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Kamel Dorai

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Palestinian refugees and the current Syrian conflict: from settled refugees to stateless asylum seekers?

Kamel Dorai

INTRODUCTION¹

With more than 20 million migrant workers – a quarter of the total migrants in developing countries – the Middle East is one of the main regions of emigration and immigration in the world. In addition, Jordan and Lebanon today are hosts to Syrian refugee populations that represent 10 per cent and 25 per cent of the total population respectively. Traditionally known as emigration countries, Lebanon, Jordan and Turkey have thus also become settlement and transit spaces for economic and forced migrants (De Bel-Air, 2006). Migrations are triggered by regional and state opportunities and constraints, but they are also fashioned by the migrants' own coping strategies, aspirations and possible assets in the form of available migratory networks established on local and familial bases. Contemporary refugee movements can thus only be understood in light of two correlated contexts: the dynamics of high mobility processes involving cross-border migration and the existence of well-established transnational networks crystallized around more or less structured diasporas. One of the most important consequences of the Syrian conflict, which started in 2011, in addition to the very high number of deaths and heavy destruction, lies in the unprecedented number of refugees forced to leave during the last four years. It is estimated that more than 4,000,000 refugees have had to flee their homes and head for neighbouring states, mainly Turkey, Lebanon and Jordan.

This chapter analyses the Lebanese authorities' management of Palestinians from Syria. The issue raises the wider question of the status of Palestinian refugees seeking asylum in a third country. Their status has a strong impact both on how they settle in their host country and their access to mobility and protection in the context of conflicts. The current forced migration of Palestinian refugees, largely overshadowed by the magnitude of the Syrian refugee crisis, raises many questions regarding the status of refugees who have to leave their countries of first asylum and seek refuge in a third country beyond any international protection framework. This chapter is based on the author's research into the movement of Palestinian refugees since the mid-1990s, as well as an exploratory field study carried out in December 2013 in South Lebanon, both of which show strong relationships between secondary migration and other forms of international Palestinian migration and the effect on Palestinian settlements in Lebanon.

PALESTINIAN REFUGEES AND THE SYRIAN CONFLICT

In November 2014 the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) estimated the total number of Palestinian refugees displaced inside Syria at just over 250,000 (half of the total registered in Syria), a large part originating from the Yarmouk camp in Damascus. Battles and destruction in and around Palestinian camps, mainly in Damascus, forced more than 70,000 of them to seek asylum in neighbouring countries. About 12 per cent of the registered refugees left the country to go, primarily, to Lebanon (50,000), Jordan (6,000) and Egypt (9,000). Those who are still in Syria are residing in safer places, but without any guarantee that the front line will not eventually reach them. Eight thousand refugees whose homes were destroyed live in UNRWA facilities, mainly schools. Some internally displaced persons

(IDPs) have been able to return to their homes, but the number of new refugees moving en masse remains high.

The current conflict has had dramatic consequences for the Palestinian population in Syria. Palestinians enjoyed access to education and the labour market without any particular discrimination in Syria before 2011 (Shiblak, 1996). The outbreak of the Syrian conflict consigned Palestinians to double refugee status, however, and they have been stateless since they left Palestine. This seems to replicate a scenario already seen with Palestinians from Iraq in the aftermath of the fall of Saddam Hussein in 2003. The forced emigration of Palestinians who are already refugees during conflicts in the region is not a new phenomenon. The current Syrian conflict is part of a longer regional history that has often seen refugees involved in the different conflicts in the post-1945 Middle East, often as victims although sometimes as protagonists (Doraï and Husseini, 2013).

While studying Palestinian migration and its impact, this chapter discusses the temporality that structures migration flows and, in doing so, questions the dichotomy traditionally established between so-called forced and voluntary migration. Forced migrations have usually been described as spontaneous migrations and are analysed in terms of political and security constraints. Early attempts to build a general theoretical model for refugee issues have mainly focused on push factors to explain refugee movements. More recent studies have emphasized the role of international relations in the production of refugee flows (Black, 2001; Loescher, 1990; Weiner, 1993). However, while push factors and international politics are key to understanding refugee movements, less attention has been paid to the dynamics generated by the refugees themselves. The duration of their exile and the different kinds of interactions with host

societies have also resulted in different forms of mobility. Richmond (1994: 55) stresses that:

... the distinction between free and forced or voluntary and involuntary is a misleading one. All human behaviour is constrained. Choices are not unlimited but are determined by the structuration process. However, degrees of freedom may vary. Individual and group autonomy and potency are situationally determined. It would be more appropriate to recognize a continuum at one end of which individuals and collectivities are proactive and at the other reactive.

