

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

22 November 2013

SYR104658.E

Syria: The legal rights and obligations of a Palestinian who has been issued a Syrian travel document, including whether they must report for military service; whether the rights and obligations apply to Palestinians that have resided outside of the country for the majority of their life and only visited it briefly (2009-November 2013)

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1. Background

The United Nations Relief and Works Agency (UNRWA), the UN agency mandated to provide assistance, including services such as healthcare and education, to registered Palestinian refugees (n.d.a), states that, as of 1 January 2013, there were approximately 499,189 registered Palestinian refugees in Syria (2013). In a report entitled *Palestinian Refugees in Arab States: A Rights-Based Approach*, Asem Khalil, an Associate Professor of law at the University of Birzeit, indicated that travel documents enable people to "move outside the country and to return," but they are not residency permits (2009, 2, 39). In reference to Palestinian refugees holding Syrian-issued travel documents, Khalil adds that "'freedom to travel'...depends on political considerations" (2009, 39). Sources state that travel documents for Palestinians in Syria allow the holder to "return to Syria without a visa" (US n.d.; UN 20 Nov. 2013). In correspondence with the Research Directorate, a legal officer at UNRWA's Department of Legal Affairs in Jerusalem indicated that Palestinians with Syrian travel documents have the right to live in Syria (20 Nov. 2013).

The US *Syria Reciprocity Schedule* states that travel documents are issued for "Palestinian refugees" in Syria (n.d.). Similarly, in a telephone interview with the Research Directorate, the former Executive Director of Palestine House Educational and Cultural Centre, an educational, cultural, and social centre for the Palestinian community in the Greater Toronto Area" (Palestine House n.d.), indicated that if a Palestinian has a Syrian travel document, he or she has been registered as a Palestinian refugee in Syria (18 Nov. 2013). Sources indicate that Law Number 1311 of 1963 regulates the issuing of Syrian travel documents to Palestinians residing in Syria, as long as the Palestinians have been registered with GAPAR [the General Authority for Palestinian Arab Refugees] and have held Syrian provisional identity cards (Khalil 2009, 27; US 8 Apr. 2011). The UNRWA Legal Officer similarly indicated that Palestinians with Syrian travel documents are registered by GAPAR, which is a department in the Syrian Ministry of Social Affairs responsible for civil status issues relating to Palestinians in Syria (20 Nov. 2013).

2. Rights and Obligations of a Palestinian with a Syrian Travel Document

Khalil indicates that, according to Citizenship Law Number 276 of 1969, "Palestinians, in spite of fulfilling the condition for naturalization, are not granted citizenship in order to preserve their original nationality" (2009, 27). Al Shabaka, the Palestinian Policy Network, "an independent, non-partisan, and non-profit organization whose mission is to educate and foster public debate on Palestinian human rights and self-

determination within the framework of international law" (Al Shabaka n.d.), also reports that Palestinian refugees in Syria are not citizens, and cannot hold Syrian passports (5 Sept. 2012).

A research paper published in 2013 by the Arab Center for Research and Policy Studies (ACRPS), titled *Palestinian Refugees and the Syrian Revolution*, was written by Tariq Hammoud, the coordinator of the Working Group for Palestinians in Syria (Arab Center for Research and Policy Studies 20 Feb. 2013; Alternative Information Center 6 Oct. 2012), a group which includes "representatives from Palestine-focused groups in the UK, Europe and Middle East" that reportedly was formed in 2012 and monitors and documents the "impact of daily developments on the Palestinian refugee community in Syria" (ibid.). The paper states the following:

Based on the date of expulsion from Palestine and its circumstances, Palestinian refugees in Syria can be legally divided into five categories. These are the following:

1. The 1948 category: This is the largest group among Palestinian refugees, representing 85% of their total numbers in Syria. Their legal situation is favorable, as they fall under the famous law 260 of 1956, which made Palestinians equal to Syrian citizens in terms of rights and obligations, except for the right of voting and running for elections ... The same law allows these refugees to occupy government positions up to the rank of General Director. (Hammoud 20 Feb. 2013, 3)

Similarly, the UNRWA legal officer indicated that

the legal status of Palestinian refugees in Syria is regulated by the Syrian Arab Republic Law No. 260 of 1957. The law stipulates that Palestinians living in Syria have the same duties and responsibilities as Syrian citizens other than nationality, passport and political rights, such as voting or participating in the parliament public elections. (20 Nov. 2013)

The US *Syria Reciprocity Schedule* also indicates that "Palestinians living in Syria have the same duties and responsibilities as Syrian citizens other than nationality and political rights" (n.d.).

