

Summary of CY EMN NCP Ad-Hoc Query on Palestinians from Lebanon

Cyprus is currently experiencing a sharp increase in applications for international protection by Palestinians from Lebanon.

The CY NCP launched a query on December 1st 2015, to see other Member States' practices and/or policy regarding applications for international protection submitted by Palestinians of Lebanon and also, whether other MS apply Article 12 (1)(a)(b) of the Qualification Directive, according to which,

12(1). A third-country national or a stateless person is excluded from being a refugee if:

(a) he or she falls within the scope of Article 1(D) of the Geneva Convention, relating to protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees. When such protection or assistance has ceased for any reason, without the position of such persons being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, those persons shall ipso facto be entitled to the benefits of this Directive;

(b) he or she is recognised by the competent authorities of the country in which he or she has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or rights and obligations equivalent to those.

21 MS responded to the query (AU, BE, BG, CZ, HR, EE, FI, FR, DE, HU, IR, IT, LV, LT, LU, NL, PT, SK, SI, SE, and NO).

QUESTION 1: What kind of protection does your Member State grant to Palestinians from Lebanon who apply for international protection?

The findings of the Ad-Hoc Query in regards to this question are multifaceted. To begin with, what has to be taken into consideration initially, is that seven countries out of the total of twenty-nine Member States have not responded to the Query. That being said, seven more Member States have never had to deal with such cases thus far - that is, applications from Palestinians of Lebanon. Furthermore, it seems that twelve countries treat these applications on a case-by-case basis, but three of those countries generally reject them. Moreover, one country has only received a couple of applications from this category of applicants; however, they are still being processed, so no action has been taken towards them as of yet. Finally, only one country grants asylum to Palestinians of Lebanon ipso facto; however, it is important to note that asylum in the aforementioned country has not been sought much by this category of applicants.

QUESTION 2: Does your Member State apply Article 12 (1)(a)(b) of the Qualification Directive for this category of applicants?

The results of the Ad-Hoc Query concerning this matter are also multifaceted. In general, six countries apply the Article 12 (1)(a)(b) of the Qualification Directive for this category of applicants, and one country would apply it had it had such applications from this category of people. However, each country takes different variables into consideration; such variables include mainly the aspect of registration with UNRWA. Moreover, three countries do not apply the article in question; one of which used to apply the article until December 2015, but a decision was made for the discontinuation of application of the Article, after the alteration of its interpretation following the El Kott decision. One more Member State has also referred to the change of interpretation of this Article. Furthermore, one country does not apply this article, because national legislation does not provide for the case referred to in Article 12 (1)(b). Lastly, three countries treat cases on an individual basis, and thus, they would apply the Article where appropriate.