Questioning the dichotomy between forced and voluntary migrations is even more interesting in the Middle East as Jordan, Lebanon, Iraq and Syria are not signatories of the Geneva Convention on Refugees. The category of refugee (with the exception of Palestinians, who are recognized as refugees in the state where they have permanent residency) does not exist as such. There is often confusion in the field of forced migration between legal categories (refugees, asylum seekers and so forth) and those related to the analysis of migration (Zetter, 2007).

While it is true, as Ruben Zaiotti (2006) notes, that most Middle Eastern states are not signatories of the 1951 Convention on Refugees and thus have no proper asylum system, asylum procedures exist but are conducted by the United Nations High Commissioner for Refugees (UNHCR), as explained by Michael Kagan:

The systems that exist on the ground for refugees in the Middle East are essentially off the radar screen of conventional thinking in the field of international law because they rely on shifting responsibility from the state to the UN. The difference in the Middle East is that there are two relevant UN refugee

agencies, UNRWA for Palestinians and UNHCR for non-Palestinians ... (Kagan, 2011: 9)

Because of their specific status (Feldman, 2012), Palestinian refugees are not covered by the UNHCR mandate, even if some of them receive assistance from the UNRWA in Lebanon, and they lack legal protection. At this time other refugees, such as Iraqis who were in Syria before 2011, face similar problems.

PALESTINIAN REFUGEES: A SPECIFIC CATEGORY?

In the Middle East there is no direct link between the legal status of refugees, regardless of their nationality, and their settlement patterns in host countries. Refugees originating from different countries with only a temporary status have managed to settle in their host states in the long term, as in the Iraqi case in Jordan and the Sudanese in Lebanon during the 1990s. On the other hand, groups of well-established refugees may be expelled en masse, as happened to Palestinians in Kuwait in 1990–1991 and in Libya in 1995, when major geopolitical crises occurred in the region. Other groups can be caught up in a conflict taking place in their host country, such as the Palestinian refugees from Syria who arrived in the country after the creation of Israel in 1948. Although this group was well integrated socio-economically in their host country, following the Syrian uprising many of them lost any form of protection from the Syrian state. As stateless refugees they were forced to leave their host country (which for most of them was also their country of birth) and seek asylum in Lebanon and Jordan where they were immediately vulnerable due to the absence of any formal legal status upon their arrival.

In the Middle East most migrant communities, regardless of their nationality, are maintained in a precarious status by the host state authorities. Even when they seem to have achieved socio-economic integration, this does not always guarantee long-term integration. In fact, forms of local integration are most often articulated within transnational connections. Therefore, earlier migration movements play a crucial role in shaping migration routes to third countries by linking migrants settled in different locations. They also contribute to secure or prepare for a possible return to the home country. Thomas Faist (2000) notes that the installation of earlier migrants is a central element that permits the development of migratory networks because the social capital is condensed. Migration develops when social capital does not function only on a local scale, but also on what Faist calls a 'transnational transmission belt'. Thus, previous Palestinian migration forms part of shaping current migration flows.

While visa policies in the Middle East with regards to Palestinian refugees differ from one country to another, they all share one commonality: Palestinians receive special treatment, different to the other refugee communities holding citizenship rights. This difference is partly based on bilateral migration agreements between Syria and Lebanon that exclude Palestinian refugees from the right of circulation between the two countries. In this context, these refugees are subject to specific measures (e.g. limited access to property, restrictions on access to employment and education, restrictions on mobility) implemented by Arab countries under the pretext of preserving their right of return and the fear of the permanent settlement of Palestinian refugees in their host countries. The Arab states refuse to be considered as alternative homelands (*watan badil* in Arabic) for the Palestinians, arguing that Israel, the international community and the

Palestinian authority are responsible for their protection and their resettlement in case of secondary displacement.

