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30123 Venezia

Final Thesis

# Precarious Refugee Protection in Egypt

Politicization of the Refugee Issue and Other  
Factors Undermining Refugees' Safety

**Supervisor**

Ch. Prof. Barbara De Poli

**Graduand**

Federica Raimondi  
Matriculation Number 822742

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## المقدمة

هذه الدراسة تحلل السياسات المصرية بالنسبة لطالبي اللجوء وتأثير العلاقات الدولية و الدبلوماسية عليها.

اخترت هذا الموضوع لاني اظن مسألة اللاجئين، المسألة مهمة. و اخترت هذا الموضوع ايضا لاني كنت في مصر خلال صيف سنة 2013 و رأيت التطورات التي حدثت عقب الانقلاب.

اثر هذا الانقلاب على شروط اللاجئين ثائرا عميقاً، و خاصة على حالة اللاجئين السوريين. لذلك اريد ان اعمق هذه المسألة لكي افهمها احسن و اوضحها.

يقدم الفصل الاول الاطار القانوني و القانونين الدولي لحماية اللاجئين. بدت مسألة اللاجئين دولياً بعد الحرب العالمية الثانية حيث كان هناك كثير من النازحين في اوروبا. اتممت الامم المتحدة انشاء "المفوضية العليا للامم المتحدة لشؤون اللاجئين" و "اتفاقية 1951 المتعلقة بوضع اللاجئين" و بروتوكول 1967 التابع لها.

تعرف اتفاقية 1951 "اللاجئ" بأنه الشخص الذي يهاجر من بلده و ذلك بسبب خوفه له ما يبرره من ا تعرض لاضطهاد بسبب عرقه أو دينه أو جنسيته أو انتماصه إلى فئة اجتماعية معينة أو آرائه السياسية، خارج بلد جنسيته، ولا يستطيع، أو لا يريد بسبب ذلك الخوف، أن يحظى بحماية ذلك البلد، أو كل شخص لا يملك جنسية ويوجد خارج بلد إقامته المعتادة ولا يستطيع، أو لا يريد ان يعود إلى ذلك البلد.

اسست، في وقت لاحق، منظمة الوحدة الافريقية "اتفاقية منظمة الوحدة الافريقية التي تحكم الجوانب المحددة لمشكلات اللاجئين في افريقيا" من السنة 1969. هذه الاتفاقية اكثر خاصة لمشاكل اللاجئين في هذه القارة.

تعريف مصطلح اخاص في هذه الاتفاقية لانه يقول ان "لاجي" هو شخص "مضطرا، بسبب عدوان او احتلال خارجي او سيطرة اجنبية او بسبب احداث تهدد بشكل خطير الامن العام في جزء من البلد [...]. هذا التعريف نتيجة الاستعمار.

يعمق الفصل مسالة اللاجئين في العالم العربي و الاسلامي.  
يرفض المسلمون اعتراف يالاجئين لأنهم يفضلون ان ينظروا اليهم كضيوف.  
يستمر بعد ذلك مع الاتفاقيات التي اتممت مصر مصداقه عليها.

او لا تمت مصر توقيع اتفاقية 1951 و بروتوكول 1967 التابع لها و اتفاقية منظمة الوحدة الافريقية من السنة 1969.

و مع ذلك عملت حكومة مصر خمسة تحفظات على اتفاقية 1951، التي تحدد قدرة اندماج اللاجئين.

هؤلاء الوثائق مهمة جدا لضمان حقوق اللاجئين.  
نصت مصر في سنة 1954 "مذكرة التفاهم" مع المفوضية العليا للامم المتحدة لشؤون اللاجئين.  
سبب هذه المذكرة تفويض كل العمليات المتعلقة باللاجئين الى المفوضية.  
ما نفذت مصر سياسات محلية خاصة بالنسبة للاجئين و يناقض القانون المصري بعضها من  
الاتفاقيات.

يصف الفصل الثاني اطار العام الذي يعيش فيه اللاجئون في مصر و اوضاهم.

مصر بلد عبور و يجد فيها اللاجئون كثيرا من جنسيات مختلفة، خاصةً من شرق افريقيا و الشرق الأوسط.

لا توجد في مصر مخيمات لالاجئين، و لذلك كل اللاجئون يسكنون في مدن موزعة في كل البلد.  
لا تسمح مصر لالاجانب بحق العمل و التربية العامة، فحياة اللاجئين صعبة و غير عادلة.  
التمييز ضد اللاجئين مشكلة كبيرة في المجتمع المصري.  
عدم الاندماج اللاجئين في المجتمع المصري يعود لكل هذه الاسباب  
لكل هذه الاسباب اندماج المحلي اللاجئين في مصر غير ممكن.  
تزود منظمات دولية مثل الامم المتحدة و منظمات غير حكومية اللاجئين بخدمات مختلفة.

حللت بعد ذلك الفصل الثالث حالة اللاجئين السوريين في مصر خلال فترة الانتقالية السياسية اعقاب انقلاب رئيس محمد مرسي.

من بداية الازمة في سوريا اكثر من 4 مليون سخن هربوا من سوريا يبحثون عن امن و سلامه.  
حتى الان حوالي 132.000 سوري مسجل لدى المفوضية العليا للامم المتحدة لشؤون اللاجئين.  
كان في البداية اللاجئين السوريين مرجب بهم في مصر مثل اخوه و اخوات لانهم عرب و مسلمون.  
كانت موجودة كثير من المؤسسات الخيرية التي تزود العائلات السورية عائلات السورية بمنازل و اكل و خدمات طيبة.

وفرت الحكومة المصرية استخدام الخدمات العامة كالتربيه و الصحة.  
اعلن رئيس مصر السابق محمد مرسي دعمه للثورة السورية و قطع كل العلاقات الدبلوماسية مع سوريا و اغلق السفارة السورية في القاهرة.  
عندما اخذ الجيش السلطة، اصبحت حالة اللاجئين السوريين معقدة جداً.  
اعلن الجيش ان جماعة الاخوان المسلمين جماعة إرهابية.  
بدأت دعاية سلبية ضد كل السوريين في البلد لانهم اتهم بالمشاركة في جماعة الاخوان المسلمين.

اعتقالهم الشرطة بدن سبب، و رحلتهم لدولتهم. ترحيل اللاجئين ممارسة ضد قانون اللاجئين و انتهاك حقوق الانسان.

اصبح هناك كثير من القيود بالنسبة لدخول البلد. من 8 يوليو 2013 اصبح كل السوريين محتاجين لتأشيرة و تصريح أمني.

بالاضافة الى ذلك، في النهاية حاول كثير من اللاجئون السوريون ان يغادروا عن طريق البحر بشكل غير قانوني.

للاسف ما كانت هذه الاحداث سيء جدید.

كانت مجموعة اخرى من اللاجئين متميزة في مصر، مثل الفلسطينيين، السودانيين، العراقيين و الاثيوبيين لاسباب مختلفة.

كان اللاجئون السودانيون متميزين لاسباب المتعلقة بالعلاقات السياسية بين مصر و السودان. رفضت مصر دخول اللاجئين العراقيين في 2006 لاسباب طائفية. كان اللاجئون الاثيوبيين متميزين بسبب السد على النيل في اثيوبيا. هذا موضوع الفصل الرابع.

يبين الفصل الخامس اسباب تغير حقوق اللاجئين في مصر وفقاً الظروف السياسية. بالإضافة الى ذلك، مصر دولة نامية، لذلك لا تسمح شروطها بترحيل اللاجئين بشكل كامل. توجد الكثير من البطالة و خدمات التربية و الصحية غير فعالة.

بالاضافة الى ذلك، النظام القضائي غير فعال و القانون الجديد بالنسبة للمنظمات غير الحكومية يعرض شغلها للخطر

. للاسف كثير من هذه المنظمات غير الحكومية التي تزود اللاجئين قد انجى عملها بسبب هذه القوانين.

مصادر هذه الدراسة الرئيسية الاتفاقية الدولية، مقالات جرائد، مقابلات مع اشخاص يعملون مع اللاجئين في مصر.

الصحافة و تقارير منظمات حقوق الانساني و مصادر الرئيسية لمعلومات عن الانتهاكات و الاعتقالات و الترحيل.

تفهم صعوبات مصر في سياق حماية اللاجئين ح شيء مهم جداً لذلك فهو مسؤولية عالمية.

## **Introduction**

During the summer of 2013, in the months following the forced ouster of Mohammad Mūrsi and the drastic change of leadership, an atmosphere of xenophobia and interreligious violence suddenly filled the Egyptian air. When Mūrsi was president, Syrian refugees were welcomed in the country like brothers and sisters, with no need for a visa to enter.

But once the army took over, the Syrian refugees, who before were fully supported by the Muslim Brotherhood-led government, were turned into scapegoats in the eyes of the Egyptians and the nationalistic media. They suddenly became victim of abuses and discrimination, and *de facto* their lives in Egypt were being endangered more than they were protected.

That summer of 2013, I was in Egypt and I personally witnessed these events. But at that time, as is always the case with evolving history, the outlines were not exactly clear. Why and how did this happen? Had this been an isolated case or did it happen before with other refugee communities as well? And what are the causes for the limited capacity Egypt has for refugee protection? Are they only related to its relative lack of development as claimed by the authorities? Or do politics play a role in the way Egypt treats its refugees?

The subject of this thesis is the way Egyptian policies have influenced the field of asylum and refugee protection, how that relation evolved over time and the way these policies are currently applied. The research presents the evolution of the situation of the Syrian refugees in the country to show that the protection space of the forced displaced is influenced by politics, religion, diplomacy and economy. It also analyzes how the Government of Egypt responded to previous refugee flows and it outlines all the causes that make Egypt a country which is not ideal for asylum-seekers.

After all, the country adhered to the main international human rights and refugee protection conventions. Yet it repeatedly violated them; the objective is to find out the causes behind those violations and uncover the factors that limit refugees' rights in Egypt.

Egypt has always been an asylum-seekers receiver. My assumption is that political events, leadership transition and diplomatic ties are decisive factors in defining when Egypt applies the international protection instruments to which it adhered since the end of World War II, and when it chooses to step away from its responsibilities.

I deemed it necessary to dig deeper into the reasons why refugees in Egypt cannot find proper protection. The sheer impossibility of finding sanctuary in Egypt is pushing more and more forced displaced to leave the country illegally, primarily by boat, trying to reach the shores of Europe where they hope see their rights respected. The goal of this thesis is to explore the push factors of the intensification of the migratory phenomenon from Egypt to Europe.

This thesis does not wish to make recommendations on how Egyptian policies should develop, but rather it wishes to shed light on the factors that undermine the country's capacity to host refugees in a rightful manner. Understanding the challenges faced by Egypt and the push factors that lead refugees to endanger their lives in search of a better place to live is paramount when structuring new policies. The refugee crisis that has been overwhelming the Middle East for years, reaching Europe, is also due to the incapability of transit countries to become countries of destination.

To understand the reasons why Egypt struggles to ensure the protection of refugees, it is first of all important to outline the international legal refugee protection framework in which the country is placed, and to analyze the position of the forced displaced in Arab and Islamic countries. These perceptions shaped refugee policies and still influence them to this day, as is clear, for instance, in the case of Palestinians.

The research goes deeper into the reservations made by Egypt to the 1951 Convention relating to the status of refugees and on its domestic provisions, highlighting its advantages but also its gaps and limits. The conditions in which different refugee communities in Egypt are living on a daily basis are explored

thoroughly, focusing on the basic services that should be accessible to all the refugee populations.

The starting point of the research lies in the assumption that Egypt does not reserves the same treatment for all refugees. To prove that, it further investigates the evolution of the situation of Syrian refugees who have been used for political purposes and saw their safety either protected or threatened, depending on the government.

The altering circumstances for Syrian refugees reveals analogies with earlier flows of refugees, specifically Palestinianians, Sudanese, Iraqis and Ethiopians.

Observing how political chaos, leadership transition and diplomatic relations can affect the protection of refugees however, seemed not to be the only factor endangering refugee protection. Therefore, this research dedicates its last part to the analysis of other constraints that jeopardize refugee protection, such as the impossibility to implement integration and the lack of capacity.

The sound basis of this research was laid by all the international UN conventions and declarations that Egypt signed and its national laws. After defining the legal framework governing the refugee protection, the profile of refugees in Egypt has been traced. The information was gathered through interviews with refugees and with the main organizations providing services to refugees. Subsequently an in-depth research on the situation of Syrian refugees in three different periods of time (*pre-coup*, *after-coup* and present) have been carried out through the above cited sources and by analyzing relevant press reports. The press in fact, played a major role, especially in the summer 2013, in reporting abuses, violations and sudden changes in legislations and was the only source available at the time.

The information regarding events of refoulement and conditions of detention, have been gathered from Human Rights organizations reports, press reports but also personal meetings with refugee-run NGO members during a period of internship at UNHCR in Cairo within the Detention unit. Ties between the UNHCR and the Government are delicate and figures and reports of violations remain often internal. Details on detention and personal experiences of refugees in Egypt are accessible because of the work of Human Rights officers from different organizations or

independent journalists, each with its own network of contacts. Mobile phones in detention are sometimes available and accessible through family members, or through other detainees that contacted the organizations or the UNHCR in the first place. Social networks also play a role in the localization of the detained asylum-seekers. Access to detention centres is formally denied to UNHCR, which is why the agency works in partnership with other organizations that have, with time, obtained informal permission to access the facilities.

Academic literature has been largely used to analyze events relating to Palestinians, Iraqi and Sudanese. As the situation of Syrian refugees has been developing up until now, there is very little academic literature on the subject. The information on that specific community therefore, is mainly derived from interviews, NGO documents and press reports.

### Asylum-seeker or Refugee?

The terms “asylum-seeker” and “refugee” technically define two different categories. As opposed to Internally Displaced People (IDPs), asylum-seekers and refugees have crossed their national borders to seek protection from some kind of persecution in their country of citizenship. A refugee is someone who formally obtained recognition of his or her status by a State or by the UNHCR. Until the recognition takes place, everybody is considered asylum-seeker.

In this work however, the two terms are often used as synonyms, indicating any “forced displaced”. A refugee is someone who, fearing for his life and safety flees his home, his city, his region or country. In this sense asylum-seekers, refugees and IDPs have the same dignity and the same need for protection. This is why the legal definition of the two terms is often neglected in the following pages.

The protection of refugees trascends borders as it is per definition an international issue. It therefore should be tackled by putting aside cultural, religious and political differences, to address the current emergency as the global responsibility that it is.

# **1 The Discourse on Refugees and the Emergence of the International Protection Mandate**

## **1.1 The Evolution of the International Protection Mandate**

Forced displacement and migration have always been part of the history of humanity. Famine, war, drought, persecution: push factors for migration are diverse. However, the discourse on Forced Displacement, from a humanitarian and an academic point of view, is a European product of the early twentieth century. Following World War I and the dissolution of the last big multi-national empires<sup>1</sup>, many new Nation-States were created and new borders were marked, neglecting religious, ethnic and linguistic identities. The new national entities had the tendency to promote cultural and ethnical homogeneity rather than the plurality and the diversity of the former empires, thus paving the way for the insurgence of further tensions. Tensions that soon led to conflicts and mass exodes all over the European continent, with catastrophic humanitarian consequences.

The urgency for humanitarian bodies to tackle the massive displacement and for an international framework for Protection, led to the creation of the *League of Nations High Commissioner for Refugees* in 1921, under the leadership of the scholar and Nobel prize winner Fridtjof Nansen<sup>2</sup>. The organization's goal was to assist the more than one million people fleeing the Russian Revolution of 1917 and the civil war that followed, but the mandate was soon expanded to Armenians, Assyrians and Turkish refugees. In addition to that, the organization started issueing a special refugee travel document, the *Nansen Passport for Stateless*, which from 1922 allowed identification and freedom of movement for asylum-seekers and constituted the first legal instrument used for the international protection of forced displaced<sup>3</sup>.

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<sup>1</sup> The Ottoman empire (1923), the German empire (1918), the Austro-Ungarian empire (1918) and the Russian empire(1917).

<sup>2</sup> Fridtjof Nansen won of the Nobel prize for Peace in 1922.

<sup>3</sup> UNHCR, *Nansen, a man of action and vision*, UNHCR website, 14 September 2009, <http://www.unhcr.org/4aae50086.html>

The same year of Nansen's death, in 1930, the League established the *Nansen International Office for Refugees* to take over the Commission's tasks. It is under the leverage of this international body that, in 1933, fourteen nations signed the "*Convention relating to the International Status of Refugees*"<sup>4</sup>. This Convention represents the first attempt to create a legal framework for the protection of refugees, at that time "*Russians, Armenians, and assimilated refugees*"<sup>5</sup>, by setting minimum standards for their treatment through articles concerning access to basic human rights such as personal status, healthcare, education and labour. In addition to that, a specific article on "*non-refoulement*"<sup>6</sup> has been introduced, becoming a binding principle in International Refugee Law.

However, the 1933 Convention was ratified only by eight countries (many of them with several reservations) thus never becoming applicable. Furthermore, in 1933, in the light of the consequences of the World War II and Nazism, a *High Commissioner for Refugees coming from Germany* was established with a relative "*Convention concerning the Status of Refugees coming from Germany*"<sup>7</sup> guiding its activities. This period, marked by a significant economic crisis, witnessed a tense atmosphere of scapegoating of migrants and refugees which led to generalized exacerbation of social acceptance and limited access to internal labour market and migration mechanisms. The cause of these restrictions was the fear of the additional burden that refugees would pose to the already stricken economies and societies. This condition became manifest in July 1938, when during the Evian Conference it appeared clear that no country was willing to change its immigration policies.

In 1938, the year of Nansen's death, the Nansen Office and the High Commission were dissolved in favour of the *Office of the High Commissioner for Refugees under the Protection of the League*. Furthermore, in 1943, during the World War II, the Allies created the *United Nations Relief and Rehabilitation Administration*<sup>8</sup> (UNRRA)

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<sup>4</sup> League of Nations, *Convention Relating to the International Status of Refugees*, 28 October 1933, League of Nations, Treaty Series Vol. CLIX No. 3663, available at: <http://www.refworld.org/docid/3dd8cf374.html>

<sup>5</sup> Ibid, art. 1

<sup>6</sup> Ibid, art. 3

<sup>7</sup> League of Nations, *Convention concerning the Status of Refugees Coming From Germany*, 10 February 1938, League of Nations Treaty Series, Vol. CXCII, No. 4461, page 59, available at: <http://www.refworld.org/docid/3dd8d12a4.html>

<sup>8</sup> Here "United Nations" refers to the "Allies" during World War II, as per Roosevelt's definition.

in order to provide with humanitarian aid the areas liberated from the Axis Powers. With the dissolution of the League of Nations and the creation of the United Nations in 1945, the UNRRA was replaced by the *International Refugee Organization* (IRO) in 1946. This new organization was mandated to complete the mission of the UNRRA by providing European refugees with durable solutions<sup>9</sup>. The organization ceased to exist in 1952, after resettling more than one million refugees.

All these internationally shared efforts led to the establishment of a *United Nations High Commissioner's Office for Refugees* (UNHCR) in January 1951<sup>10</sup> under the guidance of its Statute<sup>11</sup>. In the same year, the "*Convention relating to the Status of Refugees*"<sup>12</sup> has been drafted, as a tool to protect those displaced by the two World Wars in Europe. Its initial goal was to guarantee the protection of the displaced and the stateless when the protection of their country of origin failed. Even though the Convention adopted in 1951 is considered the cornerstone in the field of International Protection, it represents essentially the evolution of the Convention of 1933, as it includes similar provisions and structure. It provides however a major shift in the definition of "*refugee*". Until this time, the definition of "*refugee*" was limited to individuals that used to hold a specific nationality, namely Russians, or belonging to a specific ethnicity as in the case of the Armenians; the 1951 Convention changed this "*group-approach*"<sup>13</sup> affirming that a "*refugee*" is anyone who meets a well defined series of criteria. Article 1.A (2) reads:

*"The term "refugee" shall apply to any person who as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country ; or who, not having a nationality and being outside the country of his*

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<sup>9</sup> Repatriation and Resettlement were the only two durable solutions devised at that time.

<sup>10</sup> The UN General Assembly convened in Geneva on 14 December 1950 to draft a Convention relating to the Status of Refugees that was adopted on 28 July 1951.

<sup>11</sup> UN General Assembly, *Statute of the Office of the United Nations High Commissioner for Refugees*, 14 December 1950, A/RES/428(V), available at: <http://www.refworld.org/docid/3ae6b3628.html>

<sup>12</sup> Hereinafter "1951 Convention".

<sup>13</sup> Fitzmaurice P., *Anniversary of the forgotten Convention: The 1933 Refugee Convention and the search for protection between the world wars*, [www.legalaidboard.ie](http://www.legalaidboard.ie)

*former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."*

Article 1.B (1) reads:

*"For the purposes of this Convention, the words "events occurring before 1 January 1951" in article 1, section A, shall be understood to mean either (a) "events occurring in Europe before 1 January 1951"; or (b) "events occurring in Europe or elsewhere before 1 January 1951"; and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention."*

As specified in the previous lines, the 1951 Convention poses geographical and time limits. But as in the decades following 1951, forced displacement increased, in 1967<sup>14</sup> a related Protocol was added to the Convention of 1951 eliminating the provision according to which refugees can be recognized if displaced within Europe<sup>15</sup> before 1<sup>st</sup> January 1951<sup>16</sup>. Even though there has never been a "one size fits all" definition of "*refugee*", the 1951 Convention set a definitive and widely shared definition which admits recognition of refugee status when one or more "*grounds of persecution*" occur<sup>17</sup>.

However, almost two decades later, in view of the ongoing conflicts taking place in the African continent, the definition of Refugee provided by the 1951 Convention proved to be no longer satisfactory, as it did not reflect a comprehensive definition of the push factors that cause forced displacement in this part of the world. In 1969 the Organization of African Unity (OAU) adopted the "*Convention governing the specific aspects of Refugee problems in Africa*"<sup>18</sup>. This new document widened the 1951 Convention's definition of "refugee" by adding that:

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<sup>14</sup> UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, available at: <http://www.refworld.org/docid/3ae6b3ae4.html>

<sup>15</sup> Ibid art. 1 B (1)

<sup>16</sup> Ibid art. 1 A (2)

<sup>17</sup> The grounds of persecution, as per the 1951 Convention's definition are: race, religion, nationality, membership of a particular social group or political opinion.

<sup>18</sup> Hereinafter OAU Convention.

*"The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality"*<sup>19</sup>.

This specification was a necessity, in the light of the tormented past experienced by the African continent, with centuries of colonization and violent conflicts heritage of the often turbulent withdrawal of the colonial powers.

Later on, many other international instruments, guaranteeing protection from persecution and harm, have been developed, reflecting the example of the European instruments, such as the 1967 "*Declaration on Territorial Asylum*"<sup>20</sup>, the 1974 "*United Nations Declaration on the Protection of Women and Children in Emergency and Armed Conflict*"<sup>21</sup> and the 1984 "*Cartagena Declaration on Refugees*"<sup>22</sup> regulating refugee affairs in Latin America".

## **1.2 Refugees in the Middle East and North Africa Region**

The asylum policies of countries in the Middle East have been marked by a relatively "*open-door*" regime<sup>23</sup>, especially for foreigners coming from other countries of the MENA region, in virtue of the strong sense of belonging to a wider Arab and Islamic community<sup>24</sup>. Their approaches however, do not fully fall into a framework of asylum, but more into a framework of "temporary hospitality" and "solidarity".

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<sup>19</sup> See note 14, art. 1 (2)

<sup>20</sup> UN General Assembly, *Declaration on Territorial Asylum*, 14 December 1967, A/RES/2312(XXII), available at: <http://www.refworld.org/docid/3b00f05a2c.html>

<sup>21</sup> UN General Assembly, *Declaration on the Protection of Women and Children in Emergency and Armed Conflict*, 14 December 1974, A/RES/3318, available at: <http://www.refworld.org/docid/3b00f1c210.html>

<sup>22</sup> *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, available at: <http://www.refworld.org/docid/3ae6b36ec.html>

<sup>23</sup> Evans Barnes A., *Realizing protection space for Iraqi refugees: UNHCR in Syria, Jordan and Lebanon*, New Issues in Refugee Research, UNHCR Research paper n. 167, January 2009.

<sup>24</sup> Reference is made to the movements of "Pan-Arabism" and "Pan-Islamism" which deeply marked the perception of identities in the Middle East, and particularly in Egypt.

