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**Palestinian Nationality and Citizenship; Challenges in Combating Statelessness**

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**Introduction**

Many Palestinians around the world live as stateless people, meaning that they are not considered nationals by any current state. Since Palestine is not an independent sovereign state, Palestinians without a second citizenship are essentially stateless, a direct violation of the Declaration of Human Rights which states that everyone is entitled to a nationality. In this paper, I explore the rights to citizenship of Jordan, Israel, and the Palestinian territories themselves to find possible solutions to ensure no one stays without citizenship.

**What are the possible ways to citizenship in Jordan and Israel for Palestinians? How to prevent statelessness among Palestinian refugees and their descendants in those countries**?

**Palestinian refugees per country**

There are an estimated 5.6 million Palestinian refugees around the world. Of the registered Palestinian refugees, more than 1.5 million people live in 58 recognized refugee camps in countries like Jordan, Lebanon, Syria, the Gaza Strip and the West Bank, and East Jerusalem[[1]](#footnote-1).

Today, the country with more Palestinian refugees is Jordan, with over 2 million refugees, followed by the Gaza Strip with nearly 1.3 million people, and the West Bank, with almost 800,00 people. The map below shows an overview of where most refugees are located and the general conditions of the residents of the camps.

[[2]](#footnote-2)

These camps are known for their lack of infrastructure, the difficulty of access to medication, and overpopulation. Residing in the camps does not mean that the refugees will be granted the same rights as the residents of the country, nor this implies they will be granted permanent residency. They were created as a temporary solution to what became a permanent problem.

Now, there are around 14.3 million Palestinians globally (total population, including refugees), with 3 million in Jordan, almost 5 million in Palestinian territories, and 2 million in Israel[[3]](#footnote-3).

**Status of Palestinians around the world**

To be considered Palestinian refugees, they need to be “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.[[4]](#footnote-4)” This means the people who lost their residency due to the 1948 Palestinian war (Nakba for Palestinians and War of Independence for Israelis) are eligible for UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East) assistance and services. Their descendants are also recognized as refugees.

Being under UNRWA protection means that the refugees will receive primary care from the agency such as health services, education, career training, and living spaces, among other services. UNRWA, however, is not responsible for resettling Palestinians. They are only a service provider[[5]](#footnote-5).

Palestinians that are residents and citizens of other countries enjoy the legal rights entitled to them by the countries they resettled. This means a Palestinian citizen of Jordan, for example, enjoys the same benefits as any other Jordanian citizen. Refugees, however, have a bit trickier situation.

Palestine is still under Israeli occupation, and it is not considered an independent sovereign state. This means that the Palestinians who do not have acquired other nationalities can be considered stateless, as stated in the 1954 Convention relating to the Status of Stateless Persons[[6]](#footnote-6). This happens because they are not nationals of any sovereign state.

**Statelessness**

A person is considered stateless if he or she is not considered a national by any existing state. This person does not possess citizenship under the laws of any state. Stateless people “don’t exist” in many cases because, without citizenship, access to hospitals, schools, travel, and government documentation becomes more difficult.

Palestinians are still considered stateless even if they hold the ‘Refugee Travel Document’ (RTD) issued by some Arab countries, hold temporary Jordanian passports, and hold Palestinian passports issued by the Palestinian Authority (PA)[[7]](#footnote-7).

According to Article 15 of the Universal Declaration of Human Rights of 1948, “everyone has the right to a nationality.” Because of that clause, under international law, even when stateless, Palestinians have the right to Palestinian nationality.

**Nationality vs citizenship**

While sometimes the words nationality and citizenship are used interchangeably, they possess two different definitions.

Nationality refers to the legal relationship between an individual and a state.

Citizenship refers to the legal rights and duties of an individual as a member of a particular country.

In most cases, nationality is defined by place of birth, or their parent’s nationality, marriage, or naturalization. Under international law, no one can be deprived of the right to nationality or denied the right to change it, following the Declaration of Human Rights. However, citizenship is the legal status that includes the set of rights and duties the person acquires with the status[[8]](#footnote-8).

This particularly affects Palestinians as they do not possess a sovereign national land. Since there is no state to provide a nationality, there is no relationship between the individual and the state. They can benefit from the privileges of citizenship even though the Palestinian State is not an independent sovereign country. The Palestinian Authority works as a form of government and provides a legal frame of government in the Palestinian territories, providing its citizens a legal system, with rights and duties.

Changes in citizenship laws or residency status can create more stateless people. Stateless Palestinians are always on “shaky ground” since they do not have a national land to return to[[9]](#footnote-9).

