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**Egypt's Post-2012 Response
to the Syrian Refugee Crisis:
A Theoretical Critique of Practical Approaches**



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Egypt's Post-2012 Response to the Syrian Refugee Crisis:

A Theoretical Critique of Practical Approaches

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Working Paper No.1

* This paper is based on the author's MPA thesis entitled "Refugee Response in Egypt, A Public Policy and Administration Perspective: A Case Study of Syrian refugees in Egypt: 2012 to the Present" submitted to the Department of Public Policy and Administration in Spring 2016. Elshokeiry has recently worked with the European Union Delegation in Egypt and previously worked for the United Nations. Any questions or queries related to this working paper may be sent to: nadinemedhat@aucegypt.edu.

Abstract

The Syrian conflict represents the most dramatic humanitarian and refugee crisis the world has faced since World War II. This working paper explores the situation of Syrian refugees in Egypt; now close to 117,689 according to UNHCR. This paper addresses the following question: What did the Egyptian government do, in terms of public policy and administration decisions, to respond to the Syrian refugee influx, and why? Using Yin's two-tiered Case Study approach (2003), the paper examines the case of Syrian refugees in Egypt to investigate the government's asylum policy, while also examining the historical context of Egypt's policies towards with three refugees groups: Palestinians, Iraqis and Sudanese. Jacobsen's 1996 Policy Yardstick and the Public Administration and Migration Management Approach (2011) are used to this end. The paper concludes that across Egypt's history and different administrations, refugee management tended to differ according to changing governments and their political direction, including their relationship with the sending country. Adherence to international frameworks and national laws varied in many instances according to political and security considerations. In recent years, the economic condition of the country also influenced the government's approach towards refugees. Finally, governmental bodies responsible for asylum could be further strengthened to take on a more proactive role in managing refugee responses and asylum, but this is contingent on the State's political stability and political will.

Keywords: Egypt; Public Policy; Public Administration; Syrian Refugees

1. Introduction

In March 2016, as the Syrian conflict entered its fifth year, the UN High Commissioner for Refugees (UNHCR), Mr. Filippo Grandi, gave the following statement: "Syria is the biggest humanitarian and refugee crisis of our time, a continuing cause of suffering for millions..." (UNHCR: 2016a). This conflict, which grew out of a civil unrest ignited by the events of the Arab Spring in 2011, caused the outpouring of now 4.8 million refugees in the Middle East and North Africa. The four recipient Arab states were Egypt, Iraq, Jordan and Lebanon. With regards to the role of host countries in the region, the former UN High Commissioner, Mr. Antonio Guterres, stated that the contribution of host countries in protecting refugees was "so fundamental" it makes host countries in the region "the largest humanitarian donors" in the Syrian context (UNHCR, 2014a: Para 2). The former UNHCR chief further acknowledged the considerable impact that refugees have on the host state's economy, public service, the social fabric of society and the welfare of families.

Egypt is no different. Since 2012, the country opened its doors to Syrian refugees, and continues to host them along with others from as many as 35 countries of origin.

The question that remains to be explored, however, is how this response is managed from a public policy and administration perspective. With the recognition of the international protection role of host states under the 1951 Convention Relating to the Status of Refugees, which Egypt is both a signatory state and a member of the drafting committee, the main research question in this paper is the following: What public policy and administration decisions were made by the Egyptian government to respond to the Syrian refugee influx, and why? How did these decisions compare with previous hosting experiences as well?

This paper is divided into four sections. The first section looks into the theoretical framework and methodology framing the study, which relies on Lane (1999)'s Public Policy System approach, Jacobsen (1996)'s Policy Yardstick for Refugee Policy Decisions and Possible State Responses and the Public Administration and Migration Management approach (2011). The second section tackles the history of three refugee groups in Egypt through a comparative historical approach, in order to contextualize the State's response to Syrian refugees through examining the legal framework for asylum across history. The third section explores the case study and findings, applying the different theories to understand and interpret the data. The final section discusses the findings of the study.

1.1. Literature Review

This literature review is divided into five parts: a review of the definition of refugees under international and regional conventions; the global refugee regime and the dynamics between developed and developing countries in granting asylum; the context of hosting refugees in developing countries, and finally a review of scholarly work on Syrian refugees in Egypt. Before delving deeper, it is important to highlight the limited attempts to make linkages between the fields of refugee studies and public policy and administration and the scarcity of inter-disciplinary research on the topic. Refugee studies and policymaking remain two distinct fields with limited attempts to bridge between the two disciplines, which remains important in the context of the Middle East, where the political supersedes the humanitarian.

The most global and commonly used definition of refugees is the one stipulated by the 1951 United Nations Refugee Convention and its subsequent 1967 Protocol. The Convention defines refugees as:

“A person who owing to a 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; or .. is unable or, owing to such fear, is unwilling to return to it” (Convention Relating to the Status of Refugees, 1951, p.14)

The five types of persecution mentioned above are the basis of granting asylum per the convention. Persecution on any other grounds is not considered under the convention, however some regional conventions, like the Organization of African Union (OAU)'s Convention governing the Specific Aspects of Refugee problems, have expanded the definition of Refugees to include:

The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality. (Convention governing the Specific Aspects of Refugee problems, 1969: para. 14)

The definition provided by the 1969 OAU Convention is more fitting to the case of Syrians, as not all those of them who have sought refuge in neighbouring countries were necessarily direct victims of persecution. Many Syrians were just compelled to leave Syria due to the ongoing conflict. In this case, and especially in instance of large influxes of asylum-seekers, Syrians are given "prima facie" (Latin for "at first sight") refugee status granting them protection rights and some access to aid. This includes securing their admission to a country of asylum, and respect of fundamental human rights, including the right of *non-refoulement* (i.e. the right to not be forcibly returned to their persecutor or to a country where their safety is threatened).

The global refugee regime is the "set of norms, principles and decision-making procedures" that govern the asylum-seeking systems in modern nation-states and the international protection to refugees worldwide, according to Betts (2008: p.6). The two pillars of this regime are the 1951 Convention on Refugees and the United Nations High Commission on Refugees (UNHCR), the sole organization mandated to provide international protection to refugees and attempt to find permanent solutions for them. Further examinations of the dynamics of the global refugee regime highlighted the relationship between developing and developed countries. Betts argues that this regime is governed by the principles of asylum-granting and burden sharing. While all states have the right to grant asylum, not all are obliged to share the burden. Save for the recent and considerable surge in the number of asylum applicants in Europe to up to 1.3 million applicants in 2015 (European Union, 2016), and another surge during the Balkan wars in 1992 (totalling 672,000 asylum applications), a UNHCR report released in 2013 revealed that 86% of the world's refugees are hosted by developing countries, some of which are considered the world's poorest (UNHCR, 2015c). A recent report by Amnesty International stresses this point, arguing that the ten countries hosting more than half of the world's refugees are low and middle-income countries (Amnesty International, 2016).