Many are the reasons attributed to this attitude. Middle Eastern countries have been cautious towards the arrangement of local Refugee Status Determination<sup>25</sup> mechanisms<sup>26</sup>. For besides the lack of capacity and infrastructure imputable to their developing condition, the fear that refugees would bring along instability and steal resources from the native population is deeply rooted. However, as it will be discussed further on, this reluctance is also considered to be the effect of the evolution of the complex Palestinian issue dating from the beginning of the 20<sup>th</sup> century, which has influenced the development of refugee related policies in the region. Countries such as Lebanon, Syria, Jordan and Egypt for instance, feared that allowing Palestinian refugees to settle in their territories would have translated into accepting that, in the long run, they would integrate, neglecting with time their "Right of Return" to the Palestinian territories.

Only a few countries in the MENA region adhered to the 1951 Convention<sup>27</sup>. The aim of the Convention is to provide guidance and support for the development of national asylum systems where refugees can see their rights respected and where they can seek relief and durable solutions. In most of the non-signatory countries in the region, domestic asylum legislation remains weak and discretionary, mainly because of the lack of capacity and infrastructure, but also because of the complex geopolitical order. Arab refugees seeking asylum in Arab countries represent a delicate issue and diplomatic ties play a role in the way governments welcome asylum-seekers. By definition of the term "*refugee*"<sup>28</sup>, asylum should be granted to anybody escaping ethnic, religious or political hardship, in most cases perpetrated by the ruling regimes. This recognition would imply that human rights in the country of origin are violated, which could raise diplomatic and political tensions between the producing and the receiving country.

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<sup>25</sup> Hereinafter "RSD".

<sup>26</sup> See note 23.

<sup>27</sup> Countries in the region that adhered to the 1951 Convention are Mauritania, Morocco, Algeria, Tunisia, Egypt and Yemen.

<sup>28</sup> Article 1 of the UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <http://www.refworld.org/docid/3be01b964.html>,

The example of the Palestinian refugees is a case in point<sup>29</sup>: after the creation of Israel in May 1948, Arab countries took a firm position of non-recognition of their claims by excluding them from the 1951 Convention and creating specific instruments<sup>30</sup> to regulate their *humanitarian admission*<sup>31</sup>. This position represented a reaction to the post-World War II newly established geopolitical setting. From the point of view of the countries in the region, the creation of the State of Israel was a responsibility of the United Nations, therefore the consequent Palestinian exodus should not have fallen on the surrounding countries but rather on the international community. Furthermore, refugee status recognition and naturalization policy would legitimate Israel and create a framework for long-term solutions outside the Palestinian territories, putting aside the idea of an independent national entity called "Palestine" and the "hope for return". This interest has been firmly reiterated in the *Casablanca Protocol* issued by the Arab League in 1965 where it was clearly specified that, while granting Palestinian refugees "*citizenship-like rights*", their "*Palestinian nationality should be retained*", preventing them to access Naturalization process<sup>32</sup>.

### **1.2.1 Regional Instruments for Refugee Protection**

In spite of the above mentioned constraints, in recent times Arab countries took further steps towards an active approach to the existing refugees' protection gaps, by elaborating specific regional instruments. In 1992 a group of legal experts from different Arab countries<sup>33</sup> met in Cairo and elaborated the "*Declaration on the Protection of Refugees and Displaced Persons in the Arab World*"<sup>34</sup>. This Declaration

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<sup>29</sup> Fritche J., *Displacing the Displaced; challenging the international framework for Palestinian refugees in light of the Syria crisis*, Centre for Migration and Refugee Studies, American University in Cairo, paper no. 8, October 2014

<sup>30</sup> Reference is made to article 1D of the 1951 Convention and to the creation of United Nation Relief and Work Agency (UNRWA).

<sup>31</sup> "Humanitarian Admission" is "the process by which countries admit groups from vulnerable refugee populations in third countries so as to provide temporary protection on humanitarian grounds" as per definition of the European Resettlement Network (ERN).

<sup>32</sup> League of Arab States, *Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol")*, 11 September 1965, available at <http://www.refworld.org/docid/460a2b252.html>

<sup>33</sup> Legal experts met from 16<sup>th</sup> to 19<sup>th</sup> November at the Fourth Arab Seminar on "*Asylum and Refugee Law in the Arab World*" organized by the International Institute of Humanitarian Law in collaboration with the Faculty of Law of Cairo University, under the sponsorship of the United Nations High Commissioner for Refugees.

<sup>34</sup> Regional Refugee Instruments & Related, *Declaration on the Protection of Refugees and Displaced Persons in the Arab World*, 19 November 1992, available at: <http://www.refworld.org/docid/452675944.html>

aknowledges the Islamic identity, which pivot is the idea of solidarity and the values and principles of the *Shari'a*, as the fuel of the society. However, similarly to other treaties, the Declaration seems designed around the Palestinian issue and the importance of guaranteeing the "Right of Return". The Declaration confirms the conviction that the Palestinian issue has not been properly addressed by the United Nations and by the Arab states. It also recognizes the full validity of the 1951 Convention and its relative Protocol and their role as fundamentals of International Refugee Law, along with other regional instruments such as the 1969 OAU Convention in Africa. It is interesting to note that the article 3 of the above mentioned Declaration "*considers that the granting of asylum should not as such be regarded as an unfriendly act vis-à-vis any other State*"<sup>35</sup>. This represents an attempt to untie the granting of asylum from potential diplomatic repercussions. Furthermore, as previous documents did, it advocates for freedom of movement<sup>36</sup> and prohibits "*refoulement*"<sup>37</sup>. In conclusion, even though the document acknowledges that the issue of forced displacement is compelling, the Declaration appears vague and does not set any specific guidance, remaining a simple declaration of interest. In light of its mere declarative nature and the need for more concrete instruments<sup>38</sup>, Arab countries met again in 1994 to adhere to the "*Arab Convention on Regulating the Status of Refugees in the Arab countries*"<sup>39</sup>, elaborated jointly by UNCHR and the League of Arab States, which again underlines the importance of the Arab and Islamic identities. However, this Convention has been signed by Egypt only and has not been ratified by any country. For a Convention to entry into force, the League requires that it is ratified by at least seven countries within two years from its signature: the 1994 Convention therefore never became valid<sup>40</sup>.

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<sup>35</sup> Ibid

<sup>36</sup> Ibid art 1.

<sup>37</sup> Ibid art 2.

<sup>38</sup> International human rights instruments are treaties and other international documents relevant to international humna rights law and the protection of human rights in general. They can be classified into two categories: *declarations*, adopted by bodies such as the United Nations General Assembly, which are not legally binding; and *conventions*, which are legally binding. International treaties and even declarations can, over time, obtain the status of customary international law.

<sup>39</sup> League of Arab States, *Arab Convention on Regulating Status of Refugees in the Arab Countries* , 1994, available at: <http://www.refworld.org/docid/4dd5123f2.html>

<sup>40</sup> Interview with Kaidar Ayoub, UNHCR Liaison officer with the League of Arab States, Cairo, July 2015.

In view of the constraints in reaching an independent asylum system, many developing countries in the MENA region and in other regions of the world, appointed UNHCR to take over where national systems are unable to assess refugee status and guarantee protection. To cope with this lack of capacity, countries like Egypt and Jordan drafted a “Memorandum of Understanding” with UNHCR, granting the Agency a formal authorization to take charge of many of the main responsibilities relating to Asylum and Protection.

### 1.3 Refugees' Protection in Islam

Between 1945 and 2010, despite the many conflicts that took place in the Middle East, humanitarian crises have always been relatively contained, never requiring inter-regional humanitarian mechanisms to be implemented. International declarations and conventions, sometimes coupled with limited domestic legislations, were crafted for the protection of refugees starting from the early 1950s and gradually ratified by the countries in the MENA region over the years. North African countries, influenced by a deeply rooted European colonial mark, proved to be more open to adhere to the 1951 Convention and its Protocol of 1967<sup>41</sup>. On the contrary, Middle East and Gulf countries, influenced by the intense experience of the Prophet and his *hijrah* from Mecca to Medina to flee persecution, showed reluctance towards the global protection system and remained legally more attached to the original Islamic identity where asylum is embedded as a pivotal principle. According to Islam every Muslim should grant hospitality to anyone seeking sanctuary in the *dār al-Islām*<sup>42</sup> on an individual basis, hence the inutility of institutional regulations for asylum<sup>43</sup>. Hospitality of individuals seeking refuge (*istajārah*) is sacred; it is the duty of every Muslim to guarantee safety (*amān*)<sup>44</sup> to all, believers and non-believers, on the basis of the principle of *Itār* (manners) and *Takāful* (social solidarity)<sup>45</sup>, requiring that the “other” receives a treatment in virtue of his vulnerability. Every

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<sup>41</sup> Libya is the only country in North Africa that did not accede the Convention and its relative Protocol.

<sup>42</sup> From Arabic “The land of Islam”.

<sup>43</sup> Ahmad Abū al-Wafā, Ḥaqqa l-lujū’ bayna al-Shar‘yah al-Islāmiyah w al-qānūn al-dūaly al-lāj’iyn, dirāsah muqāranah, UNHCR, Organization of the Islamic Conference, NAUSS, al- Riyād, 2009.

<sup>44</sup> Ibid.

<sup>45</sup> Abdallah Bin Muhammad al-Tayyar, *al-Takāful al-ijtimā’y fy al-fiqh al-islāmy muqāran bi-niżām al-mamlakah al-‘arabiya al-Sa‘ūdiya, manār al-Islām*, <http://www.m-islam.com/articles.php?action=show&id=1050>

Muslim should also make sure that all the needs of all asylum-seekers are fulfilled and that their material and spiritual “well-being” (*falah*) is promoted<sup>46</sup>. In Islam, seeking refuge is a right, as stated also in the “*Universal Declaration of Human Rights*” of 1948<sup>47</sup>, and granting asylum is a duty for every Muslim.

Even though specific *fiqh* (islamic jurisprudence) on this topic does not exist<sup>48</sup>, the *Qurān*, the *Sunnah* and the *Ahadīt* contain passages that make the Islamic *Shari‘ā* and International Refugee Law comparable. Both recognize the principle of *non-refoulement*, as well as provisions regulating access to basic human rights such as health-care, education, private property and family reunification. However, many are the differences between Islamic law and International Law, as highlighted in the comparative study “*The Right to Asylum between Islamic Shari‘ā and International Refugee Law*” (*Haqq al-lujū’ baīna al-Shar‘ā al-Islāmiyah w al-qānūn al-dūalī al-lāj’iyn, dirāsah muqāranah*) commissioned by UNHCR and realized by Professor Ahmed Abou el-Wafa in 2009<sup>49</sup>. Anyway, Islamic Law proves in some cases to be outdated and does not satisfy the contemporary humanitarian needs. Examples of its limits can be found in the “*Declaration of Human Rights in Islam*”<sup>50</sup> drafted by the Organization of Islamic Conference in 1990. This document, conceived as the Islamic response to the “United Nations’ Universal Declaration of Human Rights”<sup>51</sup>, defines that all human beings enjoy “equal human dignity”. It never mentions “equal human rights” and it does not allow freedom of interreligious marriage<sup>52</sup>; it reiterates the leading role of the man as the head of the household<sup>53</sup>, and it allows all punishments mentioned in the *Shari‘ā* which includes stoning, decapitation and other corporal

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<sup>46</sup> Muzaffar S. A. F. *Practicable Ideals? A Proposal for Revitalizing the Rights of Forced Migrants in Islam*, in *Forced Migration and the Contemporary World, Challenges to the International System*, p. 199–145, edited by Andrzej Boleska, Wydawnictwo i Drukarnia PPHU, Białystok, 2003

<sup>47</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html>, Art. 13 (2)

<sup>48</sup> Zaat K., *The Protection of Forced Migrants in Islamic Law*, UNHCR, New Issues in Refugee Research, Research Paper n. 146, December 2007

<sup>49</sup> Ahmad Abū al-Wafā, *Haqq al-lujū’ bayna al-Shar‘yah al-Islāmiyah w al-qānūn al-dūaly al-lāj’iyn, dirāsah muqāranah Haqq al-lujū’ baīna al-Shar‘ā al-Islāmiyah w al-qānūn al-dūalī al-lāj’iyn, dirāsah muqāranah*, UNHCR, Organization of the Islamic Conference, NAUSS, al- Riyād, 2009.

<sup>50</sup> Organization of the Islamic Conference (OIC), *Cairo Declaration on Human Rights in Islam*, 5 August 1990, available at: <http://www.refworld.org/docid/3ae6b3822c.html>

<sup>51</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html>

<sup>52</sup> See note 50, art. 5(a)

<sup>53</sup> See art. 50, art. 6(b)

punishment for criminals<sup>54</sup>. In conclusion, human beings are equal, as long as they match with the limitations imposed by the *Shari‘a*, which ultimately does not put everybody on the same level as it does not guarantee freedom of religion and the equality of men and women. The declaration thus proves its incompatibility with the modernization process within Islam.

#### **1.4 Egypt and the International Protection Mandate**

By virtue of its geographical location Egypt has always been a multicultural hub in the Mediterranean basin: a glorious past, a connection point between the Mediterranean and the Red Sea, washed by the Nile and gate to the Sahara desert. Historically Egypt has never ceased to be a transit country for diverse groups of people, fleeing conflicts and violence, famine and general instability. In the last decades it became an inevitable stopping point for migrants coming from the Horn of Africa, Sub-Saharan countries and the Middle East trying to reach the wealthier northern side of the Mediterranean sea.

Even though accustomed to migratory flows, the Government of Egypt has never shown a univocal attitude towards these groups of people, holding different nationalities and professing different confessions. As a matter of fact, it has proven to be open towards international attempts to establish common frameworks of protection. Egypt in fact, is one of the founding signatories and one of the few Middle Eastern countries that adhered to the 1951 Convention and to its relative Protocol of 1967. It also adopted the 1969 OAU Convention. However, as this thesis aims to demonstrate, the situation of refugees in Egypt is highly politicized, and nuanced according to the nationality of concern. This condition undermines the effectiveness of the protection that Egypt has committed to guarantee.

The Egyptian Constitution has always included provisions that guarantee the right to asylum. Article 91 of the latest version of the Constitution reads:

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<sup>54</sup> See note 50, art. 19(d)

*"The State shall grant political asylum to any foreigner persecuted for defending the interests of people, human rights, peace or justice. Extradition of political refugees is prohibited. All of the foregoing shall be according to the Law."*<sup>55</sup>

Concerning the 1951 Convention and its relative 1967 Protocol, Egypt figures globally amongst the first signatory countries<sup>56</sup>, even though the treaties were ratified only decades later, in 1981<sup>57</sup>. Furthermore, the country has not yet developed independent domestic legal instruments to ensure proper documentation and protection of asylum-seekers. Since Egypt does not perform RSD<sup>58</sup>, UNHCR carries out the main activities relating to refugees screening, documenting and assessment in accordance to the Memorandum of Understanding<sup>59</sup> signed in 1954 between the Egyptian Government and the UN agency. UNHCR in Cairo was the first office of its kind established in the Arab World. The MoU was stipulated on the 10<sup>th</sup> of February 1954, before the legal ratification of the 1951 Convention, representing therefore the first document relating to the refugee regime in Egypt. In pursuance of these documents, UNHCR conducts RSD, documentation of asylum-seekers and protection procedures on behalf of the Government of Egypt<sup>60</sup>. Even though since 2004<sup>61</sup>, the UNHCR started explicitly manifesting its wish that the Government of Egypt would take the necessary steps to become actively involved in the field of asylum and lift the reservations made to some articles of the 1951 Convention<sup>62</sup>, the situation has remained more or less unchanged until now. UNHCR is still the key actor in the framework of asylum and protection in Egypt. Article 53 of the 1971 Egyptian Constitution<sup>63</sup> establishes that the Presidential Office can grant political asylum, but this happened just few times and only in the case of high ranked officials

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<sup>55</sup> Egyptian Constitution of 2014, article 91.

<sup>56</sup> The Conference met at the European Office of the United Nations in Geneva from 2 to 25 July 1951 where an Egyptian delegation was present.

<sup>57</sup> 1951 Convention and 1967 Protocol were ratified on May 22<sup>nd</sup> 1981.

<sup>58</sup> UNHCR, *Global Appeal 2014-2015-Egypt*, <http://www.unhcr.org/528a0a2b0.html>

<sup>59</sup> Hereinafter "MoU".

<sup>60</sup> UNHCR does that in more than 60 states. Kagan M., *The Beleaguered Gatekeeper: Protection Challenges Posed by UNHCR Refugee Status Determination*, Oxford International Journal of Refugee Law, March 2006, 18 (1): 1-29.

<sup>61</sup> UNHCR, *Global Appeal 2004-Egypt*.

<sup>62</sup> UNHCR *Global Appeal 2006-Egypt*.

<sup>63</sup> *Constitution of Egypt*, 11 September 1971 as amended by the referendum of 1980.

and politicians<sup>64</sup>. This concession guarantees full access to all services and rights granted to Egyptians, including eligibility for the Egyptian passport<sup>65</sup>.

The main activities carried out by UNHCR are registration, RSD, protection and the research of durable solutions. In order to access the services provided by UNCHR asylum-seekers need to approach the Office, where they are required to fill out a registration form and set an appointment date. On that date asylum-seekers undergo a preliminary interview and are given the Yellow Card, which lasts 18 months and certifies their status, allowing them to benefit from a range of services, provided by UNHCR's partners, according to their vulnerability. After a variable period of time they undergo the RSD interview. This period of time can last up to several years, according to the capacity of the operation and the amount of refugees seeking asylum. In emergency situations UNHCR might have to process unexpected flows of individuals; in case of massive influxes, the operation can adopt "*prima facie*" RSD procedure which means that, in light of the critical situation in their country of origin, asylum-seekers are given "quasi"-refugees status without having to undergo the RSD interview. Usually the RSD interview is a very long and thorough series of questions which aim is to assess whether the persecution claims are credible and the refugee status can be granted, in which case the Yellow Card (or Asylum Seeker Card) is replaced by the Blue Card (or Refugee Card). UNHCR grants refugee status when the claims of the asylum-seeker match the grounds of persecution listed in the 1951 Convention. In 2003 UNHCR started applying also the OAU Convention, following floods of African refugees who did not fall under the 1951 Convention definition. This led the recognition rate to increase by 60% in less than one year<sup>66</sup>.

Rejected cases can appeal to UNHCR once, and if rejected again, their file will be definitively closed: they cease to be considered "persons of concern" by the Office and should leave the country. However, in most cases the Government nor UNHCR can ensure that rejected asylum-seekers actually leave Egypt, and "closed files" are left in a status of legal limbo and heightened vulnerability: unable to return to their

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<sup>64</sup> Namely the Sudanese Jafar Nimeiri and Shah Mohamed Ali Reza Pahlevi of Iran.

<sup>65</sup> Grabska K., *Who asked them anyway? Rights, Policies and Wellbeing of Refugees in Egypt*, Forced Migration and Refugee Studies, American University in Cairo, July 2006.

<sup>66</sup> Badawy T., *The Protection of Refugees between obligations under multilateral conventions and specific treaty obligations: the case of Egypt*, African Foundation for International Law, 2010.

countries of origin and without the protection of UNHCR. A higher risk of arrest and deportation, additional hardship in finding livelihood opportunities and the risk of eviction lead inevitably to marginalization and self-marginalization<sup>67</sup>.

The direct counterpart to UNHCR in Egypt is the Department of Refugee Affairs inside the Ministry of Foreign Affairs. In 1984 the Ministry created, through the decree number 188, the “Permanent Refugee Affairs Committee”, an independent RSD Committee. However, in practice this body never started performing its duties. Refugees need to approach this office in order to apply for residency, a procedure that UNHCR does not support if not through its counselling programme<sup>68</sup>. Once they have approached this office, refugees have to provide their UNHCR documentation. The Department will then transfer the application to the Department of Immigration and Residence, which falls under the Ministry of Interior. This procedure includes the nullification of the national passport, since refugees in the concern of UNHCR are not allowed to leave the country of asylum. If wanting to travel, the closure of their UNHCR dossier is necessary. The Department of Refugee Affairs is also the focal point to which UNHCR addresses the correspondance when advocating for the release of asylum-seekers and refugees in state of detention<sup>69</sup>.

#### **1.4.1 Egypt's reservations to the 1951 Convention**

The international refugees' crisis has been running through Egypt for decades; the country's borders have been open to asylum-seekers from Palestine, Sudan, Somalia, Eritrea, Ethiopia, Iraq and others landing in Egyptian territory on an ongoing basis. Most of these forced migrants consider Egypt only as a temporary stop on their way to Europe. Because of the lack of durable solutions for the vast majority of the refugees, Egypt turns out to be a permanent solution, even though challenges for integration in developing countries are hard to overcome.

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<sup>67</sup> Grabska K., *Living on the margins: the analysis of the livelihood strategies of Sudanese refugees with closed files in Egypt*, Department of Forced Migration and Refugee Studies, American University in Cairo, Working Paper N0.6, June 2005.

<sup>68</sup> UNHCR offers the counselling programme as one of the services for refugees who can approach the window for any type of enquiry and without needing to book an appointment previously.

<sup>69</sup> Procedure witnessed first-hand during my internship period from January to July 2015.

Egypt signed and ratified the 1951 Convention, thus joining the international effort to establish a common framework for protection. However, the Egyptian delegation attending the summit in Geneva in July 1951 made reservations on the five following articles:

- article 12 (1) relating to Personal Status;
- article 20 relating to Rationing and subsidized products;
- article 22 (1) relating access to primary Education;
- article 23 relating to Public Relief and Assistance;
- article 24 relating to Labour legislation and Social Security<sup>70</sup>.

After analyzing the content of these articles it appears that the intention is to limit refugees' access to services and resources available for the local population. This decision is the result of many factors. Ambassador Bakhoum<sup>71</sup>, previous spokesperson for the Ministry of Foreign Affairs, repeatedly affirmed that Egypt, as a developing country, does not have the capacity to offer equal treatment to refugees and to the local population. This inevitably affects their capacity to enjoy basic human rights such as health care, education, secure shelter, and to plan their future while recovering from the trauma of forced displacement.

A rather legal explanation of the adoption of the reservations can lead to the conclusion that some of the articles cannot be accepted because they are in conflict with Egyptian Law. For instance, article 12 of Convention, which defines the Personal Status reads:

*"The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the*

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<sup>70</sup> United Nations, *Treaty Series*, vol 189, available at [https://treaties.un.org/Pages/ViewDetailsII.aspx?src=TREATY&mtdsg\\_no=V-2&chapter=5&Temp=mtdsg2&lang=en](https://treaties.un.org/Pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&lang=en)

<sup>71</sup> Grabska K., *Who asked them anyway? Rights, Policies and Wellbeing of Refugees in Egypt*, Forced Migration and Refugee Studies, American University in Cairo, July 2006.

*formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become a refugee."*

This is in contrast with articles 12, 13 and 17 of the Egyptian Civil Code, which state that the personal status of individuals should be governed by the law of the country of which the individual holds the nationality. The official reason to justify the other reservations is that articles 20, 22.1, 23 and 24, if implemented, would put refugees on an equal level with nationals, a condition that the Government of Egypt does not want to accept in order to preserve its scarce resources for the local population<sup>72</sup>. However, Egypt reserves the right to "accord privileges to refugees on a case by case basis"<sup>73</sup>.

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<sup>72</sup> "Concerning articles 20, 22 (paragraph 1), 23 and 24 of the Convention of 1951, the competent Egyptian authorities had reservations because these articles consider the refugees as equal to the nationals". See note 70.

<sup>73</sup> "We made this general reservation to avoid any obstacle which might affect the discretionary authority of Egypt in granting privileges to refugees on a case-by-case basis" (United Nations Treaty Series, vol. 189).

## 2 Urban Refugees

According to the 2009 “*UNHCR Policy on Refugee Protection and Solutions in Urban Areas*” about half of the world refugees today reside in urban areas, and their number is expected to grow in the coming years. In the past decades, urban refugees were mostly young men who settled in the city hoping for better opportunities. Nowadays urban refugees increasingly include women, children and elderly. As opposed to refugees in camps, where movement is limited and humanitarian actors can provide standardized and mainstreamed services, urban refugees are subject to more protection risks. Until 1997, when the first comprehensive strategy targeting urban refugees was drafted<sup>1</sup>, they constituted an exception as the majority of forced displaced were to be found in camps. The shift from camps to urban areas was mainly encouraged by the massive displacement of Iraqis, who settled in urban areas in the Middle East region after 2003. It constituted a challenge for relief organizations, which needed to change their strategy to reach out to the higher number possible of people of concern scattered in urban centres. However, since the drafting of the 1997 document, urban refugees became more and more diffuse to the point that a new policy became necessary<sup>2</sup>.

