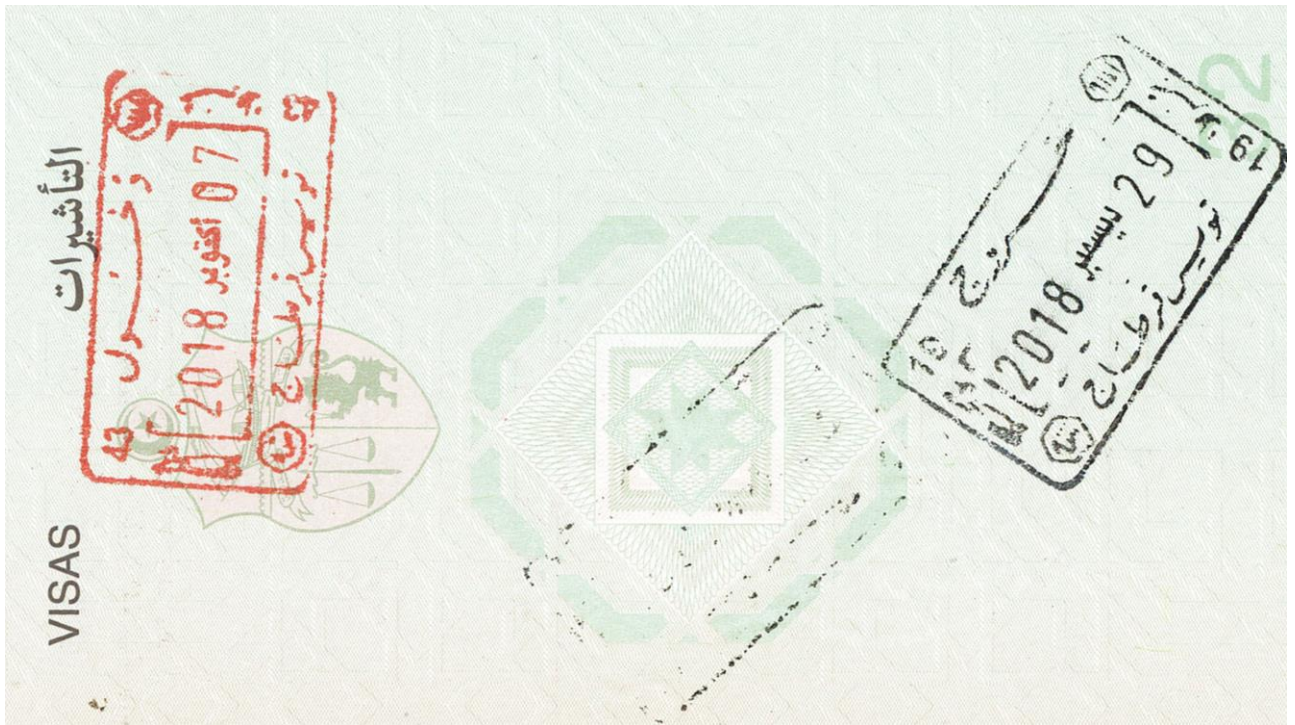


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A Comparative Study of Refugee Laws in Arab Countries

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The asylum phenomenon has been one of the most important dilemmas of international relations. This phenomenon has recently acquired a new dimension in the Arab region following the unrests happening in the aftermath of the wave of the so-called Arab Spring. Arab countries seem to not be fully prepared, especially in the legal level, to face this phenomenon. This has brought attention to this branch of international law, i. e. refugee laws in these countries.

In this context, this study attempts to determine the level of legislation relating to the issue of asylum in five countries of the Arab region, in view of the international commitments ratified by these countries, the provisions enshrined in their constitutions and legislation and the institutions established by these countries to activate all those requirements. The study is a comparative research concerning the field of asylum in five Arab countries (Tunisia, Jordan, Lebanon, Morocco and Egypt). It also aims to determine the level of progress of the legal system of each country in this field and to identify the shortcomings and the upcoming ways of reform.

When observing the history of the phenomenon of asylum in these countries, we notice that, first, it is an old phenomenon and second, it has significantly developed in recent years after the wave of unrest characterizing the World and particularly the Arab region after 2011. In

their modern history, these countries have generally known three waves of asylum. The first wave involved the Palestinian refugees of 1948, which urged all the countries concerned to receive significant numbers of Palestinians varying from a country to another according to known social, political and geographic factors. The second wave occurred in the 1990s and the beginning of the second millennium in the aftermath of the wars and internal unrests that some Arab and African countries knew in that period. In addition to Iraqis, Egypt also received refugees from Eritrea, Ethiopia, Somalia, Sudan, Syria as well as Palestinians fleeing Syria.