**Citizenship process in Palestine**

The Palestinian Authority is the government of the Palestinian territories, which include the Gaza Strip (PA lost control to Hamas of the Gaza Strip, but they continue to claim the territory) and the West Bank (areas “A” and “B” after the Oslo Accords). Under the Palestinian Authority, there is a citizenship process for the Palestinian Territories. The PA also issues Palestinians' identity cards upon Israeli approval and other documents such as passports.

In the Palestinian Territories, to vote in national elections or hold public office, a person must be considered a Palestinian citizen. To become a citizen, the father must be an Arab Palestinian living in the West Bank or the Gaza Strip and holding an Israeli identification card. A person might also become Palestinian even when born abroad if they have a father holding Palestinian citizenship, or if he resides in the Palestinian Territories and holds an Israeli identification card. Even if a person is born in Palestinian territory, they are only considered a citizen if the parents are citizens. Even if the mother is a Palestinian citizen, she cannot pass down the citizenship to the child. Palestinian citizenship may not be acquired by naturalization [[10]](#footnote-10).

*Case study: Zahra Abu Alwan*

Zahra Abu Alwan and her husband left the Gaza Strip before the Israeli occupation in 1967. They left it again for work after returning in 2000. Her husband suffered from diabetes and needed a leg amputated. However, since he had no ID card, he wasn’t able to receive treatment, which led to his death. They were not able to receive ID cards because they, or their parents, were not in the occupied Palestinian territories in 1967 when Israel did the population census after the occupation. The reason some people were able to return to Gaza without IDs was through temporary visitor permits or breaches in the Egyptian border[[11]](#footnote-11).

Without an ID, Alwan’s husband was not able to receive treatment inland or travel abroad to get treated.

In this case, I argue that possible solutions involve Israel will lifting restrictions on Palestinian citizens’ obtaining new ID cards or the Palestinian Authority starting the request for new IDs. It should also be taken into consideration the validity of Palestinian Authority IDs.

**Palestinian Authority passport**

Through the PA, Palestinian citizens can get valid passports that allow them to travel internationally. The Palestinian Authority passport is one of the lowest rankings in the world, with only 34 countries that are visa-free[[12]](#footnote-12). The passport is available for those born in Palestine and those who possess Palestinian citizenship.

Israel does not recognize passports issued by the Palestinian Authority. Israel currently controls the borders in and out of the Palestinian territories. These requirements and the non-recognition of the PA passport created difficulties for Palestinians traveling to and from Israel as well as internationally.

Another form of identification is the Palestinian IDs. They are divided by colors, which each color defining a different area. The blue IDs are for Palestinian Citizens of Israel who are allowed to vote but unable to live in 68% of Israeli towns. Light blue IDs are for East Jerusalem Palestinians, and the IDs are revoked if they live outside of East Jerusalem. Light green IDs are for West Bank and are allowed to live in only 40% of the West Bank. Dark green IDs, most restricted, are for Gaza Strip Palestinians, who cannot live outside of Gaza. Not all Palestinians are given IDs and Israel controls the process.[[13]](#footnote-13)

This becomes problematic as, once again, Palestine is not considered a sovereign country. Without these two forms of identification and second citizenship from another country, Palestinians become stateless and denied basic rights. Without these documents and with Israel controlling who comes in and out of the country, many can be left without work, travel, medical care, and other basic necessities.

Another issue arises with Israel being able to revoke IDs at any time. This once again leaves Palestinians without a solid base and deprives them of their right to nationality and the benefits that come from it. On top of that, Israel stopped processing Palestinian family reunification requests, which left families separated and unable to travel from one part of the country to another. Also, the Palestinians who left during the creation of Israel and the military occupation did not get IDs[[14]](#footnote-14).

*Case study: Blockade on Gaza, June 2021*

In June 2021, Israel was barring Palestinian passports from being moved in or out of the Gaza Strip because they were not considered humanitarian items. They were being issued or renewed only in Ramallah, in the West Bank, which caused thousands of people to cancel or postpone trips for multiple reasons such as work, study, or medical necessities[[15]](#footnote-15).

**Citizenship process in Jordan**

As previously stated, Jordan is the country with the most Palestinian refugees, with over 2 million refugees. Understanding the citizenship rules and regulations in Jordan is of extreme importance to formulate new ideas to avoid statelessness in the country that has the largest number of Palestinians overall. Through the analysis of the citizenship rules, I hope to find possible overlooked holes and possibilities for naturalization.