Asylum-seekers and refugees leave their homes and cross borders to escape persecution and life threat, looking for safety and protection outside their home country. According to the 2009 UNHCR policy cited above, a “*Protection Space*” is:

*“the extent to which a conducive environment exists for the internationally recognized rights of refugees to be respected and their needs to be met. [...] it is not static but expands and contracts periodically according to changes in the political, economic, social and security environments. This process can not be measured with any degree of scientific precision but can be assessed in a qualitative manner on the basis of certain indicators, like the extent to which refugees:*

- *are threatened by the risks above;*

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<sup>1</sup> UN High Commissioner for Refugees (UNHCR), *UNHCR Comprehensive Policy on Refugees in Urban Areas*, 25 March 1997, available at: <http://www.refworld.org/docid/41626fb64.html>

<sup>2</sup> Reference is made to UN High Commissioner for Refugees (UNHCR), *UNHCR Policy on Refugee Protection and Solutions in Urban Areas*, September 2009, available at: <http://www.refworld.org/docid/4ab8e7f72.html>

- *enjoy freedom of movement and association and expression and protection of their family unity;*
- *have access to livelihood and labour market and protected from exploitative treatments;*
- *enjoy adequate shelter and living conditions;*
- *are able to gain legal and secure residency rights and are provided with documentation;*
- *have access to public and private services like health care and education;*
- *enjoy harmony with the host community and other refugees and migrants;*
- *can enjoy the solutions of repatriation, integration and resettlement.”*

According to the same document, an “*urban area*” is:

*“a built-up area that accommodates large numbers of people living in close proximity to each other, and where the majority of people sustain themselves by means of formal and informal employment and the provision of goods and services. While refugee camps share some of the characteristics of an urban area, they are excluded from this definition”.*

Living in urban areas implies advantages as well as disadvantages for refugees. Finding accommodation in the city gives them the possibility to try and set up a normal life while trying to forget the trauma they left behind; camp reality on the contrary, “pauses” daily routine and the chance to plan the future. Living in urban settings also means the possibility to access services available to the local population such as proper housing, education, health care, transportation and the justice system. Furthermore, in countries accustomed to migration, refugees in a protracted situation form communities and networks, on which newcomers can rely.

On the other hand, lack of skills and education, lack of assets and social networks as well as the lack of proper documentation can limit the opportunities of refugees in the urban areas of the host country. Furthermore, developing countries might not have the infrastructure and the resources to offer refugees livelihood means to achieve stability and access to services in an effective way.

## 2.1 Urban Refugees in Egypt

Egypt has always been considered a relatively stable country and in the decades following the World Wars, it has hosted various communities of refugees from Europe and the former Ottoman Empire. The Armenian community was the first to settle in Egypt, with a large influx following the Armenian Genocide of 1915. In 1917 Armenians amounted to more than 12,800 while the peak was reached in 1927 with more than 17,000 individuals<sup>3</sup>. Armenians integrated well, with their communities mostly concentrated in the two main cities Cairo and Alexandria. They established their own schools and churches and started independent businesses. Armenians were followed by Greeks, Russians and Palestinians. In the '50s and '60s many exiles from African liberation movements and political activists sought asylum in Egypt. From the '90s on, additional waves of people fleeing war and famine, such as the Sudanese, crossed to Egypt. It was in this decade that, according to UNHCR figures, the number of asylum seekers increased remarkably and even doubled between 1998 and 1999.

Post-World war Egypt did not develop encampment regulations therefore all refugees in Egypt settle in urban areas<sup>4</sup>. The only exception experienced by the country after the end of World War II and the establishment of the United Nations took place between 2011 and 2014. Following the Libyan crisis in 2011, thousands of migrants and refugees from Sub-Saharan Africa crossed the border to find refuge in the temporary camps of Choucha in Tunisia and Salloum in Egypt. Most part of the refugees hosted in the camp of Salloum have been resettled while those who were not eligible for resettlement have been brought to Cairo<sup>5</sup>.

Urban refugees generally should fall under the protection mandate of the national authority in the host country, but in countries lacking proper domestic legislation, such as Egypt, is usually UNHCR that guarantees this protection. As of now, UNHCR's figures indicate that, the refugee population amounts to about 267,000 individuals,

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<sup>3</sup> Zohri A., *Armenians in Egypt*, International Union for the Scientific Study of Population XXV IUSSP International Population Conference, Tours, July 2005.

<sup>4</sup> During the World Wars two camps have been established: Moses Well and el-Shatt (a complex of refugee camps 1944-1946 refugees from Yugoslavia in Sinai). After the end of the UNRRA no regulations have been developed.

<sup>5</sup> The few Libyans that crossed to Egypt were granted the same rights as Egyptians.

more than 197.000 of whom are assisted by UNHCR<sup>6</sup>. However, according to governmental estimates, refugees and asylum-seekers amount to more than double that number since many are not registered with the UN agency and therefore unaccounted for.

Refugees land in Egypt fleeing civil war and general oppression as in the case of Palestinian, Sudanese, South Sudanese, Somali, Ethiopian and Eritrean asylum-seekers. The country has also witnessed an influx of Iraqi refugees in the period following the US invasion and the escalating sectarian violence in Iraq itself. More recently, as a consequence of the ongoing civil war unfolding in Syria, Syrians became the largest population of refugees present in the country and represent nowadays about 75% of the UNHCR People of Concern (PoCs). In virtue of its position, Egypt also hosts many economic migrants on their way to Israel or following the smuggling route to Europe, sometimes passing through Libya. These people generally have no intention of seeking asylum in Egypt even though it is better to avoid generalization as the definitions of "migrant" and "refugee" are cross cutting and can sometimes coincide.

Refugees in Egypt are scattered across the country, a condition that entails both positive and negative consequences. Undoubtedly it allows the refugees to move freely, to find accommodation in proper housing, to have better access to education and healthcare, to approach a richer offer of businesses and employment opportunities and therefore potentially achieve self-sufficiency more easily.

On the other hand, because refugees are spread in different neighborhoods and governorates, it is difficult to locate them and to reach out to them to deliver services. Even though refugees in Egypt live in different areas of the town, often sharing the buildings with families from the host community, it must be noted that there are neighborhoods with a high concentration of refugees and asylum seekers, generally distributed by nationality. Refugee families join other families from the same country who have been living in Egypt for a longer time, sometimes living in overcrowded apartments to reduce the costs.

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<sup>6</sup> UNHCR, 2015 *UNHCR country operations profile – Egypt* available at <http://www.unhcr.org/pages/49e486356.html>.

The Government turns a blind eye to migrants, especially irregular ones, limiting its intervention as much as possible, and delegating the assistance and the protection to the international relief organizations. For instance, there is no mechanism by which the government can force rejected asylum-seekers with closed files to leave Egypt, and a large number of them keep living in Cairo in a legal limbo. However, in some cases the government indirectly recognizes their presence, by enabling services like transportation in neighborhoods with a high concentration of refugees<sup>7</sup>.

Because the government only acknowledges the existence of displaced people informally, the official support rests on the shoulders of the several international organizations and NGOs present in the country. Those follow an “area-based approach” which means they not only target refugees and migrants, but also beneficiaries from the host community. When addressing the education and the health sectors, for instance by supplying hospitals with machinery and schools with furniture or teacher trainings, it is obvious that the whole community will benefit. Yet turmoil and clashes between refugees and the host communities are not uncommon. Full integration in Egypt is not possible because of cultural and religious differencies that might lead to tensions. The perception that refugees are stealing resources, negative stereotypes targeting certain nationalities and the threat of a “war between poor” make some refugees perceived to be priviledged and some to be disadvantaged. Refugees receive services from UNHCR and its partners and can, in some cases, benefit from education grants, free health care services and resettlement programmes, opportunities that are not available for low class egyptian citizens<sup>8</sup>.

Palestinian, Sudanese or Iraqi, in virtue of the common Islamic and Arab identities, can integrate more easily with Egyptians than other nationalities. Coexistence between refugee and host communities can be challenging but is also not easy between the different refugee communities. The way relief organizations shape their programmes plays a role in creating differences and therefore perceptions that some

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<sup>7</sup> Ghazaleh P., *In ‘Closed Files’ Limbo: displaced Sudanese in a Cairo slum*, Forced Migration Review no.16, Oxford, January 2003.

<sup>8</sup> UNHCR, *Egypt Factsheet*, February 2015

refugees are “second class”. Hierarchies among refugees became particularly sharp with the beginning of the Syrian exodus. Following the start of the Syrian civil war, some four million Syrian nationals crossed the borders into neighboring countries, exposing the region to an unprecedented forced displacement emergency. The massive exodus alarmed the international community, which promptly reacted by investing millions of dollars in earmarked relief programmes for Syrian refugees in the Middle East. Updates on Syrians refugees dominate the news<sup>9</sup> and the frustration of long-time refugees in Egypt (namely Sudanese, Ethiopian, Somali) who feel forgotten, grows. For the Syrian population, UNHCR opened a new office in the Cairo upper class area of Zamalek and in January 2014 it opened a field office in Alexandria, in addition to mobile registration units to reach asylum-seekers residing outside big urban centres.

As will be further discussed, political instability is one of the main factors undermining integration; in periods of uncertainty and tension, refugees are often targeted as scapegoats, victims of detrimental media campaigns and violent discrimination.

### **2.1.1 The Legal Status of Refugees in Egypt**

Egypt considers refugees foreigners, therefore, when it comes to access to rights and services, they fall under the same laws that apply to foreigners. In order to lawfully stay in Egypt, foreigners need to have a tourist or student visa and eventually obtain a residence permit. In 1996 the Ministry of Interior issued a decree stating that refugees are to be granted three-years renewable residency permits<sup>10</sup>. Article 26 of law number 89 of 1960 states that the government cannot expel someone holding such a permit unless the individual constitutes a threat to the National Security.

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<sup>9</sup> Chandler C.L., *The hierarchy of refugee stories*, Africa is a country, 11 February 2015, <http://africasacountry.com/2015/02/the-hierarchy-of-refugee-stories/>

<sup>10</sup> Egyptian Ministry of Interior, al-waqā‘ al-maṣriyah, *Tanẓym Iqāmah al-Ajānib bi Arḍa Jumhuriya Misryah al-‘arabiyyah*, no. 8180, 1996.

## 2.1.2 Refugee Livelihood

Egypt did not make reservations on articles 17, 18, 19 of the 1951 Convention, relating to employment, and therefore did not explicitly exclude refugees from finding work. However, when it comes to access to the labour market, asylum-seekers and refugees in Egypt are considered foreigners and the same laws apply to them and to any other non-Egyptian residing on the territory. Regulations for foreigners make access to employment particularly challenging, if not impossible. Law number 12 of the year 2003<sup>11</sup>, which governs foreigners' access to work, states that to hire a foreigner, the employer has to submit a series of documents, pay fees<sup>12</sup> and attest that nobody else in the country is in possession of the qualifications needed for the job<sup>13</sup>. This bothersome procedure makes it hard for refugees to find employment. To make sure they could not, until 2003 "*work not permitted*" was stamped on refugees' residence permit. After UNHCR's pressures the Government of Egypt eliminated the stamp<sup>14</sup>. Except for a handful of cases, refugees only have the possibility to work in the irregular labour market, as is the case for many Egyptians as well<sup>15</sup>. UNHCR has been pushing for the government to facilitate access to regular employment for refugees, but, as informal employment is a widespread reality for Egyptians, it is hard to advocate to accord refugees a right that is not guaranteed to locals in the first place.

Furthermore, refugees are often perceived as uneducated and unskilled, deserving to compete with Egyptians only on the informal market<sup>16</sup>. In reality, refugees have diverse educational backgrounds and various skills; some refugees are highly skilled and in possession of high educational degrees and sometimes forced to accept jobs

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<sup>11</sup> Law 12 of 2003 replaced law 137/1981 stating that foreigners, and therefore refugees, have to obtain a work permit.

<sup>12</sup> Around 1,000 EGP. Article 5 of Decree 136 of 2003 determines the amount of the fees to be paid, while article 6 excludes some nationalities from the payment: Sudanese, Palestinians holding travel documents issued by the Arab Republic of Egypt or by the Palestinian Authority.

<sup>13</sup> Wizarah al-Quwā al-‘āmalah w al-tadrīb, al-waqā“ al-maṣriyah , no. 390, 1982. Law no. 12 of 2003 concerning the employment of foreigners. Article 5 of Decree 136 of 2003 concerning the Conditions and Procedures of Granting Work Licenses to Foreigners

<sup>14</sup> Grabska K., *Living on the margins: the analysis of the livelihood strategies of Sudanese refugees with closed files in Egypt*, Department of Forced Migration and Refugee Studies, American University in Cairo, Working Paper N0.6, June 2005.

<sup>15</sup> International Labour Organization, *Statistical update on employment in the informal economy*, ILO Department of Statistics, Geneva, June 2012.

<sup>16</sup> Ayoub M., Khallaf S., *Syrian Refugees in Egypt: challenges of a politically changing environment*, Centre for Migration and Refugee Studies, American University in Cairo, Paper no. 7, September 2014.

for which they are over qualified. In situations of displacement often gender roles are inverted, especially in the case of African refugees: women, who in their country would take care of the house and of the children, in Egypt find work more easily than men, usually as housemaids. This contributes to the empowerment of women but on the other hands alters the social customs.

Egypt did not make a reservation to articles 17 (concerning wage earning employment), 18 (concerning self-employment) and 19 (concerning liberal professions) but made a reservation to article 24 of the 1951 Convention, regarding wages, working hours, age of employment, holidays and related benefits thus denying responsibility in case of exploitation<sup>17</sup>. These factors lead to the fact that because of their vulnerability, refugees who are employed irregularly run the risk of being exploited. They often get lower wages than Egyptians for very long working hours, and face sudden layoffs and harrassment under the threat that they will be reported to the police or accused of stealing. Many refugee women employed as house-maids reported employers paying less or not paying at all, being subject to ill-treatment, harassment, assaults and threatened with theft accusations. That is a serious threat, as refugees imprisoned with criminal charges faces more trouble than a refugee detained for other reasons; in case of criminal charges UNCHR will have less space for intervention.

### **2.1.3 Access to Education**

The educational sector is symbolic of the structural limits that include Egypt among developing countries. First of all, Egypt made a reservation to article 22 of the 1951 Convention, limiting the access to public schools for refugees. The Ministerial Decree number 24 of 1992 states that foreign students can only enroll in private schools, exception made for Sudanese, Libyan and Jordanian citizens who can access public facilities<sup>18</sup>. However, article 5 of the same law states also that any student funded by

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<sup>17</sup> UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <http://www.refworld.org/docid/3be01b964.html>, art. 24

<sup>18</sup> Al-Jarīdah Al-Rasmiyya, 22 Jan. 1992. Article 5. Chapter 1. on "Enrolment of Incomer Students in Egyptian Schools".

UNHCR (which is the case for many refugees in Egypt) is entitled to be enrolled in Egyptian schools. However, this seems not to be currently applied.

Palestinians also have the right to attend public schools as Egyptians if they fit certain criteria<sup>19</sup>. Egypt has ratified the "*Convention on the Rights of the Child*" of which article 28 guarantees access to public education facilities for all children residing on the territory<sup>20</sup>. This constitutes a contradiction to the reservation. Another contradiction lies in the law number 12 of the year 1996 on the Rights of the Child<sup>21</sup> which allows all children, regardless of their nationality, to access primary education in public facilities<sup>22</sup>. Sudanese citizens are an exception: in 2004 Egypt and Sudan signed the "*Four Freedom Agreement*" which grants Sudanese citizens Egyptian-like rights, including the right to enroll in public schools. Most refugee children however, in practice can only enroll in private schools, which ask fees that very few can afford. To tackle this challenge, UNHCR distributes education grants through its partner Catholic Relief Service (CRS) to alleviate the cost of fees, transportation and school supplies. However, in order to apply for this assistance it is necessary to be enrolled in school. To enroll in school it is necessary to pay the fees, which most of the families do not have in advance.

But there are more limits: weak administrative system and language barriers for African refugee children are very real and even for Arab refugee children, a different dialect can constitute a boundary for learning. In addition to that, distance from the facilities, overcrowded classes, run-down buildings and fear of harassment and bullying lower the possibilities to attend school. Teachers are not properly trained and there are too few; classes sometimes have as much as 50 to 60 students. Teachers' salaries are very low and almost all of the teachers also work as private tutors to earn extra money. It is no surprise discontent is widespread, to the detriment of the level of education. This conditions affect refugees as much as Egyptian students and families who can afford it resort to private classes instead of

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<sup>19</sup> Palestinian children are allowed to attend public education facilities in case their parents work for the Egyptian government, the Egyptian army or the public sector or if they are retired.

<sup>20</sup> UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://www.refworld.org/docid/3ae6b38f0.html>

<sup>21</sup> This law is the evolution of the law number 139 of the year 1981 which only dealt with Egyptian children.

<sup>22</sup> Badawy T., *Egyptian citizenship legislation, private international law and their impact on individual rights*, Middle East Law and interdisciplinary governance journal, 272-295, 2014.

sending their children to school<sup>23</sup>. As a consequence the drop-out rate is relatively high among refugee children.

Other educational opportunities for refugee children include Community Schools and NGO-run schooling. Even though Sudanese students have access to public schools they prefer to attend community and NGO schools in light of the constraints listed above. With time, some Sudanese community schools have lobbied for the Sudanese Government to sponsor the teaching of the Sudanese curriculum and to officially recognize the final Sudanese exam held in Egypt<sup>24</sup>.

#### **2.1.4 Housing and Food Security**

Housing is considered the most challenging of the burdens for refugee families. Most of them settle in suburbs and marginal neighbourhoods where prices are lower. Landlords have the tendency to charge them more than Egyptians, therefore refugees often share overcrowded apartments to split the monthly cost. Their vulnerabilities expose them to harassment and to the threat of sudden eviction. To alleviate these problems, UNHCR and its partner Caritas provide cash assistance to vulnerable families also to cover rent expenses.

The economic instability of refugee families and the necessity to prioritize their accommodation cause them to neglect their expenditure for food, reducing quality and quantity of the meals they consume.

UNHCR in collaboration with the World Food Programme distributes food vouchers to be used in predefined supermarkets to buy food and other basic items. However, the amount of these vouchers is not stable and stretches or contracts according to the availability of funds. The eligibility for cash, education and food assistance is usually granted after a thorough assessment to validate that the family fits certain criteria.

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<sup>23</sup> Al-Sarawi S., *Egypt's generation lost*, ForeignPolicy, Cairo, 23 January 2015, available at <http://foreignpolicy.com/2015/01/23/egypt-s-generation-lost/>

<sup>24</sup> As achieved from the Cairo-based refugee organization Tadamon Council.

## **2.1.5 Health-care and psycho-social support**

There is no mention to health care in the 1951 Convention. Refugees in Egypt can benefit from private clinics and governmental services, as since 1997 foreign residents officially have access to emergency, primary and preventative public health care facilities and hospitals at the same conditions as nationals<sup>25</sup>. In 2007 additional access to mental health care facilities has been accorded to asylum-seekers and refugees.

As in the case of education however, the public health care system in Egypt is already overstretched and struggles with shortages in supplies, run-down facilities and underpaid staff. UNHCR programmes aim at supporting the Ministry of Health providing machinery and trainings to medical staff to strengthen its capacity and benefit both Egyptians and refugees.

Access to public health care at the same conditions as nationals can be challenging for refugees as even nominal fees are sometimes impossible to pay for people already struggling with rent and food expenses. Refugees' access to the national health care system remains limited for other reasons as well: they are misinformed and are not aware of the services available, there are real language barriers and difficulties in communication with medical staff, there is a widespread conviction that the quality of the services offered is not adequate, facilities can be far away and the cost of the transportation can be unaffordable<sup>26</sup>. Furthermore, especially among the African refugee population, rumors about organ stealing and other discrimination create mistrust.

To support refugees and guarantee a more accessible medical and psychological support<sup>27</sup>, UNHCR provides different services through the World Health Organization, UNICEF, NGOs and other faith-based charity organizations and some governmental hospitals<sup>28</sup>. The Ministry of Health provides some services free of charge such as emergency treatment and immunization.

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<sup>25</sup> Law 239 of year 1997. Health care for nationals is governed by law 32 of 1975.

<sup>26</sup> Eidenier E.K., *Providing Health Care Information to Refugees in Cairo: question of access and integration*, American University in Cairo, May 2005.

<sup>27</sup> The work cited in note 99 highlighted how there is a big incidence of stress-related psychosomatic illness among refugees.

<sup>28</sup> For instance the Mohamed Mahmoud hospital in Mohandesseen.

Refugees who have no access to proper health care services sometimes resort to negative coping mechanisms, for example referring to local pharmacies for advice, instead of real doctors. This is a strategy adopted also by poor Egyptians that do not have the possibility to refer to specialized doctors.

In conclusion, access to livelihood and services can be challenging for refugees and they are affected by the same constraints that affect Egyptian citizens. Struggles are not limited to the practical sphere as daily life for refugees, especially for those with very different features from Egyptians, also means continuous harassment in the street, at work and at school. Harassment can in some cases escalate to physical assault and beating, arbitrary detention, disappearance and deportation by the hands of the authorities.

In order to avoid negative consequences, sometimes asylum-seekers and refugees try to blend in the Egyptian population by speaking their dialect and wearing the same clothes. Others prefer auto-marginalization and try to leave their areas of residence as less as possible. Auto-marginalization is also a common practice among refugees whose status has been rejected, technically referred to with the dehumanizing denomination of "closed files". The impossibility to return to their country of origin and the risk of arrest and deportation in the country where they sought asylum, keep them hostages of a legal and social limbo. The number of people that were unsuccessful in having their status recognized is quite significant, especially among Sudanese asylum-seekers<sup>29</sup>.

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<sup>29</sup> Grabska K., *Living on the margins: the analysis of the livelihood strategies of Sudanese refugees with closed files in Egypt*, Department of Forced Migration and Refugee Studies, American University in Cairo, Working Paper N0.6, June 2005.

### **3 Refugees in Egypt: the case of Syrian Refugees**

Egypt and Syria share a long history of diplomatic relations and mutual political plans. They also share the Arab and Islamic identity and both were part of the Ottoman Empire. Citizens have always moved freely between the two countries and Egypt has long hosted Syrian citizens.

During the Ottoman Empire, when Syria was part of the “*Bilād al-ŷām*”<sup>1</sup>, in the 18<sup>th</sup> century Syrian Christian traders migrated to Egypt integrating in the society with the consensus of the ruling elite. Later on, during the 19<sup>th</sup> century when Egypt was having its economic boom thanks to cotton exports and Syria was going through a period of economic crisis, many Syrians moved to Egypt, where they were welcomed in virtue of their renowned business skills<sup>2</sup>. In 1958, Egypt and Syria even merged into a single governmental entity called “United Arab Republic” with Nasser as its president, in an attempt towards a pan-Arab project. The Republic ceased to exist following the Syrian *coup d'état* in 1961. During this period many Syrians settled in Egypt and nowadays many Egyptian families are of Syrian origin. The past good relations that linked the two countries might be among the pull factors that made many Syrians decide to come to Egypt after the beginning of the civil war in 2011.

There are currently over four million displaced Syrians in the Middle Eastern region, spread across Turkey, Lebanon, Iraq, Jordan and Egypt which hosts the smaller number. When in 2011 the Syrian crisis began, displaced people crossed to bordering countries. Only a few came to Egypt, mostly to join relatives or because of the pre-existing ties with the country. Large influxes started reaching Egypt around the end of 2012, often through transit countries that had proven to be too expensive: Syrians chose Egypt because of its low cost of life and because of the overall welcoming attitude of the Egyptian people. The UN “Syria Regional Response” emergency strategy started including Egypt only in December 2012, as prior to this date the number of Syrians in the country was not remarkable and did not represent

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<sup>1</sup> From Arabic “Levant”, was the name of the region including modern Jordan, Syria, Lebanon and Palestine.

<sup>2</sup> Ayoub M., Khallaf S., *Syrian Refugees in Egypt: challenges of a politically changing environment*, Centre for Migration and Refugee Studies, American University in Cairo, Paper no. 7, September 2014.

a situation of emergency that needed important humanitarian foreign help. The rate of new arrivals in the country have been constantly increasing until July 2013, when sudden restrictions in the entrance regulations were introduced reducing drastically the entry rate which reached almost zero.