There is extensive literature on refugee issue in Egypt, documenting different issue faced by refugee communities over several points in time. Corellas (1993), starts as early as Egypt's experience with hosting Yugoslav refugees during WWII. UNHCR (2010) contends there are refugees from 38 nationalities in Egypt, with the main groups being from Sudan, Somalia, Eritrea, Ethiopia and Iraq. There is also an estimated 75,000 Palestinians in Egypt without a formal refugee status.

Review of the existing literature on hosting Syrian refugees in Egypt shows that most efforts were trying to provide an analysis of refugee needs and a documentation of their conditions in their new host state. Ayoub and Khallaf (2014) have provided an extensive view of the state of affairs for Syrian refugees in Egypt, including critique of the legal context of asylum laws and regulations pertaining to Syrian refugees in Egypt. It also mentioned the protection issues that face Syrian refugees, particularly post 2013, which will be discussed further in this paper.

Another strand of research relevant to this study, is the research on the asylum policy in Egypt as outlined by Kagan (2011a, 2011b) and Badawy (2008, 2011 and 2015). Kagan's research sheds light on some aspects of the role of the government in this domain, but has also been critical of issues related to the government's performance with regards to securing a satisfactory legal status for Syrian refugees, ensuring protection and safety, enabling agreeable living conditions, and respecting basic human rights. Badawy wrote extensively about the Memorandum of Understanding between the Egyptian government and UNHCR, which he considers to be "the foundation of the refugee and asylum system in Egypt" (2010: 5). He discusses the document at length in his writing, its implications in practice for both parties and the needed amendments that should reflect the current state of affairs.

A further look into research on refugees in Egypt shows limited scholarship based squarely on the issues of public policy and administration linked to refugee or asylum frameworks, although research that wrote extensively on elements of asylum and role of some government authorities in Egypt includes Ayoub and Khallaf (2014) and Kagan (2011).

1.2. Research Assumption

This research is conscious of Egypt's status as a developing country and its effect on hosting refugees, but also of its long history of granting asylum refugees and hosting them, also in its seminal role in drafting the 1951 Refugee Convention with 25 other member states. It also remains faithful to the inherent right of refugees in finding protection and dignity when seeking asylum in another state. Three underlying assumptions emerge from these statements. First, as explained in the literature review, the "global refugee regime", seems to be placing more and more burden on

the former as explained by Betts (2007), Goodwin-Gill (2003), Phuong (2005) and Stein (1986). The second assumption is that the history affects current contexts, and Egypt's history of hosting refugees should inform our knowledge on the current response. The third and final is that there is a rights-based rather than a needs-only-based approach to examining refugee issues in Egypt. Previous literature (like Badawy, 2008) underlined that the 1951 Convention was the third human rights treaty to enter into force after the Second World War, along with the Convention on the Prevention and Punishment of Genocide and the Four Geneva Conventions.

2. Theoretical Framework and Methodology

2.1. Theoretical Framework and Methodology

This research relies mainly on three main theories: Lane's (1999) Public Policy System approach, Jacobsen (1996) Policy Yardstick for Refugee Policy Decisions and Possible State Responses to Refugees and the International Institute for Administrative Sciences' (2011) approach on government and international migration. As will be demonstrated shortly, linking these three different theories focusing on public policy/administration, refugee-related policies and administration of migration will help provide a stronger reference point for the paper going forward.

In the Public Policy System Approach, Lane argues that public policy and administration does not happen in a vacuum and are linked within a broader environment. The theory incorporates four inter-related components to policy making in any state: government, politics, public policies and public administration. Here, the government is the main agency responsible for carrying out the public policy and administrative role, and the political system bears a significant influence on the entire process. According to Lane (1999), it plays two keys roles: protecting members of the state from internal and external threats, and establishing policies that provide the most favourable outcomes to individual's lives. Figure 1 shows the different elements of the theory and their dynamics.

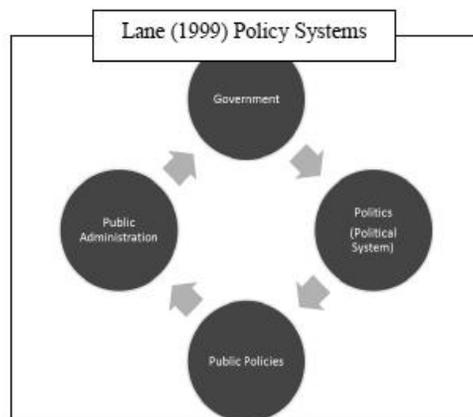


Figure 1. Elements of Lane's Theory (Source: Lane, 1999: p.3)

The second theory by Jacobsen proposes a policy yardstick for host states, to categorize responses as positive or negative. Jacobsen used the approach to speak about the policy responses in African governments to refugee issues in the 1990s. It focuses on government, particularly those in host states, as the main agency responsible for addressing refugee issues. The policy yardstick has three categories: The first category looks at legal-bureaucratic responses, the second looks at the relationship between international refugee organizations and the host state, and finally the third looks at the state's admission and treatment of refugees.

Jacobsen also adds in her theory four factors influencing government policies concerning refugees. There are: a) Relations with sending country, b) political calculations about the local community's absorbing capacity, c) national security considerations and d) the costs and benefits of accepting international assistance. These factors will be referenced in Sections 3 and 4.

The main research strategy is the case-study approach as theorized by Yin (2003). Case studies are useful in descriptive and exploratory research as they answer the two questions of "what is happening" and "why". Yin's approach emphasizes the context as an important element in understanding and explaining the case, especially when the boundaries between case and context are not clear. Therefore, Yin's approach is a two-tiered approach to research, starting first at analysis of context, followed by an analysis of the case that is informed by the first.

In the context, a comparative historical approach will be performed between Egypt's experience in hosting Palestinian, Sudanese and Iraqi refugees, in order to inform the case study. In the case study, Lane's Public Policy System approach, and Jacobsen's Policy Yardstick for Refugee Policy Decisions and Possible State Responses to Refugees will be used to interpret the findings. Lane's and Jacobsen's theories will also be used to frame the results of the comparative historical approach at context level. Figure 1 shows the mapping of the theoretical framework that was used in this research.

For this paper, a total of four individuals affiliated with the United Nations and INGOs were interviewed to support the case study, including a legal expert. A senior government official was also contacted to provide information, but the attempt to interview was unsuccessful.

2.2. Linkages between the research theories and assumptions and the research strategy

As the paper proceeds, it is important to highlight how the theories and assumptions

used link to the research strategy of this paper. Yin’s holistic, single, case study approach is used to assess the three main theories in both context analysis and case analysis. At each level, all of the assumptions by Lane and Jacobsen will be used to better understand, frame and interpret the information at hand, all while proposing explanations of causes or influences.