In Jordan, citizenship is can be granted to individuals who are born in the country, have a parent who is a citizen, or have been married to a Jordanian citizen for at least three years if Arab, and five years, if not Arab[[16]](#footnote-16). Individuals who have a father Jordanian citizen can acquire citizenship, even if they were not born in the country[[17]](#footnote-17). Women cannot pass down citizenship unless there are extenuating circumstances such as an unmarried mother, the father’s nationality unknown, or the father being stateless[[18]](#footnote-18).

This can cause problems for children born in Jordan to Palestinian fathers, as they can become stateless. Without a male Jordanian father to pass down the citizenship, they are not able to receive their own citizenship.

In addition, individuals who are not of Palestinian origin may be able to obtain citizenship through naturalization. Naturalization can come in the form of investments, having lived in Jordan for at least five years, having a clean criminal record, and intending to reside in Jordan[[19]](#footnote-19).

Particularly for Palestinians, Article 6 states that are eligible “Any person who, not being Jewish, possessed Palestinian nationality before 15 May 1948 and was a regular resident in [Jordan] between 20 December 1949 and 16 February 1954[[20]](#footnote-20).” Since the dates and requirements match those considered Palestinian refugees, this clause has been one of the most used among Palestinian refugees to obtain citizenship in Jordan.

Today, more than half of the population of Jordan is of Palestinian origin. The majority of those who came from today’s Israel and West Bank have Jordanian citizenship. Since 1988, the Jordanian government has been withdrawing Jordanian citizenship from those who have Palestinian origin, contributing to the statelessness problem among Palestinians. The justification behind these actions has been to stop Israeli colonization of the West Bank by maintaining the birthright of Palestinians to live in the West Bank[[21]](#footnote-21).

**Citizenship process in Israel**

In Israel, citizenship is typically granted to individuals who are born in the country with one parent who is an Israeli citizen, born abroad and have a parent who is a citizen (limited to one generation) or is married to an Israeli citizen[[22]](#footnote-22). Those who are born in Israel, are between 18 and 21, and don’t have another citizenship can be eligible for Israeli citizenship, under the condition that they have been continuous residents of Israel for the last five years before the application[[23]](#footnote-23). Those naturalized as citizens are eligible after residing in Israel for three years with a permanent residency, demonstrating knowledge of Hebrew and intent in residing in Israel, and renouncing previous citizenship.

Any Jewish is eligible to immigrate to Israel as an oleh under the Law of Return. Through this law, they automatically become an Israeli citizen without needing to abandon their previous citizenship. Those eligible are a person born to a Jewish mother or someone who converted to Judaism. This right is extended to children, grandchildren, and spouses. If a Jew converts to another religion the forfeit their right to citizenship.

After 1948, Palestinians that remained in the now territory of Israel were given citizenship but remained under martial law until around 1966. In March 2022, a new controversial law was approved that denied West Bank and Gaza Palestinians married to Palestinians in Israeli territories the right to gain citizenship or residency status[[24]](#footnote-24). This law is problematic as enhances family separations, especially in the light that family reunification requests are being denied.

**Palestinian Right of Return**

In 1948, the Palestinians who were displaced were not allowed to return because they were considered threats to the Jewish population of the new Israel. The Palestinian right of return is based on Article 13(2) of the Universal Declaration of Human Rights which states "Everyone has the right to leave any country, including his own, and to return to his country."

However, Israel’s position remains the same since 1948 and maintains that Palestinians do not have the right to return to the land, and this has made it difficult for the people to return to the area that is now Israel or even the Palestinian territories. They also deny responsibility for the refugee problem and the small number of people allowed to return as a form of family reunification has been seen as a humanitarian gesture. Israel also claims that no other refugees make multigenerational claims[[25]](#footnote-25).

The passion and advocacy of Palestinians for the right to return are heightened by the scale of the Israeli-Palestinian conflict, which goes beyond territorial fights and involves pride, nationalism, and identity. The right of return is granted in international law, and Palestinians, stateless or not, should be able to have that choice.

**Proposed Solutions**

The problem of providing citizenship to Palestinians is a difficult one that involves family separations; discriminatory laws in terms of gender, ethnicity, and religion; and national pride.

While I can come up with possible ways to ensure the greatest amount of currently stateless Palestinians acquire citizenship of a host country, it is still important to mention the necessity of a nation for the Palestinian people. The solution for citizenship might be a temporary one to ensure that every person can travel, and access quality education, and medical services, but many Palestinians will not be satisfied until they have their own sovereign territory that will allow them to foster their sense of national identity and allow them to exercise the right of self-determination.

