



UNHCR POSITION ON DEPORTATIONS TO GAZA¹

The events between 12 June and 26 August 2014, more specifically the military escalation in Gaza from the start of the Israeli military operation from 7 July until the ceasefire on 26 August, have had a devastating impact on the situation of the civilian population. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has reported “*destruction in Gaza on an unprecedented scale, resulting in huge loss of life, disproportionately affecting civilians, and massive damage to homes, infrastructure, hospitals and schools*”.²

In its “2015 occupied Palestinian territory (oPt) Emergency Appeal”,³ the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) describes the humanitarian situation and needs in Gaza in detail. The blockade on Gaza, which has entered its eighth year, had already devastated a previously dynamic trade-oriented economy. Closure of illegal tunnels between the Gaza Strip and Egypt, mid-2013, led to a collapse of the construction sector, a key driver of Gaza’s economic activity following years of blockade. Unemployment in Gaza reached 45.5 per cent in the second quarter of 2014, the highest level ever reported in UNRWA records. Over 800,000 Palestine refugees in Gaza are dependent on UNRWA food assistance.

Then, as a result of the summer 2014 hostilities, many families reported the loss of their income and livelihood sources. 96,000 Palestine refugee dwellings – more than twice as many homes in Gaza as initially estimated – were damaged or destroyed during the conflict, according to the technical assessment completed by UNRWA on 15 December 2014.⁴ Of those dwellings, over 7,000 refugee homes were completely destroyed, affecting some 10,000 families.⁵ The funding for reconstruction, food and cash assistance is severely limited and volatile. For example, on 27 January 2015, UNRWA was forced to suspend its cash assistance programme in Gaza to tens of

¹ This note is intended to assist decision makers who have considered and/or denied applications for asylum or other forms of leave to remain from Palestine refugees formerly resident in Gaza, Palestinians originally from Gaza and Palestinians who have never resided in Gaza.

² United Nations General Assembly, *Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1/ Addendum. The human rights situation in the Occupied Palestinian Territory between 12 June and 26 August 2014, including the escalation in hostilities between the State of Israel and Palestinian armed groups in Gaza*, A/HRC/28/80/Add.1, 26 December 2014, <http://www.refworld.org/docid/54feb94d4.html>, para. 4.

³ UNRWA, *2015 oPt Emergency Appeal*, 2014, http://www.unrwa.org/sites/default/files/2014_opt_emergency_appeal_english.pdf.

⁴ UNRWA, *Gaza Situation Report 74*, 18 December 2014, <http://www.unrwa.org/newsroom/emergency-reports/gaza-situation-report-74>.

⁵ UNRWA Press Release, *Urgent Funding required to address unprecedented destruction in the Gaza Strip*, 18 December 2014, <http://www.unrwa.org/newsroom/press-releases/urgent-funding-required-address-unprecedented-destruction-gaza-strip>.

thousands of people for repairs to damaged and destroyed homes and for rental subsidies to the homeless. In early February 2015, an estimated 10,000 individuals were still living in 15 Collective Centres run by UNRWA.⁶ Crowded emergency and transitional shelters, lacking privacy, have reportedly contributed to increased domestic and gender-based violence, including sexual assault against women and child abuse. Women are reporting an urgent need for psychosocial support for themselves and their children. The summer 2014 hostilities are furthermore reported to have exacerbated the psychological toll inflicted by recurring armed conflicts on the civilian population, with the most vulnerable members of society, including children, affected in greater numbers and intensity.⁷

Access to Gaza from outside also remains problematic. First, coordination and permission would be required from either the Egyptian authorities or Israeli authorities. Second, since the summer 2014 hostilities, the Rafah Crossing has remained mostly closed.⁸ Third, coordination of safe passage through the Sinai is challenging. At the same time, the ongoing restrictions imposed at the only legitimate crossing point for civilians coming through Israel, Erez Crossing, remain in place and Palestine refugees would require permits to enter and pass through Israel to reach Erez. Normally such permits require the person to have a Gaza ID.⁹

Against the background of the situation in Gaza which remains precarious, with reconstruction efforts underfunded¹⁰ and still in a very early phase, and with many Palestine refugees in continued need of humanitarian aid – the provision of which is dependent on the availability of international funding – UNHCR urges States not to deport Palestine refugees to Gaza. UNHCR requests States to uphold a non-removal policy to Gaza for humanitarian reasons, until reconstruction efforts have contributed to tangible improvements in living conditions and the humanitarian situation has improved considerably. Such circumstances are also relevant to the assessment of claims to refugee status under Article 1D of the 1951 Convention relating to the Status of Refugees and need to be duly considered.

Information on conditions in Gaza as made available by UNRWA and by OHCHR has fed into this position, which UNHCR has coordinated with UNRWA. The bar on removals serves as a minimum standard and needs to remain in place until such time as the situation in Gaza has improved sufficiently.

UNHCR
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⁶ UNRWA, *Gaza Situation Report 78*, 5 February 2015, <http://www.unrwa.org/newsroom/emergency-reports/gaza-situation-report-78>.

⁷ See e.g.: UNRWA, *2015 oPt Emergency Appeal*, 2014, http://www.unrwa.org/sites/default/files/2014_opt_emergency_appeal_english.pdf; UNRWA, *Gaza Situation Report 78*, 5 February 2015, <http://www.unrwa.org/newsroom/emergency-reports/gaza-situation-report-78>.

⁸ See e.g.: Swedish Migration Agency, Lifos, Center för landinformation och landanalys inom migrationsområdet, *Gränsövergången i Rafah – status, kriterier och procedurer vid passage till och från Egypten*, 20 February 2015, <http://lifos.migrationsverket.se/dokument?documentAttachmentId=41715> (English summary on page 3).

⁹ Information confirmed by UNRWA.

¹⁰ UNRWA, *Gaza Situation Report 78*, 5 February 2015, <http://www.unrwa.org/newsroom/emergency-reports/gaza-situation-report-78>.