

MPC – MIGRATION POLICY CENTRE

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MPC - MIGRATION PROFILE

Palestine

The Demographic-Economic Framework of Migration
The Legal Framework of Migration
The Socio-Political Framework of Migration

Report written by the

MPC Team

on the basis of CARIM South database and publications

June, 2013

The Demographic-Economic Framework of Migration

The Israeli-Arab wars in 1948-49 and 1967 caused the Palestinian exodus which saw respectively about 725,000 and 250,000 Palestinians fleeing their homes seeking refuge from the Israel army, mainly in neighbouring countries (Kossaifi, 1989). The precarious living conditions of displaced people as well as some other events (including the expulsion of Palestine Liberation Organization – PLO from Jordan in 1970, the Israel invasion of Lebanon in 1982, the first Gulf war in 1990-1991 together with the recent expulsion of Palestinians from Iraq in 2006) sent out additional waves of Palestinian refugees around the world, and sometimes saw these refugees return home.

As well as forced migration, Palestinians have experienced increasingly high rates of outward labour migration, too. In the 1960s, searching for jobs and aiming at improving their overall living conditions, Palestinians from the West Bank started to emigrate towards the East Bank (especially to the capital Amman) in the period when the West Bank was annexed by Jordan (1949-1988): they also traveled to the oil-producing Gulf countries. After 1967, Palestinians from Gaza were also involved in large scale emigration movements to the Gulf and – a minor part – to Europe and North America (Fargues, 2000). These labour migration flows were largely composed of medium and highly-skilled individuals, often accompanied by their families. Later, in the 1990s, this form of emigration was gradually reduced as a consequence of the closure of the Gulf labour markets. By the end of these migration movements, the Oslo agreements resulted in the opposite phenomenon: namely, the return of around 100,000 dispersed Palestinians to the occupied Palestinian territory (oPt) in the 1990s. However, the political impasse, the security chaos and the worsening of socio-economic conditions, which followed these negotiations, led to new waves of outward flows – particularly of young and well educated individuals, in the 2000s.

A large number of Palestinian commuters used to go on a daily basis to Israel in order to cover unskilled and semi-skilled jobs in the construction, agriculture and basic services. In the early 2000s, following the eruption of the second Intifada and the construction of the Separation Wall, these movements were stopped by Israel, thus causing additional pressures on the Palestinian labour market.

As to immigration patterns, nationals born abroad living in the oPt include both first-generation refugees forced to emigrate from Israel in 1948 and returnees, i.e. the descendants of Palestinian refugees born abroad who returned during the Oslo process between 1993 and 2000 and, to a lesser extent, expelled Palestinians from the Gulf States – especially Kuwait – in 1991. Palestine has also been, in the last decades, the destination of Israeli settlers whose number – almost half a million – represents 12.7% of the population of the oPt in 2008.

