

Legal Status of Refugees: Egypt, Jordan, Lebanon, and Iraq

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Legal Status of Refugees: Egypt, Jordan, Lebanon, and Iraq

George Sadek
Senior Legal Analyst

SUMMARY Many Arabic-speaking countries in recent years have experienced a significant influx of refugees. Among the Arab states, Egypt, Iraq, Lebanon, and Jordan host the largest numbers of refugees. Egypt hosts Syrian, Sudanese, Ethiopian, Somali, Eritrean, Palestinian, and Iraqi refugees. It is a member of the 1951 Convention on the Status of Refugees. Iraq hosts Syrian, Iranian, and Palestinian refugees, and many Iraqis have been internally displaced as a result of civil sectarian strife within Iraq. Iraq is not a party to the Refugee Convention. Lebanon hosts a considerable number of Iraqi, Syrian, and Palestinian refugees. It has not ratified the Refugee Convention. Jordan hosts Palestinian, Iraqi, and Syrian refugees. In 1998, Jordan signed a Memorandum of Understanding with the United Nations High Commissioner for Refugees to enhance mutual cooperation on refugees, but it too is not a member of the Refugee Convention.

I. Background

Many Arabic-speaking countries in recent years have experienced a significant influx of refugees from within the Arab world and Africa. In response, Arab legal experts have held two regional meetings to explore solutions and develop mechanisms to help host Arab countries deal with this problem. These regional meetings resulted in two main documents being adopted: (1) the Declaration on the Protection of Refugees and Displaced Persons in the Arab World, which was adopted in November 1992; and (2) the Arab Convention on Regulating the Status of Refugees in the Arab Countries, adopted by the League of Arab States in 1994.

In addition to such regional initiatives, some Arab countries signed but did not ratify the 1951 United Nations Convention Relating to the Status of Refugees (Refugee Convention)¹ and its 1967 Protocol² (although Egypt, as discussed below, has ratified them with reservations). These instruments are the main international legal tools for protecting refugees.

According to the United Nations High Commissioner for Refugees (UNHCR), Egypt, Iraq, Lebanon, and Jordan host the largest numbers of refugees among the Arab states.

This report provides a general overview of the legal measures adopted by these four countries to regulate the status of refugees and the types of benefits they offer to refugees.

¹ United Nations Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 137, <http://treaties.un.org/doc/Publication/UNTS/Volume%20189/v189.pdf> (scroll to page 137).

² United Nations Protocol Relating to the Status of Refugees, Jan. 31, 1967, 606 U.N.T.S. 267, <http://treaties.un.org/doc/Publication/UNTS/Volume%20606/v606.pdf> (scroll to page 267).

II. Egypt

According to a report issued by the UN Refugee Agency, Egypt hosts Syrian, Sudanese, Ethiopian, Somali, Eritrean, Palestinian, and Iraqi refugees.³

In July 1951, Egypt signed the Refugee Convention. In May 1981, it ratified the Convention and its 1967 Protocol, but made reservations to five provisions, namely article 12(1) (personal status), article 20 (rationing), article 22(1) (access to primary education), article 23 (public relief and assistance), and article 24 (labor legislation and social security).⁴

While Egypt made a reservation to article 22, section 1 of the Convention, denying refugees the right to be admitted to public schools, the Egyptian Minister of Education issued Ministerial Decree No. 24 in 1992, allowing the children of recognized refugees from Sudan and the children of Sudanese, Libyan, and Jordanian political asylum seekers to attend public schools.⁵ Refugees are provided with a UNHCR blue refugee card, which is stamped by the Ministry of Foreign Affairs and the Ministry of Interior (the Refugee Affairs section in the Ministry's Department of Migration and Citizenship). A renewable residence permit, with a duration of six months, is also provided with the refugee card. According to Decree No. 8180 of 1996, issued by the Ministry of Interior, refugees generally receive a three-year temporary residency permit. Palestinian refugees may receive a longer residency permit, depending on when they arrived. Palestinian refugees who arrived in 1948 receive residency permits that are renewable every five years, but Palestinians who arrived in 1956 receive residency permits that are renewable every three years.⁶

Egypt did not make a reservation against articles 17 and 18 of the Refugee Convention, which protect refugees' rights to employment. However, Egyptian work permits are difficult to obtain. Article 11 of Ministerial Resolution 390 of 1982, issued by the Ministry of Labor, requires proof on the part of the employer that no Egyptian national is available to do the work before a permit may be issued.⁷

The Egyptian authorities have adopted a number of domestic legislative initiatives to regulate the legal status of refugees and asylum seekers:

³ 2013 UNHCR Country Operation Profile: Egypt, UNHCR, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486356&submit=GO> (last visited Nov. 12, 2013).