An example of a column heading	Positive Response	Negative Response
Policy Set I: Legal-Bureaucratic response		
Accedes to International Instruments and Conventions?	Yes, or accession equivalent	No accession
Defines Asylum Seekers as Refugees?	Yes	No
Creates Separate Bureaucratic Authority responsible for Refugees?		
Authority responsible for Refugees?	Yes	No
Establishes Procedures for determination of Refugee?		
Policy Set II: International Refugee Organizations (IROs)		
Grants IROs permission to assist refugees?		
Cooperates with or Restricts IROs?		
Policy Set III: Admission and Treatment of Refugees		
Admits refugees appearing at borders?	Yes	No
Location of refugees?		
Rights and restrictions of Refugees?		
Refugee protection?		
Repatriation?		
Treatment of long-term refugees?	Potential settlement or residence	No potential; encampment

Table 1. Jacobsen’s Policy Yardstick (Source: Jacobsen, 1996: p. 659)

Theoretical Framework Mapping

Research Strategy
Case Study Approach (Focus: Syrian Refugee Response in Egypt)
Tier 1: Context Analysis (Context of the Syrian Refugee Response)
<ol style="list-style-type: none"> 1. Comparative Historical Analysis 2. Legal Analysis 3. Research Assumptions
Tier 2: Case Analysis
<ol style="list-style-type: none"> 1. Lane's Public Policy System's Approach 2. Jacobsen's Policy Yardstick 3. Institute of Managerial studies approach on migration administration

Table 2. Mapping of the Theoretical Framework

3. Case Study of Syrian Refugee Response in Egypt: Context Analysis

While there are no fixed statistics on the total number of refugees in Egypt, the Egyptian presidency announced on a number of occasions during the past two years that the total number of refugees in Egypt is 5 million refugees, up to 38 different nationalities and mainly from Arab and African countries. Additionally, Sadek (2011) contends that there is an estimated 75,000 Palestinians that have long lived in Egypt without a formal refugee status and without acknowledged identification.

Three of the more significant and relevant refugee groups to this research in Egypt are the Palestinians, Sudanese and Iraqi refugees, with each marking a specific moment in the political system and representing a unique position in the accompanying asylum framework and policies, all of which are worth studying.

The earliest of these experiences was the Palestinian refugee population. While Egypt first opened its door to refugees during WWII, specifically to Yugoslav refugees, Palestinian refugees are considered the oldest case load, with the most variation in policy and asylum approach, judging from the available records and information on the caseload. Sudanese refugees represent a specific population where the four dimensions of Lane's theory came into play, representing the biggest friction between politics and asylum. The examination of the situation of the Iraqi refugee population represents asylum experiences as of late, representing more recent politics. Finally, it is important to highlight that, like their Syrian counterparts, all three refugee groups are a) Originating from Arab countries and are Arabic-speaking and b) Originate from countries with historical and political ties with Egypt. Added to Jacobsen's factors influencing refugee policy decisions, this quote by a legal expert interviewed in the framework of the dissertation highlights an added factor:

“[In Egypt], if you are Sudanese you get a certain amount more than Ethiopians, in terms of wealth and benefit. If you are Palestinian, you get a little more. If you are Syrian you get a little more access to education, you get other things. The baseline [for granting asylum] is everybody, then the government gives to nationalities on the basis of them being Arabs, they are seen as brothers or sisters.”

In light of these three elements, we examine the groups three groups first in terms of Lane’s government and politics (political system dimension), then through the policy and administration dimension through a legal analysis of the laws and policies stipulated in an overarching manner and for each refugee group.

In order to provide better insight, this section will start with a discussion of two elements: Governments and politics, followed by an application of Jacobsen’s policy yardstick to encompass policy and administration aspects.

3.1. Palestinian refugees (1948 to the present)

According to Abed (2009), one of the few scholars writing on Palestinian refugees in Egypt, the relationship between the refugee community and Egypt starts as early as during the 1948 war to the present. The first phase where we examine the government and politics elements of Lane’s approach is 1948-1952, before the 1952 Revolution and during Egypt’s Kingdom. The second phase was from 1952-1970, where President Gamal Abdel Nasser’s Pan Arabism had implications for the caseload. The third is 1970-1981, where President Sadat’s rule marked a significant shift towards Palestinians as will be explained shortly. The fourth and last phase in 1981, where the government and the political system approach remained largely the same.

From 1948-1952, Palestinian refugees arrived to Egypt under King Farouk, fleeing the 1948 war, and were hosted in camps, not in urban settlements as was common in the region. The 1948 war and the ascension of Gamal Abdel Nasser to presidency marked a strong shift in Egyptian politics towards Palestinians. Pan Arabism as a political approach meant more rights and privileges for the Palestinian refugees, including work, education, employment, and residency. Abed mentions the “Golden Era” of refugees from 1962 to 1978, where Palestinians were even granted Egyptian travel documents and were treated as identically to Egyptians. During Sadat’s time, the Peace Process according to the President meant further commitments to Palestinians. However, the assassination of the Egyptian Minister of Culture Youssef Al-Sibae by the Palestinian faction group member Abou Nidal Al-Banna caused an increased tension and a sudden shift in refugee policies. Palestinians were stripped of their right to be treated as nationals via a ministerial decree issued on 28 February 1978. From the early 1990 to the present, many Palestinians started to leave Egypt to go to Gulf countries find employment. But following political events including the departure of the Palestinian Liberation Authority in Lebanon and the Gulf War,

many kept returning to Egypt whenever possible, especially those with travel documents.

Recent media coverage highlights the worsening of the situation for Palestinians in Egypt. Many live in urban settings in poorer areas, where they are treated as foreigners as they enrol in education or find employment.

3.2. Sudanese refugees (2000 to the present)

Egypt and Sudan have shared a long history, spanning a number of centuries. As Sudan was part of Egypt's territory at one point, the two countries have held and continue to hold strong political ties. For succinct analysis and brevity, the relationship will be analyzed starting from the year 2000 to the present. This period is mainly under President Hosny Mubarak's government.

According to Azzam (2006), Sudanese refugees enjoy long-term residence while also maintaining Sudanese nationality. A few years after, the situation started to deteriorate. In 2005 and as a result of the ceasefire between the Sudanese government and the Sudanese Liberation Army, UNHCR Egypt suspended all refugee status determination processes due to the changing circumstances in the country of origin and the emerging potentials for peace at the time. This halt propelled some refugee community members with undetermined status to organize a sit-in in front of UNHCR premises in the area of Mohandessin, Cairo. The sit-in was later dispersed by the Egyptian central security forces and left as many as 27 protestors dead and several other injured, according to official reports (Azzam, 2006).

Sudanese refugees represent the largest group departing Egypt irregularly in 2015. Media reports in 2015 either centred on Sudanese refugees being shot while attempting to cross the border from Egypt to Israel, in addition to Sudanese refugees being cited often in irregular migration from Egypt in 2016.

3.3. Iraqi refugees (2000 to the present)

Iraqi refugees started arriving to Egypt after the 2003 war. Most came to Egypt in fear of persecution by armed groups and militias in Iraq, or due to the general insecurity and the dwindling economy in the country after the war. The period of examination for the Iraqi refugee caseload starts from 2003 onwards.