Outward migration	Inward migration																																																																																																																																																																																																				
<p>Stock</p> <p>'Counting' Palestinian emigrants abroad is not straightforward. To the voluntary emigrants, one should add the total of Palestinian refugees around the world – as registered by the UN High Commissioner for Human Rights (UNHCR) – and in Jordan, Lebanon and Syria – as registered by the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). As to the latter, depending on UNRWA's operative definition,¹ <i>Palestine refugees</i> include both post-48 refugees and their descendants, i.e. persons of Palestinian origin born outside the oPt. As a matter of fact, second and third generation migrants represent the great majority of these and consequently any estimates of Palestinians living abroad depends on which <i>Palestine refugees</i> are considered. For example, official estimates provided by the Palestinian Central Bureau of Statistics (PCBS) put the number of Palestinians abroad at 7 million in 2010, mainly composed of Palestinian descendants.</p> <table border="1"> <caption>Palestinian emigration stocks by country of residence, most recent data (c. 2012)</caption> <thead> <tr> <th>Country of residence</th> <th>Definition (*)</th> <th>Reference date (Jan 1st)</th> <th>Source</th> <th>Number</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>European Union</td> <td></td> <td></td> <td></td> <td>14,627</td> <td>1.7</td> </tr> <tr> <td>of which UK</td> <td>(A)</td> <td>2012</td> <td>Annual Population Survey</td> <td>8,000</td> <td>0.9</td> </tr> <tr> <td>Sweden</td> <td>(A)</td> <td>2012</td> <td>Population register</td> <td>3,843</td> <td>0.4</td> </tr> <tr> <td>Southern-Eastern Mediterranean (SEM) countries (**)</td> <td></td> <td></td> <td></td> <td>844,063</td> <td>96.8</td> </tr> <tr> <td>of which Syria</td> <td>(B)</td> <td>2009</td> <td>PCBS (Damascus)</td> <td>467,596</td> <td>53.6</td> </tr> <tr> <td>Lebanon</td> <td>(B)</td> <td>2007</td> <td>ACS Survey</td> <td>198,258</td> <td>22.7</td> </tr> <tr> <td>Jordan</td> <td>(B)</td> <td>2004</td> <td>Population Census</td> <td>115,190</td> <td>13.2</td> </tr> <tr> <td>Egypt</td> <td>(B)</td> <td>2006</td> <td>Population Census</td> <td>31,900</td> <td>3.7</td> </tr> <tr> <td>Other countries (***)</td> <td></td> <td></td> <td></td> <td>13,234</td> <td>1.5</td> </tr> <tr> <td>of which Canada</td> <td>(A)</td> <td>2006</td> <td>Population Census</td> <td>6,565</td> <td>0.8</td> </tr> <tr> <td>Norway</td> <td>(A)</td> <td>2012</td> <td>Population register</td> <td>3,150</td> <td>0.4</td> </tr> <tr> <td>Total (a)</td> <td></td> <td></td> <td></td> <td>871,924</td> <td>100.0</td> </tr> <tr> <td>UNHCR refugees - 2011 (b)</td> <td></td> <td></td> <td></td> <td>94,150</td> <td></td> </tr> <tr> <td>UNRWA refugees in Jordan - 2012 (c)</td> <td></td> <td></td> <td></td> <td>1,979,580</td> <td></td> </tr> <tr> <td>Grand total (a+b+c)</td> <td></td> <td></td> <td></td> <td>2,945,654</td> <td></td> </tr> </tbody> </table> <p>(*) : Palestinian migrants are defined according to the country of birth (A) or country of nationality criterion according to countries of residence. (**) : Depending on data availability, SEM countries include Algeria, Egypt, Jordan, Lebanon, Mauritania, Morocco, Syria, Tunisia and Turkey. (***) : "Other countries" include other European countries (Iceland, Liechtenstein, Norway, Switzerland, Belarus, Russia and Ukraine), Canada, Australia and New Zealand. Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)</p> <p>According to statistics provided by destination countries (see figure above), c. 2012, the number of Palestinians residing abroad was, instead, very much lower: 871,924. Unlike the PCBS's estimates, this figure does not include either Palestinians residing in the Gulf States (because of data unavailability), or persons of Palestinian origins with another nationality (especially in Jordan). Indeed, it</p>	Country of residence	Definition (*)	Reference date (Jan 1st)	Source	Number	%	European Union				14,627	1.7	of which UK	(A)	2012	Annual Population Survey	8,000	0.9	Sweden	(A)	2012	Population register	3,843	0.4	Southern-Eastern Mediterranean (SEM) countries (**)				844,063	96.8	of which Syria	(B)	2009	PCBS (Damascus)	467,596	53.6	Lebanon	(B)	2007	ACS Survey	198,258	22.7	Jordan	(B)	2004	Population Census	115,190	13.2	Egypt	(B)	2006	Population Census	31,900	3.7	Other countries (***)				13,234	1.5	of which Canada	(A)	2006	Population Census	6,565	0.8	Norway	(A)	2012	Population register	3,150	0.4	Total (a)				871,924	100.0	UNHCR refugees - 2011 (b)				94,150		UNRWA refugees in Jordan - 2012 (c)				1,979,580		Grand total (a+b+c)				2,945,654		<p>Stock</p> <p>In the oPt, the population born abroad includes both first-generation refugees forced to emigrate from Israel in 1948 and returnees. The latter group is composed of Palestinian refugees born abroad who returned during the Oslo process between 1993 and 2000 – and who were mainly employed by various civilian and military institutions of the PLO – as well as other returnees, especially those who were expelled from Kuwait in 1991.</p> <table border="1"> <caption>Population born abroad residing in Palestine by country of birth, 1997, 2007</caption> <thead> <tr> <th rowspan="2">Country of birth</th> <th colspan="2">1997</th> <th colspan="2">2007</th> <th rowspan="2">Average annual growth rate (%)</th> </tr> <tr> <th>Number</th> <th>%</th> <th>Number</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Gulf Countries</td> <td>65,708</td> <td>26.3</td> <td>70,297</td> <td>30.4</td> <td>0.7</td> </tr> <tr> <td>Jordan</td> <td>47,865</td> <td>19.2</td> <td>50,350</td> <td>21.8</td> <td>0.5</td> </tr> <tr> <td>1948 Areas (*)</td> <td>76,955</td> <td>30.8</td> <td>46,976</td> <td>20.3</td> <td>-3.9</td> </tr> <tr> <td>Egypt</td> <td>15,517</td> <td>6.2</td> <td>16,676</td> <td>7.2</td> <td>0.7</td> </tr> <tr> <td>Israel</td> <td>8,129</td> <td>3.3</td> <td>9,868</td> <td>4.3</td> <td>2.1</td> </tr> <tr> <td>Syria</td> <td>4,522</td> <td>1.8</td> <td>4,223</td> <td>1.8</td> <td>-0.7</td> </tr> <tr> <td>Lebanon</td> <td>2,027</td> <td>0.8</td> <td>2,993</td> <td>1.3</td> <td>4.8</td> </tr> <tr> <td>Yemen</td> <td>1,287</td> <td>0.5</td> <td>1,326</td> <td>0.6</td> <td>0.3</td> </tr> <tr> <td>Tunisia</td> <td>735</td> <td>0.3</td> <td>542</td> <td>0.2</td> <td>-2.6</td> </tr> <tr> <td>Other Arab Countries</td> <td>13,243</td> <td>5.3</td> <td>13,351</td> <td>5.8</td> <td>0.1</td> </tr> <tr> <td>USA</td> <td>7,299</td> <td>2.9</td> <td>7,074</td> <td>3.1</td> <td>-0.3</td> </tr> <tr> <td>Others</td> <td>6,275</td> <td>2.5</td> <td>6,854</td> <td>3.0</td> <td>0.9</td> </tr> <tr> <td>Not Stated</td> <td>0</td> <td>0.0</td> <td>400</td> <td>0.2</td> <td></td> </tr> <tr> <td>Total</td> <td>249,562</td> <td>100.0</td> <td>230,930</td> <td>100.0</td> <td>-0.7</td> </tr> <tr> <td>% on the total resident population</td> <td>9.6</td> <td></td> <td>6.1</td> <td></td> <td></td> </tr> </tbody> </table> <p>Notes: (*) : 1948 Areas include the parts of historical Palestine now known as Israel, as defined after the 1948 war. Source: Population Censuses - 1997, 2007</p> <p>According to census data, in 2007 there were 230,930 individuals born abroad, or 6.1% of the total population residing in Palestine. As to their provenance, they were mainly born in the Gulf countries (30.4%), Jordan (21.8%), and the 1948 Areas (20.3%).</p> <p>By comparing the 1997 and 2007 censuses, because of the high mortality rates of those coming from 1948 Areas (who were all aged 60 or more), the total number of the total population born abroad decreased from 1997 to 2007 at an annual average rate of -0.7%. Without considering the first-generation refugees born in 1948 Areas, foreign born nationals are, instead, a very young population with 81.0% aged 10-39.</p>	Country of birth	1997		2007		Average annual growth rate (%)	Number	%	Number	%	Gulf Countries	65,708	26.3	70,297	30.4	0.7	Jordan	47,865	19.2	50,350	21.8	0.5	1948 Areas (*)	76,955	30.8	46,976	20.3	-3.9	Egypt	15,517	6.2	16,676	7.2	0.7	Israel	8,129	3.3	9,868	4.3	2.1	Syria	4,522	1.8	4,223	1.8	-0.7	Lebanon	2,027	0.8	2,993	1.3	4.8	Yemen	1,287	0.5	1,326	0.6	0.3	Tunisia	735	0.3	542	0.2	-2.6	Other Arab Countries	13,243	5.3	13,351	5.8	0.1	USA	7,299	2.9	7,074	3.1	-0.3	Others	6,275	2.5	6,854	3.0	0.9	Not Stated	0	0.0	400	0.2		Total	249,562	100.0	230,930	100.0	-0.7	% on the total resident population	9.6		6.1		
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¹ Under UNRWA, a Palestine refugee is any person whose 'normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict [...] Palestine Refugees, and descendants of Palestine refugee males, including legally adopted children, are eligible to register for UNRWA services'. This definition, beyond implying that all descendants of 1948 refugees would automatically be granted a refugee status, leads to the paradoxical consequence that this population increases over time because of natural demography (not of political events) while the number of migrants among them decreases (see Fargues, 2006).