Sources indicate that Palestinians have many of the same rights as Syrian citizens (UN 2013; Director 18 Nov. 2013). Al Shabaka indicates that Palestinians "have most of the civil rights of fellow Syrians" (5 Sept. 2012). UNRWA states that, in 2011, before the conflict in Syria, Palestinian refugees were a "vulnerable population," but they "had many of the rights of Syrian citizens - including access to social services provided by the Government of Syria" (2013). The US *Country Reports for Human Rights Practices in 2012* similarly stated that Palestinians had the "same access to basic services provided to citizens" (US 19 Apr. 2013, 28). Sources indicate that Palestinian refugees have the right to work in Syria (ibid.; Director 18 Nov. 2013), and can attend schools and universities (US 19 Apr. 2013, 37).

The UNRWA legal officer indicated that

Palestinians who arrived in Syria between 1948 [when 700,000 refugees fled their homes in Palestine as a result of the 1948 Arab-Israeli war" (UN n.d.b)] and 1956 have a different legal status to Palestinians who arrived Syria after 1956.

In respect of those in the former category (arrivals pre-1956):

Law No 260 (1957) stipulates that Palestinians living in Syria at the time of this law have the same duties and responsibilities as Syrian citizens in education, work, trade, work with public sector and military services, but keep their [non-Syrian] nationality.

Order No. 1311 (193) (and its amendment), issued by the Ministry of Interior, regulates the issuing of Syrian laissez-passer (travel documents) to Palestinians residing in Syria or under its protection, who are registered in GAPAR's records, and holding a [t]emporary residence card ... The order further provides that:

The holder of Syrian travel documents can return to Syria without a visa ...;

Travel documents can also be reissued by any Syrian representative office outside Syria (such that even the children of a Palestine refugee from Syria who is living abroad can obtain this travel document from the Syrian consular abroad). (UN 20 Nov. 2013)

The UNRWA legal officer provided the following information about Palestinians who arrived after 1956:

Palestinian refugees with Egyptian, Jordanian and Iraqi travel documents seeking entry into Syria face strict measures of control by the Syrian Government. As such, Palestinian refugees who enter Syria (from 1967 onwards) are not required to register in the Syrian Immigration Office, but rather, must visit Office 235 (one of the Security Offices in Syria) upon arrival and departure. Palestinian Refugees from Gaza should apply for an exit visa from this office before they [are] authorized to leave Syria. (UN 20 Nov. 2013)

Hammoud provides the following information about Palestinians who arrived in 1956 and 1967:

2. The 1956 category: This is a special category that mainly includes the residents of the villages of Akrad al-Baqara and al-Ghanama, who were expelled by the Israeli occupation in 1956. At the time, there were around 2,000 of these refugees. Since refugees of this category are registered in the list of the General Authority for Palestine Arab Refugees (GAPAR), they are subjected to the same rules as the first category except that they ... can only take government jobs based on temporary work contracts.

3. The 1967 category: This includes Palestinian refugees who came to Syria following the 1967 Arab-Israeli war. The majority of these refugees originated from the West Bank and the Gaza Strip. Those who carried Egyptian travel documents were treated by Syrian law as foreigners, while those carrying Jordanian passports were considered Arab nationals. (Hammoud Feb. 2013, 3-4)

Hammoud adds that "dozens of individuals [in the 1967 category] have been able to gain the privileges of the 1956 refugees by registering in the list of the General Authority for [GAPAR] due to personal relations" (Feb. 2013, 4).

The last two categories described by Hammoud are:

4. The 1970-1971 category: this category finds itself in a complex legal situation due to the fact that the majority of these refugees lost their legal papers after being forced to take refuge in Syria following the bloody "Black September" events in Jordan in 1970-1971. These events consisted of an armed confrontation between the PLO [Palestine Liberation Organization] and the Jordanian regime. The majority of these refugees possess expired Jordanian passports, which they cannot renew for security reasons. They receive basic education and health services from UNRWA, but face major difficulties in entering the job market due to their legal situation. This also makes the majority of Palestinians in this category unable to travel or move outside Syria.