The protracted conflict in Syria has generated massive refugee and displaced movements not only for Syrian citizens but also Palestinian refugees, who are particularly vulnerable. Today, about 280,000 Palestinians (out of a total of 520,000 registered with the UNRWA in Syria) are dependent on emergency assistance from the UNRWA in the form of food, blankets or financial assistance² and more than 70,000 have fled abroad. UNRWA assistance does not extend to the legal protection of refugees that is offered by the UNHCR and the lack of any formal legal protection for Palestinian refugees transforms them into de facto illegal migrants subject to potential refoulement to Syria. This is also true for other refugees such as the Syrians themselves who have tried to rebuild their lives outside their country.

It is difficult to accurately estimate the number of Palestinian refugees who have entered Lebanon from Syria. The UNRWA puts the number at around 50,000, but these figures should be viewed with caution as they do not come from a specific census of Palestinian Syrian refugees in the country, but are based on the number who have crossed the border between the two countries and registered with the UNRWA to receive assistance. As long as the border was not closed to them, many Palestinians went back and forth between Lebanon and Syria according to the evolution of the political and security situation in the Syrian camps and/or cities where they habitually resided and some families have become divided between the two countries by the crisis. Moreover, some Palestinians do not require UNRWA assistance because they are already assisted by family members who reside permanently in Lebanon. Furthermore, many Syrian Palestinians more or less permanently residing in Lebanon are illegal. The

question of numbers is often problematic concerning refugee crises, specifically with regard to urban refugees, and that is particularly true in this case. Karen Jacobsen has noted that '[t]he hidden, marginalized nature of urban refugees makes it difficult to make accurate estimates, and each "authoritative" source has its own agenda and set of reasons for the number it puts out' (Jacobsen, 2006).

Lebanon is known as one of the states where the status of Palestinian refugees is the least enviable in the region and subject to many restrictions (Al-Natour, 1997). Before the Syrian crisis it was extremely difficult for Palestinians to enter Lebanon, even for short visits. In 1995, when the Gaddafi regime expelled the Palestinians, and in 2003 when they were forced to leave Iraq following the fall of Saddam Hussein's regime, Lebanon denied entry to Palestinians coming from Libya or Iraq. The Syrian crisis has contributed to a temporary softening of this strict entry policy, and Lebanon is currently the largest host country for this population. From the beginning of the crisis in 2011 until August 2013, Palestinians from Syria were allowed to enter Lebanon with the following stipulations: they had to pay a fee of 25,000 Lebanese pounds (LL) (about €13) per person to enter, a visa was issued with a validity of seven days and they could renew their residence for a period of one month for 50,000 LL (about €26), after which they had to leave the country with the possibility of renewing the procedure; those who overstayed the legal duration of their residence and were willing to go back to Syria had to pay a 50,000 LL penalty (as an amnesty this penalty was abolished in September 2012). The political goal of these measures was to limit the long-term settlement of Palestinian refugees from Syria in Lebanon as much as possible, allowing only short stays without any access to specific rights such as the labour market, education and health system. As the cost of the visa extension procedure was difficult for many

families to pay, they therefore became illegal.³ Families often settled in the existing Palestinian refugee camps and informal settlements, often with relatives, in order to avoid possible control by the Lebanese authorities. This resulted in increased pressure on rental prices in the Palestinian camps, which were already under strong demographic pressure.

Beginning in August 2013 Palestinians from Syria had to prove that they had family ties in Lebanon or that they were coming for medical purposes or had an appointment in an embassy, although transiting through Lebanon to travel abroad from the Beirut airport was authorized, with some exceptions to these rules being allowed at the discretion of the Lebanese General Security.⁴ Since 3 May 2014 the General Security has significantly tightened entry conditions for Palestinian refugees from Syria, with the result that most of these refugees are denied entry into the country.

Meanwhile, the Lebanese authorities have implemented restrictions on the renewal of residence visas for those already present. Many Palestinians reside illegally in Lebanon with limited freedom of movement, lacking access to services and assistance. In addition, since the introduction of restrictions many Palestinians from Syria have been deported without their consent to the Syrian border, regardless of the risk of being persecuted and/or are arrested upon entering the country; others are de facto stuck in a no-man's land between the two countries.