⁴ *Convention Relating to the Status of Refugees, Declarations and Reservations*, UN TREATY COLLECTION, http://treaties.un.org/pages/ViewDetailsII.aspx?&src=UNTSOLINE&mtdsg_no=V~2&chapter=5&Temp=mtdsg2&lang=en (scroll to Egypt) (status as of Dec. 4, 2013).

⁵ Ministerial Resolution 24-1992, AL-JARIDA AL-RASMIYYA, 22 Jan. 1992.

⁶ Liala Hilal & Shahira Sami, *Immigration and Asylum in the Levant*, EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK, <http://www.euromedrights.org/files/publications/emhrn/2008/00002896.pdf> (last visited Nov. 12, 2013).

⁷ Ministerial Resolution 390-1982, AL-JARIDA AL-RASMIYYA, 13 June 1982.

- In May 1984, a presidential decree established a permanent committee in the Ministry of Foreign Affairs to review asylum applications and grant refugee status.⁸
- Presidential Decree 331 of 1980 adopted the Refugee Convention as domestic law.⁹
- The suspended Egyptian Constitution of 2012 provides protection to refugees and asylum seekers; for instance, article 57 prohibits the extradition of political refugees.¹⁰
- Law 124 of 1958 prevents foreigners from owning agricultural land in Egyptian territory, for security reasons.¹¹ However, Law 15 of 1963 considers Palestinian refugees to be an exception.
- Law 104 of 1985 prevents foreign persons and companies from owning agricultural property, fertile land, or desert land in Egypt.¹²
- Law 154 of 2004, amending Law 26 of 1975 on nationality, prohibits the children of foreigners who are born on Egyptian soil from acquiring citizenship, as Egyptian nationality is granted only on the basis of descent.¹³

III. Iraq

Iraq hosts Syrian, Iranian, and Palestinian refugees.¹⁴ In addition to these foreign refugees, some 1.2 million Iraqis have become internally displaced as a result of civil sectarian strife within Iraq itself.¹⁵ Dealing with the many problems associated with this situation presents serious difficulties for the Iraqi government.

While Iraq is not a party to the Refugee Convention, the Iraqi government has issued two legislative instruments related to refugees in Iraq. Law 21-2010 establishes the Ministry of Migration and Displacement, which provides assistance and services to both internally displaced persons and foreign refugees inside Iraq.¹⁶ Second, the Political Refugee Law of 1971 addresses political refugees only, and establishes benefits such as the right to work and the same health and

⁸ Abdallah al Asha'al, *Egypt and Refugee Law*, AL AHARAM (Jan. 1, 1992), <http://digital.ahram.org.eg/articles.aspx?Serial=217203&eid=3716>.

⁹ Presidential Decree 331-1980, AL-JARIDA AL-RASMIYYA, 28 May 1981.

¹⁰ Egyptian Constitution of 2012, AL-JARIDA AL-RASMIYYA, 25 Dec. 2012, at 2.

¹¹ Presidential Decree 124-1958, AL-JARIDA AL-RASMIYYA, 24 Aug. 1958.

¹² Law 28-2004, AL-JARIDA AL-RASMIYYA, 14 July 2004, at 2.

¹³ Law 154-2004, AL-JARIDA AL-RASMIYYA, 14 July 2004, at 11.

¹⁴ *2013 UNHCR Country Operation Profile: Iraq*, UNHCR, <http://www.unhcr.org/cgi-bin/txis/vtx/page?page=49e486426&submit=GO> (last visited Nov. 18, 2013).

¹⁵ *Id.*; see also Order 101/S, Republic of Iraq, Prime Minister's Office, 3 August 2008, available at <http://www.refworld.org/category.LEGAL.NATLEGBOD.,IRQ.49da18482.0.html> (unofficial translation) (example of Iraqi government measure to facilitate reintegration of displaced Iraqis).

¹⁶ Law 21-2010, AL WAQA'A AL IRAQYAH, vol. 4141, 1 Nov. 2010, at 1, <http://www.legislations.gov.iq/LoadLawBook.aspx?SP=REF&SC=210320103386160&Year=2010&PageNum=1>.

education services as Iraqis.¹⁷ However, it does not apply to refugees who have fled their countries for other reasons.¹⁸

To facilitate the voluntary return of internally displaced persons to their places of origin, the Iraqi Council of Ministers issued Decree 262 of 2008, which authorizes the Ministry of Displacement and Migration to provide monetary awards to Iraqis who were forced to leave their homes because of sectarian violence.¹⁹

With respect to benefits offered to foreign refugees, Ministerial Resolution 202-2001 provides Palestinian refugees with all the benefits to which Iraqi nationals are entitled.²⁰ Following the Syrian Crisis in 2011, authorities in the Kurdish region of Iraq granted Syrian refugees the right to enroll in public schools and work in the region.²¹

IV. Lebanon

According to the UN Refugee Agency, Lebanon hosts a considerable number of Iraqi, Syrian, and Palestinian refugees.²²

Although the Lebanese government created the Central Committee for Refugee Affairs in 1950 to administer the Palestinian presence in Lebanon, Lebanon has not ratified the 1951 Refugee Convention Relating to the Status of Refugees.