is worth mentioning that UNRWA refugees have been subjected to different regulatory systems according to which, in Syria and Lebanon, they are considered 'stateless' (until a solution to the Palestine cause is found), while in Jordan all of the 1948-refugees were granted nationality (and so they are not counted as Palestinians by official statistics).² Consequently, if we add to this total the figure provided by UNRWA in Jordan (1,979,580 Palestine refugees) and by UNHCR (94,150 Palestinian refugees)³, the number would be much larger, i.e. 2.9 million, a number which fits much better with the reality of the Palestinian Diaspora. Again, figures on the numbers of Palestinians in the Gulf States are unknown.

As to their characteristics, in OECD countries women represent 44.8% of Palestinian migrants. As a whole, they show an extremely high socio-economic profile, their education being historically considered as the main tool of empowerment within the Palestinian community. c. 2006, 49.2% had a university degree or higher while 30.2% had a medium level of education. Their educational profile matches their occupational one: they are mainly employed as professionals (21.9%), legislators, senior officials and managers (17.6%), and technicians (10.8%).

Further, the living conditions of Palestinian refugees deserve attention. Their integration varies by country of settlement, ranging from a quasi-parity condition in Syria to an institutional discriminatory regime in Lebanon. This depends, above all, on demographic⁴ and internal political pressures related to the presence of Palestinians. According to two surveys conducted by FAFO in 2000, despite the fact that the unemployment rate of Palestinians is not that different from natives in both countries (8.7% in Syria and 10.0% in Lebanon), what emerges strikingly is their very low participation in the labour market (respectively 49.3% and 42.2%), especially among women (respectively 18.0% and 16.8%). These figures are likely to suggest that a high number of Palestinians work in the informal sector and demonstrate as well the existence of a strong gender dimension in Palestinians' propensity to work.

Another important component of the immigrant population residing in the oPt is represented by Israeli settlers. In 2011, there were 337,285 in the West Bank, among whom a large majority lived between the Green Line and the Separation Wall. Moreover, 199,647 Israelis lived in East Jerusalem, meaning a total number of 536,932 Israeli settlers living in the oPt (including annexed East Jerusalem) in 2011.

Israeli settlers in the oPt, 1983-2011

Year	West Bank	Gaza Strip	East Jerusalem	Total
1983	22,800	900	76,095	99,795
1984	n.a.	n.a.	n.a.	n.a.
1985	44,100	1,900	n.a.	46,000
1986	n.a.	n.a.	103,900	n.a.
1987	n.a.	n.a.	n.a.	n.a.
1988	n.a.	n.a.	n.a.	n.a.
1989	69,800	3,000	117,100	189,900
1990	78,600	3,300	135,000	216,900
1991	90,300	3,800	137,300	231,400
1992	101,100	4,300	141,000	246,400
1993	111,600	4,800	152,800	269,200
1994	n.a.	n.a.	n.a.	n.a.
1995	133,200	5,300	157,300	295,800
1996	142,700	5,600	160,400	308,700
1997	154,400	5,700	161,416	321,516
1998	163,300	6,100	165,967	335,367
1999	177,411	6,337	170,123	353,871
2000	192,976	6,678	172,250	371,904
2001	n.a.	n.a.	n.a.	n.a.
2002	214,722	7,277	175,617	397,616
2003	224,669	7,556	178,601	410,826
2004	234,487	7,826	181,587	423,900
2005	258,988	0	184,057	443,045
2006	268,400	0	186,857	455,257
2007	276,462	0	189,708	466,170
2008	295,380	0	193,091	488,471
2009	299,440	0	n.a.	299,440
2010	322,796	0	196,178	518,974
2011	337,285	0	199,647	536,932

Source: Statistical Abstracts of Israel, Central Bureau of Statistics; Statistical Yearbook of Jerusalem, Jerusalem Institute for Israel Studies (in Foundation for the Middle East Peace's website); Palestinian Central Bureau of Statistics, 2011. Israeli Settlements in the Palestinian Territory, Annual Statistical Report 2010-2011.