THE ROLE OF KINSHIP NETWORKS IN THE RECEPTION OF REFUGEES

As noted by Nicholas Van Hear (2006), access to transnational networks and mobility becomes central in the development of coping strategies:

Still other extended family may go abroad as labour migrants, asylum seekers, undocumented workers, or through other migratory channels to find work or incomes for themselves and the family. Such ‘strategies’, if they may be called this, may well be in place before displacement, but the portfolio of strategies is likely to be broader after displacement, sometimes of necessity, sometimes by new opportunities opening up. Access to social networks and mobility can be among refugees’ most important assets.

The significant arrival of Palestinian refugees from Syria seems to have exceeded the network’s capacity to assist families and individuals. Nevertheless, the protracted presence of Palestinians in Lebanon has had an impact both on the geographical location of the recently arrived refugees and the forms of local solidarity that have developed. Diaspora networks, somewhat structured since the 1948 Palestinian exodus, can play a crucial role when they are reactivated during a crisis. Many families have found themselves scattered amongst different countries in the region since 1948 and cross-border mobility has developed regionally between their different settlement locations, mainly for matrimonial and economic reasons.

Refugee camps themselves host – temporarily or more permanently – different waves and groups of refugees (Doraï, 2010). New refugee communities also settle in the camps and/or around the camps. This attraction of migrants in some specific urban areas, such as refugee camps and informal gatherings, has been highlighted by Karen Jacobsen (2006: 276): ‘Like all urban migrants, asylum seekers are attracted to urban centres because economic resources and opportunities, including education for their children, are concentrated there, and in cities migrants can access the social networks and ethnic

enclaves that supports newcomers, and which initiate the process of integration'. In Damascus, for example, Iraqi refugees fleeing after the fall of Saddam Hussein in 2003 settled in neighbourhoods composed of Palestinian refugees, internally displaced Syrians from the Golan and internal migrants coming from the countryside (Doraï, 2012). The same pattern can be found in most Middle Eastern cities including Beirut, Amman and Cairo (Al Ali, 2004: 9–12). During crises, refugee camps and informal gatherings are places of refuge for recent asylum seekers. However, the situation of the Palestinian refugees from Syria is highly variable depending on the particular situations they face in the different locations where they settle and their personal background.

The family of M. settled in Tyre in the early 1950s. As with many families, the 1948 exodus resulted in the separation of three sisters, one of whom settled in Tyre (Lebanon), a second in Aleppo (Syria) and a third in Amman (Jordan). Family relationships between the sisters in Lebanon and Syria are strong as evidenced by frequent visits in both countries of settlement. The second generation, born in exile, has continued and strengthened these ties through marriage: two girls born in Syria married their cousin in Lebanon and a daughter born in Lebanon married a cousin in Syria. These matrimonial exchanges strengthened connections between the two branches of the family in the 1990s and early 2000s. Meanwhile, family members – sometimes more distant – came to southern Lebanon to work on a seasonal basis, as did the Syrian workers at this time. Long-term links were thus constituted with an intergenerational dimension. These migrations, whether for marital or economic reasons, helped to create an area of dense and structured cross-border circulation, which was mobilized with the outbreak of the Syrian crisis.

Since 2012, members of the family from Syria have begun to find temporary asylum in Tyre, accommodated by their relatives. Some were going back and forth according to the changing security situation in Syria. As they have close relatives in Lebanon, obtaining a visa was not very difficult until the recent restrictions were put into place. This ethnography shows how the circulation of Palestinian refugees from Syria has been facilitated by the establishment of a mobility system based on family networks. Dispersal has gone from being a constraint to a resource in a period of conflict. Know-how is then accumulated over years by family members through different means (marriage, visits, circular labour migration and so forth). This network also facilitates accommodation and access to economic opportunities and local resources with bridges being built between members of the family living in third countries. Some family members try self-resettlement abroad with the help of kinship networks in countries like Sweden, Germany or the United States.