According to the UNHCR's "Syria Regional Refugee Response Inter-Agency Information Sharing Portal", Syrian refugees in Egypt currently registered with UNHCR are, as of October 2015, over 132.000<sup>3</sup>. As many Syrian refugees are not registered with the UN agency, it is not possible to know exactly how many Syrians are currently present in the country. According to the government's figures they are over 300.000<sup>4</sup>. In virtue of the large number of Syrians in Egypt they do not undergo the Refugee Status Determination procedure but are automatically given a Yellow Card upon registration under a regime of "*temporary protection*" and considered asylum-seekers. UNHCR released a series of periodical updates and position papers on the situation of unrest in Syria, urging neighboring countries to be open to Syrian refugees in need for protection and that their return should be avoided at all cost<sup>5</sup>.

Until the beginning of July 2013 Syrian nationals were allowed to enter the country without a visa. They would receive a three months tourist visa upon arrival at the airport and subsequently were required to extend their stay by applying for a residency permit through the Ministry of Interior. From July 2012 until the end of the year only a few thousands Syrians approached UNHCR for registration. Rates of registration started to increase significantly from the first months of 2013<sup>6</sup> at a sustained pace until October 2013. After this date the rate of new registrations

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<sup>3</sup> Syria Regional Refugee Response Inter-Agency Information Sharing Portal, Egypt, UNHCR, <http://data.unhcr.org/syrianrefugees/country.php?id=8>

<sup>4</sup> Wizārah al-ḥārijiya, *Services provided by the Government of Egypt to Syrian citizens*.

<sup>5</sup> UN High Commissioner for Refugees (UNHCR), *International Protection Considerations with regard to people fleeing the Syrian Arab Republic*, June 2012, available at <http://www.refworld.org/docid/4fd60deb2.html>; UN High Commissioner for Refugees (UNHCR), *International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update I*, December 2012, available at: <http://www.refworld.org/docid/50d457b12.html>; UN High Commissioner for Refugees (UNHCR), *International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update II, October 2013*; UN High Commissioner for Refugees (UNHCR), *International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update III*, 27 October 2014, available at <http://www.refworld.org/docid/544e446d4.html>

<sup>6</sup> The peak was registered in May 2013 with over 15,000 Syrians entering the country.

slowed down<sup>7</sup> and then remained stable. The highest number of individuals registered reached up to 140,000 in the months of October and November 2014. In the beginning Syrians did not register for asylum because they felt that their stay in Egypt was only temporary and the general atmosphere was perceived to be safe. This explains why Syrians in Egypt are many more than those registered with UNHCR, as it is justly claimed by the Egyptian government.

As highlighted in the previous chapter, in addition to the exceptional humanitarian response of the international community towards the Syrian refugee crisis, Syrians have been given a “special treatment” also by the government in regards to access to services. They have been granted access to public education and health care on the same level as Egyptians through a Presidential decree issued on 10<sup>th</sup> September 2012<sup>8</sup>. In his first official speech to the League of Arab States in September 2012, Mūrsi announced Syrian refugees’ right to access public Egyptian schools, stating that “*Syrian students will be treated like Egyptian students*”, as it happened previously with Sudanese, Libyans and Jordanians.<sup>9</sup>

At the end of 2013, in order to enhance its strategy, UNHCR in collaboration with its main partners published a *Joint Assessment* with the purpose to profile the Syrians in the country and identify their needs and challenges. This report highlighted that Syrians have the tendency to move with the whole household, but that there are many women-headed households. This could be because the husband is still working in Syria or tried to reach Europe irregularly. The majority of Syrian refugees in Egypt are Sunni, like the vast majority of the Egyptians. That is one of the reasons why most part of the Syrians feel safe in Egypt. However, some of them show safety concerns, among which are issues related with the residency permit, fear of verbal harassment, physical assault, robbery and other threats.

Unlike the majority of refugees in Egypt, most of the Syrian refugees do not reside in Greater Cairo but are scattered all over the governorates. A significant number of

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<sup>7</sup> Various Organizations, *Joint Assessment for Syrian Refugees in Egypt*, November 2013, figure 8.

<sup>8</sup> Smith A., *The influence of charities (specifically FBOs) on assistance to Syrian Refugees in Egypt*, UNHCR, June 2014.

<sup>9</sup> Ayoub M., Khallaf S., *Syrian Refugees in Egypt: challenges of a politically changing environment*, Centre for Migration and Refugee Studies, American University in Cairo, Paper no. 7, September 2014.

Syrians are to be found in the area of the Delta, in Alexandria, Kafr el-Sheikh, Manoufiyya, Beheira, Gharbiyya, Damietta, Suez, Ismailiyya, Matrouh, Hurgada and other governorates. They settle where they think that possibilities of self-sustainability are more likely to be available. For instance Damietta is well-known in Egypt for its furniture manufacturing and market, a sector where Syrian artisans and carpenters can make use of their skills<sup>10</sup>. They choose smaller centres also because they are thought to be safer and cheaper<sup>11</sup>.

Syrians are also well-known for their cuisine tradition and business skills, which is the reason why little Syrian shops and restaurants are so numerous. Even though work permits are difficult to obtain, it is possible to get permits to open businesses without an Egyptian partner<sup>12</sup>. In Cairo, Syrians live everywhere but there is a high concentration in the neighbourhood of 6<sup>th</sup> October which is nicknamed "little Damascus". Other neighbourhoods favourite by Syrians are Nasr City, Obour City, Maadi and Rehab. The fact that many Syrians settle far from Cairo highlights that they are not interested in resorting to the UN and other relief organizations, which are easier to approach closer to the city centre.

### **3.1 Services offered to Syrian Refugees**

UNHCR, its partners and the government provide assistance to Syrian refugees through different services like education grants, emergency cash assistance, legal support, primary and secondary healthcare and psychosocial services, as it happens for the other refugee populations. However WFP, through its emergency operation that started in February 2013, provides assistance in the form of monthly food vouchers only to Syrians<sup>13</sup>. This type of cash assistance is very limited<sup>14</sup> as budgets keep being cut making this aid mainly symbolic<sup>15</sup>. Until mid 2013 some Islamic

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<sup>10</sup> Syrian furniture manufacture is renowned.

<sup>11</sup> Ayoub M., Khallaf S., *Syrian Refugees in Egypt: challenges of a politically changing environment*, Centre for Migration and Refugee Studies, American University in Cairo, Paper no. 7, September 2014.

<sup>12</sup> Labour Law 12 of 2003.

<sup>13</sup> Various Organizations, *Joint Assessment for Syrian Refugees in Egypt*, November 2013

<sup>14</sup> Around 500 le every month.

<sup>15</sup> BBC, *Syria conflict: WFP suspends refugee food aid scheme*, 1 December 2014, <http://www.bbc.com/news/world-middle-east-30275514>

Charities were helping Syrian refugees with free apartments or cash support for housing but many of them had to shut down because of changes in regulation that took place after the ouster of Mohamed Morsi.

The government accorded Syrian children the possibility to attend all public schools as Egyptians. One could argue that in virtue of the fact that they share the same language and come from an analogous background, integration for Syrian students would be easier than for other nationalities that do not speak Arabic. That is not entirely true; the two dialects differ significantly, provoking hardship in the integration process. The limits listed in the previous chapter concerning obstacles faced by refugees in public schools are valid also for Syrians.

There are NGO-run and community schools that teach the Egyptian curriculum in Syrian but in general the school drop-out rate is high, also because of the discrepancy in the level of education between the Egyptian and the Syrian systems. In addition, enrollment requires the submission of specific documentation such as a letter from UNHCR, but also birth certificate and the last school's certificate, which, for people who fled a conflict is not always easy to provide. Furthermore, the educational situation in Egypt is already dramatic<sup>16</sup>, with high rate of illiteracy (about 25%<sup>17</sup>) and the risk of a "*lost generation*". When it comes to higher education, Syrians can enroll in university paying the same fees as Egyptians, but only on the Bachelor level<sup>18</sup>.

Concerning livelihood, at first Syrian families had the means to provide for themselves. Many came to Egypt with savings, sometimes with what they earned from selling all their assets in Syria, thus being able to settle in the beginning. Overtime savings depleted and finding new means of income did not prove easy

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<sup>16</sup> WFP, *WFP forced to suspend Syrian RefugeeFood Assistance , Warns of Terrible Impact as Wintern Nears*, Rome, 1 December 2014, <https://www.wfp.org/news/news-release/wfp-forced-suspend-syrian-refugee-food-assistance-warns-terrible-impact-winter-nea>

<sup>17</sup> Watkins K. and Zyck A., *Living on hope, hoping for education*, ODI, September 2014. In 2014 22% of Egyptian children are out of school, <http://www.odis.org/publications/8829-syria-refugee-education-crisis-hope>

<sup>18</sup> CIA World Factbook, Egypt, <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html>

<sup>18</sup> Case of some students that enrolled for Masters in Cairo Uni, paid same fees as Egyptians, once finished the Uni refused to give them certificate if they did not pay the rest of the fees as they were Foreigners (around 30.000 EGP)

putting families in strain conditions, sometimes forced to choose between housing, food, education and health<sup>19</sup>.

Compared to refugees from other nationalities, it seems easier for Syrians to find jobs. According to the findings of the 2013 Joint Assessment, almost 50% of the respondents has at least one family member earning an income. Furthermore, UNHCR has implemented, through its partners, programmes to encourage the inclusion of refugees in the labour market<sup>20</sup>. However working conditions are harsh and Syrians tell stories of exploitation, low wages and long working hours. As reported by the *Joint Assessment*, monthly salaries are still very low (in average about 1,150 EGP<sup>21</sup>) and are not enough to cover all expenses for rent, food, education, health care and bills. UNHCR and its partners's assistance (WFP, WHO, CRS, Caritas and others) become necessary to help make families' ends meet.

When families cannot make ends meet they often resort to negative coping strategies. They choose to live in overcrowded appartments to save costs, borrow money, neglect their diet reducing the quality and the quantity of the food they consume, neglect health care, the children do not go to school to contribute to the families' budget, and, in extreme cases young daughters are married off in order to alleviate the family's burden. It is a widespread stereotype in Egypt that Syrian women are good wives, and therefore they can be subject to unwanted marriage proposals from Egyptian men<sup>22</sup>.

The majority of Syrian refugees had to change their lifestyle and accept jobs for which they were over-qualified. In other populations of refugees females find work more easily as they can work as house maids. This is not the case for Syrian women as they are less used to work outside the house. They prefer to work from home,

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<sup>19</sup> Ayoub M., Khallaf S., *Syrian Refugees in Egypt: challenges of a politically changing environment*, Centre for Migration and Refugee Studies, American University in Cairo, Paper no. 7, September 2014.

<sup>20</sup> Raimondi F., *Pathways to self-reliance for urban refugees*, CGAP blog, Cairo, 11 June 2015, <http://www.cgap.org/blog/pathways-self-reliance-urban-refugees-egypt>

<sup>21</sup> Around 145 US dollars.

<sup>22</sup>This practice is also known as "Sutra" marriage.

making food or working as taylors. One reason is the fear of harassment, especially among young girls<sup>23</sup>.

### **3.2 The situation of Syrian refugees during the mandate of Morsi**

After the 2011 Revolution, the fall of Mubarak and more than one year of military transitional government, Mohamed Morsi from the Freedom and Justice party was elected in June 2012 as Egypt's first democratically elected president. Since the beginning of his mandate, the new President of Egypt declared his intention to welcome the Syrian people. In the speech he held during the oath ceremony on June 30<sup>th</sup> 2012 he declared that Syrians are welcome in Egypt as brothers and sisters. He also declared, in relation to Palestinian refugees coming from Syria, that the new government would support and promote the reconciliation of the Palestinian people and that Egypt would not interfere with other countries' affairs<sup>24</sup>.

It is in the period following the election that the majority of the Syrian refugees started arriving to Egypt. The welcoming atmosphere probably was a pull factor. Many of them did not approach UNHCR at first, as they felt safe and did not need protection and services. Families had their own savings and perceived their presence as merely temporary, waiting for the turmoil to come to an end after which they would be able to go back to their homes. As Syrians did not need a visa and felt overall welcome, they did not always rush to renew their residence permit when it expired. At first, asylum-seekers received assistance provided by several Islamic charities, mosques, and other informal private relief initiatives funded by wealthy Syrians from the diaspora operating on the territory and providing them with housing, food and basic needs. These entities were distributing aid even before the international organizations started mainstreaming assistance to the Syrians and they maintained their independence from UNHCR and its partners. According to some surveys, Syrians estimated that about 60% of them registered with a Faith Based Organization already providing the same type of service to Egyptian families.

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<sup>23</sup> Ayoub M., Khallaf S., *Syrian Refugees in Egypt: challenges of a politically changing environment*, Centre for Migration and Refugee Studies, American University in Cairo, Paper no. 7, September 2014.

<sup>24</sup> Morsi's speech at Cairo University on 1 June 2012, available at <http://www.ikhwanweb.com/article.php?id=30156>

Many even reported receiving help from Egyptian families. This type of ‘need-based’ assistance was quite generous at first and asylum-seekers only needed to show their Syrian passport to receive it<sup>25</sup>.

Morsi’s attitude seemed openly welcoming and in full support of the “Syrian revolution”. However, there are arguments that his government’s openness towards the Syrian cause was not only driven by mere empathy but also by financial and religious reasons. The Syrian civil war produced the worst humanitarian crisis after World War II with more than four million displaced across the whole region, according to the UNHCR “Syria Regional Refugee Response Information Portal”. In order to address this massive displacement crisis, humanitarian actors and international donors funded a series of emergency programmes to tackle the basic needs of the refugees and support the hosting governments. The main international organizations implemented emergency contingency plans to solve shelter, food, medical and education shortages. This injected a considerable amount of money inside the countries and especially in schools and hospitals.

Morsi also took advantage of the religious affiliation of the conflict. Assad and the Alawy regime are associated to the *Shia*, the Islamic doctrine opposed to *Sunna* which is the tradition followed by the Muslim Brotherhood and by almost all of the Egyptian population. Morsi, as did previous Egyptian leaders, has often reiterated Egypt’s Sunni identity. Supporting the Sunni based Syrian revolution against the tyrant Shia regime of al-Asad, served the purpose of underlining the President’s identity, hoping to gain the support of the public and of other parties such as the Salafi *al-Nour* which support was declining. His popularity was declining also because of another contradiction: Morsi’s diplomatic effort to re-establish political relations with Iran<sup>26</sup>, firm supporter of the Syrian regime.

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<sup>25</sup> Smith A., *The influence of charities (specifically FBOs) on assistance to Syrian Refugees in Egypt*, UNHCR, June 2014.

<sup>26</sup> Egypt Independent, *Egyptian official says Cairo may open embassy in Iran soon, reports Iranian media*, Cairo, 28 August 2012, <http://www.egyptindependent.com/news/egyptian-official-says-cairo-may-open-embassy-iran-soon-reports-iranian-media>; Al-Jazeera and agencies, *Egypt's Morsi to make historic trip to Tehran*, 19 August 2012, <http://www.aljazeera.com/news/middleeast/2012/08/20128182526548301.html>.

Overall, Morsi's presidency never received wide popular consensus and all throughout his mandate his opponents held weekly demonstrations in squares and marches in the streets asking for his anticipated withdrawal. He was seen as too conservative and radical, especially when in November 2012 he announced a temporary constitutional declaration that would allow his decrees to by-pass the Judiciary review. This attempt to expand his authority by centralizing unlimited power in his hands compromised his popularity beyond repair.

After months of unrest, protests and counter protests, on June 13<sup>th</sup> he held a conference, which joined 70 Sunni clerics from around the Islamic world, and produced a document calling upon Sunni Muslims from around the world to go for *jihād* against the "sectarian" Syrian regime labeling it as a "religious duty". The Cairo based mosque Al-Azhar - the main Sunni institution of the Islamic world - refused to sign this statement<sup>27</sup>. These declarations came after more than two years of ongoing massacres in Syria that had already claimed the lives of more than 90,000 people; this "delay" discredited the idea that the support of democracy against tyranny was genuine. Furthermore, the fact that the three-day event coincided with the US announcement that it would arm anti-Assad rebels also raised suspicions that these events were aimed at political credit rather than being motivated by solidarity<sup>28</sup>. On June 15<sup>th</sup> 2013, Morsi held another speech at the Cairo International Stadium, where he announced his plan to cut all diplomatic ties with Syria, (following the example of Libya and Tunisia<sup>29</sup>) by shutting down the Syrian embassy in Cairo and by withdrawing the Egyptian ambassador from Damascus<sup>30</sup>.

The speech was delivered in the context of the National Conference for the Support of the Syrian Revolution<sup>31</sup>, which over different days and venues gathered representatives and high clerics of the Muslim Brotherhood and the Sunni

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<sup>27</sup> Mohsen M., *Egypt to aid Syrian rebels*, Daily News Egypt, Cairo, 15 June 2013, <http://www.dailynegypt.com/2013/06/15/egypt-to-aid-syrian-rebels/>

<sup>28</sup> Shahine G., *Morsi ups the ante*, 20 June 2013, <http://weekly.ahram.org.eg/News/3069/17/Morsi-ups-the-ante.aspx>

<sup>29</sup> Ahram Online, *Egypt's Morsi severs ties with Syria, warns of 'counter revolution violence'*, 15 June 2013, <http://english.ahram.org.eg/News/74082.aspx>

<sup>30</sup> Ibid.

<sup>31</sup> The conference was organised by several influential Salafist preachers, The Salafist Asala Party, The guidance Bureau of the Muslim Brotherhood (from which Morsi hails), The ultra-conservative Al-Jamā'a Al-Islāmiya movement and the Islamic Legitimate body of Right and Reformation.

intellectual scene<sup>32</sup>. This series of events has been criticized by the Salafi *al-Nour* party, because of the contrasting declarations released by Morsi in relation to the Syrian revolution<sup>33</sup>. Many argued that these events' only goal was to bolster his fading popularity by gathering Sunni consensus. Some among Morsi's contestants accused him of simplifying the Syrian issue to a mere sectarian clash. On the other hand, some of his supporters called on Morsi not to allow Shiites into Egypt, defining them as "unclean"<sup>34</sup>. This strengthens the idea that Morsi used the Syrian refugees mainly as pawns in his political sectarian chess game.

### **3.3 The change of situation after Morsi's ouster**

In the beginning of July 2013 the Morsi administration was forcibly overthrown, exactly one year after his election. The events that led to his ouster started earlier that year, when in April an independent movement called "*Tamarrud*" started gathering signatures asking for the withdrawal of Morsi from his presidential role. The campaign gathered a lot of consensus, as the people were disappointed by the government and exasperated by months of unfulfilled requests, attempts to shape the Constitution to increase the president's power and weekly protests.

The group claimed it gathered more than 22 million signatures and had raised the endorsement of many prominent personalities and movements<sup>35</sup>. The group called for a big protest which took place in Cairo's streets on the 30<sup>th</sup> of June with the aim to strengthen the demand for Morsi's withdrawal and new elections. According to CNN and BBC, some 33 million people took to the streets that day. Although the reliability of the numbers is dubious, it is estimated that this was the biggest protest in the history of Egypt. On the evening of that day, as Morsi refused to step down, the Egyptian army announced a 48 hours ultimatum for him to voluntarily leave his position, after which they would forcibly remove him. When on the 3<sup>rd</sup> of July Morsi still refused to step down the army removed and arrested him, nominating Adly

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<sup>32</sup> El-Behairi N., *Morsi's Syria speech angers* opposition, Daily News Egypt, 16 June 2013, <http://www.dailynasegypt.com/2013/06/16/morsis-syria-speech-angers-opposition/>

<sup>33</sup> In a previous visit to Moscow, he expressed the intention to adopt a stance similar to Russia's.

<sup>34</sup> Sheikh Muhammad al-'Arifi, Saudi cleric in Cairo, Sheikh Mohamed Hassan and Sheikh Mohamed Abdel-Maqṣūd-deputy head of the Islamic Legitimate body of Rights and Reformation.

<sup>35</sup> Nobel prize winne Mohamed el Baradei, the 6<sup>th</sup> of April movement, the Kefaya movement,

Mansour, head of the Supreme Constitutional Court, as interim president. The army proposed a “road map” to a new democratic administration and guaranteed that it would not interfere with political and governmental issues. The Muslim Brotherhood was banned and declared a terrorist organization<sup>36</sup>, its radio and media outlets were shut down and its leaders hunted down and imprisoned. This reckoning included everything and everyone with any type of relation with the movement. It is widely thought that *Tamarrud* was not an independent movement but a puppet of the army, which showed an impressive timely spirit of initiative in taking control of the situation.

On June 7<sup>th</sup> 2013 the interim government lead by Adly Mansour as its chief, reinstalled the diplomatic relations with Syria on a consular level. The Egyptian consulate in Damascus and the Syrian consulate in Cairo reopened to ensure the safety of Egyptians in Syria and of Syrians in Egypt.<sup>37</sup>

In response to these developments, Morsi’s supporters gathered around the Mosque of Raba'a al-Adawiyya in the neighborhood of Nasr City and el-Nahda square in front of Cairo University in Giza, setting up two sit-ins to protest the ouster of the elected president. This period was characterized by retaliatory violence and reiterated attacks targeting both security forces and MB supporters across the whole country. The region of North Sinai became - and still is - a hot zone, with weekly attacks against soldiers and army check points. In the weeks following the *coup*, many episodes of interreligious violence happened all over the country: churces were attacked, Christians, suspected of backing the new regime, were killed or their lives threatened and in Sinai they were ordered to leave their houses<sup>38</sup>.

Rumors spread that Syrians, already associated to the ousted president, were participating in the Muslim Brotherhood’s demostrations and taking part in the sit-ins. This fuelled a series of dangerous repercussions. Syrian sources reported that

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<sup>36</sup> The Muslim Brotherhood movement was banned also from 1952 until 2011.

<sup>37</sup> Ahram Online, *Egypt and Syria to keep consulate relations: FM spokesperson*, 7 July 2013, <http://english.ahram.org.eg/NewsContent/1/64/75951/Egypt/Politics-/Egypt-and-Syria-to-keep-consulate-relations-FM-spo.aspx>

<sup>38</sup> Ahmad 'Atif, *Jihadist threaten Sinai Copts: leave or die*, al-Sabāh, 21 July 2013, p. 5, translated from Arabic by Raimondi F., in Arab West Report Daily Overview, <http://www.arabwestreport.info/en/year-2013/week-29/19-awr-daily-overview-july-21-2013-jihadists-threaten-sinai-copts-leave-or-die>

indeed some asylum-seekers were present in the protests, probably pushed to go by some Islamic charities in exchange for housing and relief items<sup>39</sup> or as a gesture of gratitude towards the ousted leader that openly supported them. The Egyptian public opinion generalized the presence, raising suspicion against all Syrians.

Legally speaking these events involved major changes. Starting 8<sup>th</sup> July 2013 all Syrian citizens were required a visa and a security clearance issued by the Egyptian National Security prior to arrival in Egypt. Syrian visa application would, from now on, be processed by the General Intelligence<sup>40</sup>. The Government stated that this would be a temporary measure, a precaution to avoid that fighters from Syria would come to Egypt to support the Muslim Brotherhood. However, after more than two years, this measure is still in place.

The interim government started a “War on Terrorism” on the Muslim Brotherhood, backed by a solid and bitter media campaign<sup>41</sup>. Television channels, that held a permanent logo reading “Egypt fighting Terrorism”<sup>42</sup>, broadcasted continuous newsreels representing violent actions allegedly carried out by the Muslim Brotherhood with a pressing music as a background spreading a clear image meant to instigate hate for the Islamists. The aim of this propaganda was to convey the message that Egypt was at great risk as long as everything related to the Brotherhood would not be eradicated.

Unfortunately Syrians, associated with the movement, payed the price of this chaotic witch-hunt. On the 10<sup>th</sup> of July, Faraeen tv channel presenter Tawfiq Okasha<sup>43</sup>, one of the most popular talk show presenters, incited xenophobic violence by accusing Syrians to be spies and by calling on Egyptians to destroy the homes of the Syrians if

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<sup>39</sup> Human Rights First, *Syrian Refugee Face Rising Fears in Egypt*, 20 September 2013, <http://www.humanrightsfirst.org/2013/09/20/syrian-refugees-face-rising-fears-in-egypt>

<sup>40</sup> Ayoub M., Khallaf S., *Syrian Refugees in Egypt: challenges of a politically changing environment*, Centre for Migration and Refugee Studies, American University in Cairo, Paper no. 7, September 2014.