The third wave is the wave of Syrian refugees after 2011. Thus, in the aftermath of the Syrian war and the unprecedented humanitarian crisis experienced by the Syrian people, large numbers of Syrians have poured into Arab countries. For instance, in Egypt which included 50 000 refugees from southern Sudan, Somalia, Eritrea, Yemen, Iraq and Libyan students, we notice the existence of half a million refugees, at the end of 2012, having an easy entry to the Egyptian territory since no visas were required in that period. Currently, there are 300 000 registered Syrian refugees in Egypt, knowing that a large number of refugees are not registered. Morocco has also received a significant number of Syrians representing the majority of refugees fleeing to Morocco and reaching 7138 refugees in 2018. However, while receiving a number of Syrian refugees, Tunisia has mainly dealt with the influx of Libyan refugees arriving after the Libyan revolution.

Jordan has remained one of the most important countries receiving Syrian refugees since 2011. This is also the case of Lebanon which now includes one million and a half Syrian refugees (including one million registered refugees), Palestinian refugees coming from Syria (30 675 refugees), Palestinians (174 000 refugees) and Iraqis (6 000), representing together 30 percent of the Lebanese population and the largest concentration of refugees per inhabitants in the World.

Despite these data, which indicates the importance of this phenomenon in all the countries studied, what mainly characterizes the reality of the current Arab legal systems in the face of the phenomenon of asylum is the absence of harmony within the considered legal systems. This is shown through the obvious paradox between the constitutional consecration of the right to asylum and the deficient ratification of the various international mechanisms organizing this right as well as the significant legislative withdrawal (First). This legal reality influences the realistic dealing with the waves of immigrants, making it subject to different policies and relying heavily on the intervention of the UN Refugee Agency, which plays the primary role in this field (Second).

First - The obvious paradox in the legal level

In the legal level, the comparison between the countries studied generally unveils a clear disparity between them, as well as internal paradoxes, which are illustrated by the striking contradictions between the constitutional (1) and international obligations (2) of the State and the significant legislative withdrawal in all these obligations (3).

1 - The differentiated constitutional consecration

Some constitutions of the Arab countries subject of this study enshrine the right to asylum. Thus, the Tunisian constitution provides this right in its Article twenty-six by stipulating that:

“The right to political asylum shall be guaranteed as prescribed by law. It is prohibited to surrender persons who have been granted political asylum”.

This is also provided in the Jordanian constitution using a close articulation in its Article 21 (i) stipulating that:

“Political refugees shall not be extradited on account of their political beliefs or for their defense of liberty”.

In its Article 57, the Egyptian constitution stipulates that:

“The state grants asylum to foreigners deprived in their home country of rights and freedoms that are guaranteed by the Constitution. The extradition of political refugees is prohibited”.

While the Jordanian Constitution limits the enjoyment of the rights embodied in the constitution to citizens and this is highlighted by the title of the Chapter (“Rights and Duties of Jordanians”), the formulation of several rights embodied in both the Egyptian and the Tunisian constitutions is general in a way that these rights apply to citizens and foreigners including refugees.

These constitutions are contradictory with the Moroccan and the Lebanese constitutions in which there are no provisions relating to the right to asylum or even the rights of foreigners. Nevertheless, these two constitutions are different since the Lebanese constitution limits its rights to the Lebanese (“The Lebanese: Their Rights and Duties”) while the Moroccan constitution speaks of persons in a way that the rights embodied in such constitution can be applicable to foreigners including refugees.

2 - The deficient international ratification

The ratification of the international treaties remains deficient in the Arab countries studied which can be divided into two groups: the group of countries ratifying the Geneva Convention and its Protocol, namely Tunisia, Morocco and Egypt with specifying that Egypt has expressed some reservations about the Geneva Convention; and the group including the non-ratifying countries precisely Lebanon and Jordan. The following table indicates the status of the ratification of the relevant Conventions by the countries studied. Despite these disparities, all countries suffer, in this level, from a significant legislative withdrawal.

The status of ratifications	The 1951 Convention	The 1976 Protocol	The 1969 OAU Convention	Convention against Torture
Tunisia	Yes	Yes	Yes	Yes
Morocco	Yes	Yes	Yes	Yes
Jordan	No	No	Non-concerned	Yes
Lebanon	No	No	Non-concerned	Yes
Egypt	Yes (with reservations)	Yes	Yes	Yes

3 - The significant legislative withdrawal

None of the Arab countries studied has a law on the issue of asylum. However, despite the absence of laws related to asylum at present, it is necessary to mention, with satisfaction, that Tunisia and Morocco have been in the process of drafting national asylum laws. Perhaps the fundamental question in this context remains with regard to the apparent slowness in the adoption of these laws.