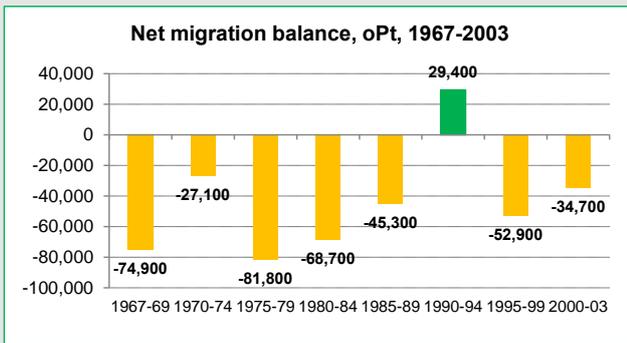
² While in Jordan, it is strictly important to highlight the difference encountered between UNRWA estimates and official ones in order to consider the large number of Jordanians with Palestinian origins, figures provided by destination countries statistics in Syria and Lebanon are instead more reliable than UNRWA estimates. As to the former, Palestinian refugees are counted on an annual basis by the Palestinian Central Bureau of Statistics and Natural Resources of Damascus (and published by the Syrian Central Bureau of Statistics). In Lebanon, the *Enquête Conditions de vie de Ménages* conducted by the Lebanese Central Administration of Statistics allows us to exclude a large number of Palestinians who were initially registered under UNRWA in Lebanon but who are not currently residing there but who are still registered under UNRWA (see Fargues, 2006).

³ UNHCR refugees should be added to the total since in many developing countries refugees are not included in censuses or population registers (see <http://www.migrationobservatory.ox.ac.uk/data-and-resources/data-sources-and-limitations/undp-international-migrant-stock-data>).

⁴ It is worth mentioning that while in Syria Palestinians account for 1.7% of the total resident population, in Lebanon the same value equals 5.0%.

Flows

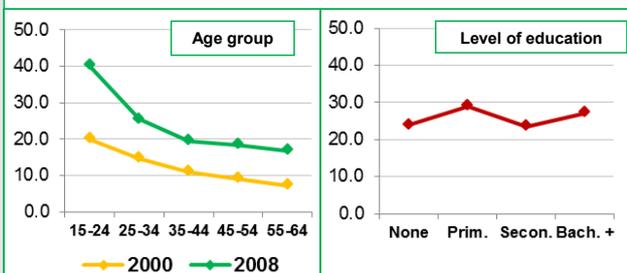
From 1960 to 1967 around 140,000 Palestinians emigrated from the West Bank towards the East Bank (25,000) and other Arab countries (115,000) (Kossaifi, 1989). According to Israeli statistics, from 1967 to 2003, the net migration balance of the Palestinian territories was negative, apart from the period 1990-1994, during which many Palestinians returned home following the Oslo agreements.



Source: Statistical Abstracts, various years, State of Israel

In recent years, migration has continued as a consequence of the second *Intifada* (2000) and the associated worsening socio-economic conditions. Among other problems there is the rise in unemployment, especially for the most educated individuals, the political impasse in peace negotiations and the shrinking chances of the establishment of an independent Palestinian state: all these have triggered intense outward emigration flows from the oPt. For example, the unemployment rate increased from 14.3% in 2000 to 26.2% in 2008. Among the youngest population, the same value passed from 20.0% to 40.2% for those aged 15-24 and from 14.8% to 25.5% for the 25-34 population. Moreover, the unemployment rate of university graduates reached, in 2008, 27.2% (source: Labour Force Survey).

Unemployment rate by age group (2000, 2008) and level of education (2008), oPt

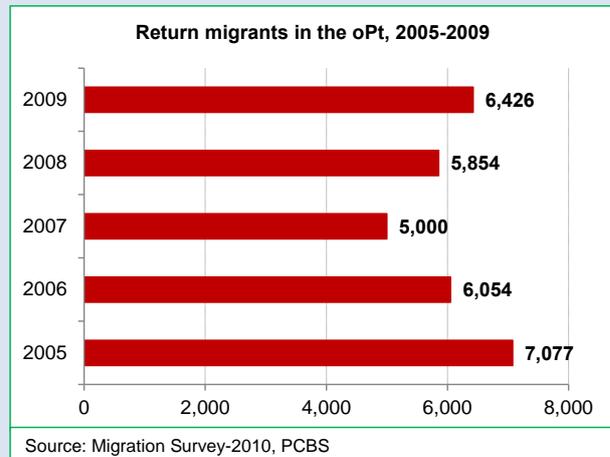


Source: Labour Force Survey - Palestinian Central Bureau of Statistics (PCBS)

Emigration has, thus, become a serious option for a worrying percentage of the young and educated people living in Palestine. According to a recent survey conducted by the PCBS in 2009, an average number of 6,570 Palestinians left the country each year 2005-2009. These emigrants

Flows

According to the Migration's Survey - 2010, from 2005 to 2009 an annual average number of 6,082 migrants returned in the oPt (PCBS, 2010).



Source: Migration Survey-2010, PCBS

The survey investigated the profile of all return migrants living in the oPt (*stock*). It is shown that one out of four return migrants had come back before 1990 (25.5%), while one out of two had done the same 1991-1999. The rest (24.4%) returned home in the 2000s, a period when the number of returnees declined sharply as a result of the refusal of Israel to accept their return and the dangerous living conditions in Palestine.

Return migrants by some characteristics, oPt, 2010

Last country of residence abroad	%	Age at return	%	Main reason of migration abroad	%
Arab countries	79.1	"0-14"	38.5	Family reasons	33.2
of which Jordan	36.1	"15-29"	36.4	Education and study	21.7
Gulf c.	29.0	"30-44"	18.1	Improving living standards	15.0
Egypt	5.1	"45-59"	5.6	Unemployed/lack of opportunities in the oPt	9.7
Other countries	20.6	"60+"	1.3	Others	20.4
of which USA	9.5	Not stated	0.1	Not stated	0.0
Not stated	0.3				
Total	100.0	Total	100.0	Total	100.0

Source: Migration Survey-2010, PCBS

As expected, 79.1% returned from Arab countries, especially from Jordan (36.1%) and the Gulf countries (29.0%). A significant proportion came back also from the US (9.5%). Moreover, more than half (54.5%) returned aged between 15 and 44 years old, while an important percent came back when younger than 14 years old.