Sadek (2011) writes that Iraqi refugees arrived to Egypt without expectations to stay for long in the country. However, many refugees had prolonged stays in the country,

reporting difficulties in making a living, with many starting to work in the informal sector. From 2008 onwards, Iraqis suffered from asset depletion, and the worse-off of the population remained uncertain about their future.

3.4. Legal framework for asylum in Egypt

Egypt does not have a national policy on asylum nor an established asylum system, as highlighted in previous researches (Ayoub and Khallaf, 2014; Kagan, 2011a), although Egypt was one of the 26 states that met for the Conference of Plenipotentiaries that met to discuss the draft of the 1951 Convention. The Conference adopted the Convention relating to the Status of Refugees on 25 July 1951, and the Final Act was signed on July 28. The Final Act was signed on 28 July.

Looking first at different Egyptian constitutions, we find a number of references to refugees. Badawy (2015) cites Article 5 of the Constitutional Declaration of February 1953 as the first explicit reference to refugees in a constitutional document to the right of asylum in Egypt. This is included in Article 53 of the 1971 Convention. The suspended Egyptian Constitution of the year 2012 underlines the importance of protection of refugees and asylum-seekers, with Article 57 prohibits the extradition of political refugees. The current Egyptian constitution passed in 2014 stipulates granting refugees subjected to persecution under Article 91.

Second, looking at national laws, we find that Egypt adopted the 1951 Refugee Convention as a domestic law in Presidential Decree 331 of 1980. A number of laws concerning refugees or foreign nationals were decreed. Laws 104 and 124 of the year 1958 prevent land ownership by foreigners, except for Palestinians, who were given this right under Law 15 of 1963. The Ministerial Decree 24 of 1992, allowed the children of Sudanese, Libyan and Jordanian political asylum-seekers to attend public schools. With regards to residency permits, Presidential Decree 8180 of 1996 gave refugees a three-year temporary residency permit to be issued by the Ministry of Interior. In the past, Palestinian refugees received longer residency permits If they are arrived in 1948, to be renewed every five years. Those who arrived in 1956 are provided permits that are renewable every three years. Finally, with regards to work permits, Article 11 of Ministerial Resolution 390 of 1982 issued by the Ministry of Labor, requires proof on the part of the employer that no Egyptian national is available to do the work before permits may be issued.

Prior to the coming into force of the 1951 Refugee Convention, the Egyptian government signed an MoU in 1954 with UNHCR. Under this MoU, UNHCR Egypt consented to performing Refugee Status Determination (RSD) on behalf of the government. The MoU was adopted in the interim period of Egypt ratifying the

1951 Convention. After the ratification, the MoU is still considered the reference document for the “division of labor” between the Egyptian government and the Refugee Organization. It was never updated to reflect the new order of things following the ratification of the Convention (Badawy 2008).

3.5. Public Policy and Administration analysis

Given the information and knowledge made available concerning the three refugee groups in terms of information on government, politics and legal frameworks relevant to these group’s history and experience in Egypt, Jacobsen’s policy yardstick will be used to incorporate these aspects, in addition to elements of public policy and administration of asylum.

Table 3 below includes the application of the theory to the context analysis.

Policy Type	Policy Set I: Legal-Bureaucratic response
Accede to international instruments and conventions?	Egypt is signatory to the 1951 Convention on the Status of Refugees and the OAU's 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. The three refugee communities are reflected in different capacities under both Conventions.
Create separate bureaucratic authority responsible for refugees?	There are two instances in which a separate administration was created to govern the affairs of refugees in Egypt: The first was with the creation of the High Committee for Immigrants to provide the assistance needed by Palestinian refugees following 1948. The only administration or directorate that resembles this currently is MoFA Department of Refugee Affairs.
Procedures for determination of refugee status?	Egypt does not have its own asylum policy. The Egyptian MoFA had an established department that was set to conduct RSD procedures fully. However, this department has not assumed the role fully yet. Instead, UNHCR manages the status determination procedures, in compliance with the Memorandum of Understanding (MoU) it has signed with the Egyptian government.
Grant IRO's permission to assist refugees?	<p style="text-align: center;">Policy Set II: International Refugee Organizations (IROs)</p> <p>IROs have been permitted to work in Egyptian territory. Dueso UNRWA's mandate to operate in five areas of operation (Jordan, Lebanon, the Syrian Arab Republic, West Bank and Gaza), the IRO could not provide assistance to Palestinian refugees on Egyptian territory. This has caused some problems with the access of refugees of Palestinian origin to assistance, as they should receive assistance in Egypt from UNHCR under the 1951 Convention, but still do not. This may have been due to the fact that Egypt does not accept that any individuals from Palestinian origins register as refugees on its territory (Abed, 2005 and Ayoub and Khalifa, 2014).</p>
Cooperate with or restrict IROs?	<p style="text-align: center;">Policy Set III: Admission and Treatment of Refugees</p>
Admit refugees appearing at borders?	The renewed literature does not mention branches of the principle non-refoulement in these refugees' case nor non-admission at the borders.
Location of refugees?	Egypt has not had a refugee encampment policy except shortly after 1948. A year later, refugees were given the opportunity to live in urban centers. No camps were established afterwards. (Abed, 2005)
Rights of and restrictions on refugees?	The Palestinian refugee community has enjoyed the most rights out of the three refugee community, particularly in President Abdel Nasser's era. We can say confidently that this is the era where any refugee group had enjoyed the most rights. Rights have steadily reduces since 1978 as previously stated. They are followed by the Sudanese refugee community, who have enjoyed a stable presence and were granted asylum relatively easily during the time of the Mubarak administration.
Refugee protection of physical safety?	The one group that has suffered considerably from the lack of physical protection is Sudanese refugees, who state they were
Repatriation?	Usually refugees are welcomed on Egyptian territory, but are repatriated forcibly or involuntarily if they are believed to pose a threat to national security. This was cited in the literature right after the dispersal of the Sudanese refugees in front of UNHCR in 2005.
Treatment of long-term refugees?	Egypt has shown some reservation on the concept of local integration for refugees when drafting the 1951 Convention (Badawy, 2008). Additionally, the MoU between UNHCR and the government of Egypt only shows repatriation and resettlement as the two viable solutions for refugees on its territory.

Table 4 – Jacobsen's Yurditsch in analyzing the Syrian Refugee Response and adherence to international agreements

3.6. Analysis

There are a number of findings to take away from the context analysis, which affects our understanding of the Syrian refugee Case Study. From the application of the four dimension's of Lane's theory and Jacobsen's Yardstick, we deduce the following:

First, Egypt's role as the only non-Western state to participate in the drafting of the 1951 Convention, and acceding to the Convention as well as other treaties (1967 United Nations Protocol on Refugees and the 1969 Organization of the African Union Governing the Specific aspects of Refugee problems in Africa), signaled a proactive role in addressing asylum issues globally and domestically. However, this approach seems to have drastically changed. This is most evident in the case of Palestinian refugees in the second half of the twentieth century, and it continues to-date. The same is confirmed in the situation of Sudanese and Iraqi refugees.