In Tunisia, since the period of the Constituent Assembly (2011-2014), a draft asylum law consisting on three sections has been prepared. The first section regulates the conditions for granting asylum and for the withdrawal of Refugee Status. The second section regulates the rights and duties of refugees whereas the third section establishes a competent committee to study the asylum claims according to the procedures decided by the draft law. One of the main points of this draft law is the denial of granting the Refugee Status to persons committing crimes against peace and war crimes against humanity. This draft law, however, has been hidden and non-promulgated until the Constituent Assembly terminated

his work by issuing the constitution of 2014. Since then, discussing this draft law has almost been stopped before the Assembly of the Representatives of the People.

In the absence of such a guarantee, refugees remain subject to neighboring laws such as laws on migration and foreigners as well as the public national law governing rights and freedoms. In some cases, refugees may also be subject to neighboring private laws. All these laws are incompatible with the special status of refugees, who are treated, therefore, as other immigrants and even as irregular immigrants.

Nevertheless, Morocco remains the first Arab country, which issues a legislation on asylum represented by the Dahir N°. 1-57-271 of 26 August 1957 on the application of the Geneva Convention relating to the Status of Refugees and the Dahir N°. 2-57-1256 of 29 August 1957 fixing the mechanisms of the application of the Convention. However, the provisions of these laws have not been applied. And until now, the UN Refugee Agency is the only apparatus responsible for fixing the status of refugee since the Office of Refugees and Stateless Persons of the Ministry of Foreign Affairs established by the Dahir to determine the Refugee Status, ensure the legal and administrative protection of refugees and provide them with the documents needed for their livelihood has never worked. Thus, despite the existence of these texts, the situation in Morocco is similar to the rest of the Arab countries studied where the status of the refugees is regulated by the law on migration and foreigners, with the special characteristic that Moroccan Law N°. 02-03 on the entry and stay of foreign nationals into Morocco, emigration and irregular immigration includes special requirements concerning refugees and this is contrary to the laws of migration and foreigners in the other countries, laws which do not concern refugees and make them subject to special requirements and distinct from other migrants and foreigners. The inequity in this regard is apparent when focusing on the content of these laws in the level of entry and residence, on the one hand and the enjoyment of rights, on the other hand.

Entry, residence and obtaining Refugee Status

In Egypt, the Law N°. 89 of 1960 regulates the right of entry and residence in the Egyptian territory. This Law requires obtaining a visa for persons who want to enter the Egyptian territory and a residency permit to reside there. There are three types of residence: the temporary residence, the ordinary residence and the permanent residence. The latter residence is limited to foreigners born in Egypt, Palestinian refugees coming to Egypt since 1948 and foreigners who have been living in Egypt for more than five years. Moreover, the Administration has a discretionary power as to issuing entry and residence decisions for foreigners. We also note the existence of special agreements between Egypt and some countries permitting citizens to obtain visas at the Egyptian border.

In Lebanon, the Lebanese government applies automatically the law on foreigners to refugees since the Lebanese Law does not distinguish between irregular immigrants and asylum seekers. This enables the authorities to detain refugees on the meaning of the Geneva Convention if they are in an unlawful situation.

This situation is similar to the Jordanian situation in which both refugees and asylum seekers are subject to Law N°. 24 of 1973 on Residence and Foreigners' Affairs. This Law does not distinguish between refugees and other emigrants and although this Law mentions refugees in different cases, it does not consider them as a special category. In fact, only Palestinians have generally the Refugee Status except some other special cases. For example, the Jordanian authorities consider Syrian refugees as "visitors", "irregular guests", "Arab brothers" or other appellations, which do not refer to any legal category. In 1998, the Jordanian Government signed a Memorandum of Understanding with the UNHCR and it was amended in 2014. This Memorandum of Understanding represents the framework, which regulates dealing with refugees in Jordan. The Memorandum notes that Jordan accepts the definition of refugee included in the Geneva Convention and it accepts the principle of non-refoulement and the principle of treatment of refugees in accordance with international

standards. The Memorandum also mentions that Jordan sets out exact procedures and deadlines for the UNHCR's work with refugees.

