”.

Akram explained how Palestinians are not being allowed to enter and, if caught, are being detained and removed, which has “particularly acute consequences for the many mixed Palestinian-Syrian and Palestinian-Jordanian families, as they are separated, with the non-Palestinian spouse entitled to remain while the Palestinian spouse is not.”

Palestinians are vulnerable to detention, removal and expulsion at the border, as well as discriminatory treatment within the territory if they manage to enter.

In Jordan, the UNHCR has jurisdiction over Syrian refugees and coordinates much of the humanitarian assistance along with the government, but UNRWA is by de facto solely responsible for Palestinian refugees, whose aid delivery is restricted to what UNRWA can provide as they are not eligible for the UNHCR-partner assistance provided by the majority of aid agencies.

“Palestinians from Syria are detained in a closed camp in Zarqa called Cyber City, from which they are not entitled to move,” Akram stressed.

LEBANON

Lebanon is similar to Jordan in not having a comprehensive domestic legal framework on refugees. Under its 1962 Law Regulating the entry, stay and exit from Lebanon, refugees are treated the same as other foreigners. Lebanon has a 2003 MoU with the UNHCR that stipulates that an asylum-seeker is a person who seeks asylum in a country other than Lebanon.

The UNHCR's MoU allows registered refugees to obtain a temporary circulation permit for up to 12 months, during which time the UNHCR is supposed to resettle the individual. This system is only available to non-Palestinians. As in Jordan, Palestinians are the exclusive responsibility of UNRWA and what UNRWA can provide to them, and are excluded from UNHCR-assistance.

“The big problem for refugees is that renewal of their permits is very expensive and more and more refugees are falling out of status,” Akram explained.

The Lebanese authorities do not remove Syrians when their permits have lapsed or subject them to lengthy detentions, but they are getting detained for short periods if they are found without valid permits.

On the other hand, Palestinians without valid permits are getting detained and removed, although the numbers are hard to determine as UNRWA has not had much success intervening in, or monitoring those cases.

“Both Palestinian and Syrian refugees have become fearful of the consequences of lack of status,” Akram said. “It is impeding their ability to move around, prevents them from accessing police or authorities for any reason, and, as in Jordan, they cannot get valid work permits.”



[Source sproutfiction.blogspot.com from Lebanon's Mar Elias Palestinian Refugee Camp]

Another issue is with humanitarian assistance and survival during their precarious legal status and re-settlement. Since aid is now

becoming more narrowly targeted for the most needy, the lack of access to livelihoods is becoming an acute problem for all the refugees. For Palestinians this is particularly difficult, as more and more they are having to resort to desperate coping mechanisms.

In the very-well received recent documentary by Carol Mansour, “Not who we are” describes exactly the issue of having no status and lacking momentum to advocate or claim a dignified life. In the hope of humanising the conflict, Mansour explained how women suffer particularly, due to their social and biological qualities. Women in the crowded Lebanese camps were in misery together, which helped them support each other but, at the same time, she emphasised how “it does not give you space for privacy to mourn, feel or think about your situation”.



[source: Now media, Carol Mansour capturing the refugee situation in Lebanon]

One of the women explained to Mansour how Lebanon, congested with refugees, had no energy - even on an inter-personal level - as everyone had their own troubles to take care of.

Mansour confirmed that the trouble was not to find these women's stories but to choose from the many stories. Women having to give birth in the camps or even in tents; the misery of a whole generation of children being out of school and needing constant entertainment to replace it; teenagers having to marry at an early age; the suffering of medicine and food scarcity; all the while the distress of the situation makes domestic violence rife; all of these social side-effects raise the acute need for other countries' support to remedy such grave side-effects of the proxy war, of which the international community need to take responsibility.

“The treatment of Palestinians was universally the subject of great concern and criticism,” Akram said. In Lebanon and Jordan, the high cost of permit renewals, lack of uniform policy, discrimination against Palestinians and lack of access to livelihoods, were the main issues raised by NGO’s and UN agencies.

“Our plan is to obtain the widest possible endorsement for a set of proposals focusing on regional and international obligations to share the responsibility towards the refugees,” Akram assured pointing specifically to the US and EU.

The Boston-based research group focus their recommendations on existing legal provisions that can be enhanced or expanded to grant a combination of either temporary or more permanent statuses to the refugees to lighten the weight on the main host states.

EU official: “No Glory” in Europe’s Syria response

In a recent interview with H  l  ne Flautre, Member of the European Parliament and Co-Chair of the EU-Turkey Joint Parliamentary Committee, she described an EU that was ambiguously committed to a “full stop for any discussion about hosting Syrian refugees,” whilst on the other hand, being faced with a chance to fulfil its responsibilities vis-  -vis those fleeing this dramatic conflict.



[Source: Zaman France, H  l  ne Flautre]

Only four per cent of Syrian refugees are in Europe, primarily in Germany and other northern countries, such as Sweden. “So we ask neighbouring countries to open their borders, but we don’t do the same? There is a word for this: egoism,” she exclaimed.

“We shouldn’t bask in the glory of having 53 per cent of total humanitarian aid [for Syria].”

This is a difference of only €11 million from what Turkey has been providing since the beginning of the conflict; “no glory there either”.

However, Flautre maintained that the best response lies in a political solution that Europe can participate in as a major actor. Europe’s priority - if we want to have political legitimacy in the quest for a solution to the Syrian crisis - is to express solidarity in the welcome of Syrian refugees in Europe.

“I do not believe that the lesson of the Libyan crisis has been learned. What happened then? Hysteria, without any grounding in reality, about masses of Libyan refugees on Europe’s shores.”

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