A few solutions proposed involve acquiring citizenship through Jordan, Israel, and even the Palestinian territories themselves. These solutions are thought to solve immediate problems for citizenship and nationality and to ensure that Palestinians will be able to access fundamental institutions. They are not intended to solve the Israeli-Palestinian conflict.

*To acquire citizenship in Jordan:*

* Under the Jordanian citizenship law, women cannot pass down citizenship, unless there are extenuating circumstances such as an unmarried mother, the father’s nationality unknown, or the father being stateless[[26]](#footnote-26).
	+ These laws cause problems not just for Palestinians, but for any children of a marriage between a foreign man and a Jordanian woman. In recent years, there has been increased pressure to change the laws to allow women to pass down citizenship as well.
	+ By changing these laws to include women in passing down citizenship, it already encompasses children of Jordanian women and Palestinian fathers.
* Jordan to stop stripping the citizenship on the basis of allowing Palestinians to return to the West Bank.
	+ Some have lived their whole life in Jordan and might not want to return to Palestine. Some might just want to remain in Jordan and intend on working and living there, while others might not care or hope for the creation of a Palestinian state since there is no current plan for it to happen and would rather keep a more stable citizenship.
* Arab League and dual citizenship:
	+ Jordan claims that the League of Arab States prohibits dual Arab nationality and because of that, Palestinians may not hold Jordanian nationality[[27]](#footnote-27).
	+ Since Palestine is not recognized as a state under international law, and the Arab League decision is not binding law in Jordan.
	+ Jordan should open the road to naturalization through investments and permanent residency to Palestinians as well.

Palestinians are already living in Jordan – the only difference is that in these cases they are still under refugee status or living undocumented in Jordan. Easing laws and the road to citizenship for those immigrants is fundamental to ensure everyone receives basic human rights.

*To acquire citizenship in Israel:*

* Those who were born in Israel and are currently stateless can use the stateless clause to obtain citizenship.
* Israel to stop the blocks on passports from the West Bank to Gaza – while this does not grant citizenship, it provides Palestinians living in the Palestinian territories with a document that will allow them to travel and access any infrastructure necessary for living, reducing grievances for the residents in the area.
* Expansion of the Palestinian IDs for those who weren’t part of the census in 1967.
	+ Allowing people to return to the West Bank and Gaza if they wish and issuing these identity cards will allow people to travel and access other basic infrastructure needed for survival.
	+ Allow those who left during the creation of Israel and the military occupation and their descendants to get IDs.
		- Those are people who already returned and continue to live in Israel, again without citizenship or residency status. Incentivizing citizenship would make living conditions better and reduce grievances among Palestinians, one of the main causes of the current conflict.
		- A solution that provides them with access to services without asking the population to have to renounce their identity as Palestinians.
* Increase the family reunification programs, which will allow to passing of citizenship from one spouse to another and ensure that the children will not be stateless.
	+ End the March 2022 law was approved and allow West Bank and Gaza Palestinians married to Palestinians in Israeli territories the right to gain citizenship or residency status through marriage.
	+ Once again, this group of people already live in Israeli territories – or at least have direct family members living in the territories. It is a way to regularize the population already in the area and increase their living conditions.

*To acquire citizenship in Palestine:*

While Palestine is not considered a state under international law, residents of the Palestinian Territories are considered citizens under the Palestinian Authority and can receive documents that function similarly to any nation’s travel documents.

* Similarly, Jordan, expand the laws of citizenship to encompass women. As of now, only the father can pass down the citizenship.
	+ These people are already living in the Palestinian territories, they just do not have the documents necessary to travel, and other essential infrastructure.
* Expand the issuing of IDs by request of the Palestinian Authority.
	+ Working with Israel, the Palestinian Authority should lift restrictions on Palestinian citizens’ obtaining new ID cards.
* Expand the Palestinian Right of Return.
	+ Negotiate the right of return for Palestinians in a more or less limited way, while acknowledging the distinct national identities.
	+ Following the Balkan and Cypriot models for return, by allowing every Palestinian to return to the Palestinian Territories while understanding the differences with the Israelis in the area[[28]](#footnote-28). Return in phases, but not discriminating based on gender.

**Conclusion**

The Palestine question has been a problem for many years now, and seemly without a solution. While many Palestinians have acquired citizenship in neighboring countries, there are still millions of Palestinians without citizenship that are considered stateless. By easing the laws in Jordan and the Palestinian territories, and by expanding the Israeli control on the PA passports and ID cards for Palestinians, they will be able to receive the documents necessary to access the basic infrastructure necessary to ensure they receive rights ensured by the Declaration of Human Rights.

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