<sup>41</sup> Kortam H., *New requirements for entry of Syrians*, Daily News Egypt, 10 July 2013, <http://www.dailynasegypt.com/2013/07/10/new-requirements-for-entry-of-syrians/>

<sup>42</sup> In English language.

<sup>43</sup> Tawfiq Okasha is a particularly controversial character in Egyptian TV. Security forces recently arrested him in August 2015 for defamation and beating.

they participated again in protests of the Muslim Brotherhood<sup>44</sup>. CBC's Lamis el-Hadidi openly praised the Assad regime affirming that he should "kill all the Syrians". The same type of threats were also made by ONTV's Yussef el-Husseini<sup>45</sup> who accused Syrians of being "runaways" because they abandoned their country<sup>46</sup>. Mohamed el-Gahity accused Syrian women of offering themselves to jihadists and members of the Muslim Brotherhood to encourage them.

The presumed association of Syrians with the Muslim Brotherhood quickly escalated. In this period all foreign elements were looked at with suspicion and often labeled as subversive and spies. The rumor spread that the civil war in Syria and the election of Morsi were part of an American plot that was aiming to bring further turmoil to the country. The scapegoating of foreigners and refugees in moments of political instability is a much used instrument. Following this wave of xenophobic incitement, the press reported on several attacks against Syrians<sup>47</sup>. Organizations like Human Rights Watch blamed the media for these attacks and the Government for fomenting them, arguing that the clashes could easily have been avoided.

On the 26<sup>th</sup> of July General Abdel Fattah el Sisi, at the time Ministry of Defense, in light of the ongoing terrorist attacks and widespread violence, called for a demonstration asking the people to grant the army a symbolic "go ahead" against terrorism, which he identified as the engine of the turmoil. The demonstration gathered a lot of consensus<sup>48</sup> but attacks became more frequent, significantly worsening the security situation in the country. Both parties, the Muslim Brotherhood and the interim government, participated in this spiral of violence actively, especially on the mediatic side, with *ad hoc* media centres and tv propaganda produced in Arabic, and also English in order to reach the West.

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<sup>44</sup> Human Rights Watch, *Egypt: Arrest of Syrians Raise Deportation Fears*, 25 July 2013, <http://www.hrw.org/news/2013/07/25/egypt-arrests-syrians-raise-deportation-fears>; Mārūšī N., Maṣr la īsa jannah li al-sūriyyīn, Mada Masr, 17 September 2013, <http://www.madamasr.com/sections/politics/no-haven-syrian-refugees-egypt>.

<sup>45</sup> Elliot S., *Framed: Refugees and the Egyptian Revolution*, in *Revolution as a Process*, edited by Adham Ahmed, 341-370, Wiener Verlag für Sozialforschung, 2014.

<sup>46</sup> Fakhry Y., *Early warning signs in Egyptian media discourse for the protection of the Syrian refugees*, MA thesis Coventry University, 2014.

<sup>47</sup> Fick M., *Egyptian welcome mat pulled out from under Syrian refugees*, Reuters, Cairo, 12 September 2013. <http://www.reuters.com/article/2013/09/12/us-syria-crisis-egypt-refugees-idUSBRE98B00E20130912>

<sup>48</sup> According to the Egyptian Central Agency for Public Mobilization and Statistics (CAPMAS) 35 millions; 29 million according to the Egyptian security forces; tens of thousands according to Al Jazeera figures.

After several warnings and a bloody Ramadan, on the 14<sup>th</sup> of August, a few days after the end of the Holy Month, the armed forces attacked the Muslim Brotherhood sit-ins at dawn, causing the death of more than 600, the arrest of hundreds and injuring thousands<sup>49</sup>. The dispersals were welcomed positively by the public opinion. The anti-MB propaganda fed rumors that sexual acts were consumed in the sit-in, that public disturbance was degrading the neighbourhood and that terrorist attacks were planned in the sites, thereby sparking the people's hate and paving the way for consensus against the MB even though hundreds of people lost their lives.

From that day on, a one month "state of emergency" was declared and a curfew was imposed<sup>50</sup>. In those days, with millions of families gathered in front of their televisions, the media campaign kept instigating against the Muslim Brotherhood and their alleged acts of terrorism. In this context also anti-West rhetoric found place, recalling the xenophobic wave that characterized the 2011 Revolution days and its spontaneous neighbourhood committee to guard the streets against threats<sup>51</sup>.

At this point, any Islamic radicalization took the connotation of something negative and Morsi was even accused of having transnational ties with Hamas<sup>52</sup>. However, a member of Hamas affirmed having proof that the Egyptian interim government was teaming up with Fatah and the Palestinian Authority in order to overshadow them<sup>53</sup>. These accusations were overall very weak.

By fighting the MB, the new government faced the challenge to distance themselves from radical Islam while at the same time maintaining a "true" Islamic identity for Egypt. It used a nationalistic ideology to legitimate the *coup*: people were told they were first and foremost Egyptians and only after that Muslim, Arabs and Africans. This is not a new strategy, that in Egypt serves to weld the bond between Muslims

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<sup>49</sup> The MB claims that deaths have been 2000.

<sup>50</sup> Extended for two additional months.

<sup>51</sup> Karr S., *Ma'nā aw didnā*, MadaMasr, 31 August, 2013,

<http://www.madamasr.com/ar/opinion/politics/%D9%85%D8%B9%D9%86%D8%A7-%D8%A3%D9%88-%D8%B6%D8%AF%D9%86%D8%A7>

<sup>52</sup> Mandour M., *The Egyptian Coup and Hamas*, OpenDemocracy, 30 September 2013,

<https://www.opendemocracy.net/arab-awakening/maged-mandour/egyptian-coup-and-hamas>

<sup>53</sup> Al-Jazeera, *Hamas accuses rivals of malicious camoaign*, 30 July 2013,

<http://www.aljazeera.com/news/middleeast/2013/07/201373013511788664.html>

and Copts in periods of crisis and transition and to ridefine international fellowships. However, in those days, this atmosphere inflamed xenophobia towards everybody who took sides against the military regime or holding nationality of countries not supporting the *coup*. Syrians ended up playing the role of political pawns. The fact that Morsi supported the refugees was used as a reason to fuel the turmoil and the army managed to channel the frustration and fear so that people eventually asked for its intervention.

The new authority reassured that the new regulations would not have any political implications and that Egypt would keep supporting the Syrian revolution. But it is in this period that Syrians started experiencing a dramatic shift in their conditions.

First of all, *de facto*, the visa issueing process stopped. On the days immediately following the visa restrictions, flights landing in Cairo arriving from Syria were sent back to the airport of departure. According to Ahmad Saleh, Public Relations Director at Cairo International Airport, this did not constitute a violation of the “*non-refoulement*” principle as the travellers have not formally entered the Egyptian territory yet<sup>54</sup>. Individuals who traveled back to Syria, either to take care of family members or for other reasons, were suddenly denied re-entrance. The impossibility to obtain visa seriously obstacled family unity.

While Syrian arrivals dropped almost to zero after the new regulation entered into force<sup>55</sup>, the number of registrations to UNHCR grew higher with a peak of over 23,000 in September<sup>56</sup>. Initially many Syrians did not register because they did not feel the need for protection and because they did not need financial help as they had their own means of livelihood. Some perceived “refugee status” as undignifying, others wanted to be free to go back to Syria and be able to return to Egypt, which UNHCR documents holders are not allowed to do. After Morsi’s ouster and the worsening of their security situation, many Syrians started to realize that UNHCR was their only shield against detention and deportation. Other people instead closed

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<sup>54</sup> Kortam H., *New requirements for entry of Syrians*, Daily News Egypt, 10 July 2013, <http://www.dailynasegypt.com/2013/07/10/new-requirements-for-entry-of-syrians/>

<sup>55</sup> Various Organizations, *Joint Assessment for Syrian Refugees in Egypt*, November 2013, figure 10.

<sup>56</sup> Smith A., *The influence of charities (specifically FBOs) on assistance to Syrian Refugees in Egypt*, UNHCR, June 2014.

their files and left, sometimes choosing an irregular manner<sup>57</sup>. September 2013 was the month that saw the highest number of both registrations and the closure of files<sup>58</sup>.

Many Islamic organizations such as Islamic Relief Worldwide were forced to shut down by the new government and their bank accounts frozen, on the accusation of supporting terrorism. Following the *coup* a major crackdown hit all types of faith based organizations (FBOs) providing relief to Syrians. After July 2013 most of these entities drastically reduced their programmes or ceased their activities altogether. Donors became skeptical and funds decreased significantly. More than 1,000 charities saw their assets frozen by a government court order<sup>59</sup> and fear spread among many other organizations which decided to stop assisting Syrians to avoid the same fate. These events represented the *coup de grace* for those initiatives that were struggling since the first trimester of 2013 to provide support for a exponentially growing number of refugees. As of July 2015, over 400 organizations accused of being affiliated to the Muslim Brotherhood have been closed all over the country. Many of these organization were not formally linked to the Islamic movement but only helping the communities, which include refugees as well<sup>60</sup>.

The press reports that after the *coup*, school officers started refusing to enroll Syrian children, and arbitrary house eviction and layoff episodes happened only on the basis of the Syrian nationality.<sup>61</sup> In addition to that the Ministry of Education announced that access to education for Syrians was no longer possible<sup>62</sup>. That decision was soon revoked and labeled as a strategy to increase the foreign fundings. Undoubtedly the general lack of awareness about push factors that forced Syrians to leave their country and the widespread political chaos contributed to the creation of xenophobic violence. The unpreparedness of the authorities led to many episodes

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<sup>57</sup> To Turkey, Lebanon or Jordan or irregularly to Europe.

<sup>58</sup> Smith A., *The influence of charities (specifically FBOs) on assistance to Syrian Refugees in Egypt*, UNHCR, June 2014.

<sup>59</sup> Smith A., *The influence of charities (specifically FBOs) on assistance to Syrian Refugees in Egypt*, UNHCR, June 2014.

<sup>60</sup> Daily News Egypt, 434 Muslim Brotherhood NGOs shutdown, 8 July 2015,

<http://www.dailynewsegyp.com/2015/07/08/434-muslim-brotherhood-ngos-shutdown/>

<sup>61</sup> Hauslohner A., *Syrian refugees find hostility in Egypt*, the Washington Post, 7 September 2013,  
[https://www.washingtonpost.com/world/middle\\_east/syrian-refugees-find-hostility-in-egypt/2013/09/07/fc54b832-17cc-11e3-961c-f22d3aaf19ab\\_story.html](https://www.washingtonpost.com/world/middle_east/syrian-refugees-find-hostility-in-egypt/2013/09/07/fc54b832-17cc-11e3-961c-f22d3aaf19ab_story.html)

<sup>62</sup> Salem M., Syrian school children allowed same access to education as Egyptians, Daily News Egypt, 17 September 2013, <http://www.dailynewsegyp.com/2013/09/17/syrian-school-children-allowed-same-access-to-education-as-egyptians/>

of discrimination and even incarceration. The attitude of the authorities towards refugees, handled as a constant threat for the country, fed the ill-treatment to which refugees have been subject.

### **3.3.1 Arbitrary detention and Deportation**

The unpreparedness of officials facing asylum-seeker or refugee documentation is also one of the causes that led to arbitrary detention in so many cases. Many independent organizations such as Human Rights Watch, Amnesty International, and other Egyptian NGOs<sup>63</sup>, have documented violations committed by security forces in the period after the *coup*. The National Security set up many checkpoints across the city and searched public transports, often targeting Syrians on purpose. Sometimes, the period required for the renewal of the residence permit could be long, which put the refugees at risk of being arrest or fined.

When found with expired documents or residence permits many were subsequently arrested. Being in possession of UNHCR asylum-seekers documents did not the same fate. Many were detained for long periods and were threatened that they would remain in detention if they did not buy a plane ticket to another country, usually Turkey or Lebanon. As it will be analyzed later in this research, Palestinian Refugees from Syria were particularly vulnerable as UNHCR is up till now not allowed to register them or provide them with services and protection.

Usually asylum-seekers were discharged by the Public Prosecutor, supposed to be released by the National Security which in many cases refused to release them for long periods, often with no legal basis or written accusations, thus preventing the refugees from being able to challenge the decision of their detention<sup>64</sup>.

Conditions in detention are dramatic: cells are overcrowded, food is not always available, the sanitary facilities are run-down, vulnerable medical cases are often

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<sup>63</sup> Egyptian Initiative for Personal Rights and Egyptian Centre for Economic and Social Rights.

<sup>64</sup> The right to challenge detention is stated in article 54 of the 2014 Constitution “*every person whose freedom is restricted shall be immediately notified of the reasons therefore; shall be informed of his/her rights in writing; shall be immediately enabled to contact his/her relatives and lawyer; and shall be brought before the investigation authority within twenty four (24) hours as of the time of restricting his/her freedom. Investigation may not start with the person unless his/her lawyer is present. A lawyer shall be seconded for persons who do not have one. Necessary assistance shall be rendered to people with disability according to procedures prescribed by Law*

neglected and detainees can contract infectious diseases due to insect bites and poor sanitary conditions. Children, including unaccompanied and separated children (UASC), are held in the same situation, which constitutes a violation of the 1989 "*Convention on the Rights of the Child*" to which Egypt adhered. Refugees feel hopeless, their cases forgotten. These dramatic conditions have in some cases led to hunger strikes, like the one held in Alexandria's Karmouz detention centre by Syrian and Palestinian asylum-seekers<sup>65</sup>. Karmouz detainees, after a month of hunger strike addressed a statement to UNHCR, UNRWA, ICRC, Amnesty International, Human Right Watch, UNICEF, embassies of Europe and the European Union diplomatic delegation denouncing the lack of care for their destiny<sup>66</sup>. Later on, efforts from UNHCR's side provided resettlement to Germany and the United Kingdom for the most part of them and the National Security cleared them for release. The rest are still detained.

For UNHCR and its partner organizations it is a challenge to keep track of all the people in detention because of the restricted access to prisons and police stations and because detainees are constantly moved from one police station to another for reasons of space or released without notification.

The Government, in the person of Ambassador Badr Abdel-Attai from the Ministry of Foreign Affairs, declared to Human Rights Watch that they had never had a policy on systematic detention and consequent forced returns<sup>67</sup>. In spite of this, most of the refugees that reported on their experience, stated that they were forced to sign declarations confirming their intention to leave the country, under threat of indefinite detention. It is to be noted that Syrians usually move with the whole family, and often they are detained all together, especially if the arrest follows an

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<sup>65</sup> Rollins T., *Egypt's jailed refugees caught between hope and despair*, Middle East Eye, Cairo, 10 March 2010, <http://www.middleeasteye.net/in-depth/features/alexandria-s-jailed-refugees-caught-between-hope-and-despair-272307374>. Reference is made to the hunger strike started on February 9<sup>th</sup> 2015 by Syrian and Palestinian Refugees from Syria detained in Karmouz following a failed attempt to cross the Mediterranean in November 2014. Some protesters have stopped the strike later that month as a consequence of reassuring pledges from UNHCR; Cente for refugee solidarity, Press release, 27 February 2015, <http://www.refugeesolidarity.org/publication/press-release/ext/UPDATED%20-%20Egypt:%20End%20arbitrary%20detentions%20of%20refugees>.

<sup>66</sup> Mada Masr, *Syrian refugees begin hunger strike protesting detention*, 10 February 2015, <http://www.madamasr.com/news/syrian-refugees-begin-hunger-strike-protesting-detention>

<sup>67</sup> Human Rights Watch, *Egypt. Syrian refugees detained, coerced to return*, 10 November 2013, <http://www.hrw.org/news/2013/11/10/egypt-syria-refugees-detained-coerced-return>

attempt of irregular migration. Facing the prospect of prolonged detention with children and in precarious conditions, often the parents decide to buy plane tickets and leave; some asylum-seekers, lacking other options, even went back to Syria. There has been no record of active participation of the Syrian embassy in cases of detained Syrian citizens, as sometimes happens with detainees from other countries<sup>68</sup>.

Egypt signed the 1984 “*Convention against Torture and other cruel, inhuman or degrading treatment or punishment*”<sup>69</sup>. This document, analogue to the 1951 Convention, prohibits the signatory countries to return asylum-seekers to a country where they could face life or harm threat. Egypt has violated them both. All of this in addition to the already deep trauma refugees experienced in their home country that pushed them to flee.

### **3.3.2 Irregular Migration**

Many refugees want to leave Egypt because they see no future there. The majority choose to cross the sea; others try to cross to Libya in order to sail from there. People following this pattern of irregular migration are for the most part Syrians and Sudanese, however, even if less numerous, irregular migrants are also Somali, Eritrean and Ethiopian. Refugees that try to sail and get caught are arrested for breaching the entry and exit law number 89 of 1960<sup>70</sup>, more specifically articles 2 and 3 which prohibit to “*leave the country without valid documentation and at other than official border crossings*”. Foreigners caught leaving the country under these conditions can face criminal charges, detention up to six months, a fine and deportation<sup>71</sup>. These measures are applicable also to asylum-seekers and refugees despite the 1951 Convention’s prohibition to return someone to a country where his life is threatened.

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<sup>68</sup> The Eritrean embassy for instance, often intervenes to arrange tickets to return (forcibly) its citizens that fled Eritrea illegally because fearing for their lives.

<sup>69</sup> UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, available at: <http://www.refworld.org/docid/3ae6b3a94.html>

<sup>70</sup> Law 89 of 1960 of Entry and Residence of Aliens in the Territories of the United Arab Republic and their Departure.

<sup>71</sup> Ibidem art. 41

However, according to the Geneva-based research centre Global Detention Project<sup>72</sup>, people arrested for illegal entry or exit usually receive a suspended sentence. This means that the person does not serve the sentence. Instead, they are referred to the Immigration Department inside the Ministry of Interior, which decides on their release, prolonged arrest or deportation, according to Law 89 of 1960<sup>73</sup>.

This law does not include provisions about the rights of the people detained, in regards to the type of legal support or treatment they are entitled to receive. Furthermore, they fall under the jurisdiction of the military tribunal and have no right to appeal, a practice that violates article 14 of the "*International Covenant on Civil and Political Rights*"<sup>74</sup> and article 55 of the 2014 Egyptian Constitution which states the right of the individual to be protected from torture and abuse and of the right to appeal.

Even though breaching this law can lead to criminal charges, authorities prefer to stick to the administrative path, as it easier allows forcible removal<sup>75</sup> from the Egyptian soil<sup>76</sup>.

In regard to the illegal entry route, to circumvent the visa restrictions some Syrians started flying to Sudan, where they do not need a visa, and then crossing the border illegally to the south of Egypt. People who choose this route usually have pre-existent ties with Egypt through family that arrived previously.

Up until now, the majority of asylum-seekers in detention have been arrested on the North Coast, following a failed attempt to cross to Europe. There have been reports of cases where the authorities opened fire, resulting in casualties. Usually migrants and refugees are kept in farms by the smugglers, awaiting the moment to go on

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<sup>72</sup> Global Detention Project, *Egypt detention* profile, Geneva, October 2014,  
<http://www.globaldetentionproject.org/countries/africa/egypt/introduction.html>

<sup>73</sup> Art. 25

<sup>74</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html> "All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law". 14(3) "In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing".

<sup>75</sup> The Director of Passports, Immigration and Nationality and Administration is responsible for clearing deportation orders.

<sup>76</sup> Global Detention Project, *Egypt detention* profile, Geneva, October 2014,  
<http://www.globaldetentionproject.org/countries/africa/egypt/introduction.html>

board. Sometimes smugglers abandon them: widely reported by the press is the episode of Nelson Island, four kilometers off the shore of Abu Qir, in Alexandria, where migrants have been left stranded until the Egyptian maritime authorities rescued and subsequently detained them.

Another popular smuggling route is the one followed by those who want to reach Israel. This route is well known for its smuggling and trafficking network. It is not uncommon that Ethiopian and Eritreans are kidnapped in law-less Sinai by Bedouin tribes and tortured for ransom. This mechanism is a real plague because the Egyptian government, aware of these brutal crimes, seems to ignore them or unable to stop them. This trail is mainly followed by Sudanese or East Africans. In these areas the Egyptian government, also in compliance to bilateral agreements, adopted a "Shoot to stop" policy<sup>77</sup>.

### **3.4 The situation after the election of the new President**

At the beginning of June 2014, one year after the ouster of Morsi, Abdel Fattah al-Sisi won the elections and became the new president of Egypt after resigning from his position as Head of the Armed Forces. The country has somehow found new balance even though attacks targeting police and security forces have never stopped.

As the crisis in Syria does not seem to be close to an end, UNHCR and other humanitarian bodies started shifting their programmes from an emergency approach to a resilience approach, in order to promote refugees' self-reliance to find more stability and build a future<sup>78</sup>.

UNHCR recently recorded a new trend in mixed irregular migration though. Individuals from different nationalities approach UNHCR and receive an appointment for registration. They then try to sail before that date arrives. This strategy guarantees them that in case of arrest UNHCR will advocate for them. Even though these people come from refugee producing countries and are entitled to all

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<sup>77</sup> Global Detention Project <http://www.globaldetentionproject.org/countries/africa/egypt/introduction.html>

<sup>78</sup> UNHCR, Regional Refugee and Resilience Plan 2015-2016, Egypt Chapter

the protection UNHCR can offer them, their goal is to seek asylum elsewhere, an imaginable choice in light of the current circumstances in Egypt.

Arbitrary detention is not as frequent as it was during the ‘after-coup’ period but detentions following attempts of irregular migration keep increasing as more and more refugees try to reach Europe<sup>79</sup>. The last spring-summer season witnessed more than one thousand people arrested<sup>80</sup>. The majority of those who try to sail have either an expired passport or an expired visa therefore exposed to more protection risks. Detention for individuals holding UNHCR documentation lasts in average from five days to three weeks, the time necessary for UNHCR to confirm that they are People of Concern. After the confirmation, the Public Prosecutor usually issues the discharge order and the National Security issues a security clearance. Released people are issued a temporary residence permit. People not registered with UNHCR could face deportation, as is not uncommon among Sudanese, or indefinite detention, usually in Qanater, the prison for foreigners on the outskirts of Cairo. Unregistered cases that present particular vulnerabilities are sometimes released, but this phenomenon remains rare. To sum up, there are patterns of release but many cases are treated arbitrarily<sup>81</sup>. Al-Sisi has made some positive remarks on refugees in Egypt during some official visits abroad, but this is not enough to demonstrate that the general attitude has changed.

Human rights are systematically violated, but documenting those violations is not an easy task. Access to prison for organizations such as IOM, Medecins Sans Frontieres, Caritas and lawyers is of fundamental importance as they are often the only way detainees can receive food, medicines and other Non-Food Items (NFIs). Access is usually guaranteed to relatives and community members; in fact that is one of the reasons many organizations hire and train influent members of the different refugee communities.<sup>82</sup>

### **3.5 Conclusions**

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<sup>79</sup> Irregular migration to Europe breaches the previously cited entry and exit law.

<sup>80</sup> Internal UNHCR figure.

<sup>81</sup> Rollins T., *Egypt's jailed refugees caught between hope and despair*, Middle East Eye, Cairo, 10 March 2010, <http://www.middleeasteye.net/in-depth/features/alexandria-s-jailed-refugees-caught-between-hope-and-despair-272307374>.

<sup>82</sup> Such as, for instance, the Cairo Community Interpreter Programme.

Looking back at the definition of “Protection Space” provided in the second chapter, it appears that it applied to the situation of Syrians during the first year and a half of their stay in Egypt. Starting July 2013 however, this space contracted significantly, creating a hostile environment towards Syrians, in which they felt threatened.

The same pattern of events happened during and right after the 2011 Revolution to other refugee groups: increased xenophobia, harassment, arbitrary arrests and discrimination, reflected on refugees the overwhelming sense of chaos and instability that characterized those months. Furthermore, many organizations shut down during that period, preventing refugees to receive the assistance they relied on.

Egypt is not the ideal environment to guarantee protection to refugees. Partly that has to do with the country's development constraints, as claimed by the authorities. Egypt faces high unemployment rate<sup>83</sup>, inflation, xenophobia and political turmoil and struggles to guarantee good quality services even to its own citizens. Refugees run into those same circumstances.

But the problems for the Syrian refugees also have political, religious and financial reasons. Over the past years, depending on the different goals of the consecutive governements, Syrian refugees either found shelter or were scapegoated. Morsi welcomed them as Muslim (Sunni) brothers and sisters, and he gladly accepted the money that international organizations offered to help both the Syrians and indirectly the Egyptian people.