Second, across different presidencies and government, politics and national security considerations bear a heavy influence on refugee and asylum-related refugees. This is most evident in Nasser's and Sadat's time, where swift changes in refugee policies were parallel with political developments in the country. Third, refugee rights and entitlements have receded substantially over time, as evidenced by literature (Abed, 2009; Azzam; 2006, Crane, 2015; Sadek, 2011). Fourth, some cases, like the Sudanese refugee caseload represent an interesting example of the sharp changes that can occur to refugee communities when the political situation in the country changes. At the outset of the new millennia, the Sudanese community seemed to have enjoyed many rights and even support from the Egyptian government. The changing situation in Sudan had substantial influence on what was happening at the host state level. Also the dispersal of the sit-in by the Sudanese refugees represents the first time force was used at a large scale to resolve a refugee issue in the country. These four points will come in handy when the response to the Syrian refugee caseload is analyzed.

Fifth, when it comes to administration, only two times has Egypt had a separate administration for refugees, once for Palestinians after 1948, and one currently established under the MoFA, but remains to be further developed (Badawy, 2015). Additionally, while the RSD procedures should have been transferred to then-newly-established MoFA department in 1981, they are still under UNHCR's mandate in accordance with the MoU signed in 1954.

Sixth, as mentioned just now, while the government and UNHCR work and collaborate closely, a significant amount of the work is undertaken by UNHCR, notwithstanding the humanitarian assistance provided to refugees. Sixth, the literature on the three refugee communities does not show signs of expulsion of

refugees or refusing entry into the country, this is an important feature in the Syrian refugee response, which will be mentioned in the next chapter. Seventh, the sudden restriction of rights has usually had a direct tie with political situation, however the gradual decrease in the rights given to refugees point to the possible changes in the country's economic situation, hence affecting overall policy and approach towards refugees. Eighth, although not common amongst all, refugee physical safety and protection can be a problem for certain refugee communities, whether when it's at the borders or within the country's territory. Ninth, although not common amongst the three refugee communities, involuntary repatriation has occurred in some cases, particularly for the Sudanese.

Finally, in spite of Egypt's reservation on the integration of refugees into Egyptian society, the uncertainty of resettlement and little likelihood of repatriation when conflicts are still ongoing in refugees' home countries, local integration becomes a "de-facto reality" (Ayoub and Khallaf, 2014: p.10), as many of them continue to live in Egypt. Within the last two year and this year especially, many contemplate or attempt irregular migration due to the lack of legal channels to support onward movement.

4. Case Study of Syrian Refugee Response in Egypt: Case Analysis

In the wake of the events of the Arab Spring, a series of demonstrations took place across Syria between the summer and autumn of 2011, which led to the current crisis. The situation escalated after the first dispersal of peaceful protests on July 29, 2011 (Ayoub and Khallaf, 2014). The subsequent conflict between the government and various warring factions, the loss of life and deteriorating living conditions led to the creation of a situation of mass displacement for more than three million Syrian refugees across the region in 2014 (Ullah, 2014), increasing to four million in the following year (UNHCR, 2015a).

The first influx of Syrians refugees arrived in Egypt in later 2012. Planning figures in December 2012 suggest around 13,000 people of concern in total for UNHCR amongst the Syrian community in Egypt (UNHCRb, 2014). The number increased sharply in 2013, with over 145,000 registered refugees coming into the greater Cairo area, Alexandria, Sinai, Damietta and Mansoura (Ayoub and Khallaf, 2014). Syrians mainly chose to come to Egypt due to "the lower cost of living and a favorable protection environment" (Bidinger et al, 2015:p.78). Additionally, some members of the Syrian community already had family ties in Egypt. They also favored living in urban settings rather than refugee settings, which Egypt provides (UNHCR, 2012). In July 2014, UNHCR figures have indicated that the total number of refugees has reached 138,245 registered Syrians in Egypt, with government estimates pointing to a total of 300,000 Syrian refugees, including unregistered refugees (Abaza, 2015;

Kingsley, 2013). It is worth noting that the Ministry of Foreign Affairs (MoFA) stated in September 2015 that there were 350,000 Syrians in total residing in Egypt, with some 140,000 registered with UNHCR (Rashwan, 2015).

4.1. Application of Lane's Policy System's Approach:

Government and political system:

Syrian refugees first came into Egypt after the 2012 presidential elections, when former President Mohamed Morsi was in power. Many reports indicated that Syrian refugees felt very welcomed when arriving to Egypt (Ayoub and Khallaf, 2014 and World Humanitarian Summit, 2014). This propelled more refugees to come into the country, as they only needed to enter with their passports, without any visas prior to entry (Kingsley, 2013). They would receive however a three to six months renewable tourist visa after entry. This was believed to be a considerable advantage in comparison with other countries. Egypt's political stance from the ongoing conflict in Syria at the time may have been the reason behind the facilitation of the entry.

There were four different administrative routes for Syrian refugees after entering the country: First, was to extend the tourist visa, second to obtain a work permit, third to provide proof of study in Egypt, and finally to approach the UNHCR for registration. In this period, some refugees did not seem willing to register officially with UNHCR. This phenomenon was interpreted by the fact that many refugees who initially came from Syria were well-to-do and can support themselves. But one of the main reasons this step was avoided was due to the fear of being labeled as an opponent to the regime in Syria and be subsequently known to the Syrian embassy in Cairo. Other reasons included avoiding the label of refugee and not being aware of the existence or possibility of registration (UNHCR, 2012).

At the time, the government under President Morsi announced that access to primary and secondary education be granted to Syrian refugees on the same basis as Egyptians. Despite these initial intentions to welcome Syrian refugee children and youth into the educational system, there were some reported difficulties in enrolling them and later integrating them into the system, in particular for those without official documentation, added to the limited places available and the pricing of private schools.

The Ministry of Health also issued a decree allowing for access for primary health care for Syrian refugees (UNHCR, 2015a). Still, it was reported that support for secondary, tertiary healthcare and life-saving interventions was still needed. Additionally, not all refugees could afford paying for health treatment. A needs assessment conducted by UNHCR in 2012 showed the need for support for shelter

and housing. In spite of these issues, Syrians seemed to have enjoyed a relatively calm stay in their new host states in that period of study.