If we compare the main reason why returnees emigrated in the past and the reasons declared by recent emigrants (see 'outward migration' section), a raw proxy of the evolution of the reasons to emigrate can be drawn.

were more likely to be: 1) young (33.0% aged 15-29), 2) male (sex ratio equals 152.2), 3) directed to non-Arab countries (46.6%, among which 21.6% to the US), Jordan (23.5%) and the Gulf countries (20.4%) and 4) well educated (35.7% have a bachelor degree or above and 41.9% have a secondary degree) (source: Migration's Survey–2010, PCBS, 2010).

As to the reason for emigration, most left the country to study abroad (34.4%), for family reasons (21.9%, especially women, 64.0%), improving their standards of living (14.6%) or the hunt for a job (13.7%) (ibid.).

Country of residence	%	Educational level	%	Main reason to emigrate	%
Arab countries	52,0	Illiterate	1,3	Studying abroad	34,4
of which Jordan	23,5	Elementary	4,9	Family reasons	21,9
Gulf countries	20,4	Preparatory	15,4	Improving living standards	14,6
Egypt	4,0	Secondary	35,7	Searching for a job	13,7
Other countries	47,6	Associate Diploma	6,2	Others	15,2
of which USA	21,6	Bachelor and above	35,7	Not stated	0,2
Not stated	0,4	Not stated	0,8		
Total	100,0	Total	100,0	Total	43,7

Source: Migration Survey 2010, PCBS

Another survey, conducted by PCBS in 2005 on the wish to migrate among university graduates in the oPt, shows that while the majority of men (69.0%) would hypothetically accept work abroad at any or no conditions, only 14.9% of women would do the same (PCBS, 2006).

Two main conclusions can be drawn from the recent emigration tendencies from Palestine. First, the reasons which trigger individuals to leave the country are similar to those of other countries in the region (studying, unemployment, etc.) so that less importance is attributed to the specific political situation of the oPt. Second, both the preponderance of family reasons among female emigrants and the scarce propensity to leave the country among female university graduates suggest that emigration is still largely seen as a 'male activity'. Notwithstanding the overall worsening of living conditions, the existence of family networks around the world and the improvement of the Palestinian educational profile regardless of sex, women still face strong cultural constraints. These mean that it is not easy for them to work, to be socially emancipated or to think about migration as a way of improving their socio-economic status.

First, return migrants had a higher propensity to emigrate for family reasons (33.2% vs 21.9%) highlighting the family framework under which labour migration from the Palestinian territories took place. Second, recent emigrants tend to emigrate more for education and study reasons (34.4% vs 21.7%) or because they are unemployed, perceiving lack of opportunities at home or simply because they aim to improve their living conditions (28.3% vs 24.7%), shedding light on the difficult conditions that young people face in Palestine today.

To conclude, it seems that the choice to migrate to work abroad has gradually shifted from a family framework to an individual one, involving increasing numbers of young (male) Palestinians affected by negative socio-economic conditions at home.

References: Fargues P. 2000. "Protracted National Conflict and Fertility Change: Palestinians and Israelis in the Twentieth Century", Population and Development Review, Vol. 26, No. 3, pp. 441-482; Fargues P. 2006. International migration in the Arab region: trends and policies, paper presented at the United Nations Expert Group Meeting on International Migration and Development in the Arab Region, Beirut, 15-17 May 2006; Kossaifi, G. 1989. *L'enjeu démographique en Palestine* in Mansour C. (eds.), *Les Palestiniens de l'intérieur*, Washington, DC: Les livres de la revue des études Palestiniennes; Palestinian Central Bureau of Statistics – PCBS. 2006. Conditions of Graduates From High Education and Vocational Training Survey (December, 2005 – January, 2006), Press Conference on the Survey Preliminary Results Ramallah; Palestinian Central Bureau of Statistics – PCBS. 2010. Migration's Survey in the Palestinian Territory 2010, Press Release, Ramallah.

The Legal Framework of Migration

After more than forty years of Israeli occupation, Palestine has few means to impact migration in the territory which the international community recognized as being its own. The Oslo peace agreements through which the PLO and Israel recognized each other in 1993 included some interim arrangements as to the division of competences between the two entities on the Gaza Strip and the West Bank, prior to further negotiations towards the creation of a Palestinian state. The Palestinian territories were divided into three areas: Area A under Palestinian control, Area B under Palestinian civil control and Israeli military control, Area C under Israeli control.

The legal situation in the Occupied Palestinian Territories (oPt) is extremely complex. Beyond the distinction between administrative statuses stipulated by the Oslo agreements, the Gaza Strip is still regulated by some Egyptian laws and the West Bank by some Jordanian laws. Besides this, while the Oslo agreements consider the Gaza Strip and the West Bank as one sole unit, they have been administrated as two separate entities since 1948. Consequently, circulation is discontinuous between both, as well as between each of them and Israel, Jerusalem included, not mentioning of course the external countries. Hence the oPt are characterized by a multiplicity of borders, obstacles and statuses. To this imbroglio has to be added the constant violation of rules and limits for determined competences as a result of the Israeli occupation.