In Morocco, the Law on the entry and stay of foreign nationals into Morocco asserts the delivery of a Residency Card (*Carte de Séjour*) to refugees and requires, therefore, the legality of the residence and the entry to the Moroccan territory. Except special cases, the Residency Card is delivered to the foreigner who has obtained Refugee Status in accordance with the Dahir of 1957. Regardless of this system's violation of the Geneva Convention by requiring the legal entry, due to the non-application of the Dahir, no refugee is granted Refugee Status according to this Dahir. Therefore, a Residency Card cannot be claimed on this basis. The Law also does not provide for any possibility permitting the UNHCR to grant a document for foreigners that it gives Refugee Status. In fact, no refugee obtains a residency document. Without such a document, refugees cannot obtain any travel document and thus find themselves unable to travel and in the situation of irregular immigrants. Although Article 29 of Law 02-03 stipulates that foreign nationals shall not be deported to a country in which their life or freedom are threatened or in which they will be exposed to inhuman treatment, reality shows that there are several cases of arrest and deportation of this category of persons. In 2014, Morocco has launched a campaign to regulate the situation of migrants, dealing with 28 000 persons. It is followed by another campaign starting in December 2016.

The enjoyment of rights and freedoms

Foreigners having residency in Egypt can enjoy the rights and freedoms enshrined in the constitution except the political rights reserved for citizens. The personal and family status of foreigners, in accordance with Article 3 of the constitution, are regulated by the rules and principles determined by their religions. In the context of combating irregular migration, the Law N°. 82 of 2016 has been promulgated. This Law provides that penalties of imprisonment up to 15 years shall befall each person who exploits migrants or assists them by using illegal means in leaving the Egyptian territory. Besides, the right to work is guaranteed for foreigners residing in Egypt. To enjoy such right, the Labor Law N°. 12 of 2003 requires that the person concerned must obtain a work permit issued by the Ministry of Manpower.

In Lebanon, although the constitution does not mention foreigners, the Law regulates the ownership of real-estate properties by foreigners through Decree N°. 11614 entered into force in 4 January 1969 and amended by the Law N°. 296 of 3 April 2001. Such Decree reduces the conditions of property acquisition and permits the ownership of real-estate properties by foreigners, whether they are natural persons or legal entities, without a prior permit if the property does not exceed 3 000 square meters. Furthermore, in this country, the right to work is not guaranteed and it is not a recognized right of citizens. In this context, refugees are treated as foreign jobseekers. So, they are required to obtain a work permit in accordance with Article 59 of the Labor Code, which stipulates the condition of reciprocity of treatment in such field. This implies that the foreigners who are citizens of a given country enjoy the same rights as the Lebanese in such foreigners' country. This condition of reciprocity of treatment is also provided in the Social Security Code so that the foreigner can find himself obligated to pay social security fees without enjoying his rights if his country of origin does not concern with the condition of reciprocity of treatment. This is the case of Palestinians in Lebanon.

In Jordan, the Law prohibits the employment of foreigners who do not have a legal residency permit except some cases related to humanitarian needs or political refugees. In general, Jordan prevents refugees and irregular guests from exercising 16 specific professions such as medicine, engineering, teaching, some industrial occupations (mechanics, electricity, etc.), some services (sales, beauty salons, etc.) and others. Syrian refugees are subject to a special bilateral agreement on the employment of Syrian refugees signed by both countries in 2001. In February 2016, Jordan signed an agreement with the World Bank, the International

Monetary Fund and the European Union providing Jordan with 747 million Euros for the years 2016 and 2017, including 108 million Euros for humanitarian assistance and 200 million Euros for assistance through microcredit. This agreement includes provisions related to employment, training and education. On this basis, the agreement provides improving the employment opportunities for Syrian refugees.

In Morocco in the context of the strategy launched in 2013, a legislative reform process has begun and emerged as a pivotal axe within the strategy but this process is currently experiencing a slow application. Three legal texts have been programmed to transform Morocco from a transit country to a receiving country for migrants and refugees. Until now, the Law on Trafficking in Human Beings has not yet promulgated while the amendment of Law N°. 02-03 on the entry and stay of foreign nationals – the first text, the national framework for asylum and the second text non-promulgated – is still an ongoing project. In this situation, refugees enjoy some basic rights such as the right to health. Thus, despite the absence of legal texts, hospitals receive migrants in accordance with special provisions in their internal codes. Refugees have also access to public education. Thus, the children of migrants and refugees have enjoyed the right to public education without any restriction since the adoption of the Circular of the Minister of National Education in October 2013. As the right to work is concerned, the Moroccan Minister of Employment tries to reduce the restrictions on the access of regular immigrants to the labor market. In this level, the Ministry has fixed fields of priority, in which the migrants are not required to obtain a work permit, such as housework, shaving and other small professions.

In Tunisia, the situation appears similar to the Moroccan situation since refugees have access to public facilities precisely health, education and the right to work and to free movement without being regulated by special laws. This is also evidenced by the recent promulgation of the Basic Law N°. 61 of 2016 on preventing and combating trafficking in persons.

Based on this fast overview, it is clear that the situation of refugees in all the aforementioned countries is organized by legal texts, which do not fit with the reality of refugees' situation and make them treated as irregular immigrants while it is obvious that refugees are distinct from this category of persons.