After his ouster, Syrians were strongly linked to the MB, both by politicians and the media, partly to strengthen nationalistic feelings among Egyptians, and to create a sense of unity.

The fact that Egypt has signed several international treaties but does not always respects them, and the fact that many Syrians ran out of money and stopped feeling welcome in Egypt, made many of them decide to try and cross to Europe. That added

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<sup>83</sup> Around 13% according to World Bank.

to the chaotic circumstances in which they found themselves in “*Umm al-Dunīā*” (Mother of the World)<sup>84</sup>.

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<sup>84</sup> From the Arabic nickname of Egypt.

#### **4 Examples of Politicization of the Protection Mandate in Egypt**

As analyzed in the previous chapters, Egypt adhered to the main protection instruments created by the international community, which should ensure that the most vulnerable have their basic human rights respected and guaranteed. Despite this commitment, Egypt has violated those rights on many occasions, as shown in the case of Syrian refugees who have been harassed, arrested *en masse* and in some cases even deported. These violations became more frequent and arbitrary in periods of political transition and general instability.

Analogous infringements took place following the political turmoil that unfolded in Egypt after January 2011. Everybody, foreigners included, had the perception that their personal safety was at risk. In those days, people tried to limit their movement as much as they could but still many were victim of arbitrary arrest and prolonged detention, often with no legal basis. The political chaos also severely compromised means of livelihood. Many companies and organizations closed for periods of time, ranging from a few days to several weeks. Banks closed and cash transfers were blocked, day to day workers could not go to work and lost the money that they were supposed to earn, and many housemaids at the service of expat families lost their jobs as many foreigners left the country. After the ouster of Mubarak, vulnerable foreigners like asylum-seekers and migrants noticed a change of attitude from the side of the authorities. When reporting harassment or their detriment, the police would turn them away instead of filing a report as it used to happen before<sup>1</sup>. Eviction incidents became more frequent as well as layoffs, and foreigners were accused of being responsible for the raise in prices and of stealing jobs and resources.

This is a typical consequence of political instability, when the authorities and the public opinion systematically label refugees and migrants as a “security threat” to justify their ill-treatment and to find scapegoats during difficult times. This attitude, combined with the negative propaganda in the media, influences the host

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<sup>1</sup> IRIN, *Egypt: refugees hit by discrimination, violence amid heightened nationalism*, Cairo, 24 November 2011, <http://www.irinnews.org/printreport.aspx?reportid=94294>

environment with xenophobia and racism and eventually makes refugees and migrants more vulnerable than Egyptian citizens<sup>2</sup>. This atmosphere led some asylum-seekers in Egypt to leave the country, while others who wanted to leave could not do so because they did not have the means.

During the 2011 revolution the public opinion associated refugees with the previous regime, which was held responsible for having welcomed too many of them. After Mubarak's fall Egyptian started referring to refugees with sentences like "*now it's over you can go home*"<sup>3</sup>.

As will be further analyzed in the following paragraphs, other refugee populations in Egypt also have seen their "protection space" limited, according to the political events unfolding in the country and in the region.

#### **4.1 The case of Sudanese Refugees**

Since it reached independence in 1956, Sudan became a country that hosts within its borders an incredible ethnical, religious and cultural diversity constituted by multiple identities. This identitary fragmentation led to several harsh conflicts that forced millions to leave the country looking for safety. The first civil war lasted for seventeen years (1955-1972) and the second lasted more than twenty (1983-2005). Later on, the Darfur conflict created additional waves of asylum-seekers that added up to the already numerous Sudanese that sought refuge in bordering countries, including Egypt<sup>4</sup>.

Egypt hosts many Sudanese also in virtue of their shared history and tight diplomatic ties that have evolved over decades. Both countries have been under the colonial control of Britain and between 1899 and 1956, the year of its independence,

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<sup>2</sup> Danielson E., *Field Report: revolution, its aftermath and access to information for refugees in Cairo*, Oxford Monitor of Forced Migration, volume 2, number 2, pp. 57-63, November 2012.

<sup>3</sup> The public opinion probably referred mostly to Sudanese refugees, the majority. They were benefitting from treaties signed from the previous regime, granting privileges to Sudanese nationals.

<sup>4</sup> Jacobsen K., Ayoub M. and Johnson A., *Remittances to transit countries: the impact on Sudanese refugees livelihoods in Cairo*, the Centre for migration and refugee studies (American University in Cairo) in collaboration with Feinstein International Centre, September 2012.

Sudan has been an Anglo-Egyptian “*condominium*”<sup>5</sup>. This political and geographical proximity laid the foundation of the 1976 *Wadi el-Nile* treaty; this bilateral agreement facilitated migration between the two countries, eliminating the need for a visa and granting the nationals of both countries access to health, education, ownership of property, residence and work on the same level of nationals of that country. This basically allowed Sudanese asylum-seekers to live in Egypt without need of residence permit and UNHCR assistance, and *de facto* they did not need to apply for refugee status. Later on, due to the increased flow of refugees because of the ongoing civil war, in 1995 Egypt asked UNHCR to step in and start registering all Sudanese nationals<sup>6</sup>.

It is unclear how many Sudanese are currently in Egypt, as estimates vary from 750,000 up to 4 million. However, only a small part of them actually sought asylum at UNHCR.

Even though the agreement put Sudanese in a privileged position, it does not mean that they are immune to the negative effects of political leadership changes or turmoil. One major event that marked the situation of Sudanese refugees in Egypt was the assassination attempt of Mubarak during an official visit to Ethiopia in 1995<sup>7</sup>. The Egyptian government immediately attributed the attack to Islamic militants, supposedly on the payroll of the Sudanese government. Egypt soon withdrew its accusations after an Egyptian extremist group called “Islamic Group”, affirmed to be responsible for it<sup>8</sup>. Although refuted, the false allegations that held Sudanese accountable for the assault made a bigger sensation. As a punishment, the *Wadi el Nile* agreement was immediately abrogated and the privileges of the Sudanese revoked. From then on, they were held to the same conditions as any other foreigners in the territory and since needed a visa to enter the country.

Almost ten years later, in September 2004, the two countries signed the “*Four Freedom Agreement*”, a partial return to the *Wadi el-Nil* agreement. It accorded a special status to Sudanese nationals with provisions concerning freedom of

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<sup>5</sup> Term that in International law defines a territory ruled by two or more powers.

<sup>6</sup> Sperl S., *Evaluation of UNHCR's policy on refugees in urban areas, a case study review of Cairo*, UNHCR evaluation and policy analysis unit, June 2001.

<sup>7</sup> Mubarak was attending the Organization for African Unity Summit on June 26<sup>th</sup>.

<sup>8</sup> Ibrahim Y.I., *Egyptian group says it tried to kill Mubarak*, Jerusalem, 5 July 1995,  
<http://www.nytimes.com/1995/07/05/world/egyptian-group-says-it-tried-to-kill-mubarak.html>

movement, work, residence and ownership of property. It did not include provisions of free education<sup>9</sup>, access to health care and other social benefits available for national citizens. The agreement however, has never been ratified by Egypt and it did not have any significant impact on the situation of Sudanese citizens in Egypt<sup>10</sup>. According to Ibrahim Awad, at the time representative a of the International Labour Organization (ILO), the agreement had its main effect on the residence permit and asylum-seekers kept registering with UNHCR, even if they did not need a visa.

According to Grabska, a researcher from the Center for Migration and Refugee Studies at the American University in Cairo, the respect of the agreement remains arbitrary as it seems that the Egyptian government applies it to Sudanese regular economic migrants while it does not to Sudanese asylum-seekers<sup>11</sup>, since UNHCR cares for them.

In 2004, in view of a Comprehensive Peace Agreement between the Sudanese government and the Sudan People's Liberation Army/Movement (SPLAM)<sup>12</sup>, UNHCR decided to suspend individual RSD as it considered the possibility for Sudanese to be able to return to their country<sup>13</sup>. They were therefore granted temporary protection so that UNHCR could monitor the evolution of the political situation but the number of refugees that actually went back to Sudan remained limited<sup>14</sup>. This decision was proven unfortunate as the number of people left in "stand-by" in Egypt kept increasing, creating a huge backlog of cases to be processed which resulted in waiting lists that UNHCR is taking years to digest.

Sudanese in Egypt were literally at the mercy of the Egyptian government that did not show a univocal approach to the Sudanese displaced and UNHCR's unreliable

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<sup>9</sup> Already granted through the law 24/1992.

<sup>10</sup> The agreement has been only ratified by Sudan.

<sup>11</sup> Grabska K., *Who asked them anyway? Rights, Policies and Wellbeing of Refugees in Egypt*, Forced Migration and Refugee Studies, American University in Cairo, July 2006.

<sup>12</sup> Collins R.O., *A history of modern Sudan*, Cambridge University Press, 2008.

<sup>13</sup> Kagan M., *Frontier Justice: legal aid and UNHCR refugee status determination in Egypt*, Journal of Refugee Studies, vol. 19, no.1, Oxford University Press, 2006, pp. 45-68.

<sup>14</sup> Collins R.O., *A history of modern Sudan*, Cambridge University Press, 2008

policies. Tired of this situation and of the impossibility to access basic services in 2005 the Sudanese community started a sit-in in front of UNHCR's office<sup>15</sup>.

Earlier, in August 2004, Sudanese asylum-seekers organized a protest in front of UNHCR office to oppose the decision to suspend the RSD process. The authorities quickly dispersed the protest leaving a few injured individuals. This event was one of the first signs of the discontent among Sudanese asylum-seekers.

On September 29th 2005, just over a year after that first small protest, a sit-in started in the park of the Mostafa Mahmoud hospital, right in front of the UNHCR office in Mohandesseen. Thoroughly organized and planned for months and entirely carried out by refugees, it became a firm example of the consequences that the neglection of the direct beneficiaries in policy-making process can entail. Between 1,800 and 2,500 people took part in the protest<sup>16</sup>; the space was divided in a section for men and a section for women with children, and sanitary facilities were made available by the adjacent mosque. Many protesters were leaving in the morning to go to work and would come back at night to sleep in makeshift tents. With the passing of weeks and the need for an effective communication with the authorities and the UNHCR, some prominent community members were appointed as communication officers. The aim of the sit-in was to protest against the suspension of the RSD process and the subsequent exclusion from the resettlement process, which is the preferred durable solution among Sudanese refugees in Egypt. They were also protesting against the neglection of their situation and their overall conditions in the country. They were holding banners and flyers demanding respect for their rights.

UNHCR tried to negotiate, organizing several meetings with the leaders of the protest and proposing some benefits, such as exceptional delivery of cash assistance to those who lost their house and job while participating in the sit-in but these offers were unsuccesful<sup>17</sup>. The demonstrators reported having an overall good relationship

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<sup>15</sup> Whitaker B., *20 killed as Egyptian police evict Sudanese protest*, The Guardian, 31 december 2005, <http://www.theguardian.com/world/2005/dec/31/sudan.brianwhitaker>

<sup>16</sup> Forced Migration and Refugee Studies in Cairo (American University in Cairo), *A tragedy of failures and false expectations: report on the events surrounding the three months sit-in and forced removal of sudanese refugees in Cairo, september-december 2005*, June 2006.

<sup>17</sup> An agreement between UNHCR and the leaders of the protest was signed on December 17<sup>th</sup>; however, the most part of the protesters did not agree with the conditions and refused to leave the park because of lack of guarantees. They therefore decided to remain in the park until the whole process would finish.

with the police that never threatened them and gave them the feeling that they were protecting the protesters and their claims<sup>18</sup>. It is true that for three months the police never intervened and showed condescendence with the protest but this attitude, more than sympathy for the Sudanese's cause, could be labeled "unwillingness" to be involved and a wish to delegate UNHCR as the only care-taker of the Sudanese on Egyptian soil.

In December, after three months of undisturbed demonstration, the police unexpectedly dispersed the camp leaving 28 dead<sup>19</sup>, many injured and arrested hundreds. The authorities justified this sudden change of course explaining that UNHCR asked them to forcibly remove the sit-in, allegation that UNHCR has denied. It seems that, after weeks of unfruitful negotiations, UNHCR had requested the police to intervene and peacefully stop the protest but did not expect such violence<sup>20</sup>.

In this case, as in the case of the Muslim Brotherhood's Raba'a sit-in in 2013, the media campaigned for the camp's removal before the police sprang into action; it fuelled a raging negative propaganda against the protesters and soon all asylum-seekers in the country were associated with them<sup>21</sup>. During those three months the media coverage depicted the protesters as plotting terrorist attacks, indulging in sexual acts, generating disorder in the neighbourhood and it was voiced that they were carrying AIDS. The media stressed on the fact that the protesters were economic migrants exploiting Egyptian resources and not asylum-seekers looking for protection. The UNHCR fed this allegation by affirming that among the protesters there were many "closed files"<sup>22</sup>. This might have been partially true but many surveys reported that most of the participants of the sit-in were holders of UNHCR asylum-seeker and refugee documentation (Yellow-card and Blue-card). The media and the UNHCR also repeatedly said that they tried everything but that the

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<sup>18</sup> Forced Migration and Refugee Studies in Cairo (American University in Cairo), A tragedy of failures and false expectations: report on the events surrounding the three months sit-in and forced removal of Sudanese refugees in Cairo, September-December 2005, June 2006.

<sup>19</sup> The number of casualties varies according to the reporter.

<sup>20</sup> Forced Migration and Refugee Studies in Cairo (American University in Cairo), A tragedy of failures and false expectations: report on the events surrounding the three months sit-in and forced removal of Sudanese refugees in Cairo, September-December 2005, June 2006.

<sup>21</sup> al-Ahram and Ros al-Yusif published editorials depicting refugees as a "sea" of illegal Africans flooding Egypt and stealing employment. Presented also as drug dealers and threat to moral values of the Egyptian society.

<sup>22</sup> Jargon indicating those who had their refugee status application rejected.

protesters refused all proposed solutions. When the sit-in was dispersed, the public was relieved and police was hardly blamed. Even though many human rights organizations asked for an inquiry to identify and punish the responsibles, the issue is still open for allegation and all actors involved blame each other. The government officially filed the event as a “stampede”.

As a counterpart, many researchers, journalists and activists, went regularly to the sit-in. Their accounts portraied the protest as very peaceful and extremely disciplined, involving every protester in the decisional process<sup>23</sup>. Foreign media were also on the refugees’ side and accused the Ministry of Interior of not being able to deal with refugees and protests except with violence. Many humanitarian and medical actors providing the protesters with emergency treatment after the police intervention, reported that the nature of the injuries could not possibly be the result of a stampede.

The event left a deep scar in the experience of Sudanese, but also other refugees in Egypt. Especially the relations between UNHCR and Sudanese refugees were ruined almost irremediably. UNHCR however, remains the only actor charged of the protection of refugees as the government keeps avoiding any responsibility.

Refugees can take initiative and make a difference in the way their community daily life is organized, but they can not take binding decisions. This event tought a lesson: policy-making process should also involve the beneficiaries and UNHCR should enhance its outreach programmes.

Nowadays, Sudanese asylum-seekers undergo RSD process, have developed a solid network of Community Based and Association Based Organizations (CBOs and ABOs) and still constitute the biggest refugee community in Egypt after the Syrians.

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<sup>23</sup> Rowe M., *Performance and representation: masculinity and leadership at the Cairo Refugee Demonstration*, presented by the author in representation on the American University in Cairo at the panel discussion “Sudanese refugee protest in Cairo: community dynamics and broader implications” at the 4<sup>th</sup> annual forced migration postgraduate student conference, University of East London, 18-19 March 2006.

## 4.2 The case of the Iraqi Refugees

Forced displacement of Iraqis started in the 1970s, but it is in the aftermath of the US led invasion of 2003 that the number of Iraqi fleeing unrest and conflict increased to a new level. Major influxes of Iraqi to neighbouring countries and to Egypt started in 2003 and continued until 2007. Among the reasons were generalized violence but also the exacerbation of sectarian conflicts that in this environment found the fuel to manifest internal divisions in a particularly harsh way<sup>24</sup>.

Iraqis who wanted to come to Egypt could easily apply for a regular one-month tourist visa that they could extend. However, in late 2006 it became increasingly difficult for Iraqis to obtain Egyptian visas because of tightened regulations, reportedly due to security concerns. Between 2006 and 2008 Iraqi in Egypt were the second largest foreign group after the Sudanese<sup>25</sup>.

The peak of Iraqi presence in Egypt was in 2005 and 2006 with 8,000 individuals. As highlighted by an IOM survey<sup>26</sup> conducted between 2009 and 2010 arrival figures dropped between 2006 and 2007 but rose again between 2007 and 2009, dropping again between 2009 and 2010. Many of the refugees (60%) reached Egypt after trying to settle in another country that proved to be too expensive. In virtue of the large influx Iraqi asylum-seekers, as Syrians, were granted a Yellow Card "*prima facie*".

Of more than two million refugees who left Iraq<sup>27</sup>, most went to Syria and Jordan. Egypt hosts a smaller number but it is difficult to know exactly how many<sup>28</sup>. Only

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<sup>24</sup> Evans Barnes A., *Realizing protection space for Iraqi refugees: UNHCR in Syria, Jordan and Lebanon*, New Issues in Refugee Research, UNHCR Research paper n. 167, January 2009 p.16.

<sup>25</sup>UNHCR, *Egypt Fact Sheet*, June 2011, <http://www.unhcr.org/4e1412df9.html>;

Chatelard G., *What Visibility Conceals: Re embedding Refugee Migration from Iraq*, in *Dispossession and Displacement: Forced Migration in the Middle East and Africa (Proceedings of conference)*, Volume 28 Refuge Number 156, ed. Dawn Chatty and Bill Finlayson (New York and Oxford: Oxford University Press, 2010), 17- 44.

<sup>26</sup> El-Bastawisi I., *Migration intentions of Iraqis living in Egypt*, International Organization for Migrations, Cooperazione Italiana allo Sviluppo and Australian Government-Department of Immigration and Citizenship, October 2010.

<sup>27</sup> UNHCR estimates that the conflict in Iraq produced over 4.7 million refugees and IDPs.

<sup>28</sup> In 2008 only 11,000 have registered. The Government claims that around 100,000 and 150,000 Iraqi nationals are in the country. The Iraqi embassy says the number does not surpass 20,000. The different authoritative sources declare very different figures.

few registered with UNHCR<sup>29</sup>, while the others had their own means and chose to be invisible in Egypt, sometimes because they were afraid of Iraqis from a different sectarian group. Iraqi refugees do not have wide communities and have a tendency to individualism. They have the tendency to keep ties only with family members and people they knew from before. The reasons behind that are several: first of all, many of them see their stay in Egypt as temporary, therefore they do not invest in durable activities. Secondly, there is an overall atmosphere of mistrust among the Iraqi population due to sectarian tensions back in their country of origin: the harsh clashes that happen in Iraq between Sunni and Shia are reflected within the ranks of the Iraqi refugees in Egypt. Furthermore, the social organization in Egypt reflects the one in Iraq, in which family ties are pivotal. Before 2003 there were no existing social networks to facilitate life in Cairo for new arrivals as there was no significant pre-existent pattern of migration from Iraq to Egypt. However, there have been some emerging manifestations of a sense of community over the last years, including a strong discourse of a collective Iraqi identity and the rejection of the sectarian identity, the development of new social relationships among Iraqi refugees living in host countries, and a few community building initiatives established to assist other Iraqi refugees in need.

There is a long history of Egyptian labor migration to Iraq, beginning in the 1900s and continuing until the early nineties, after which many Egyptians were expelled in the aftermath of Iraq invasion of Kuwait in 1990. It appears that this has played a small role in Iraqis' choice to move to Egypt: Iraqis considered Egypt a welcoming country, partially because they had known Egyptians in Iraq<sup>30</sup>.

Among the main difficulties for Iraqi in Egypt is the struggle for decent life conditions: Iraqis enjoy the fame of being well educated and skilled businessmen. This is why Egyptians accused Iraqi to be responsible for the raise in prices of goods and rents. In Egypt their livelihood opportunities are limited and they often cannot afford to send their children to school or ensure basic health and housing standards. Many families count on remittances from Iraq and some men go back to Iraq and

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<sup>29</sup> As of the end of 2008 few more than 10,000 registered with UNHCR.

<sup>30</sup> Finding of a survey which main source have been Focus Group Discussions: Sadek S and Shaban A., *Iraqis in Egypt, a statistical survey in 2008*, provisional copy, Center for Migration and Refugee Studies, American University in Cairo December 2008.

work periodically to earn money for their family or to sell their assets, which is one of the reasons many do not register with UNHCR.

At the end of 2006 the Egyptian government changed its entry policy overnight and put restrictions on the process Iraqi asylum-seekers have to go through to obtain a visa. From then on they have to apply for a visa through a *vis-à-vis* interview at the Egyptian diplomatic missions in Damascus and Amman<sup>31</sup>. Iraqi have a hard time reaching these two countries, making it impossible for them to obtain a visa and even those who manage to apply have their visa often refused.

A new wave of Iraqi refugees started flooding into Egypt at the beginning of 2006, following the bombing of the mosque of al-Askari, one of the holiest shrines for Shia Muslims. Even though the government justified this change in policy by saying that Iraqis were becoming too many, this decision has been labeled by many as driven by sectarian and political reasons. Shia Muslims have never been openly accepted in Egypt and are forced to keep a low profile. On many occasions they have been forbidden to practice their religion in public and suffered arrest. Since the period of Mubarak they have been regarded with suspicion, scared that they could do proselitism and push Egyptians to convert. Iraqis in Egypt have also been accused of being spies sent by Iran. One renowned accident, indicative of the Egyptian attitude towards Shia Islam, happened in 2009, when an attempt to build a Shia mosque was drastically blocked and its organizers arrested; later in 2011 the Egyptian authorities forbade Shia Muslims to celebrate the holy month of 'Aṣūra in the al-Hussein mosque as the Government feared that exponents of the Shia community from Iraq would become more visible, and maybe bond with Egyptian Shia<sup>32</sup>.

The new restrictions posed many problems for the Iraqi displaced population in Egypt. Livelihood mobility was not possible anymore and family reunification with those outside the country became almost impossible. As a result, in 2007 UNHCR

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<sup>31</sup> Egypt does not have an embassy in Iraq.

<sup>32</sup> Gaber Y. and Afify H., *Iraqi refugees in Egypt still suffer from ambiguous legal status*, Egypt Independent, 31 March 2013, <http://www.egyptindependent.com/news/iraqi-refugees-egypt-still-suffer-ambiguous-legal-status>; Refugees International, *Egypt: respond to the needs of Iraqi refugees*, Field Report, 4 December 2007, <http://refugeesinternational.org/policy/field-report/egypt-respond-needs-iraqi-refugees>; Najah Mohammed Ali, *Egypt shuts down newly opened Shiite mosque in Cairo*, Al-Arabiyya, 17 May 2012, <http://english.alarabiya.net/articles/2012/05/17/214718.html>.

witnessed an increase of the number of families that wanted to close their files and go back to Iraq. Those families that could afford it, signed up for business visa in order to start businesses and obtain a visa through their investment. Those already in the country were denied the renewal of their residence permit by the Ministry of Interior which started inviting them to register with the UNHCR and apply for a refugee residence permit. UNHCR became *de facto* the only responsible for Iraqi refugees in Egypt.

For those who stayed, a survey conducted by the American University of Cairo in 2008 shows that the majority of the refugees felt “stuck”, with no concrete plans to leave the country, as they could not go back but neither they were keen on integrating locally because of the lack of livelihood means, access to education and health care<sup>33</sup>.

Figures regarding Iraqi refugees have always been vague. The numbers provided by UNHCR and by the government are very different, the latter being much higher. According to UNHCR 2008 figures, the number of Iraqi registered with the UN agency was more than 10,000<sup>34</sup>. The number has since started decreasing, either because of resettlement or because the refugees went back to Iraq. Nowadays Iraqi refugees registered with UNHCR are little more than 6,000<sup>35</sup>.

To the contrary of what happened with Syrian refugees, the Iraqi government and its diplomatic mission in Egypt has always been involved in issues relating its citizens. In 2008, the Iraqi government implemented a voluntary return programme, sponsoring those willing to go back by providing free transportation<sup>36</sup>. This programme also included an amount of cash to be given to returnees, in order for them to get by after their arrival in Iraq. According to UNHCR, in that same year 1,701 People of Concern closed their files with the intention to go back to Iraq<sup>37</sup>.

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<sup>33</sup> Minnick E. and Nashaat N., *“Stuck” in Egypt: Iraqi refugees’ perceptions of their prospects for resettlement to third countries and return to Iraq*, Centre for Migration and Refugee Studies, American University in Cairo, February 2009.