The commonly used distinction between citizens and non-citizens, propping up rules governing migration, entry, stay and exit, does not apply to the oPt. The Palestinian Authority (PA) generally considers the persons considered as foreign by Israel as Palestinian. The “Palestinian citizens” of the Gaza Strip and the West Bank who hold the corresponding identity card are thus considered “foreign residents” by Israel and come under PA jurisdiction. Any other individual, be s/he of Palestinian origin, refugee or of another nationality, if s/he does not hold an identity card of the Gaza Strip or the West Bank, is considered a “non-citizen”. Entry, stay and exit from the Palestinian Territories are dependent on the Israeli authorities, but are also subject to the PA regulations in area A. Israeli citizens fall under Israeli jurisdiction, wherever they are. The Palestinians from East-Jerusalem are considered as foreign residents in Israel and hold special identity cards.

The Palestinians who fled the 1948 war were not readmitted afterwards, since they had not been counted among the citizens when the state of Israel was created. Likewise, the “Displaced” of 1967 were not readmitted, as they had not been registered by the Israeli census of Palestinians in the West Bank of 1967. The Palestinians who had been registered by the census have been considered regular residents and got an identification number. Some of them had their resident status revoked after too long spent abroad (6 years). All the others had then to obtain a resident permit as foreign citizens, as well as authorizations to work or to have a commercial activity.

The Palestinian Authority has no power over the Territories’ external borders and cannot hand out visas. Israel retains full control over borders, civil registry, family reunification and entry and stay visa issuance. It also controls the circulation of residents and non-residents between the Gaza Strip and the West Bank. Hence it is difficult to talk of a Palestinian migratory policy.

Refugees in the oPt come under the mandate of UNRWA, which was created in 1949 when it became apparent that Israel would be opposed to the return of Palestinian refugees. Recognized Palestinian refugees are people whose normal place of residence was Palestine during the two years before the 1948 conflict, who lost both their home and means of livelihood and then came back. Their descendants are eligible for services from UNRWA, which is also competent in Jordan, Syria and Lebanon. The 1951 convention on the status of refugees was not supposed to apply to Palestinians, insofar as a collective repatriation right had been recognized for them.

Since Palestine is not a fully constituted state – though the Palestinian state was proclaimed in 1988, and the UN granted the “State of Palestine” ‘non-member observer state’ status in 2012– its adhesions to international conventions beg some questions. Nevertheless, as an occupying power, Israel is constrained to respect, in the Palestinian Territories as well as *vis-à-vis* people living there, the international conventions it has ratified. This was stated by the International Court of Justice (ICJ) in its advisory opinion in 2004, which concluded that the wall built by Israel was illegal. The Court indicated that the wall impeded Palestinians’ liberty of movement as guaranteed under article 12 of the International Covenant on Civil and Political Rights. In the exercise of its competences, Israel is obliged to comply with the provisions of the Covenant on Economic, Social and Cultural Rights, those of the Covenant on Civil and Political Rights and

those of the UN Convention on the Rights of the Child. Moreover, Israel is also under obligation not to raise any obstacle to the exercise of such rights in those fields where competence has been transferred to the Palestinian authorities.

The part of the West Bank lying between the Green Line and the wall is considered a "Closed Area". Residents of this area may no longer remain in it, nor may non-residents enter it, unless they hold a permit or identity card issued by the Israeli authorities. According to the report of the UN Secretary-General, most residents have received permits for a limited period. Israeli citizens, Israeli permanent residents and those eligible to immigrate to Israel in accordance with the Law of Return may remain in, or move freely to, from and within the Closed Area without a permit. Access to and exit from the Closed Area can only be made through access gates, which are opened infrequently and then only for short periods⁵.

Moreover, the Separation Wall being constructed around the West Bank by Israel – beginning in 2000 and continuing through present –severely restricts the movement inside or outside of the West Bank.

Legal Framework	Outward migration	Inward migration
General Legal References	<ul style="list-style-type: none"> • 2009 Israeli Military Order n°1650 • 2006 Presidential Decree n°16 Concerning the Regulation of the Public Administration of the Crossing Points and Border • 2004 Council of Ministers' Decision n°45 on work permits • 2003 Basic Law • 2000 Labour Law n°7 • 1995 Interim Agreement on the Gaza Strip and the West Bank • 1994 Agreement on the Gaza Strip and the Jericho area 	
Entry and Exit	<p>Each Palestinian has to have an identity number (issued by Israel) and a travel document (issued by the PA). The Palestinian passport for people from the Gaza Strip and the West Bank is recognized by Israel and internationally, but it has to include the identity numbers issued by the Israeli authorities to enable entry into the territory (2005 Council of Ministers' Decision n°244 on "VIP" Passports).</p> <p>Entry and exit visas delivered by the Israeli authorities.</p> <p>Palestinians need a permit handed out by the Israeli authorities to stay in the West Bank and Gaza Strip.</p> <p>Non-residents need a temporary visitor permit to enter.</p> <p>The Territories' border crossing for Palestinians is by land. Palestinian holders of an identity document, including those with foreign citizenship, must pass through border posts reserved to Palestinians. West Bank Palestinians wishing to reach Jordan and travel further afield have only the Allenby bridge (Jericho) as crossing point. It is fully and exclusively controlled by Israel. Gaza Strip Palestinians have two crossing points: the first one links the Gaza Strip to Israel (Eretz) and a permit has to be issued by Israel, also for a possible transit by the West Bank; the second one is Rafah from where Palestinians can get to Egypt. Since 2006, Egypt has severely limited access, in both directions.</p> <p>The Palestinian 2003 Basic Law stipulates that no Palestinian may be deported from the homeland, prevented or prohibited from returning to it (Article 28).</p>	

⁵ ICJ Report, Legal consequences of the construction of a wall in the Occupied Palestinian Territory, advisory opinion of 9 July 2004, retrieved from <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6>.