One family residing in what is known in Lebanon as an informal gathering⁵ – i.e. and informal self-settled camp – in Bourgholiyeh north of the city of Tyre had a different itinerary. They did not have much of a relationship with their relatives in Lebanon before the Syrian uprising while living in the Babila neighbourhood in southern Damascus. However, the family was forced to flee because of the fighting and destruction that affected that area. The husband, who worked as a labourer in the public sector, was afraid at first to leave Syria, fearful of being seen as belonging to the opposition. All civil servants in Syria, whether holding Syrian or Palestinian refugee citizenship, must obtain prior permission to leave Syrian territory to go abroad. The family first moved within Syria to escape the fighting, hoping that the situation would improve. The husband then decided to send his wife and children to Lebanon with the

intention of later trying to join them for two reasons: first, the increase in combat in the area between the Syrian government troops and the opposition; and second, the stigmatization of Palestinians accused by the regime of supporting the armed opposition.

His choice fell on Lebanon because of his family living in the Palestinian informal gathering in Bourgholiyeh. Moreover, when he left Syria, the other countries in the region had already closed their doors to Palestinian refugees. He entered Lebanon legally with his family, but soon found it impossible to renew his residence visa and found himself in an illegal situation like so many Palestinians in Syria. He contacted his relatives who invited him to come to live at their home. His family thus initially shared housing with their Palestinian relatives. Subsequently, they proposed that the family settle on the top floor of a building under construction. While informal buildings have long been banned by the Lebanese authorities, a temporary relaxation of controls a few years ago has allowed many Palestinian families to add floors to existing buildings.

These self-settled informal camps in southern Lebanon had very high emigration rates during the 1980s and 1990s (Doraï, 2003) and many families from these areas are now settled in Europe (Sweden, Denmark, Germany) or work in the Gulf countries. Emigrant families with strong ties to their places of origin have contributed quite significantly to the development of infrastructures and new buildings in these settlements primarily for two reasons: to improve the living conditions of their relatives who stayed behind in Lebanon; and to build a house that they can use during summer vacation or for the holidays. This vacant housing is now being used by Palestinian refugees from Syria, showing how forms of complementarity between the different Palestinian groups in exile develop. Transnational ties evolve within the diaspora,

connecting Palestinian refugees in Lebanon, those located in third countries (Sweden, Denmark, Germany) and new recently arrived refugees from Syria.

This family, after several round trips to Syria by the father, settled in the Palestinian informal gathering on the top floor of the building under construction. The apartment had three rooms and a kitchen; however, its construction was not yet finished. The family therefore appealed to all its relatives living abroad to help to make the apartment habitable. Funds were gathered from relatives in Europe and the Gulf countries to purchase windows and a front door and to install a kitchen. Family-based transnational solidarity networks were mobilized to deal with the crisis.

Those with structured family networks manage to cope in part with the practical difficulties they encounter upon their arrival and they reactivate transnational solidarity networks developed over many years by Palestinian migrants in the diaspora. As Van Hear (2014) has noted: '[t]he capacity for a would-be migrant to navigate the international migration order will be largely shaped by his or her endowments of economic and social capital, or the amount of economic, social, and other capital a would-be migrant can call upon'.

Other families interviewed are in very different situations. Inside refugee groups some benefit from diasporic connexions that help them to circumvent difficulties, even if only partially, while others remain isolated and in trouble. One young couple living in an informal settlement north of Tyre had a different experience as their transnational connections were very weak. The husband, an electrician, lived in the main Yarmouk camp, although he was unofficially living in the Damascus suburbs. They were forced to leave Syria in 2012 and went to Lebanon for two reasons: first, it was the only country at that time allowing Palestinians who did not have travel documents to enter

the territory with an identity card alone; and second, the wife had an uncle living in Tyre, although she did not have any prior relationship with this branch of the family. This young couple, for example, had never visited Lebanon before. They contacted their relatives in Tyre who told them to come and that they would try to help them. Upon their arrival, however, their relatives were unable to accommodate or assist them although they helped them to find accommodation in a Palestinian informal settlement. The couple had to pay \$200 a month for a room and kitchen.