5. The 2006 category: these are Palestinians who fled from Iraq after 2003. The Syrian government allowed a number of them to enter Syria in 2006; other waves of immigration followed, with some individuals entering legally and others not. The lists of the UN Refugee Agency (UNHCR) count between 4,000 and 5,000 refugees in this category. This group endures a complex legal and security situation and is deprived of basic civil rights, greatly resembling the 1970 category. (Hammoud Feb. 2013, 4)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.1 Military Service

Khalil states that, according to Law number 260 of 1956, "Palestinians residing in Syria as of the date of the publication of this law are to be considered as originally Syrian in all things covered by the law and legally valid regulations connected with the right to ... national service, while preserving their original nationality" (Jadaliyya 3 Sept. 2013; Khalil 2009, 26). The UNRWA legal officer similarly states that

Palestinians under Law 260 (1957) are obligated to undertake, like other Syrians, mandatory military service. They are subject to the same provisions with respect to exemption from mandatory service and payment of allowances for those [who] are residents outside of Syria. (UN 20 Nov. 2013)

Hammoud indicates that "Palestinian males who descend from [the 1948 category] are called up upon reaching the age of 19 for military service for one year and a half, having been for two years and a half a decade ago" (Hammoud Feb. 2013, 3). The UNRWA legal officer also indicated that "male Palestinians and their male children who entered Syria in 1948 have to report for the obligatory military service in the same way as their fellow Syrians" (ibid.). Hammoud states that Palestinians who arrived in 1956 "are not required to do military service" (Feb. 2013, 4). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Without specifying when the Palestinians arrived in Syria, other sources also indicated that Palestinians with Syrian travel documents must report for military service (Director 18 Nov. 2013; Former Executive Director 18 Nov. 2013). In a telephone interview with the Research Directorate, the Director of the Center for Middle East Studies at the University of Oklahoma added that "if a Palestinian were to go back to Syria now, they would have to do military service" (Director 18 Nov. 2013).

Regarding the military service requirements for Syrian nationals, the US *Syria Reciprocity Schedule* states that Syrian men over the age of 18 must report to duty (US n.d.), but adds that the mandatory military service requirement for Syrian men "can be waived for different reasons," such as permanent disability, "if he is the only male child of his parent(s), if he has a brother who died on duty, or if he is a resident in another country and paid the military exemption fee. Additionally, the requirement can be postponed if the candidate is a student" (ibid.).

3. Application of Rights and Obligations for Palestinians Living Outside of Syria

The UNRWA legal officer indicated that Palestinians with Syrian travel documents who have resided outside of Syria for most of their lives and have only visited Syria briefly would be treated the "same as other Palestinians from Syria" and would have the same obligations as other Palestinians with Syrian travel documents (20 Nov. 2013). According to the former Executive Director of Palestine House, a Palestinian who has a Syrian travel document, was born outside of Syria and has another nationality has the right to live in Syria, as long as he or she is registered as a Palestinian refugee in Syria (Former Executive Director 18 Nov. 2013). He added that a Palestinian who has a Syrian travel document who was born outside of Syria and has another nationality must serve in the Syrian military (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact the following individuals and organizations were unsuccessful within the time constraints of this Response: Associate researcher, Institut Francais du Proche-Orient; Associate Professor of law, Birzeit University; Associate Professor of political science, University of Toronto; BADIL Resource Center for Palestinian Residency and Refugee Rights; Clinical Professor of law, Boston University; Director, Middle East Institute, Columbia University; Euro-Mediterranean Consortium for Applied Research on International Migration; Institute for Palestine Studies in Beirut; Palestinian Liberation Organization Delegation to the United States; Professor of economics, Ryerson University; Researcher, French Institute for the Near East in Damascus; Professor of law, Western University; Syria – Embassy in Brussels and Washington, Ministry of Interior, Permanent Mission to the United Nations; United Nations Relief and Works Agency – Syrian Arab Republic Field Office, West Bank Field Office; United Nations Refugee Agency in Syria. Attempts to contact 10 lawyers from Damascus, Homs, Lattakia and Aleppo were unsuccessful within the time constraints of this Response. One lawyer in Damascus was unable to provide information within the time constraints of this Response. The following individual and organizations were unable to provide information for this Response: International Counsel for the Middle East at a law firm in Toronto; Norwegian Refugee Council; Palestine House Educational and Cultural Centre; Professor of political science, McGill University.

Internet sites: Amnesty International; BADIL Resource Center for Palestinian Residency and Refugee Rights; ecoi.net; Factiva; Forced Migration Online; Legislationline; Human Rights Watch; Minority Rights Group International; Syria – Syrian Arab News Agency; United Nations – Refugee Agency (UNHCR), Refworld.

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