In terms of benefits offered to refugees, the Lebanese government allows refugees to enroll in Lebanese universities and have access to primary health care after registering with the UNHCR.

Concerning Palestinian refugees, Presidential Decree 42-1959 was issued to create the Department of Palestinian Refugee Affairs to contact the United Nations Relief and Works Agency for Palestinian Refugees in the Near East with respect to shelter, education, health, and social services.²³

¹⁷ Law 51-1971, AL WAQA' A AL IRAQYAH, vol. 1985, 4 Oct. 1971, at 489, <http://www.legislations.gov.iq/LoadLawBook.aspx?SP=REF&SC=031220057446704&Year=1971&PageNum=1>.

¹⁸ *Id.*

¹⁹ Council of Ministers Decree 262-2008, 17 July 2008, available at <http://www.refworld.org/category,LEGAL,NATLEGBOD,,IRQ,49d4d3a22,0.html> (unofficial translation).

²⁰ Ministerial Resolution 202-2001, AL WAQA' A AL IRAQYAH, vol. 3897, 24 Sept. 2001, at 592, <http://www.legislations.gov.iq/LoadLawBook.aspx?SP=REF&SC=130120013724516&Year=2001&PageNum=1>.

²¹ *Iraqi Kurdistan Region Struggles to Cope with Syrian Refugees*, AL MONITOR, June 21, 2012, <http://www.al-monitor.com/pulse/originals/2013/06/iraq-kurdistan-syrian-refugees-aid.html#>.

²² *2013 UNHCR Country Operation Profile: Lebanon*, UNHCR, <http://www.al-monitor.com/pulse/ar/contents/articles/originals/2013/06/iraq-kurdistan-syrian-refugees-aid.html#> (last visited Nov. 18, 2013).

²³ Sherifa Shadie, *Palestinian Refugees in Lebanon*, FORCED MIGRATION ONLINE (July 2007), <http://www.forcedmigration.org/research-resources/expert-guides/palestinian-refugees-in-lebanon/fmo018.pdf>.

In 2000, Decree No. 4082 was passed to change the name of the Department of Palestinian Refugee Affairs to the Department of Political and Refugee Affairs.²⁴ Law No. 296 of 2001 banned foreign nationals of recognized UN states from owning any real estate unless they obtain official permission.²⁵ In February 2013, Resolution No. 1/19 opened some professions, such as those involving construction, electricity, and sales, to refugees; those professions were previously restricted to Lebanese citizens.²⁶

V. Jordan

Jordan hosts Palestinian, Iraqi, and Syrian refugees. According to a Memorandum of Understanding (MOU) signed in 1998 between the UNHCR and the Jordanian government, asylum seekers can remain in Jordan for six months after recognition, during which time the UNHCR has to find a resettlement country for them.²⁷

While Jordan is not a signatory to the UN 1951 Geneva Convention on Refugees, article 21 of the Jordanian Constitution prohibits extradition of “political refugees.”²⁸ Law No. 24 of 1973 on Residence and Foreigners’ Affairs requires that those entering the country as political asylum seekers present themselves to a police station within forty-eight hours of their arrival.²⁹ Article 31 of this Law grants the Minister of the Interior the authority to determine on a case-by-case basis whether persons that entered illegally will be deported. However, it does not identify conditions under which individuals will be eligible for asylum. It also does not impose any sanctions against asylum seekers who entered the country illegally.

Refugees do not automatically acquire rights to residency, employment, public education, or health care. Foreigners cannot live in the country without acquiring a residency permit; such permits in most cases are valid for one year only.³⁰ Those permits are granted in small numbers to refugees. For instance, according to the UNHCR, just 30% of Iraqi refugees were granted residency permits.³¹ In addition, about 160,000 Syrians are working illegally in Jordan.³²

²⁴ Jaber Suleiman, *Marginalized Community: The Case of Palestinian Refugees in Lebanon* (Dev. Res. Ctr. on Migration, Univ. of Sussex, Apr. 2006), <http://r4d.dfid.gov.uk/pdf/outputs/migrationlobpov/jaberedited.pdf>.

