**UNRWA Has Changed the Definition of Refugee**

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Last week, Foreign Policy published a story about Palestinian refugees that claimed I am among the “activists trying to strip Palestinians of their status.” The article obscured basic facts about the matters at hand—both my own role as a policy advocate and the questions that lawmakers in Congress are presently considering that pertain to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). I feel compelled to correct the record on both points.

This requires first understanding the legal facts. UNRWA was founded in 1949 through U.N. General Assembly Resolution 302 at the conclusion of the Arab-Israeli conflict of 1948, aiming for “the alleviation of the conditions of starvation and distress among the Palestine refugees” from that conflict. The agency defines Palestinian refugees as “persons 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.”

In 1965, UNRWA changed the eligibility requirements to be a Palestinian refugee to include third-generation descendants, and in 1982, it extended it again, to include all descendants of Palestine refugee males, including legally adopted children, regardless of whether they had been granted citizenship elsewhere. This classification process is inconsistent with how all other refugees in the world are classified, including the definition used by the United Nations High Commissioner for Refugees (UNHCR) and the laws concerning refugees in the United States.

Under Article I(c)(3) of the 1951 U.N. Convention and Protocol Relating to the Status of Refugees, a person is no longer a refugee if, for example, he or she has “acquired a new nationality, and enjoys the protection of the country of his new nationality.” UNRWA’s definition of a Palestinian refugee, which is not anchored in treaty, includes no such provision.

Last month, members of Congress introduced a bill asking that with respect to refugees under UNRWA the policy of the United States should be consistent with the definition of a refugee in the Immigration and Nationality Act, such that “derivative refugee status may only be extended to the spouse or minor child of such a refugee” and “an alien who was firmly resettled in any country is not eligible to retain refugee status.”

Foreign Policy’s article includes a claim that deserves closer scrutiny and reflects the sleight of hand often performed by UNRWA. The author writes:

“Palestinians, [Sekulow and his organization] claim, are the only refugees in the world who pass on their refugee status through the generations. The view is not shared by the U.N. High Commissioner for Refugees (UNHCR), and the State Department, which maintain that multiple generations of Afghan, Bhutanese, Burmese, Nepalese, Thai, Tibetan, and Somali people have been recognized as refugees.”

The clear implication of that paragraph, and the similar claims made by UNRWA, is that the laws I have cited above are wrong, that UNRWA’s definition of a refugee is consistent with the standard definition, and that in all of these cases the descendants of refugees are considered to be refugees as well. In actuality, what the article has done is to conflate two different issues.

The 1951 refugee convention has a lengthy definition of refugee that is personal: A refugee is a person who “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.” In registering refugees on this basis, the UNHCR interprets the convention as requiring “family unity,” and it implements the principle by extending benefits to a refugee’s accompanying family, calling such people “derivative refugees.” Derivative refugees do not have refugee status on their own; it depends on the principal refugee. UNRWA’s definition is also personal: Palestinian refugees are “persons 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,” but it also registers “descendants of Palestine refugee males, including adopted children.” The status for descendants is not dependent upon accompanying the principal refugee.

Here is where the sleight of hand comes in: Of course it is possible for there to be multiple generations of refugees, if the multiple generations all fit the primary 1951 definition of a refugee. For example, if the granddaughter of a refugee is also outside the country of her nationality due to a well-founded fear of being persecuted, she too is a primary refugee. But she is not a refugee due to descent, because there is no provision for refugee status based on descent in the 1951 refugee convention or in internationally accepted practices for refugees who are not Palestinian refugees.

Those are the laws. Now, consider the broader political facts. Since the end of World War II, millions of refugees have left refugee camps and have been resettled elsewhere, including hundreds of thousands of Jewish people who were forced out of Arab countries. Many hardworking agencies have played a role in making sure that the descendants of these refugees were never refugees themselves. These agencies include the UNHCR, whose mandate is to protect refugees, forcibly displaced communities, and stateless people, and assist in their voluntary repatriation, local integration, or resettlement to a third country.

The only refugees who do not fall under the UNHCR and instead have their own agency are the Palestinians. While the UNHCR has resettled millions of refugees, since the time it was created, UNRWA has not managed to solve or even diminish the problem at all. Instead, using its own metrics, the number of refugees has grown exponentially, while UNRWA has become one of the larger U.N. agencies, with 30,000 personnel and a $1.2 billion budget. This is despite the fact that many of the UNRWA “refugees” are not actually refugees at all under the standard international definition of that term. For example, of the 2 million Palestinian refugees in Jordan, most have been granted Jordanian citizenship.

UNRWA, moreover, is the only refugee agency in the world whose purpose is not to resettle refugees and help them go on with their lives. UNRWA spends more to do less, while perpetuating a problem it was created to help solve. This situation, which does little to advance the interests of actual refugees and much to expand a bloated UNRWA bureaucracy, needs to be addressed.

The United States has been UNRWA’s biggest donor since its inception and contributes a disproportionate amount toward Palestinian refugees in comparison to other refugees around the world. What I, and concerned citizens including members of Congress and members of the American Center for Law & Justice (ACLJ), are asking is that the United States support UNRWA solely to the extent necessary to accomplish its original and intended purpose to resettle refugees from the Arab-Israeli conflict of 1948 under the internationally recognized definition of refugees that applies in every other instance.

In the words of Lt. Gen. Alexander Galloway, then the director of UNRWA in Jordan, in 1952:

It is perfectly clear that Arab nations do not want to solve the Arab refugee problem. They want to keep it as an open sore, as an affront against the United Nations and as a weapon against Israel. Arab leaders don’t give a damn whether the refugees live or die.

We at the ACLJ, on the other hand, do believe that U.N. agencies should exist to solve problems and help people. We are calling on the United States to do this for the sake of everyone involved, including the legitimate refugees who deserve better treatment than a failed agency like UNRWA can apparently provide.