<sup>34</sup> UNHCR, *Egypt Fact Sheet*, December 2008.

<sup>35</sup> UNHCR, *Egypt fact Sheet*, February 2015.

<sup>36</sup> Almost 1,000 people departed aboard of these planes.

<sup>37</sup> Minnick E. and Nashaat N., *“Stuck” in Egypt: Iraqi refugees’ perceptions of their prospects for resettlement to third countries and return to Iraq*, Centre for Migration and Refugee Studies, American University in Cairo, February 2009.

#### **4.3 The case of the Ethiopian Refugees**

Ethiopian refugees lived in a similar situation of mediatic negative propaganda that fortunately did not involve a change of policy.

In 2011 Ethiopia started realizing a project of water management called Renaissance Dam, a dam in the Blue Nile which Egypt has since then been opposing strongly, fearing that it would reduce Egypt's share of the Nile's water thus damaging the Egyptian economy and the availability of resources<sup>38</sup>. Its role within the Cooperative Framework Agreement, which includes all the countries crossed by the river, has been controversial as it opposed the reshaping of colonial decisions to favour Egypt and Sudan concerning the exploitation of the water<sup>39</sup>. Negotiations hiccuped ever since, periodically refusing and then accepting to cooperate.

Even though policies towards Ethiopian nationals in Egypt did not change, several politicians called for the boycott of the Ethiopian projects and tried to convince other countries to do the same<sup>40</sup>.

Already in 2010 Egypt proposed violent solutions to prevent Ethiopia from proceeding with its project, including a plan to sabotage the dam and to bomb it<sup>41</sup>. When in 2013 Ethiopia started diverting the course of the Blue Nile, anger came back stronger than before, a stance that has been followed by all successive Egyptian leaders<sup>42</sup>. In the summer of 2013 some Egyptian officials were accidentally caught on tape while inviting Morsi to sabotage the dam project by supporting Ethiopian rebels. This event caused a small diplomatic crisis, that resulted in excuses from the Morsi's administration.

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<sup>38</sup> Reuter, *Ethiopia won't allow inspection of dam, but ready to negotiate with post-Mubarak Egypt*, Egypt Independent, 23 April 2011, <http://www.egyptindependent.com/news/ethiopia-wont-allow-inspection-dam-ready-negotiate-post-mubarak-egypt>.

<sup>39</sup> Abedje A. *Nile River countries consider cooperative framework agreement*, Voice of America, 17 March 2011, <http://www.voanews.com/content/nile-series-overview-11march11-118252974/157711.html>

<sup>40</sup> Kortam H., *Fahmy meets Tanzanian president ahead of Congo visit*, Daily News Egypt, 23 February 2014, <http://www.dailynasegypt.com/2014/02/23/fahmy-meets-tanzanian-president-ahead-congo-visit/>

<sup>41</sup> Kelley M. and Johnson R., *Stratfor: Egypt is prepared to bomb all of Ethiopia's Nile dams*, Business Insider, 13 October 2012, <http://www.businessinsider.com/hacked-stratfor-emails-egypt-could-take-military-action-to-protect-its-stake-in-the-nile-2012-10>

<sup>42</sup> BBC, *Egyptian warning over Ethiopia Nile dam*, 10 June 2013, <http://www.bbc.com/news/world-africa-22850124>

This climate of hostility towards Ethiopia reflected strongly on the refugee population. The usual pattern of xenophobia and racism broke out again in the form of harassment, sudden evictions, layoffs and assaults. In June a group of Ethiopians, exhausted by the situation, protested in front of 6<sup>th</sup> of October UNHCR's office, lamenting the increase of harassment against them and asking the UN and the authorities to raise awareness on their conditions<sup>43</sup>.

Again, refugees paid the price for dynamics in which they had no involvement. The effect was a superficial generalization that did not make a distinction between the Ethiopian government and the people fleeing that government because they were victim of its persecution.

#### **4.4 The Palestinian issue**

As explained in the first chapter, the Palestinian issue is the most complex of all, especially in the Arab world; since the creation of Israel a solution has not been found and different generations of Palestinians are now scattered all over the world. There are many reasons why this situation is still far from being solved: politics, identitarian struggles, and the ambiguity of the international protection mandate. As it will be briefly analyzed in this paragraph, Egypt has offered hospitality to several thousands of Palestinians, fleeing the war of 1948 and later the conflict of 1967. However, change in political leadership and geopolitical dynamics influenced receiving policies and the daily life of the refugees.

In 1948, following the *Nakba*<sup>44</sup>, the majority of the Palestinian displaced sought asylum in neighbouring Syria, Jordan and Lebanon; only a few thousands traveled to Egypt<sup>45</sup>, initially unwelcomed by the regime of King Farouq whose aim was to stop the influx. Refugees were denied access to education, health care, employment and other basic services. The government proved to be very unprepared and they were initially accommodated in small makeshift camps. Egypt never asked for the UN's help

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<sup>43</sup> Hadoon H., *Amid dam row, Ethiopian refugees in Egypt protest rising xenophobia*, Ahram Online, 9 June 2013, <http://english.ahram.org.eg/NewsContent/1/64/73582/Egypt/Politics-/Amid-dam-row,-Ethiopian-refugees-in-Egypt-protest-.aspx>

<sup>44</sup> "Catastrophe" in Arabic.

<sup>45</sup> If compared to other countries in the region. Around 15,500 according to al-Abed.

because it considered their stay in Egypt purely temporary. It was under King Farouq that Egypt signed the agreement with UNRWA<sup>46</sup> to provide services to Palestinians in Gaza, at the time under Egyptian control. It did not allow them to operate in Egypt and established the Egyptian High Committee for Palestinian to organize the camps<sup>47</sup>.

When in 1952 the Free Officers seized power and overthrew the monarchy, Muhammad Naguib, the first president of Egypt, made it clear that he did not want Palestinians to come to his country and the restrictions put in place during the reign of King Farouq were not revoked. Later on, when Gamal Abdel Nasser came to power, and the Palestinian issue became an important pawn to service his pan-arabist strategy, the situation capsized. As he aimed to become the leader of one single Arab nation including Palestine, advocating their right to return was of fundamental importance.

In 1955 Israel attacked Gaza and in 1956 Egypt was attacked by Israel, France and the United Kingdom. Nasser seized the chance to start a propaganda linking the destinies of the two nations and started granting more priviledges to the Palestinians. He gave them access to public education, employment and health care and other restrictions were slowly lifted<sup>48</sup>. With time many other regulations opened new opportunities for Palestinians that in some sectors (work, ownership of land, freedom of movement) acquired a "quasi-Egyptian" status. Gazans were explicitely invited by Nasser to come to Egypt to study<sup>49</sup>. The word "foreigners" was never applied to Palestinians in the laws issued in that period which became known as the "Golden Era" (1962-1978).

When Nasser died, Sadat took over, initially leaving the privileges of the Palestinians untouched. However, Sadat had a different agenda and in the late 1970s started

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<sup>46</sup> United Nation Relief and Work Agency established in December 1949 by the resolution no 302 (IV) with the task to provide the people displaced by the 1948 conflict with relief aid and the implementation of livelihood programmes. Its area of mandate are Gaza, the West Bank, Jordan, Lebanon and Syria.

<sup>47</sup> Al-Abed O., *Palestinian refugees in Egypt*, Forced Migration Online, Oxford University, July 2004.

<sup>48</sup> In 1959 the Ministry of Foreign Affairs made job accessible to Palestinians, through the Ministry of Social Affairs and in the early 1960s Nasser made possible for Palestinians to apply for governmental jobs later formalized with Law 166/1962 (Jarida Rasmiyya 58).

<sup>49</sup> Al-Abed O., *Unprotected Palestinians in Egypt*, Institute for Palestine Studies, Ottawa, 2009.

negotiating peace with Israel for economic and military reasons. In 1977 Sadat visited the Knesset in Jerusalem<sup>50</sup> in an attempt to establish a dialogue between the two governments and in 1979 it co-signed the Camp David Peace Treaty. Relations between Palestinian Liberation Organization<sup>51</sup> and Egypt became more tense, which reflected on the Palestinian refugee population.

The point of no return was in 1978, when following the assassination of the Egyptian Minister of Culture Yusuf al Seba'i by the hands of the Abu Nidal Organization<sup>52</sup>, all Palestinians were immediately accused of being terrorists. Even though both the PLO and Fatah condemned the attack and took distance from the terrorist organization, the Egyptian public opinion condemned all Palestinians and the government punished all Palestinians on its territory. All privileges of Palestinian were revoked and they were once again considered as foreigners<sup>53</sup>, subject to arbitrary arrests, general harassment and raids for fear of terrorism. The sentiment "*we made wars for you*" ruled in the streets, just as fake allegations that Palestinians are rich because they stole the richness from Egyptians. Propaganda incited not to have mercy with the Palestinians who "sold their land to Jews".

Egypt started neglecting its pledges to protect Palestinians and the media contributed to make Palestinians appear dangerous. With the emergency law, many Palestinian unions experienced hardship in reuniting and after the peace treaty, in 1979, the relations between Egypt and the PLO ceased.

With Mubarak the situation did not change much even though diplomatic ties with the PLO were restored in 1983<sup>54</sup>. Overall, the situation of Palestinians has been and remains vulnerable to external events which can change their situation overnight. Usually Egyptian empathy grows proportionally to the brutality applied by Israel, triggering renovated Arab solidarity<sup>55</sup>.

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<sup>50</sup> BBC, 1977: *Egyptian leader's Israel trip makes history*, BBC, On this day, 17 November 1077, [http://news.bbc.co.uk/onthisday/hi/dates/stories/november/19/newsid\\_2520000/2520467.stm](http://news.bbc.co.uk/onthisday/hi/dates/stories/november/19/newsid_2520000/2520467.stm)

<sup>51</sup> The PLO in Egypt was the main organization taking care of Palestinians' needs.

<sup>52</sup> A Palestinian organization, classified as terrorist organization by USA, Israel and EU. They perpetrated several lethal attacks in the 1970s.

<sup>53</sup> Regulations 47 and 48/1978

<sup>54</sup> To weaken again after the Oslo Accords were signed in 1993.

<sup>55</sup> For instance in occasion of the invasion of Lebanon, the massacres of Sabra and Shatila, the 1987 intifada, the 2000 intifada; these events brought temporary waves of solidarity. Or hostility, for instance when PLO supported Iraq and Egypt participated in the US led coalition in support of Kuwait. Kuwait expelled many Palestinians.

Basically, all Arab countries dealt with the Palestinian issue as if it could only be temporary. The Arab League on its part, asked the Arab countries not to register them, naturalize them or allow them to find durable solutions outside Palestine. Durable solutions were never implemented and naturalization was never an option, as it was feared it would lessen their urge to return, in respect of the premises of the Casablanca Protocol<sup>56</sup>. The most extreme manifestation of this attitude was probably when in 1995 anti-Zionist Ghaddafi expelled the Palestinians from Libya because he could not allow Israel to build "*Palestine without Palestinians*"<sup>57</sup>.

It appears that policies kept changing according to the political events. New decrees being published overnight in the *Jarīda Rasmīyya*<sup>58</sup>, leaving Palestinians vulnerable to sudden changes in regulations and public opinion. In light of this events it remains difficult to say if Egypt ever wanted to help the Palestinian cause out of solidarity or because of the political benefit they could gain out of it.

#### **4.4.1 The International Protection Mandate and Palestinians**

Palestinians seem to be left out of the definition of "refugees" as described in the 1951 Convention. Article 1D of the Convention states that:

*"This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance".*

This article seems to be referring clearly to Palestinians as UNRWA and UNCCP<sup>59</sup> were already operating. The article continues:

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<sup>56</sup> The Arab League's 1952 Resolution no. 462 later confirmed in the 1965 Protocol.

<sup>57</sup> New York Times, *Libya's leader urges other Arab countries to expel Palestinians*, The New York Times, 5 October 2005, <http://www.nytimes.com/1995/10/05/world/libya-s-leader-urges-other-arab-countries-to-expel-palestinians.html>

<sup>58</sup> The Egyptian Official Gazette.

<sup>59</sup> Created by UN resolution 194 in December 1948 the "*Conciliation Commission for Palestine*" had the task to mediate between Arabs and Israel and facilitate the repatriation and compensation of forced displaced.

*"When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention."*

This article created many controversies as it seems to address a special category, to which special regulations apply. Its goal was the protection of Palestinians but instead it contributed to create further discrimination<sup>60</sup>. Egypt is not included in the mandate of UNRWA<sup>61</sup> as it does not appear in the countries of activity cited on the *"Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees"*<sup>62</sup> therefore Palestinians in Egypt should fall within the scope of UNHCR. Yet, the Government of Egypt has always impeded the agency to register Palestinians and provide them with services as it does with refugees of all other nationalities.

According to Susan Akram, one of the major scholars dealing with Palestinians, UNRWA does not exactly have a "protection mandate" but operates to provide only "relief"; UNCCP was mandate with the task to provide protection but as it ceased to perform this activity Palestinians should be considered falling under UNHCR's mandate<sup>63</sup>. In the 1950s the "Government of All Palestine" (GAP) provided Palestinians in Egypt with some assistance such as the issuing of travel documents and birth certificates<sup>64</sup>. Nowadays nobody is responsible for Palestinians in Egypt; they are mostly ignored and their assistance delegated to some external body<sup>65</sup>. With time they have been assimilated in the country, especially through marriages with Egyptians.

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<sup>60</sup> Fritche J., *Displacing the Displaced; challenging the international framework for Palestinian refugees in light of the Syria crisis*, Centre for Migration and Refugee Studies, American University in Cairo, paper no. 8, October 2014.

<sup>61</sup> There is a small Liaison Office.

<sup>62</sup> UN High Commissioner for Refugees (UNHCR), *Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees*, 2 October 2002, available at: <http://www.refworld.org/docid/3da192be4.html>

<sup>63</sup> Akram S., *Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution*, Journal of Palestine Studies, Volume 31, Number 3, 2002, pp. 36-51

<sup>64</sup> Kagan M., *We live in a country of UNHCR: the UN surrogate state and refugee policy in the Middle East*, UNHCR new issues in refugee research, research paper no. 201, Geneva, February 2011.

<sup>65</sup> Such as the UNRWA and the Palestinian embassy.

When the civil war broke out in Syria, the numerous Palestinians living in the country were forced to leave, as almost four million Syrians did. Unfortunately, the Palestinians are even more vulnerable than the Syrians because of the limits of the international community to step up for them. Even though many of them were born in Syria, have Syrian travel documents<sup>66</sup> and have never lived in any other country, their legal situation does not allow them to move freely. There is a small UNRWA liaison office in Cairo but it is not allowed to provide any service<sup>67</sup>. Palestinians refugees coming from Syria can obtain a one month tourist visa upon entrance and are advised by UNHCR to resort to their embassy for registration and other affairs and are usually given a one solution 500 LE check<sup>68</sup>. In July 2013 the same visa requirements applied to Syrians has been applied also for Palestinian refugees coming from Syria<sup>69</sup>.

Palestinian refugees from Syria are “two times displaced”, vulnerable not only because of the impossibility to return to their land of origin but also because they were driven out of their first country of refuge, Syria. That makes them indirect victims of geopolitical changes in the whole region.

#### **4.5 Conclusion**

As analyzed in this chapter, Egypt has never adopted a univocal approach to refugees in its territory, nor a response which guarantees the same treatment for all refugees alike. Sudanese and Palestinian have seen great privileges granted to them, but saw them revoked in a blink of an eye following political changes. Iraqis, like the Syrians, have seen the doors of Egypt shut before their eyes because they were associated to security threats. Ethiopians have been heavily harassed and discriminated because of a superficial association with a terrorist attack. Protection in Egypt appears therefore quite volatile, more based on the political reality of that day than on the will to secure inalienable and unchangeable basic human rights for

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<sup>66</sup> Arab League's resolution 714 of 1954.

<sup>67</sup> According to UNRWA's figures there are around 5,000, 6,000 Palestinians from Syria in Egypt.

<sup>68</sup> About 60 dollars.

<sup>69</sup> Rollins T., *Egypt deports Palestinian Syrians back to conflict zones*, Al Monitor, 25 August 2014, <http://www.al-monitor.com/pulse/originals/2014/08/egypt-government-force-palestinians-return-gaza-syria.html#>

vulnerable people, which should be the same under all circumstances as international protection instruments set.



## **5 Rights and Integration in Egypt: a matter of capacity or a matter of will?**

The first chapter analyzed the legal and political framework within which the government of Egypt agreed to guarantee the protection of asylum-seekers and refugees in compliance with the international legal landscape. Egypt chose to arbitrarily ignore or violate these national and international obligations endangering the refugees' safety.

What were the reasons for these violations in the past and why do they keep happening in the present? Is integration of forced displaced not possible because of concrete development obstacles and the poverty of the country, as constantly declared by the authorities, because of a specific political agenda or both? Why did Egypt commit so many abuses and why did it change its policies to limit the rights of the asylum-seekers? What are, in depth, the reasons that forced displaced in Egypt cannot find a clearly defined and secure environment?

The previous chapter investigated how and why the major refugee populations experienced hardship in finding protection. Among the main reasons are diplomatic ties, sectarian conflicts, the political agenda and leadership transitions. However, Egypt does really have a lack of capacity in guaranteeing minimum standards of safety and livelihood even for its own population which, coupled with the politicization of the refugee issue, produces the sometimes hostile circumstances in which asylum-seekers find themselves.

This chapter will illustrate some of the constraints that make Egypt a developing country and compromise the realization of its protection mandate.

### **5.1 Obsolescence of the documents governing the protection of refugees. The 1954 Memorandum of Understanding between Egypt and the UNHCR: is it still a valuable agreement?**

One of the main reasons asylum-seekers cannot find real protection in Egypt is because of its ambiguous legal environment. Egypt acceded, as a funding signatory country, to the 1951 Convention but ratified it only thirty years later, in 1981. It also stipulated a Memorandum of Understanding with UNHCR in 1954, delegating the

protection responsibility almost entirely to the agency. The MoU states that UNHCR shall perform its activities within its mandate, which is well defined in its Statute<sup>1</sup>, and in cooperation with the Government<sup>2</sup>.

Usually, the reason why a Memorandum of Understanding is put into place is to ease the burden of a government by allowing a partner, in this case the UN agency, to perform some activities on its behalf. In Egypt however, the UNHCR ended up taking almost all the responsibility, from the registration process to the search for durable solutions, reducing the responsibility of the Egyptian government to a minimum<sup>3</sup>. This move is undoubtedly the result of many factors among which inadequacy of the national capacity, unwillingness to engage in politically delicate issues and the aim to preserve the resources present on the territory by not allowing refugees to find long term accommodation in Egypt.

Article 2 of the MoU defines the activities that UNHCR is entitled to carry out. First of all Refugee Status Determination falls entirely on the shoulders of the UN agency. The latter is also in charge of finding durable solutions, which the MoU identifies only as repatriation or resettlement<sup>4</sup>; “local integration” is not mentioned. It also states that the UNHCR is financially responsible for the vulnerable refugees. The only task the Egyptian government assigned itself is the issuing of residence permits through the Ministry of Interior.

The MoU is the first document governing refugees’ status in Egypt and the only one into force for a period of twenty-seven years. In that period of time UNHCR has been operating in Egypt in the scope of its mandate, which is based on its Statute. It also follows the guidelines of the 1951 Convention, which is the leading international instrument to grant refugee status. However, the MoU is drafted in a way that creates controversies between the two documents and produces protection gaps as well as overlaps.

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<sup>1</sup> UN General Assembly, *Statute of the Office of the United Nations High Commissioner for Refugees*, 14 December 1950, A/RES/428(V), available at: <http://www.refworld.org/docid/3ae6b3628.html>

<sup>2</sup> As specified by article 2 (a) of the Memorandum of Understanding between UNHCR and the Government of Egypt.

<sup>3</sup> Mainly the issuing of residence permit.

<sup>4</sup> Which is in contrast with the 1951 Convention and the UNHCR Statute.

As set up in the MoU, UNHCR operates according to its mandate. The UNHCR's Statute, which defines that mandate, was drafted one year before the 1951 Convention. The Convention is a wider document and it appears to cover more categories of vulnerable forced displaced. There are differences between the UNHCR Statute and the 1951 Convention and they both give a definition of "*refugee*" that differ in some parts. The Convention includes geographical limitations<sup>5</sup> and covers individuals "members of a particular social group"<sup>6</sup> while the Statute does not<sup>7</sup>. The Statute being the only binding agreement until 1981, the year of the ratification of the 1951 Convention, it seems that for twenty-seven years after the signing of the MoU, "members to a particular social group" in Egypt have been technically excluded from the protection mandate. Furthermore, the parameters of the Statute of UNHCR has been widened along the years to adapt to global changes in refugee movements. Giving the UNHCR the obligation to operate within the framework of an alterable mandate shows that Egypt never had a structured plan on how to shape its policy on refugees' protection.

Egypt has always shown willingness to take part in the international protection initiatives, even though often in a rather passive manner: the MoU is a case in point<sup>8</sup>. The suggestion proposed by the Egyptian human rights lawyer Tarek Badawy is legitimate: he thinks that the document should be rewritten as its obsolescence does no longer apply to the current conditions of the country and to the change in the international protection landscape. When the MoU was signed, the Free Officers just recently had taken power and their post-revolutionary efforts were focused on domestic issues rather than on matters regarding asylum-seekers. At that time the Palestinians constituted the main population of displaced present in the country and the monarchy already took measures to deal with them. It established the High Committee for Palestinians and made provisions for the refugees to be settled in

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<sup>5</sup> The 1951 Convention limits its scope of intervention to events occurring in Europe, as specified in article 1 B (1).

<sup>6</sup> Membership to a particular social group is one of the five grounds upon which UNHCR grants the status of refugee. It includes anybody who might be persecuted for reasons other than race, religion, nationality or political opinion. For instance, homosexuals are considered members of a particular social group in countries that consider homosexuality a crime.

<sup>7</sup> UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <http://www.refworld.org/docid/3be01b964.html>, art. 1 A(1).

<sup>8</sup> Badawy T., *The Memorandum of Understanding between Egypt and the Office of the United Nations High Commissioner for Refugees: problems and recommendations*, CARIM, July 2010

camps as they were expected to go back to Palestine in the foreseeable future. Nowadays Palestinians are not settled in camps anymore and their number has grown from a few tens of thousands in the 1950s to almost 200,000 these days<sup>9</sup>. Furthermore, the country hosts many more nationalities and their characteristics makes the creation of a more structured approach necessary.

Up to this day, the MoU remains the main document governing the issue of refugees in Egypt.

The signing of later documents did not change that and being a sixty-one year old document, it should definitely be re-elaborated. As suggested by Badawy and reiterated by Kagan, the MoU should be rewritten and the government should be further involved in the asylum process in order to achieve a “*shared responsibility*”<sup>10</sup>. However, in the light of the most recent human rights violations and the apparent unwillingness to welcome refugees, it is doubtful that the Government of Egypt will autonomously implement a system to guarantee refugees’ rights according to the signed Conventions. Even though the government has been invited several times by UNHCR to take the lead in the asylum process, it never took real steps towards a more active participation, which should be seen as a clear sign that the refugee-issue is not a priority for the authorities. It might even be so that the Egyptian government chooses to keep the responsibility for refugees’ issues at a distance, so it can use them for political goals when it needs to.

## **5.2 Ambiguous and delicate relations between all actors involved**

Another factor that makes refugee protection a challenge in Egypt is the unclear and evolving relation between all actors involved in the protection, service delivery and legal support for refugees. The Government, UNHCR and other international actors, local NGOs and refugees do not operate in synergy and cooperation thereby creating

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<sup>9</sup> As of UNHCR figures of individuals registered with the Office.

<sup>10</sup> Kagan M., *Shared Responsibility in a new Egypt, a strategy for refugee protection*, Centre for Migration and Refugee Studies, American University in Cairo, September 2011.

protection gaps and overlays. Furthermore, the sometimes distorted perception of the actors' roles creates confusion, and a waste of resources.

### **5.2.1 Relation between the UNHCR and the Government**

UNHCR operates upon the request of the government and the relation between the two entities is solely political. UNHCR should "follow the rules" but is generally quite free to implement its policies without limitations imposed by the government. In some cases lobbying with the authorities has proven useful to extend refugees' access to certain services.