UNHCR reports that refugee arrivals increased dramatically in 2013, reaching its peak in April. Syrians continued to pour into the country and enjoyed the same rights granted by the government for them in 2012. In conjunction with the assumptions deducted from the comparative historical analysis, the Syrian refugees' situation did change with the government and political system changes that occurred in Egypt. President Morsi severed the relationship with the Syrian government, announced the withdrawal of Egypt's diplomatic mission from Damascus and closing the Syrian embassy in Cairo (AbdAllah, 2013). The regime change in July 2013 and the subsequent sit-in in Rabaa square started the linkage between Syrian refugees and the sit-in stirred negative sentiments against Syrians by the Egyptian public, reinforced by the media. Since then, there were tighter security measures on Syrians in Egypt and Syrians entering Egypt, including the requirement of a visa and a security clearance prior to entering the country. Consequently, the arrival rate of Syrian refugees and asylum seekers fell dramatically in August 2013. At the same time, many refugees who were hesitant to register with UNHCR proceeded to do so to guarantee some form of protection (Kingsley, 2013). As expected, registration rates of Syrians in Egypt peaked in August as well.

Authorities have placed Syrians refugees under security scrutiny and there have been incidents of Syrians being arrested, detained, and deported for not having a valid residency (Egypt: Syria Refugees Detained, Coerced to Return, 2013). It was noticeable that the number of refugees coming into the country decreased, with many seeming to be going to Lebanon and Jordan, where there were less restrictions to entry (Gulhane, 2013). Additionally, according to a media interview with the Director of UNHCR in Egypt, Syrian refugees have started to look for ways to leave Egypt due to the increase of anti-Syrian sentiments in Egyptian streets and in the media, as well as the strict new visa requirements, which have significantly limited the entry of refugees and asylum seekers into Egyptian territory (Beach and Qabbani, 2013).

Additionally, according to one of the interviewees, there is evidence of possible violations of the non-refoulement principles starting from the year 2013:

“Egypt is [generally] very generous in granting asylum, but in the particular situation [of the Syrians], in the last two years, there are concerns about violation of the non-re-foulement provision. All [Syrians] flooded to register since 2013, because they knew that if they didn't have regularized status they might be asked to get out. Before that, they didn't register...But everything changed now; it's not as though the flows have stopped which means you know... that we're sending them somewhere else...” (Personal

communication, 23 November, 2015).

Syrian refugees have started to look for ways to leave Egypt due increased anti-Syrian sentiments in Egyptian streets and in the media, as well as the strict new visa requirements, which have significantly limited the entry of refugees and asylum seekers into Egyptian territory (Beach and Qabbani, 2013). Towards the end of the year, as many as 1,500 refugees from Syria, including at least 400 Palestinian refugees from Syria (PRS), were detained for attempting to irregularly leave Egypt, according to Human Rights Watch. They were arrested as they were trying to make their way out of the country illegally. Of the 1,500 detained refugees, 1,200 were involuntarily repatriated to Syria (Egypt: Syria Refugees Detained, Coerced to Return, 2013).

In 2014, UNHCR reports that the situation improved after the moderate political stability experienced in June 2014, when presidential elections were held and President Abdel-Fattah Al-Sisi was elected. Alternatively, due to increased security threats, there are increased visa restrictions on refugees that may “impact on [their] ability to seek access to territory and asylum” (UNHCR, 2015: 5). However, for the 140,033 Syrian refugees registered with UNHCR by the end of the year, the increased costs of living in summer 2014 due to government subsidy reduction decreased household purchasing power and increased costs of things like transportation may move refugees to poverty. This resonates with current stats that point to the fact that Syrian refugees almost 90 percent of refugees in Egypt are classified as living below poverty line (Rollins, 2015c: para 3), with 27.72 percent are classified as “highly vulnerable”.

Additionally, there was more irregular migration by sea by during that year, and up to 1,000 Syrians were arrested from January to mid-September 2015 (Ibid, 2015). Some were released and some were resettled to a third country.

In continuation with 2014’s trends, irregular migration by sea was on the rise in 2015 for Syrian refugees in Egypt. The current rhetoric on Syrian refugee affairs shows that Egypt is becoming perceived more as a transit country rather than final destination for refugees (Nouredin, 2015; Rollins, 2015a). There are no official statistics on the exact number of Syrian refugees departing the country.

There were a number of statements from Egyptian officials on Syrian refugees in 2015. A statement by the Assistant Foreign Minister for Mutli-Lateral Affairs and the International Security while interviewed on live television said the following: “Egypt is at the forefront of countries that open their doors to Syrian refugees. Despite the economic burdens, the difficult circumstances we are going through, we still believe that we have a duty to take them in”. The Assistant Minister adds: «We do not have refugee camps Egypt. Everyone who comes to us lives amongst Egyptians, and enjoy

all the health and education services enjoyed by any Egyptian citizen. We look at [Syrian refugees] as brothers, not refugees”.

Public Policy

In accordance with Jacobsen’s approach, and as mentioned in Section 2, the factors that influence the policy responses of host states to refugees to further understand the case study. I then follow with an analysis of the three policy sets that represent the UN Yardstick to refugee response and abidance to international conventions on asylum.

1. Relations with sending country

Egypt has an important history of close ties and shared influences with the Syrian Arab Republic. Prior to the conflict, there was an established and sizeable Syrian community residing in Egypt (UNHCR, 2012). Egypt and Syria both have a shared history. Following the 1954 coup in Syria, the parallel policies of the two countries and the leadership of Egyptian president Gamal Abdel Nasser created support for the idea of a union between the two states. On 1 February 1958, the United Arab Republic was announced following a referendum in the two States. Syria seceded from the United Arab Republic in 1961 following a coup, and re-established itself as the Syrian Arab Republic. (Ayoub and Khallaf, 2014).

Many Syrians remained in Egypt after the dissolution of the short-lived republic. At the beginning of the crisis, the first wave of Syrians fleeing to Egypt in 2011 was primarily composed of persons with family ties, business connections or personal networks in Egypt. These first arrivals generally relied on personal savings, found work or opened businesses, and they maintained a moderate degree of self-reliance (UNHCR, 2012). Given the strong relation and shared history between Egypt and Syria, this issue is an important factor in determining policy outcomes

2. The political calculations about the local community’s absorbing capacity

The Egyptian economy suffered as a result of the 25th of January revolution (Abdou and Zaazou, 2013). Over the past few years, the changing political scene in Egypt has caused GDP growth indicators to drop, floating at around 2 percent per annum, and the youth unemployment rate to increase to 26,6 percent in 2015. Additionally, around 4.4 percent of the population live in extreme poverty, while 26,3 percent live below poverty line (UNHCR, 2015a). According to UNHCR, as Syrian refugees settle into communities that deal with these conditions, they too are affected by unemployment, limited services and livelihood opportunities (2015a).

Regarding this issue, the Egyptian permanent representative to the United Nations made the following statement during an interview about the status of Syrian refugees

in Egypt:

“Egypt is the only country where Syrian refugees are not suffering from anything, for two main reasons. Firstly, they receive free education and healthcare, and this is a burden; their numbers [in Egypt] have now reached 400,000. Secondly, they are assimilated within the society, not staying in camps such as those in Jordan and Turkey. They live within the society, and many of them started working”. (Khater, 2015)

From this issue, we can understand that hosting Syrian refugees represents a significant burden to the Egyptian state, added to the political situation in the country. This issue represents a matter of concern to Egypt as a host state, and is considered an influence in its policy outcomes towards refugees.