The assistance of their relatives in Lebanon was, therefore, limited as they lacked resources and could not do more. Palestinian refugees in Lebanon are currently one of most underprivileged members of the diaspora and suffer from a wide range of legal restrictions. Lebanese legislation has been very strict regarding Palestinians since the arrival of the first refugees in 1948 and this legislation has been modified according to the agreements – and disagreements – between the Palestinian Liberation Organization (PLO) and the various Lebanese governments. The legal status of Palestinians has important implications for the socio-spatial organization of this community in Lebanon. Refugees tend to be confined to the informal sector or to doing jobs that do not require a work permit, which are the least profitable. Furthermore, the departure of the PLO in 1982 deprived a number of refugees of jobs that existed because of the strong presence of the Palestinian political institutions in Lebanon. In a fragile Lebanese economic context following the end of the civil war, Palestinians are marginalized in the strongly competitive Lebanese labour market where a large number of migrant workers from different origins (Syrian, South Asians, Sudanese, etc.) are already present (Jureidini, 2003; Chalcraft, 2009).

CONCLUSION

Refugee movements resulting from conflicts are often shaped by previous migration flows and correlated network structures that are re-mobilized during the humanitarian crisis. The current experience of Palestinians fleeing Syria sheds light on the relationship between forced migration in a context of crisis and long-term cross-border mobility. As Dawn Chatty has noted, many other groups have been subjected to similar experiences in the region (Chatty, 2010). Therefore, tracing a genealogy of Palestinian mobility between Syria and Lebanon helps to better understand current forced migration processes and their connection with other forms of social organization built over time in a regional area. This approach makes it possible to investigate the nexus of so-called legal vulnerability/mobility practices in an original way. Refugee movements are often studied (for any given population) by focusing on the time of the crisis. This chapter suggests that analysing the current emigration of Palestinian refugees from Syria using a long-term perspective may be more productive.

The role of the Palestinian diaspora is central today in the reception of refugees from Syria. The importance of diasporic networks in conflict situations is not new. For example, the Iraqi crisis in 2003 led to the reactivation of this type of network. Indeed, some Palestinians from Iraq were granted asylum in Chile, following the mobilization of the community that settled in the country during the second half of the nineteenth century. The Palestinian case shows how specific forms of solidarity are reactivated in times of conflict. Family-based solidarities become central for some groups in the settlement process of the most marginalized refugee population, although they are not exclusive. Their influence is decisive when understanding the current geography of

Palestinian asylum in Lebanon and the possible continuation of migratory itineraries to European countries to which many Palestinians have fled since the mid-1970s.

The absence of any legal framework for Palestinian refugees forced to leave their country of residence and their political treatment by states in the Middle East calls attention to the question of secondary migration during conflict. Secondary migration is often analysed in the literature through the resettlement of refugees outside their area of first asylum to Europe or North America (Hein, 1993). The refugee status of Palestinians is linked to their country of residence. When they leave their country of residence they do not fall under the mandate of the UNHCR and can only access limited humanitarian assistance provided by the UNRWA. Palestinian refugees tend to be transformed into asylum seekers by conflicts and most of the time they are considered illegal migrants in their country of temporary residence. As they are stateless, they cannot even seek the protection of their country of origin. As Michael Kagan (2009: 418) has noted, the 'plight of Palestinian refugees offers lessons for others, and the norms and knowledge developed from other refugee situations offer a great deal for Palestinians'.

NOTES

¹ Since this chapter was written, developments in this area include increased control of Palestinian refugees regarding restrictions on entering Lebanon permitted by the renewal of their residence permits. We are witnessing the increasing marginalization and impoverishment of this group of refugees at a time when humanitarian assistance is declining. A growing number of Palestinians are trying to emigrate to third countries, mainly in Europe, leaving the most vulnerable refugees in a state of particular socioeconomic precariousness.

² See <http://www.unrwa.org/syria-crisis> (accessed 22 March 2016).

³ According to the interviewees I met, the General Security did not arrest many Palestinians because of their illegal status in the country.

⁴ Since the beginning of the Syrian uprising many embassies have closed in Damascus and relocated to Beirut.

⁵ 'Informal gathering' is the term used by the UNRWA for unofficial settlements inhabited by Palestinian refugees.

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