The Egyptian government has always distanciated itself from the asylum regime, in part because of the old and tricky Palestinian issue. In 1984 the Egyptian Ministry of Foreign Affairs established an independent RSD commettee under decree 188 but never activated it. One of the reasons for Egypt's reluctance to implement this decree could be linked to the large presence of Sudanese in the country. Recognizing Sudanese as refugees would mean recognizing that they are escaping a situation of violence for which the Government of Sudan should be held accountable, which might ruin the relationship between the two countries. In addition to that, because of the Egyptian-like rights accorded by the *Nile Valley agreement* and the *Four Freedom agreement*, the government had the tendency to consider Sudanese needless of protection. Also, delegating the responsibility of protection to UNHCR means the capacity to expel those who are not registered with the agency and thus label them as economic migrants who have less international protection. The governement is involved only up to the point that it can maintain the general security and ensure that the principle of *non-refoulement* is respected for recognized asylum-seekers.

Badawy states that UNHCR also bears responsibility for the government's inertia. He says that UNHCR should have stopped RSD when in 1984 the Ministry of Foreign Affairs established the RSD committee and that it should not have granted temporary protection to Sudanese in 2004 in order to push the government to implement the 'Four Freedom Agreement'.

Overall, the Egyptian government can be seen as a “guardian” who silently monitors the situation without being directly involved; the MoU is very explicit on this account.

It can be concluded that UNHCR (and UNRWA in the countries where it operates) is acting as a “*surrogate state*”<sup>11</sup>, bearing more responsibility than they should. The UNHCR condition of “*surrogate state*” is common in the Arab World and Middle Eastern countries.

### **5.2.2 Relation between UNHCR and refugees**

Refugees perceive UNHCR as the main provider of services and often have high expectations in regards to what UNHCR can do for them that greatly surpass reality. Most of them are convinced that resettlement is a right and that if they keep insisting they will get it sooner. In addition to that, rumors spread within the communities that in order to have their status recognized asylum-seekers have to describe their life’s story in a specific manner, sometimes reporting atrocities they never experienced. This is a dangerous strategy as UNHCR officers are trained to notice falsehoods in stories and can reject someone, who would otherwise qualify for refugee status, if the credibility assessment proves unreliable.

After 2005, following the Mostafa Mahmoud protests, the relation between UNHCR and the refugees worsened drastically and refugees started looking at UNHCR with distrust and disappointment. They considered UNHCR a traitor which denied their access to resettlement by stopping RSD and which conspired with the authorities to have the sit-in forcibly removed, causing dozens of casualties.

### **5.3 The problem of durable solutions**

Durable solutions are a protection tool, but finding suitable options for refugees stranded in Egypt is one of the most challenging and troublesome issues. The goal of

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<sup>11</sup> Slaughter A. and Crisp J., *A surrogate state? The role of UNHCR in protracted refugee situations*, UNHCR New Issues in Refugee Research, research paper no. 168, January 2009.

durable solutions is to end a refugee situation within a framework that guarantees the respect of basic human rights. Those solutions are opposed to other negative solutions like arbitrary detention, *refoulement* and protracted refugee situations where the refugee cannot be assimilated in the host community and remains in a legal limbo. According to Antonio Guterres, High Commissioner for Refugees of the United Nations, the period after which a refugee should be considered “in a prolonged refugee situation” is five years<sup>12</sup>.

### **5.3.1 The challenge of local integration as a durable solution**

The Egyptian authorities have never acknowledged ‘local integration’ as a long term solution claiming that as a developing country it does not have the capacity. But are the constraints claimed by the Government real? Does Egypt not have the means to become a country of integration for few hundred thousand asylum seekers on an overall population of nearly 90 million? Is Egypt trying to preserve its resources for its own people and is it complying to its political agenda rather than to the international asylum instruments to which it adhered? Is departure by sea the last option for refugees after trying to find a dignified existence in Egypt?

As set out in article 34 of the 1951 Convention:

*“The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings”.*

Article 2 (e) of the UNHCR Statute calls for the state parties to “*promote the assimilation of refugees, especially by facilitating their naturalization*”.

Egypt did not make a reservation to article 34 and has set that UNHCR operates in Egypt within the scope of its mandate. This means that Egypt never explicitly prohibited the integration of exiles on its territory. However, through specific

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<sup>12</sup> Guterres A. High Commissioner for Refugees at the United Nations, *Protracted Refugee Situations: High Commissioner’s Initiative*, December 2008).

provisions, the Egyptian law denies the possibility of naturalization and does not include integration as a possible long term solution in its MoU, specifying that only repatriation or resettlement are to be implemented<sup>13</sup>. Furthermore, the reservations made to the 1951 Convention limit refugees' access to basic services such education and employment, that would in practice favour integration. In this regard, the Egyptian policy has been coherent since the time of King Farouk.

All these factors significantly undermine the possibility for refugees to find a new life in Egypt within a legal framework. This has been justified by the Egyptian authorities as a strategically imposed tool to preserve the limited available resources in the country for Egyptian citizens. Regarding the reservations made by Egypt on the 1951 Convention, Ambassador Bakhoun said in an interview with Grabska that "*the ability of Egypt to lift the reservations depends on the level of development of the country. As long as this is not happening Egypt cannot afford to extend this access to refugees*"<sup>14</sup>. It is important to note in this context, that the *Shari'a* envisions durable solutions for refugees focusing in particular on local integration<sup>15</sup>. However, Egypt seems to be not ready, or seems not to want to be ready and Jacobsen rightly referred to integration in Egypt and other developing countries as "*the forgotten solution*"<sup>16</sup>.

Reality however, developed differently and many refugees, especially from Sub-Saharan countries, have been residing in Egypt for decades despite the numerous challenges, big or small, they face on a daily basis. People with "closed files" represent the most vulnerable category. They are asylum-seekers whose application for a refugee status has been rejected and therefore are considered economic migrants or needless of international protection even if this is not necessarily true. They are supposed to leave the country but in practice the government nor the UNHCR force them to leave. These people usually remain in the country, at the edges

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<sup>13</sup> Articles 2(b) and 2(c) of the 1954 MoU.

<sup>14</sup> Interview between Grabska K. and Ambassador Bakhoun M. reported in Grabska K., *Who asked them anyway? Rights, Policies and Wellbeing of Refugees in Egypt*, Forced Migration and Refugee Studies, American University in Cairo, July 2006.

<sup>15</sup> Ahmad Abū al-Wafā, *Haqq al-lujū' bayna al-Shar'yah al-Islāmiyah w al-qānūn al-dūaly al-lāj'iyn, dirāsah muqāranah*, UNHCR, Organization of the Islamic Conference, NAUSS, al- Riyād, 2009.

<sup>16</sup> Jacobsen K., *The forgotten solution: local integration for refugees in developing countries*, UNHCR New Issues in Refugee Research, Working paper no. 45, July 2001.

of society, usually auto-marginalized. Cut off from the possibility to access services addressing refugees, they fear possible arrest and deportation and therefore try to limit their movement as much as they can. They cannot go back to their countries and they cannot benefit from resettlement; the only option for them is to remain in Egypt, often resorting to negative coping mechanisms such as engaging in illegal activities. Being a recognized refugee guarantees well-specified rights, but most asylum-seekers in Egypt are only recognised *prima facie*, which means they still await a definite decision, a process that can take years. In the meantime they have to find a way to settle in the country until they undergo RSD and are recognized fully as "Convention refugees" or their file is closed. In Egypt this form of "self-settlement"<sup>17</sup> is the most common solution also for regular asylum-seekers and recognized refugees, forced to give form to their own lives without consistent support.

Sometimes, after they long tried to find a way to survive, they choose to reach Europe by sea thus endangering their lives. In other cases, as seen in chapter three, Egypt is just a transit country for people that are not trying to find sanctuary in Egypt to begin with.

### **5.3.1.1 Concrete Development Constraints**

In 2004 the United Nations Development Programme classified Egypt as a lower middle income country in its "Human Development Report"<sup>18</sup>. More than ten years later the situation has hardly changed. Its main problems are high illiteracy and high population growth, factors that raise the pressure on the welfare system.

One of the most recurring remarks that Egyptians make about refugees is that they put a further strain on the Egyptian job market and indeed the rate of unemployment in Egypt is very high. But with almost 80 million inhabitants, the presence of around 200,000 recognized refugees seems manageable, especially

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<sup>17</sup> Jacobsen K., *The forgotten solution: local integration for refugees in developing countries*, UNHCR New Issues in Refugee Research, Working paper no. 45, July 2001.

<sup>18</sup> United Nations Development Programme, *Human development report 2014*, New York, 2014,  
<http://hdr.undp.org/sites/default/files/hdr14-report-en-1.pdf>

taking into consideration that refugees are also consumers, receive remittances from abroad and financial help from the UNHCR and its partners. The problem of widespread unemployment finds a “solution” through an increasing acceptance of the informal labour market. Even though employment is not explicitly prohibited for refugees, in practice it is impossible to obtain work permits and most of them resort to the informal sector where their rights are often violated<sup>19</sup>.

As seen previously, refugees in the Arab World are seen as temporary guests. Refugee camps limit the possibility of local integration and call for the involvement of external actors to share the burden: with funds, aid and durable solutions like resettlement. This strategy however showed to be unsuccessful as refugee camps in some cases developed into cities with the passing of the decades. The fact that Egypt decided not to promote encampment regulations in the first place could be seen as a positive attitude towards integrating refugees.

On the other hand, integrating them in the society should mean involving them in the economy and enriching the offer of resources of the country. For most of the refugees initially Egypt was just a temporary destination, but for many the country became a protracted host for periods longer than a decade. They have no access to subsidized products or housing, as Egyptians do, and many of them have to pay private school fees. Furthermore refugees have diverse backgrounds, education, socio-economic resources and cultural richness, characteristics the host country could benefit from. In other words, they do not only cost money; Egypt can also benefit from them as they spend money and start businesses.

UNHCR has been advocating refugees' access to regular employment possibilities with the Egyptian government. Kagan also thinks that access to work for refugees should be a priority for the years following the Arab Spring<sup>20</sup>. However, with the high rate of unemployment among the local population, which finds, when possible,

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<sup>19</sup> Egypt did not make reservation on articles 17 (Wage-earning employment) and 18 (Self-employment) to the 1951 Convention but elaborated domestic labour laws that apply to foreigner which make access to legal employment extremely difficult.

<sup>20</sup> Kagan M., *Shared Responsibility in a new Egypt, a strategy for refugee protection*, Centre for Migration and Refugee Studies, American University in Cairo, September 2011.

more and more jobs in the irregular market, the creation of regular job opportunities for refugees seems irrealizable.

### 5.3.2 Resettlement

The UNHCR Resettlement programme in Egypt developed over the years, becoming one of the largest in the world. Many refugees come to Egypt with the hope to qualify for resettlement to the United States, Canada, Europe or Australia. However, there is a widespread misconception around this issue within the communities: resettlement is not a right, refugees can not apply for it nor chose the country of resettlement, and UNHCR does not guarantee resettlement. UNHCR can only assess cases that are eligible for it and subsequently refers them to resettlement countries, which have the last call. UNHCR prioritizes vulnerable cases such as single parents, victims of torture, medical cases, elderly and cases where family reunification is possible. Even though resettlement is a life-changing opportunity for those who obtain it, the number of refugees that is actually resettled globally is less than 1% every year<sup>21</sup>. So it is not an option around which refugees could plan their future, although many do.

As highlighted in the UNHCR's resettlement handbook, the prospect of resettlement might eventually act as a pull factor and increase the number of refugees in a country<sup>22</sup>. However, this assumption does not find confirmation in the figures as real push factors remain the harsh conditions in the refugees' country of origin. According to Kagan, the smuggling of people to Israel consisted of only few cases a year but exploded when, because of the peace process in South Sudan, UNHCR started reducing the resettlement quota in 2004<sup>23</sup>.

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<sup>21</sup> UNHCR, *Resettlement Handbook*, UNHCR, Geneva, revised in 2011.

<sup>22</sup> Ibid.

<sup>23</sup> Kagan M., *Shared Responsibility in a new Egypt, a strategy for refugee protection*, Centre for Migration and Refugee Studies, American University in Cairo, September 2011.

## 5.4 The NGO Law

Law 84 of 2002 has been resumed by Adly Mansour in November 2014 and created new problems for the already troubled NGOs providing support to refugees in Egypt<sup>24</sup>. This law gives the government the power to shut down at will organizations providing support to the Egyptian marginalized communities and the refugees.

The Law establishes that foreign funding has to pass through the Ministry of Solidarity which decides how much to give to the organizations and in how many installments. All organizations need to apply for governmental screening and comply to many restrictive provisions. Furthermore, humanitarian organizations do not have direct access to the funds allocated for them. The Ministry of International Cooperation controls all the grants that enter the country and directs them to development or humanitarian projects, sometimes keeping considerable parts for itself.

The law allows the Ministry of Solidarity to shut down the NGOs, freeze their assets and funds, confiscate their properties and replace directors of the board, *de facto* imposing its rule.

Many are the valuable organizations that have closed down. In December 2014 the Cairo Institute for Human Rights Studies announced that it would move its headquarter to Tunisia. The reason for this decision was "*the draconian associations law and the mounting security pressure aimed at shutting out every independent, critical voice from the public sphere, individuals and institutions, Islamist or secular, as well as the erosion of the pillars of the rule of law and the constitution and the deterioration of human rights in the country to a level unprecedented in Egypt's modern history*"<sup>25</sup>. In the fields of refugees' protection, AMERA (Africa and Middle East Refugee Assistance), one of the most important organizations present in Egypt working for the legal support of forced displaced, closed mid-2014. Another organization, the "Refugee Solidarity Movement", established in September 2013 to

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<sup>24</sup> Previously law 32 of 1964 applied.

<sup>25</sup> Markaz al-Qāhirah Li Dirāsāt Ḥuqūq al-Insān, Ba'd 'ṣriyn 'āmmān... "Markaz al-Qāhirah Li Dirāsāt Ḥuqūq al-Insān", al-Markaz yanqalu bi Rāmajīhi al-iqlīmiya w al-dūaliya hārij Miṣr, Cairo Institute for Human Rights Studies website, 9 December 2014, <http://www.cihrs.org/?p=10296>

advocate the rights of Syrian refugees, saw many of its members arrested and jailed<sup>26</sup>.

This law, coupled with the Sisi's anti-terrorism law, is contributing to transform Egypt into a totalitarian regime. The law might not totally refrain the vibrant Egyptian civil society but will give the government the power to discretionally silence all entities that do not comply with its will.

## **5.5 Unaccessible Judiciary and Rule of Law**

Next to the NGO law, that is seriously undemining the action space of organizations defending refugees' rights, the inefficiency of the judiciary system further compromises the 'protection space'. It is becoming increasingly difficult for small and medium human rights organizations to advocate refugee rights because of the corruption and inaccessibility of law courts. The revolution having failed, the chance of a drastic reform of the judiciary system towards a more democratic evolution is gone<sup>27</sup>.

In many cases the problem is the law as much as the way it is applied. The discrepancy between the law and the practice undermines access to services and rights. The difficulty of enrolling in school and renewing a residence permit are cases in point. In the period after the *coup* many Syrian families reported being rejected by school officers refusing to accept their children only on the basis of their nationality. Or requiring documents they obviously could not provide, such as embassy declarations. This entails a protection risk as Syrians are escaping from exactly the Syrian regime and its institutions. Some Syrian university students declared that the Cairo University administration denied to issue their degrees if they did not pay foreign fees, even though Syrians officially can access public education on the same conditions as Egyptians.

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<sup>26</sup> The co-founder Mahiennour el-Masri and the Head of the medical team Taher Mokhtar have been arrested in May 2014. The co-founder has been sentenced to serve two years in jail, later reduced to six months.

<sup>27</sup> Kagan M., *Shared Responsibility in a new Egypt, a strategy for refugee protection*, Centre for Migration and Refugee Studies, American University in Cairo, September 2011.

In the case of residence permits, some officers were more hostile and left Syrians waiting long periods for their renewal leaving them vulnerable or arrest and risking fines.

It can be assumed that the participation of Egypt in the creation of international instruments to protect forced displaced, represents only one face of its foreign policy. In Egypt there are two main actors: the Ministries and the National Security (*Amn al-watan*). The National Security is the body in charge of the security of the country and its borders and leads the anti-terrorism operations. It is the National Security which has the last word regarding the issueing of entry visa and on the release or deportation of detained foreigners. Even when the Public Prosecutor orders the release of someone who has been arrested, in practice it is the NS that, through its clearance, decides whether to release or keep him or her in custody. The NS is the hidden, and probably more authentic, face of Egypt. Is no use for the MFA to sign and ratify conventions when random decisions of the NS makes their application arbitrary.

According to Muhammad al-Kashef of the organization Egyptian Initiative for Personal Rights, the National Security behaves randomly. In 2014, a lot of *refoulement* and deportation of Persons of Concern of all nationalities took place. However, EIPR observed a new trend, a sort of unwritten new policy, that started in 2015: unregistered Syrians are usually released and given temporary residency permits, with the exception of single men.

The National Security should theoretically be acting to protect the security of the country, but there is no proof that this strategy is actually making the country safer, where it is sure that it is endangering vulnerable people.

## 5.6 The role of the Arab League

Even though not a decisive actor in the scene, it is worth mentioning the League of Arab States and its role in refugee issues in the Middle East and Egypt. This body has always contributed to conflicts in the region merely with political support, like in the case of the Israeli-Palestinian conflict, but it has never implemented humanitarian components. Initially it has not been very responsive towards the refugee crisis that hit the Middle East in the past four years. In November 2011 Syria's membership to the League was suspended to put international pressure on President Bashar al-Assad and isolate his government<sup>28</sup> and in March 2013 the Syrian opposition took its vacant seat<sup>29</sup>.

In 2012 the humanitarian consequences of the civil war pushed the United Nations and other humanitarian actors to establish a period of one year to strictly monitor the situation before intervening. On the political side the monitoring phase is still ongoing, but in 2013 the League joined the international humanitarian efforts launching the creation of the "Department of health and humanitarian assistance" to be deployed in the field, with funds and coordination from the member states<sup>30</sup>.

According to Kaidar Ayoubi, the UNHCR liaisons officer to the League, the Council is now in the process of elaborating a new draft "*Convention on regularizing refugee situation in the Arab World*". This represents a renovated effort following the failure of 1994<sup>31</sup>. This new Convention is particularly needed by countries such as Lebanon and Jordan, which currently host millions of Syrian refugees and have weak domestic legislation when it comes to asylum. This new Convention will be oriented towards Islam and include the concept of *Takāful*<sup>32</sup>. It will be an Arab Convention for Arab refugees, which only solves half of the problem since Arab countries also host

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<sup>28</sup> Sly L., *Syria suspended from Arab League*, The Washington Post, 12 November 2011, [https://www.washingtonpost.com/world/syria-suspended-from-arab-league/2011/11/12/gIQAvqGxEN\\_story.html](https://www.washingtonpost.com/world/syria-suspended-from-arab-league/2011/11/12/gIQAvqGxEN_story.html)

<sup>29</sup> Black I., *Syrian opposition takes Arab League seat*, The Guardian, Doha, 26 March 2013, <http://www.theguardian.com/world/2013/mar/26/syrian-opposition-appeals-nato-support>.

<sup>30</sup> Interview with Mr. Ayoub, July 2015.

<sup>31</sup> Reference is made to the League of Arab States, *Arab Convention on Regulating Status of Refugees in the Arab Countries*, 1994, available at: <http://www.refworld.org/docid/4dd5123f2.html>

<sup>32</sup> See page. Aggiungo dopo aver numerato le pagine.

non-Arab refugees. Still according to Mr. Ayoubi, article 2 of the new Convention will also tackle the tricky issue of “Local Integration” (*al-Indimāj al-mahallī*<sup>33</sup>).

The drafting of the document started in 2008 and at present many countries are opposing it. The reason is the refusal of the Gulf countries to formally recognize ‘refugees’ as defined by the 1951 Convention. As the Arab League works with full consensus and not with a majority, there is little chance that this document will pass. At least this attempt has put the issue back on the agenda of the League, which might lead to a sense of urgency with the countries involved.

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<sup>33</sup> In Arabic

## **6 Conclusions**

The goal of this research was to analyze the factors that limit Egypt's capacity to ensure the rights of the refugees in its territory.

The first chapter outlined the creation of the international legal framework of protection and the perception of the refugee issue in the Arab and Islamic world. It also described Egypt's approach to the Conventions to which it adhered along the years.

The second chapter is an in-depth overview of the conditions of the refugees in Egypt, their daily challenges as urban refugees and the services provided to them by the government, the international humanitarian actors and the local NGOs.

The third chapter explored the conditions of the most recent refugees in Egypt, the Syrians, and the reasons why they found themselves in a situation of heightened vulnerability. They have been caught in the middle of a leadership transition and were used by the authorities as political pawns in order to gain popular consensus and reinforce identities.

Assuming that what happened to the Syrians is not an exception, the fourth chapter analyzed other cases in the history of Egypt where asylum-seekers have seen their rights denied. Sudanese has been subject to sudden change in policies because of the diplomatic relations between the two countries; Iraqi refugees have been treated as a security concern and Egypt *de facto* closed its doors for them; Ethiopians have been subject to a heavy discriminatory campaign for political and economic reasons and Palestinians have been literally privileged or mistreated according to the political agenda of the different rulers during the whole of the XX<sup>th</sup> century.

However, Egypt is still a country in development, a condition that significantly undermines its capacity to receive refugees. The fifth chapter highlights the reasons why Egypt is a country that cannot, and sometimes does not want to, ensure protection of forced displaced.

The government of Egypt adhered to many international human rights and refugee protection instruments. However, it presents a number of restraints that undermine the possibility for refugees to find sanctuary in the country such as a limited

development, a weak domestic legislation in the field of forced displacement, its reservations to the 1951 Convention and in some cases the unwillingness to engage directly in delicate geopolitical issues. It can be said that, in general, Egypt applies more easily the International Humanitarian Law when asylum-seekers come from countries that do not have fragile diplomatic ties with Egypt, as in the case of Somali or Eritrean refugees where asylum procedures are applied with no exceptions.

Even though 'local integration' is not recognized as a feasible durable solution, the government turns a blind eye to migrants and refugees. This approach facilitates the refugees to prolong their stay within ambiguous legal circumstances. The government ignores them and rarely mentions them in presidential campaigns or political programmes as it happened with Syrians instead. They are basically not a priority in the political agendas. Refugees should remain as such only until they achieve a legal status and assimilation and can have a 'normal life' in the country of asylum. This "ideal" condition however, is hardly achievable in Egypt as many Egyptian are living in a situation of general precariousness as well.

Refugees in Egypt enjoy services offered by international organizations and NGOs that are not available for Egyptians from the lowest social classes. However, the impossibility to integrate, because of skin colour or because of political tensions, leaves refugees more vulnerable than Egyptians and exposes them to all sorts of harassment and exploitation, sometimes by the hands of the authorities.

The fact that the Government 'ignores' refugees precluding legal local integration, forced and keeps forcing extra responsibilities on UNHCR beyond its mandate, resulting in the creation of parallel systems and a cycle of dependency. Egyptian legislation is unclear and confusing, sometimes on purpose, which leaves refugees in a state of uncertainty.

It is true that Egypt, being in a phase of development, does not yet have the full capacity to establish an independent asylum system, but as analyzed earlier, the reasons for delegating protection to UNHCR are not only practical but also very ideological and political. Egypt has delicate relations with the countries that produce

the refugees it receives. Having denied local integration to Palestinians, the country finds itself in a difficult position to grant protection to non-Palestinians. The exception, which came well before the Palestinian issue, are the Armenians who fled to the country after the genocide in Turkey in the beginning of the last century; they generally integrated smoothly in Egypt.

Overall it can be said that 'local integration' is accepted because it is not openly denied. However, real protection in Egypt is not possible. Protection becomes meaningful in the context of being able to access rights and, as it has been thoroughly analyzed, refugees' rights in Egypt are too often violated with arbitrary detentions and deportation in extreme cases.

It is beyond a doubt that it is necessary that the Government, international actors and local NGOs work together to boost coexistence between refugees and host communities, to avoid protection gaps and overlapping thus wasting resources. There still is a long way to go to promote integration. It is important to fill the gap between Egyptians and refugees by raising awareness on the reasons that push the latter to flee their countries and the hardship and trauma they go through, while showing that welcoming refugees can open doors to new opportunities.

It seems that under the current circumstances dignifying durable solutions for refugees in Egypt are unrealizable, especially in periods of political turmoil and leadership transitions, when refugees end up playing the role of political pawns rather than being perceived as vulnerable people in need of protection.



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