Second - The obvious lack of realistic dealing

In fact, dealing with the issue of asylum in the countries studied is characterized by the troubled policies which lead to the deterioration of the situation of refugees (1) except the partial achievements realized in the context of the cooperation with the UNHCR which remains the only silver lining for the policies of these countries even though such cooperation represents a burden for the UN Refugee Agency (2).

1 – The troubled policies and the low conditions

Despite the apparent disparity in the policies of the countries studied with regard to the issue of asylum due to the different bets as well as the varying historical, political and economic conditions from a country to another, all these policies have in common the fact of being unable to provide an effective protection for refugees since such factor remains the weak party in the equation having as a second party the State's interest and the components of its political and economic security.

In the absence of a specific legal framework, the policies of dealing with refugees in the countries studied seem troubled and unclear. These policies are essentially related to the direct situations facing these countries regardless of the bedrock principles of Refugee Law.

Refugees are often regarded as temporary visitors and this leads to the absence of any policy of refugees' inclusion.

In Jordan, each document, which refers to the State policy in this field, is absent. In other countries having the same deficiency, we notice the existence of policies relative to some nationalities; policies whose application varies from a country to another. For instance, in Egypt, the Sudanese are subject to the Four Freedoms Agreement of 2004, which gives them the freedom of movement, residence, work and ownership. It also allows them to have the access to education and public health equally with Egyptian citizens. In Lebanon, however, it is possible to talk about totally failed attempts to set up policies relating to Palestinians.

Among these attempts, we can mention the Casablanca Protocol issued by the League of Arab States in 10 September 1965, and approved by Egypt, Iraq, Jordan and Syria while both Kuwait and Lebanon expressed reservations on some Articles of this Protocol. However, this agreement has never been implemented and this has urged the League of Arab States to issue, in 1991, its Resolution 5093, which has subjected Palestinians to the rules and laws in force in each State. This has implicitly canceled the Casablanca Protocol. In the same context of providing the Palestinians with a special policy, the Cairo Agreement was signed by the Lebanese Government in 1969. This Agreement includes the right to work, residence and movement and provides Palestinian refugees with a kind of administrative autonomy by creating a local committee within each refugee camp to care for managing the camp and to play the role of mediator between refugees and the Lebanese authorities. However, the Lebanese Parliament rejected this Agreement in May 1987.

In Tunisia and despite the absence of a direct political document related to refugees, a national strategy for the promotion of migration has been launched in cooperation with the relevant organizations in July 2017. This strategy focuses on:

- Good governance of migration at the national, local and regional levels within a participatory approach that addresses aspects of migration and asylum,
- Enhancing the contribution of Tunisians abroad to the economic, social and cultural development process, as well as creating the necessary policies and mechanisms to consolidate their relationship with their country of origin,
- Respecting the rights of foreign migrants and their dignity, protecting them from arbitrary practices, exploitation, and defending them without discrimination between the foreign workers and refugees in Tunisia.

Morocco remains the only country to launch a national strategy on immigration and asylum. Following the recommendations of the Moroccan National Human Rights Council in December 2013, the King of Morocco has announced the launch of a new migration policy based on the social and economic integration of refugees. This policy is based on six principles: the humanitarian approach, the global approach, respect for human rights, the conformity with international law, the renewal of the approach of international cooperation and shared responsibility. Thus, this is the only policy in the countries studied and in the Arab countries in general. Such a policy aims essentially to provide a successful social integration for migrants and refugees in the receiving country.

Under this vacuum, dealing with migrants and refugees is subject to an approach based on government's will. Thus, this dealing is troubled and wobbling which negatively affects the situation of refugees. Despite some achievements mainly realized by the UN Refugee Agency (UNHCR), as it will be described below, the situation of refugees remains low and deteriorating.

In Egypt, refugees are influenced by the difficult social and economic situations of the country. They are considered as the most vulnerable category in the country's social groups. They also generally suffer from limited employment opportunities, stereotyping and

inferiority towards some nationalities, and strict security dealing with others. The country's treatment of refugees is generally characterized by its refusal to allow their access to public facilities equally with citizens. It is the position that Egypt has expressed since its ratification of the Geneva Convention when it made a reservation regarding the provision of equal treatment between refugees and citizens in the fields of health, education and work. Despite the Government's attempt to establish a policy of sustainable self-sufficiency for refugees in the urban areas of the country and in Cairo in particular, the high unemployment problems experienced by the Egyptian people and the problems of development in this country remain an obstacle hindering the Government from having a serious action in this field.

