

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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**Questions**

- 1. What are the requirements to maintain residence in the United Arab Emirates (UAE) for Palestinian Authority (PA) document holders/foreign nationals?**
- 2. What is the right of return to UAE for PA document holders/foreigners after travel from the country?**
- 3. What is the process for renewal of PA travel documents from Australia or other countries outside the Palestinian controlled Territories?**

**RESPONSE**

- 1. What are the requirements to maintain residence in the United Arab Emirates (UAE) for Palestinian Authority (PA) document holders/foreign nationals?**

A review of source material on requirements for securing and maintaining residency rights in the United Arab Emirates (UAE), with specific reference to persons travelling on Palestinian Authority travel documents, is provided below under the following sub-headings:

*Temporary Residency, Naturalisation, "Emiratisation", Treatment of Non-Citizens, Treatment of Refugees, and Treatment of Palestinians.*

**Temporary Residency**

Information was found to indicate that foreign nationals may be able obtain temporary residency in the United Arab Emirates (UAE) by securing employment with a company which is willing to sponsor their residency. Persons who secure temporary residence rights in this manner may also apply for temporary residency permits for dependent family members.

Information was found to indicate that temporary residence visas for the UAE can be issued for a maximum of three years, but may be renewed if the holder secures continuing employment. The following summary on residency requirements for the UAE was located on The Emirates Network website:

### **Residence Visa**

For individuals planning to live in the United Arab Emirates, you have to obtain a residence visa, which is also referred to as an employment visa. A residence visa will be issued by the Immigration department of the emirate you will be staying in and provided to you by your sponsor (the company or person you are working for). If you have entered the country on a visit visa, you can transfer to a residence visa by either re-enter the country or else make the transfer at the Immigration department.

If you are coming to the UAE with family members, you should obtain a family visa, which will allow you to sponsor your parents, spouse, daughters, and sons under the age of 18. Family visas are only possible if you earn more than Dhs. 4,000 (US\$ 1,100) a month.

Residence visas are normally issued for 3-years and in order for it to be processed, you will need to take a medical test and obtain a health card. Individuals who test positive for AIDS will not be permitted to obtain a residence visa. A health card costs around Dhs. 300 (US\$ 82) and should be renewed yearly. It can be issued at the Ministry of Health or else at a recognized private hospital ('United Arab Emirates [UAE] Visa Requirements' 2005, The Emirates Network Guide website <http://guide.theemiratesnetwork.com/living/visa.php> – Accessed 15 April 2008 – Attachment 1; for a more detailed summary of residency visa requirements and procedures, see 'UAE Immigration Law' 2006, Al Tamimi & Company website <http://www.tamimi.com/reports/publications/PU-024.pdf> – Accessed 18 April 2008 – Attachment 2).

Recent RRT Research Response *ARE32814* of 4 January 2008 refers to various sources which provide similar information on residency in the UAE, including a recent Department of Foreign Affairs and Trade Report from July 2007, and a report published by the Immigration and Refugee Board of Canada in 2004, which provided the following information regarding provisions for foreign workers to sponsor dependent family members, and for dependent children of UAE residents to secure their own residence rights when they reach the age of 18:

Residence permits in the United Arab Emirates (UAE) are issued through "employment or family sponsorship" on a temporary basis. UAE permits issued via employment sponsorship are issued to individuals who have been sponsored by a local company for employment purposes. Such individuals can reside and work in the UAE for a specified period of time, and, through family sponsorship, can sponsor members of their family to obtain residence permits. However, persons who acquire residence permits via family sponsorship are only able to reside in the country and are not permitted to work.

Persons who have a valid UAE residence permit and are residing in the country with their parents who are also holders of valid UAE residence permits, may, upon reaching the age of 18 years, obtain a residence permit on the following conditions:

- If the applicant obtains employment in the UAE, whereby the employer would obtain for the applicant, a work/residence permit
- If the applicant is a student studying abroad and has presented a certificate to that effect [which has been] authenticated by [a] UAE Embassy, ... the parents as sponsors would be able to obtain a residence permit for their son/daughter.