²⁵ Nader Abdu Al Ziz, *Legal Provisions Governing the Concept of Ownership of Foreigners*, ARMY MAGAZINE (Feb. 2007).

²⁶ Ministerial Resolution 1/19, AL-JARIDA AL-RASMIYYA, 2 Feb. 2013, at 489.

²⁷ *UNHCR Global Appeal 2013 Update: Jordan*, UNHCR, <http://www.unhcr.org/4ec231020.pdf> (last visited Nov. 18, 2013).

²⁸ CONSTITUTION OF 1952 art. 21 (Lebanon), available at <http://www.representatives.jo/pdf/constitutions.pdf> (official website of the Jordanian House of Representatives) (in Arabic).

²⁹ Law No. 24 of 1973, art. 12, AL-JARIDA AL-RASMIYYA, 16 June 1973, at 1112, http://www.lob.gov.jo/ui/laws/search_no.jsp?year=1973&no=24 (official website of the Jordanian Council of Ministers), unofficial English translation available at <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3ae6b4ed4c>.

³⁰ *Id.* ch. 3.

³¹ James Emanuel, *Discriminatory National Laws in Jordan and Their Effect on Mixed Refugee Families 12* (Program on Law & Hum. Dev., Univ. of Notre Dame Law Sch., Student Research Papers No. 2012-4, Apr. 2012), <http://www3.nd.edu/~ndlaw/prog-human-rights/student-research-papers/NationalityLawsInJordan.pdf> (citing 2011

The Jordanian Ministry of Labor also publishes a list of professions and industries in which only Jordanian citizens are allowed to work. These include medical, engineering, administrative, accounting and clerical professions; telephone and warehouse employment; sales; education; hairdressing; decorating; fuel sales; electrical and mechanical occupations; guards; drivers; and construction workers.³³

Among the laws adopted by Jordan to regulate the legal status of foreigners in the country is article 2 of the country's nationality law, Law No. 6 of 1954, which grants Jordanian nationality to all Palestinians that lived in Jordan between December 20, 1949, and February 16, 1954.³⁴

VI. Conclusion

Most Arab countries have not ratified the 1951 Refugee Convention and its 1967 Protocol. While regional conventions dealing with refugees in the Arab world have been developed, they have not actually been implemented. Further, many Arab countries do not have domestic laws governing the status of refugees.

In an attempt to enhance the Arab states' legal framework for governing refugee issues, human rights organizations and the UNHCR have submitted an array of legal suggestions to improve and regulate services offered to refugees. These suggestions have included: (1) ratifying the 1951 Status of Refugees Convention and its 1967 Protocol,³⁵ (2) issuing comprehensive domestic legislation regulating benefits offered to refugees and asylum seekers,³⁶ (3) creating a reception center on border areas to provide temporary legal protection to refugees,³⁷ and (4) enhancing mutual cooperation with the UNHCR to facilitate the repatriation process and the distribution of appropriate services to refugees and asylum seekers.³⁸

Regional Response Plan for Iraqi Refugees, U.N. OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS, Dec. 28, 2010, at 44, <http://www.unocha.org/cap/appeals/regional-response-plan-iraqi-refugees-2011>).

³² *Legal Status of Individuals Fleeing Syria*, SYRIA NEEDS ANALYSIS PROJECT, June 30, 2013, at 2, http://reliefweb.int/sites/reliefweb.int/files/resources/legal_status_of_individuals_fleeing_syria.pdf.

³³ *List of Professions Not Allowed to Foreign Workers*, MINISTRY OF LABOR, <http://www.mol.gov.jo/Portals/0/Decisions/closed.pdf> (last visited Nov. 13, 2013) (in Arabic).

³⁴ Law No. 6 of 1954, AL-JARIDA AL-RASMIYYA, 16 Feb. 1954, at 105, http://www.lob.gov.jo/ui/laws/search_no.jsp?no=6&year=1954 (official website of the Jordanian Council of Ministers).

³⁵ See Kate Jastram & Marilyn Achiron, *Refugee Protection: A Guide to International Refugee Law*, INTER-PARLIAMENTARY UNION 98 (2001), http://www.ipu.org/pdf/publications/refugee_en.pdf.

³⁶ *Id.* at 21.

³⁷ Dallal Stevens, *Legal Status, Labelling, and Protection: The Case of Iraqi "Refugees" in Jordan*, INT'L J. REFUGEE L. (Mar. 15, 2013), <http://ijrl.oxfordjournals.org/content/early/2013/03/13/ijrl.eet001.full>.

³⁸ *Government as Partners*, UNHCR, <http://www.unhcr.org/pages/49fab5eb6.html> (last visited Dec. 5, 2013).