Consequently, refugees are subject to various forms of exploitation and human trafficking if they can enter the country. As for accepting them, Amnesty International notes that in 2018 some asylum seekers have been arrested, detained and deported and they have been accused by entering the country illegally. Between January and April 2018, the immigration agencies have returned 50 asylum seekers from Eritrea, Ethiopia and Sudan, including children, without providing them with legal assistance or the possibility to contact the UN Refugee Agency (UNHCR), although these asylum seekers will be inevitably targeted if they return to their countries. In the same context of the breach of the obligation related to the prohibition of return, the authorities have issued, in July 2018, a series of arrests among Chinese students with mainly targeting members of the Uighur minority by arresting at least 200 persons and deporting 20 men and women to China.

However, Jordan has established since 2012 a policy of setting up camps in the north of the country for the Syrian refugees and divided these camps into three categories:

- Transit camps hosting refugees waiting for deportation such as the King Abdullah Park
- Camps, which permanently shelter refugees such as Za'atari refugee camp, which has been run by the UNHCR and established since July 2012. This refugee camp includes approximately 79 000 refugees. We can also mention Azraq camp which has also been run by the UNHCR, established in 2014 and including 53 500 refugees. We can also cite another camp run by the United Arab Emirates and it has 7 000 refugees and it only receives families.
- Retention camps such as Hadalat and Rokban camps created in 2014 and gathering the refugees who enter Jordan illegally. In May 2015, refugees of Rokban camp have been moved to Azraq camp.

Refugees in these camps benefit from education, health and food services as well as employment rehabilitation programs provided by the United Nations and national and international organizations. To reside outside the camps, refugees of the camps must obtain a Jordanian citizen's guarantee to have a residence card. However, more than 80 percent of Syrian refugees live in Jordanian cities. Moreover, to have access to services, including health services, these Syrian refugees must present an asylum-seeker certificate delivered by the UNHCR and a service card delivered by the Ministry of the Interior. In case the refugee leaves the camp without going through official procedures or returns to Jordan after returning to Syria, he will lose his right to obtain this card and, therefore, to receive public services.

In February 2015, the Government has launched an inspection in the cities to register Syrian refugees living in the cities. To obtain a service card again, these refugees must go to the police stations to enable them to obtain their identity documents seized at the border and show a legal lease contract or a residence certificate delivered by the UNHCR and a copy of the identity card of the owner of the leased premise. In addition, Syrians under the age of 12 should receive a medical certificate from the Ministry of Health confirming that they do not have a contagious disease. These procedures are slow, complex and expensive for the refugees who often suffer from poverty. In late February 2016, nearly 300 000 Syrian

refugees registered within the UNHCR and living in cities have received a new service card from the Ministry of the Interior.

Nevertheless, those who have not been able to obtain this card find major difficulties to access to public services and they are denied from having this access whenever they try it. What is more complicated is that this card has to be renewed annually since it only provides temporary access to public services. After enabling refugees to obtain services with a tariff equal to that applicable to insured citizens due to the aforementioned card, the Government has changed its policy since November 2014 and refugees have become required to pay the price of services provided for non-insured Jordanians. However, those who do not have a service card are required to pay the price of the service known as the "irregular guests' tariff" which is 35 to 60 percent higher than the price paid by the non-insured Jordanians.

It is necessary to highlight, in this context, that the cost of migrants and refugees to the Jordanian Government is a high cost of USD 1.7 billion in 2016, i.e. equivalent to 4 percent of the national wealth. The influx of refugees, especially from Syria, continues despite the intensification of the border control from 2012 and closing the Jordan's borders to the Syrians except some cases, since 2014. Jordan has officially declared its border closed to the Syrians since 2016. This has led to humanitarian tragedies. Thus, according to Amnesty International, tens of thousands of refugees on the border live in harsh humanitarian conditions.

In Lebanon, the Government policy seems more severe with refugees. The Government has prevented the construction of Syrian refugee camps and this has forced them to resort to uninhabited dwellings such as tents, abandoned buildings and stables. Furthermore, the number of refugees without official documents increases and this prevents them from enjoying the right to movement and access to basic services and exposes them to the risks of harassment, exploitation and trafficking. Refugees in this country face significant obstacles related to the access to health services since they must pay for services and even for food and accommodation. Refugees also face the problem of child labor since, according to the statistics of 2017, 4.8 percent of the children of Syrian refugees, between the ages of 5 and 17, work.

The Government imposes on foreigners a residence tax of three hundred Lebanese pounds (USD 200) from which the Syrian refugees registered within the UNHCR are exempt, except those who entered Lebanon after January 2015 or who renewed their residency by virtue of work or who received the guarantee of a Lebanese citizen or those who are Palestinian refugees coming from Syria. Despite the existence of these exceptions, their application by the Government entities remains differentiated. In May 2015, the Lebanese government has issued a resolution prohibiting the UN Refugee Agency from registering new refugees. Under these circumstances, Syrian refugees remain in a deteriorating economic situation and suffer from difficulty in obtaining or renewing their residency permit and they are therefore subject to arbitrary arrest, imprisonment and deportation.