<p>Irregular Migration</p>		<p>Israeli Military Order n°1650 of 2009: any person who irregularly enters into or stays without permit in the West Bank will be considered an infiltrator and may be punished with a seven-year prison sentence.</p>
<p>Rights and Settlement</p>	<p>Palestinians' rights and stay conditions vary considerably in time and space. In Syria, they enjoy equal rights with nationals, except regarding estate ownership and political matters, but the Palestinians who fled from Iraq after 2003 do not enjoy the same treatment. In Jordan, Palestinians from the West Bank got citizenship till 1988. Palestinians from the Gaza Strip who fled after 1967 were not treated though in the same fashion.</p> <p>Generally, Palestinians enjoy the same rights as foreign nationals, with some variances either more favourable (e.g, in Egypt till 1978), or less favourable (e.g, access to work in Lebanon till the 2010 reform; access to citizenship in Egypt despite the 2004 reform).</p>	<p>Residence: the right of residence is transmitted by one of both resident parents, upon registration. Those not considered as residents since 1967 or after Oslo (on the basis of the negotiated <i>returnees</i> list) can become residents only through family reunification if agreed to by Israel.</p> <p>Access to Employment: Based on article 15 of the Labour Code, the council of ministers issued Decision n° 45/2004 on granting work permits to non-Palestinian workers. Four conditions: 1) the absence of competition with national workers; 2) the need for a foreign worker instead of a national; 3) the relevant qualifications and experience for the job for which the license is requested; 4) a condition of reciprocity may be imposed by the Ministry of Labour. No grounds need be given for rejection. If the application is accepted, a license is granted for one year.</p> <p>Non-residents have to obtain Israeli authorization to exercise a commercial activity.</p> <p>Domestic workers are not covered by Labour Law.</p> <p>Family reunification: this is dependent on Israeli measures, though it theoretically falls under the general jurisdiction of Palestinian civil affairs. Reunification for first degree relatives (spouses and minor children) of residents (with ID number).</p> <p>Access to estate ownership: submitted to administrative authorization and a reciprocity condition (1996 Case-Law).</p>
<p>Citizenship</p>	<p>The PA has not adopted a nationality law yet. The Palestinian Charter and the Declaration of Principles recognize that any Palestinian has the right to (later) Palestinian citizenship whose consequences on the right to return, refused by Israel, is an issue. A number of Arab states within the Arab League proclaimed their wish to preserve the right to return and, to do so, adopted the <i>Casablanca Protocol for the treatment of Palestinians in Arab States</i> which contains the commitment to ensure Palestinians the same rights as nationals without granting them citizenship. Although the PA and some stakeholders argue that granting a second citizenship would not impede the right to return, the question of extending citizenship to Palestinians is a very delicate issue. Yet, a large part of the Palestinian diaspora has got effective second citizenship.</p>	

<p>International Protection</p>	<p>Palestinian refugees in Jordan, Syria and Lebanon fall under the UNRWA mandate. In October 2002, UNHCR stated that the 1951 Geneva Convention would apply to Palestinians outside UNRWA zones, such as Egypt and Libya. Palestinians are thus considered as refugees by both UNRWA and UNHCR.</p>	<p>Palestinian refugees come under the UNRWA mandate and are granted identity documents. They are subject to Israeli occupation. They enjoy equal rights to other Palestinians. The refugee status is transmitted by descent. Till 2006, a female refugee marrying a male non-refugee would lose her status. She also could not transmit her status to her children – unlike a male refugee. These discriminatory laws ended in 2006. Case-Law related to refugees in the Gaza Strip and the West Bank considers that they do not have a right of estate ownership in camps. They lose the use of housing if they leave.</p>
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The Socio-Political Framework of Migration

The sociopolitical framework of migration from, to and through the occupied Palestinian territory raises issues different from those in the other countries of the Southern and the Eastern Mediterranean. These issues are related to the different nature of migration from and to Palestine since the end of the nineteenth century, and the inability of the Palestinian authority (PA) to implement any migration policy given Israel's control over migration and circulation.

The oPt was divided into three areas after the Oslo agreements. The administration of areas A and B, which include the main towns and the refugee camps, has been transferred to the PA, while Israel has retained control over area C. In 2005, Israel unilaterally retired from the Gaza Strip, but the fragmentation of the West Bank and Israel's colonization there make the creation of a sustainable and independent Palestinian state within the 1967 borders all but impossible.

Moreover, the history of migration from and to Palestine is deeply rooted in the Arab-Israeli conflict. After a first wave of migration during the Ottoman Empire and the British mandate, Palestine has witnessed two major waves of forced migration toward neighbouring countries as a consequence of the 1948 and 1967 wars. Since then, while economic migration from the oPt continued toward the Gulf and the West, Israel progressively built up Jewish settlements in East Jerusalem, the West Bank, and the Gaza Strip. Today, the Palestinian diaspora actively supports the Palestinian cause and maintains strong ties with Palestine, though the circulation of Palestinians there is extremely difficult.

Given that the PA is unable to implement any migration policy, and ignoring here the numerous initiatives of the international community and civil society in relation to migration, the following focuses on the political dimensions of three main issues: (1) out-migration and circulation in the oPt; (2) the right of return for Palestinian refugees; and (3) the Israeli settlements in the West Bank and East Jerusalem.

(1) After the beginning of the second Intifada, the Israeli state put strong limits on the employment of Palestinians workers from the oPt, who have been, in the meantime, replaced by Asian and African migrants, while the construction of the Separation Wall also stopped irregular migration. Since then, while the socioeconomic and the security situation had deteriorated dramatically in the oPt, migration to the Arab states seems to have risen, despite the numerous difficulties in leaving the West Bank and, a fortiori, the Gaza Strip. Indeed, Palestinians are not allowed to access Ben Gurion airport in Tel Aviv; Jordan carefully controls the transit of Palestinians through its territory; and Egypt closed until recently its borders with the Gaza Strip (Rafah) following the conflict between Hamas and Fatah (2006), and authorizes only a few humanitarian convoys, and tries to destroy any communicating tunnels. Furthermore, circulating within the oPt is extremely difficult: both because of the lack of territorial continuity between the West Bank and the Gaza Strip, and because of the numerous checkpoints between areas A, B and C on the West Bank. Therefore, in the face of the blockade of Gaza and the untimely closing of the checkpoints on the West Bank according to the evolution of the political situation, the oPt resembles so many Bantustans where it is impossible for the PA to develop any policy for managing and valorizing the mobility of its population.

