



Australian Government
Refugee Review Tribunal

Country Advice

Palestinian Authority

Palestinian Authority – PSE37607 –
Palestinians – UNRWA assistance –
Refugees Convention Article 1D

22 October 2010

1. If persons in receipt of UNRWA assistance leave to come to Australia, does their protection and assistance from UNRWA cease? The relevance of this is to the application of Article 1D of the Refugees Convention.

Yes. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), if a person is outside of UNRWA's area of operations, the protection or assistance from UNRWA has ceased within the meaning of paragraph 2 of Article 1D of the 1951 Convention.¹ In October 2009, UNHCR released a Revised Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees. This states that:

7. If the person concerned is inside UNRWA's area of operations, he or she should be considered as "at present receiving from organs or agencies other than [UNHCR] protection and assistance" within the meaning of paragraph 1 of Article 1D, and hence is excluded from the benefits of the 1951 Convention.

8. If, however, the person is outside UNRWA's area of operations, he or she is not "at present receiving from organs or agencies other than [UNHCR] protection and assistance" within the meaning of paragraph 1 of Article 1D, and therefore "such protection or assistance has ceased" within the meaning of paragraph 2 of Article 1D. The person is "ipso facto entitled to the benefits of the [1951] Convention", provided of course that Articles 1C, 1E and 1F of the 1951 Convention do not apply. This would be the case even if the person has never resided inside UNRWA's area of operations.²

Attachments

1. UN High Commissioner for Refugees 2009, *Revised Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees*, UNHCR Refworld website, October
<http://www.unhcr.org/refworld/docid/4add77d42.html> - Accessed 22 October 2010.

¹ UN High Commissioner for Refugees 2009, *Revised Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees*, UNHCR Refworld website, October
<http://www.unhcr.org/refworld/docid/4add77d42.html> - Accessed 22 October 2010 – Attachment 1.

² UN High Commissioner for Refugees 2009, *Revised Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees*, UNHCR Refworld website, October
<http://www.unhcr.org/refworld/docid/4add77d42.html> - Accessed 22 October 2010 – Attachment 1.