3. National security considerations

As made evident previously, national security considerations from the side of the Egyptian government became more evident following July 2013 and the dispersal of the Rabaa sit-in, in which many Syrian refugees were accused to be have been embroiled and directly involved in. This factor continues to affect Syrian refugees, with reports mentioning that added security measures after July 2013 include visa checks by the Egyptian Intelligence (Ayoub and Khallaf, 2014) as well as final clearances from detention being made by Homeland Security (AbdAllah, 2013).

4. The costs and benefits of accepting international assistance

This particular policy is a double-edged sword. For one thing, the MoFA stated in a document published by UNHCR that the Egyptian government has received “little or no international assistance” in fiscal year 2013/2014. Table 4 provides a list of these subsidized, “almost free” services according to the MoFA, with their relevant expenditures. In total, these contributions amounted to 232.7 million USD in that fiscal year alone. This is considered a substantial amount of money allocated from Egypt’s budget, given the fact that UN and International Non-Governmental Organizations have requested 168 million USD in humanitarian assistance in the Egypt Chapter of the Syria Refugee Response Plan by UNHCR (UNHCRb, 2014). This plan was later endorsed by the Egyptian Government.

Governmental Body/Line Ministry Involved	Intervention	Cost	Refugee beneficiaries
Ministry of Finance (MoF)	Support to Syrian refugees for food, energy subsidies and social services during fiscal year 2013/2014	150 million USD	300,000 refugees
Ministry of Education (MoE)	Enrolling refugees in public schools with exempted tuition	23 million USD	35,000 refugees
Ministry of Higher Education (MoHE)	Education for undergraduate and graduate students	57.5 million USD	9,535 undergraduate students; 1,377 graduate students
Ministry of Health (MoH)	Primary health care services for Syrian refugees	2.2 million USD	No beneficiary number was provided

Table 4. Interventions by the Egyptian Government for Syrian refugees – FY 2013/2014

The Egypt chapter for the year 2016 has 146.5 million USD for funding requirements. While these requirements do not automatically guarantee that all fund requests will be met, this can play a significant role in alleviating part of the burden Egyptian authorities have mentioned as a challenge in hosting refugees. The MoU between Egypt and UNHCR guarantees that the refugee agency undertakes a considerable role in helping the host state manage asylum and refugee affairs on its territory.

Next, Jacobsen’s Yardstick for abidance by UN Conventions is used below, to provide an overview of the adherence of Egypt to international agreements and its responsibility as host state. Table 5 presents the application of each policy set on the Syrian refugee case. As explained in the table, we can see that there are many positive response issues like close cooperation with IROs, the no-encampment policy, and upholding a number of refugee rights and protection. There have been some negative responses concerning repatriation to Syria or other countries, limited opportunities for local integration, sometimes jeopardized physical safety and difficulties of admission at borders.

Public Administration

Although there is no set asylum policy for Syrians in Egypt, there are a number of governmental institutions and bodies, a lot of which are ministerial, that supports

Syrian refugees and asylum seekers in Egypt

First, because of the division of responsibilities between the Egyptian government and UNHCR, UNHCR conducts the refugee status determination (RSD) procedure, while the MoFA's Department for Refugee Affairs documents refugee arrivals and provides reference numbers (Badawy, 2008). There are two key outcomes of the RSD procedure: The UNHCR Asylum-Seeker Registration Card (yellow card), or the UNHCR Refugee Registration Card (blue card). The yellow card is given to asylum seekers who have registered with UNHCR and applied for refugee status, to be determined later by the Refugee Organization. Those with blue cards are already recognized as refugees.

Second, after going to UNHCR, refugees and asylum seekers must obtain a residence permit, required especially required for those with yellow cards. Refugees should obtain a reference number from MoFA's Department of Refugee Affairs. Next, they should approach the Resident Unit under the Ministry of Interior (MoI)'s Directorate for Passports, Immigration and Nationality to register for a residence permit, divided into three types according to the Ministry of Interior official website (Ministry of Interior, 2007): Residence for less than six months, residence for more than six-months and less than a year, and residence for a full year.

3- Public Policy

	Response	Response Type
Policy Set II: International Refugee Organization (IRO)		
Cooperate with or restrict IRO's?	Egyptian authorities work very closely with UNHCR according to the MOU signed in 1954. The Egyptian government offers support to the IRO while it undertakes a significant number of refugee-related tasks, according to the stipulations of the MOU.	Positive
Policy Set III: Admission and Treatment of Refugees		
Admit refugees appearing at border?	Results of the interviews and the review of literature and media over the period of the response shows increasing restrictions on refugees in entering the country due to visa requirements	Negative since the admission of new visa restrictions
Location of refugees?	One of the main advantages of the Syrian refugee response, according to interviews and the results of the analysed focus group discussion, the lack of encouragement policy in Egypt is seen very positively of its status as a host state	Positive
Right of and restrictions on refugees?	While a number of rights are afforded (education, elementary and tertiary and health services), refugees still struggle with some rights. For example, most employed refugees work in the informal sector, as they find difficulty in getting work permits, and they are not allowed to purchase land or open a bank account, which hinders their attempts of starting small businesses. They have to be accompanied by an Egyptian in order to get these rights. As for the right of non-repatriation, it seems that it was not always upheld during the period of the response	Positive for some rights, Negative for others
Refugee protection?	Refugees have recorded attacks on physical safety and harassment following political changes over the past few years.	Positive mostly until 2013 when a number of incidents were recorded
Repatriation?	Temporary repatriation has been on the rise since 2013, preceded by detention.	Negative
Treatment of long-term refugees?	Syrian refugees in Egypt reside in urban settings and are not restricted to camps, which is considered a significant advantage given the situation in neighboring countries. However, when it comes to prospects of local integration, this seems to become more difficult as there are significant security restrictions, increased poverty amongst refugees and lack of possible livelihood activities given the economy. All these factors encourage refugees to have Egypt and see it as a transit country, while a large number enrolls on journeys in the Mediterranean sea to reach Europe, risking everything. This is also not withstanding Egypt's position on the 1951 Convention concerning local integration.	Positive for allowing local resettlement, Negative for long-term prospects of local integration

Table 6 – Jacobsen's Typical in analyzing the Syrian Refugee Response and adherence to international agreements

A number of policy-oriented roles are performed by different branches of government. For example, the Office of Arab and Middle Eastern Affairs is the branch of government that deals with more diplomatic issues that concern refugees, including the inclusion of an Egypt Chapter in UNHCR's regional Syrian refugee response plans (UNHCRA, 2015). The Ministry of Health also provides health care services to refugees and asylum seekers seeking treatment in any public hospital, who have to present their blue or yellow cards to access health care at national rates. The roles of the Ministry of Education and the Ministry of Higher Education are also prominent in supporting elementary and higher education for refugees, as discussed previously.