(2) The return of the refugees who fled Palestine in 1948 and of the displaced persons who fled the West Bank and the Gaza Strip in 1967, and their descendants, also illustrates the lack of sovereignty of the PA over the oPt. The population registry remains at the Israeli Ministry of Interior which, therefore, controls who can and who cannot reside in the oPt. After the Oslo agreement, the Israeli state authorized the return of tens of thousands of Palestinians, among whom many who were enrolled in the PA civil service and security forces. However, Israel did not fulfill its engagements, though limited, regarding family reunification and temporary visits to the oPt, interpreting, in the strictest possible way, the agreements negotiated after the Madrid conference (1991), and systematically expelling illegal residents in the oPt.

The right of the 1948 refugees to return to their towns and villages of origin (in Israel) and for the 1967 displaced persons to be able to return to the oPt – one of the main Palestinian and Arab demands – is mentioned in resolution 194 of the United Nations General Assembly (for the first) and in resolution 242 of the UN Security Council (for the second). In the Palestinian refugee camps, the right to return and the crucial role of UNRWA helped preserve the sense of a common faith and belonging. Then, the determination of the Arab League to maintain the stateless condition of displaced and refugee Palestinians, officially to guarantee their right to return, responded to the concerns of the Arab states given the likely social and political consequences of any assimilation of Palestinians residing in their lands. Given this, it

should be recalled that the frame (bilateral) of negotiations between Israel and the PA prevents any Arab state hosting Palestinians from making their positions felt, and that the search for a solution to the Palestinian refugee problem should not be limited to the payment of financial compensation which would, in any case, be difficult to implement.

(3) The development of Jewish settlements in East Jerusalem and on the West Bank shows again the lack of sovereignty of the PA over its own territory. The Israeli Defense Forces (IDF) protect the settlements and the Israeli Ministry of Housing and Construction is in charge of planning and carrying out projects. In addition, numerous legal and illegal settlements have been created by settlers' organizations. Colonization has accelerated since the Oslo agreements and Israel accepted only a limited moratorium under pressure from the United States. In addition, Israeli disengagement from the Gaza Strip, and the dismantlement of the settlements there, supervised by the former Prime Minister Ariel Sharon, notwithstanding strong internal opposition, appeared a strategic move aimed at concentrating colonization on the West Bank. Last, but not least, the construction of the Separation Wall, whose route does not respect the 1967 border and that penetrates deeply into the West Bank, clearly aims at confirming the fait accompli of colonization to the detriment of oPt territorial unity.

The sociopolitical analysis of migration from, to and through the oPt shows that the creation of a sustainable Palestinian state demands, in political and economic terms, significant concessions on the part of Israel, in particular concerning the territorial unity of the oPt, which would entail the dismantlement of the settlements and the transfer of the administration and the security of area C to the PA. Ultimately, the negotiations for a global solution to the problem of refugees should include the Arab states.

Sociopolitical framework		Out-migration		In-migration	
		Forced migration	Voluntary migrations	Return migration	Colonization
Government Institutions	PA	<ul style="list-style-type: none"> - Department of Refugees Affairs 	<ul style="list-style-type: none"> - Ministry of Interior - Ministry of Labour - Ministry of Health - Ministry of Planning - Ministry of Education 	CAC (Committee for Civil Affairs)	N/A
	Israel	N/A	<ul style="list-style-type: none"> - IDF (Israeli Defense Forces) - Ministry of Interior 	<ul style="list-style-type: none"> - IDF (Israeli Defense Forces) - Ministry of Interior - DCO (District Coordination Office) 	<ul style="list-style-type: none"> - IDF (Israeli Defense Forces) - Ministry of Housing and Construction - Jew Agency

Government Strategy	PA	Work with Israel to uphold the rights of refugees in accordance with resolution 194, which guarantees them the right of return and compensation.	Limit brain drain and increase links with Diaspora (e.g., previous collaboration with UNDP TOKTEN program - 'Transfer of Knowledge through Expatriate Nationals').	Obtain from Israel the fulfillment of its engagements regarding family reunification and temporary visits.	Work towards: Full Israeli withdrawal to the borders of June 1967 pursuant to Security Council resolution 242; Full Israeli evacuation of it so as to return to Arab Jerusalem to Palestinian sovereignty as the capital of the future state of Palestine; Termination of settlement structures pursuant to Security Council resolution No. 465 of 1980, and all other relevant United Nations resolutions.
	Israel	Reject the right to return, in particular for the 1948 refugees.	Limit the migration of Palestinian workers to Israel.	Strictly limit family reunification and temporary visits	Carry on the colonization of the West Bank and East Jerusalem.
Civil Society	Because of the international dimension of the Israeli-Palestinian conflict, actions of civil society are numerous. The following associations are cited as examples: <ul style="list-style-type: none"> - BADIL (Resource centre for Palestinian Residency and Refuge) - Al-Awda (Palestinian Right to Return Coalition) - Welfare Association (Ta'aoun) 				
International Cooperation	<ul style="list-style-type: none"> - UNRWA - UNHCR 	<ul style="list-style-type: none"> - Numerous grants (from Arab and Western states) to support Palestinians studying abroad. 	<ul style="list-style-type: none"> - RWG (Refugee Working Group, after the Madrid conference in 1991) 	N/A	