UN statistics show that 76 percent of the Syrian refugee families in Lebanon live below the poverty line and that more than half of them live in deteriorating conditions, especially at the level of housing. They are also subject to arbitrary determination of their right to movement. Thus, several Governorates have issued decisions preventing the entry of refugees and decisions on expulsion of refugees existing in these Governorates; decisions narrowing them down especially in the levels of housing and seeking jobs.

Nevertheless, Palestinian refugees have long suffered from discriminatory laws preventing them from ownership as well as the access to public education or public health facilities. In addition, more than 3 000 Palestinian refugees are prohibited, according to Amnesty International statistics, from registering their births, marriages and deaths. The Lebanese restrictive policy has led to the proliferation of refugees having illegal status, which results in

difficulties in the movement as well as the risks of imprisonment on charges of illegal residence and deportation to a country suffering from a major humanitarian crisis.

The situation in both Tunisia and Morocco, nonetheless, remains less dangerous due to the low number of refugees in these countries compared with the other countries studied. This can also be explained by the establishment of Morocco of an inclusive policy for refugees and the attempt of the Tunisian Government, despite its delay in issuing a Refugee Law, to guarantee the minimum rights of these refugees including especially housing, education and health; in collaboration with the UNHCR and civil society organizations. Thus, it is possible to say that the absence of clear and sustainable policies in the Arab countries towards the issue of asylum represents a burden for the UNHCR, which plays the biggest role in ensuring the rights of refugees and realizing achievements in their favor under a policy of continuous cooperation with the Governments concerned.

The significant role of the UN Refugee Agency

The Arab countries studied have realized some achievements in dealing with the issue of asylum, as part of their collaboration with the UNHCR. According to the figures released by the UNHCR for the year 2016, significant work has been done at the level of the procedures, first, and at the level of guaranteeing rights, second.

At the level of procedures, the figures that can be highlighted are those of Morocco, where in 2016, 4 000 new asylum applications have been processed. We can also highlight the example of Tunisia in which 34 600 refugees have received residence permits after applying for residence and participating in a project, while 10,000 refugees went to other countries through the mechanism of resettlement as well as five other alternative ways precisely the special guarantee. Thus, 7000 refugees have voluntarily returned to their countries of origin with the support of the UNHCR. In Egypt, 10 000 individual decisions have been issued to determine Refugee Status. However, the number of applicants for resettlement has been 7000 in Egypt, 24 500 in Lebanon and 32 000 in Jordan.

Nevertheless, at the level of guaranteeing rights, the 2016 figures show that the UNHCR has registered births among Syrian refugees and this has improved the birth registration rate in Jordan by percent in Lebanon and increased the number of registered persons to 19 000. The UNHCR has also improved the economic conditions of refugees. In Morocco, the UNHCR has assisted 125 refugee families through projects. The UNHCR has also provided monthly cash grants to 13 500 families in Egypt, a monetary assistance to 33 000 families in Jordan and basic subsidy supplies to 24 000 families in Jordan. At the level of housing, the UNHCR has supervised the maintenance of 10 000 homes in Jordan and provided assistance to 182 500 Syrian refugees in Lebanon to improve their substandard housing conditions. It has also provided health consultations for 250 000 refugees in Jordan and 73 800 life-saving hospitalization services in Lebanon. At the level of the right to education, according the same figures of 2016, 76 percent refugee children at school age in Morocco has attended primary and secondary education and their families have got the cash. Besides, 34 600 conditional education grants have been provided to refugees in Egypt.

These figures are within the framework of a significant wave of asylum that the countries studied have witnessed post 2011. This represents a burden for the UNHCR. Thus, the number of people protected has increased, in 2016 compared to 2014 figures, to 23 percent in Morocco (6 733), 5 percent in Egypt (263 426) and to the same percentage in Jordan (720 812). Such number has only reduced, in small proportions, to 10 percent in Tunisia (685) and 5 percent in Lebanon (1 031 303).

The UNHCR's work in these countries has two main advantages: In the absence of a national policy, the UNHCR totally exercises all the work then refers it to the authorities. For instance, in Morocco, the UNHCR registers and processes all asylum applications and it determines

Refugee Status with the collaboration of Government officials. Refugees registered within the UNHCR are referred to the authorities, which regulate their status through the issuance of refugee cards and residence permits. Syrians do not receive similar documents but they are effectively protected from expulsion and they can have access to basic services like other refugees. This is also the case of Tunisia in which the UNHCR registers all asylum applications. In Egypt, the UNHCR undertakes all functional responsibilities for all aspects of registration, documentation and Refugee Status' determination. In Lebanon, the registration process within the UNHCR has been yet suspended, since 2014. In general, the registration within the UNHCR enables refugees to receive assistance concerning their basic needs from organizations but it does not grant them any right since the Refugee Status provided by the UNHCR is not effectively recognized by the Lebanese State. Thus, such a Refugee Status does not provide any legal status.