Finally, a number of security institutions are involved in a number of security-related

tasks (including approval of release of Syrian refugees from detention after National Security approval and background checks by the Intelligence), although there is not much clarity on the capacities in which they are involved and which internal bodies are designated to perform work related to Syrian refugees.

The Public Administration and Migration Management Approach (Institute of Managerial Sciences, 2011), in spite of having discussed the brief, provides some elements that have proven useful to the discussion of public administration in Egypt. From applying some elements of the approach, we find the following:

- Lead Administrative Responsibility

The MoFA remains UNHCR's main interlocutor, while direct interaction with line ministries outlined above also remains through UNHCR staff and partner organizations. The Government continues to ensure equal access to health and education for all Syrian refugees in Egypt. The Government of Egypt has been invited to participate in the Refugee Regional Response Plan (3RP) process, with relevant UN agencies staying contact with the MoFA and line ministries to identify areas of support and needs.

Other ministries that work closely with UNHCR include Ministry of Health (MoH), Ministry of Social Solidarity (MoSS), Ministry of Interior (MoI), Ministry of Housing, Ministry of Local Development (MLD), and the Ministry of Education (MoE). A recent news piece published in December 2015 described collaboration between the Egyptian National Post Organization (ENPO) to distribute financial assistance to Syrians throughout different post offices in Egypt (Alaa El-Din, 2015), although no recent news were disclosed on this endeavor.

- Service Delivery

As previously mentioned, refugees have access to educational and health services provided by the government. Support with livelihood activities, protection and legal assistance, and food security comes from UNHCR and a number of partner agencies. They perform needs assessments every year to determine needs per country and include them as part of the response plan for Syrian refugees, under Egypt's chapter. They then request the funding and start implementing a number of projects to respond to needs. It is worth mentioning that UNHCR also provides support in education and health assistance to refugees in the country, in collaboration with the Egyptian government.

- Operational coordination

On the ground, UNHCR conducts RSD, provides assistance for the five sectors mentioned above, and coordinates the response with a number of partner agencies.

An inter-agency coordination meeting is held amongst senior management, led by UNHCR, to facilitate response to the refugees (personal communication with UNHCR staff member, December 6, 2015). Bilateral meetings and coordination with the MoFA and UNHCR management occurs regularly. This operational coordination occurs within the framework of the MoU. It is easy to assume that this document is regular protocol between the government and any UN specialized agency. However, according to Kagan (2011a), this document has become central to the management of the refugee response in the country:

“..In 1954, Egypt and UNHCR signed a Memorandum of Understanding (“MOU”) which is more limited than the [1951] Convention in terms of the rights granted to refugees. It has never been officially renounced by either party and has operated as a parallel foundation for refugee policy [in the country]. The Refugee Convention arguably expands on the MOU without contradicting it. But the parallel existence of the two instruments created an ambiguity, especially since the MOU speaks more directly to how refugee policy will be implemented.” (2011a: p.11)

- Designing, evaluating and adapting the policies in accordance with the international context

Jacobsen’s policy yardstick helped to analyze the adoption of the policies from the international to the local context, highlighting the differences between both.

- Resources

The resources made available for the refugee response were mainly from the Egyptian government, donor contributions and UN response funds, as previously discussed.

- Relations with the Media

There does not seem to be a clear policy regarding media and refugees in Egypt, although the fact that the Egyptian government did not offer rebuttals to the media outlets that spread negative rhetoric about Syrian refugees was perceived negatively by UNHCR in Egypt. This indicates that more could have been done to ease the tension between local communities and Syrian refugees.

5. Discussion and Analysis

Through a holistic case-study approach as proscribed by Yin, we have managed to understand the context as a prelude to understanding the case of Syrian refugees in Egypt. The analysis of the context concluded with these eight points on refugee management in Egypt: Across Egypt’s history and different presidencies, refugee management tended to differ according to the two changing elements of government and politics. In many situations, treatment of refugees was contingent upon political, national security considerations and in many times the relations with the sending

country. This sometimes leads to varied adherences to international frameworks and national laws according to the political situation, and sometimes leads to the stipulation of new laws to be in harmony with political directions. The rights and entitlements of refugees seems to have changed over time across Egypt's history, and sudden changes in the amount of rights were usually tied with political developments. In the long-term, it may have been tied with the prevalent economic condition, which plays a key role in influencing policy choices. It is worth noting that having a separate administrative authority to manage refugee affairs has not always been the first option. In the division of labor between the government and UNHCR, the latter carries a significant and heavy burden. Involuntary repatriation and expulsion from the country may occur when there is a perceived threat to the security and the political interests of the state. And finally, local integration becomes a fact when repatriation and resettlement are not likely in the near future, however it was never the first option for Egypt (Badawy, 2008).

As for the case analysis, we can see an evident shift in politics and government across the study period. Syrian refugees came into Egypt in 2012 in a political setting that quickly shifted and almost completely altered their situation in the country. Their rights as refugees were also affected with the change of the political scene, as evidenced in instances of repatriation and refoulement after 2013.

Positive elements as highlighted in Table 5 in Jacobsen's policy yardstick include the general openness in granting asylum, refraining from the outdated encampment policy, and cooperating with UNHCR in the case of Syrians to provide education, health, and physical safety whenever possible.

A final note on the administration of asylum shows a lack of activation of the role and of capacity building of the Refugee Affairs Department in the MoFA to perform Refugee Status Determination, which still remains under the umbrella of UNHCR. In this regard, some scholars like Kagan (2011a) suggested a number of measures to ensure better division of labor between UNHCR and the government, and Badawy (2010; 2015) put forth a recommendation to amend the MoU with UNHCR, which will depend on the absorption capacity of the government, the political stability in the short term, and political will in the long term to pursue these policies further.

6. Way forward

The year 2016 is proving to be another turbulent year for forced displacement and irregular migration, with irregular migration to Europe receiving global attention. Domestically, migration from Egyptian shores and relevant detention is steadily increasing (UNHCR; 2016b). This includes Sudanese, Somali, Eritrean, Ethiopian, and sometimes Syrian refugees, although less so in 2016 than previous years.

The UN Summit on Migrants and Refugees, hosted by the General Assembly on 19 September 2016, had some 93 leaders and heads of state, including Egypt, formally recognize the rights of refugees and migrants. The Summit culminated with the signature of the New York Declaration, which emphasizes the protection of the human rights of refugees, providing swift access to education for refugee children, better governance of migration, and, most importantly, implementing a “comprehensive refugee response framework”, which should be developed to indicate the responsibility of Member States in situation of protracted refugee crises. The outcome document of this comprehensive framework should prove particularly useful for the situation of Egypt, in order to be able to address the needs of the current caseload, also address the economic and developmental aspect of the crisis, as mentioned by Egypt’s President during the Summit (United Nations, 2016).

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