In the context of the coordination with the Government, the UNHCR tries to provide it with the necessary means of action and to enable refugees to enjoy their rights. In Morocco, for example, the UNHCR is working hard to build the capacity of Moroccan officials in this field. In Tunisia, work programs have been launched between the Government, the UNHCR and civil society to support the capacities of officials and enable refugees to have their rights. In Egypt, UNHCR works with the authorities to promote the access to education and health care, to improve their qualities and to provide support to the authorities concerned. In Lebanon, the UNHCR is supporting the authorities in the process of renewal in the field of legal residence since 2017, exempting some Syrian groups from paying renewal fees. It also encourages the expansion of the exemption to reach refugees not currently covered.

However, since 2014, restrictions on the entry to the territory still exist and the UNHCR registration process is still pending. Under the overall command of the Lebanese Government and the United Nations Resident Coordinator, the UNHCR coordinates the humanitarian response to refugees in Lebanon and maintains its leadership concerning the issue of refugees in the Lebanon Crisis Response Plan 2017-2020. This Plan is a common framework for Government and humanitarian and development actors working towards common humanitarian goals and stability. The UNHCR continues to play a leading role in interagency teams and intersectional task forces to ensure the focus on refugee issues in planning and implementation.

In Jordan, however, there are capacity-building programs for government agencies and support programs for refugee communities in a way that these programs are in line with the shift from the "community services" approach to the implementation of comprehensive community-based protection interventions. A Task Force concerned with permanent solutions has been created in 2017 to discuss the permanent solutions in order to adopt a comprehensive approach including voluntary repatriation, resettlement, supplementary tracking systems and other solutions to all the problems of refugees.

Webography

- ¹ <http://www.unhcr.org>
- ² <https://www.webmanagercenter.com/2017/12/15/413832/droits-de-lhomme-il-faut-un-cadre-juridique-garantissant-les-droits-des-refugies-en-tunisie/>
- ³ https://www.huffpostmaghreb.com/2017/02/24/tunisie-gouvernement-droi_n_14980834.html
- ⁴ www.shemsfm.net/fr/actualites_tunisie-news_news-nationales/199689/un-millier-de-refugies-vivent-en-tunisie
- ⁵ https://www.huffpostmaghreb.com/entry/un-millier-de-refugies-vivent-en-tunisie-la-plupart-sont-des-syriens_mg_5b38decbe4b08c3a8f6b3ea7
- ⁶ <http://www.lapresse.tn/component/nationals/?task=article&id=127037>
- ⁷ https://www.ipu.org/sites/default/files/documents/tunisia-m_ennaceur-fr.pdf
- ⁸ <http://www.webdo.tn/2018/07/01/onu-environ-mille-refugies-vivent-en-tunisie/>
- ⁹ <http://reporting.unhcr.org/sites/default/files/UNHCR%20Egypt%20Fact%20Sheet%20-%20August%202018.pdf>
- ¹⁰ https://www.persee.fr/docAsPDF/aijc_0995-3817_2017_num_32_2016_2519.pdf
- ¹¹ <https://www.mo.be/fr/reportage/syriens-en-gypte-des-r-fugi-s-au-statut-de-touristes>
- ¹² <https://www.amnesty.org/fr/countries/middle-east-and-north-africa/egypt/report-egypt/>
- ¹³ https://amnestyfr.cdn.prismic.io/amnestyfr%2Fbacba55-545b-4bae-aaa5-3863bf36ae8b_mde1636282016french.pdf
- ¹⁴ <https://ideas4development.org/refugies-syriens-jordanie-premiere-urgence-internationale/>
- ¹⁵ <https://www.loc.gov/law/help/refugee-law/jordan.php>
- ¹⁶ https://carnegieendowment.org/files/CP_247_Francis_Jordan_final.pdf
- ¹⁷ <https://carnegie-mec.org/2018/04/16/policy-framework-for-refugees-in-lebanon-and-jordan-pub-76058>
- ¹⁸ <http://www.rfi.fr/moyen-orient/20171010-jordanie-amman-plaint-cout-refugies-syriens>
- ¹⁹ <https://www.amnesty.org/fr/latest/news/2018/06/jordan-syrian-refugees-must-not-be-abandoned/>

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