- If the applicant is a student studying in any UAE University in the United Arab Emirates, ... the parents as sponsors would be able to obtain a residence permit for their son/daughter

(Immigration and Refugee Board of Canada 2004, *ARE42484.E – United Arab Emirates: The rights and privileges accorded to the holder of a United Arab Emirates residence permit, including whether a residence permit holder has the right to re-entry, and to reside and earn a living in the country*, 3 March – Attachment 5; see also Department of Foreign Affairs and Trade 2007, ‘RRT Information Request: ARE32074’, 26 July – Attachment 3; RRT Research & Information 2008, *Research Response ARE32814*, 4 January – Attachment 4).

Copies of relevant UAE legislation regarding entry and residence in the UAE were located on the UNHCR Refworld website, and on the website of the Dubai Department of Naturalisation and Residency (‘Federal Law No. 13 for 1996 Concerning Aliens Entry and Residence, Amending Some Provisions of the Federal Law No. 6 for 1973 Relating to Immigration and Residence [United Arab Emirates]’ 1996, UNHCR Refworld website, 30 September <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3fba168c4> – Accessed 16 April 2008 – Attachment 6; ‘Federal Law No. 6 for 1973 Concerning Immigration and Residence [United Arab Emirates]’ 1973, available online in UNHCR Refworld website, 2 September <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3fb9fab24> – Accessed 16 April 2008 – Attachment 7; ‘General Provision For The Entry Permits And Visas’ (undated), Department of Naturalisation and Residency – Dubai website, <http://www.dnrd.gov.ae/DNRD/Documents/LawDocuments.doc> – Accessed 17 April 2008 – Attachment 12).

Information was found to indicate that residency visas for foreign nationals could be issued for a maximum of three years, although holders of such permits can apply to renew their permit upon expiry. Article 17 of the United Arab Emirates Federal Law No. 13 for 1996 Concerning Aliens Entry and Residence states that:

The Directorate of Nationality and Immigration shall be authorized to issue residence permits to aliens for a period not exceeding three years, to be renewable upon expiry. The Directorate shall stamp permission on the alien’s passport and issue him a residence card (‘Federal Law No. 13 for 1996 Concerning Aliens Entry and Residence, Amending Some Provisions of the Federal Law No. 6 for 1973 Relating to Immigration and Residence [United Arab Emirates]’ 1996, UNHCR Refworld website, 30 September <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3fba168c4> – Accessed 16 April 2008 – Attachment 6).

Information was located on the website of the Dubai Department of Naturalization & Residency regarding the specific procedures to be followed for the renewal of residency permits for foreign workers, and for their dependent family members (‘Renewal of residence (employment) permits of private sector workers’ 2007, Department of Naturalization & Residency – Dubai website <http://www.dnrd.gov.ae/DNRD/Transactions/Residents/Residents%20Services#C50> – Accessed 17 April 2008 – Attachment 8; ‘Renewal of residence permits for expatriate families in UAE’ 2007, Department of Naturalization & Residency – Dubai website <http://www.dnrd.ae/DNRD/Transactions/Residents/Residents%20Services?lang=en-GB#C93> – Accessed 17 April 2008 – Attachment 9).

Information was located to indicate that foreign nationals can enter into a business partnership with a UAE citizen, although the amount of equity they can own in the business may be limited (‘Starting up your own Business in the UAE’ (2005), The Emirates Network

Guide website <http://guide.theemiratesnetwork.com/living/business.php> – Accessed 15 April 2008 – Attachment 10). Specific information was located on the website of the Dubai Department of Naturalization & Residency regarding the procedures to be followed by a UAE national to renew a residency permit for a business partner who is a foreign national ('Renewal of a partner's residence (employment) permit issued by Naturalization & Residency Administration' 2007, Department of Naturalization & Residency – Dubai website <http://www.dnrd.gov.ae/DNRD/Transactions/Residents/Residents%20Services#C50> – Accessed 15 April 2008 – Attachment 11).

Information was found to indicate that while residency permits are granted for periods of two or three years, they are rendered void if the permit holder's employment ceases prior to the permit expiry date. A 2004 report from the Immigration and Refugee Board of Canada stated that in the UAE:

A residence permit of an employed individual (acquired via employment sponsorship) and those of his or her family members (acquired via family sponsorship) are cancelled when the individual's employment in the country comes to an end (Immigration and Refugee Board of Canada 2004, *ARE41484.E – United Arab Emirates: The rights and privileges accorded to the holder of a United Arab Emirates residence permit, including whether a residence permit holder has the right to re-entry, and to reside and earn a living in the country*, 3 March – Attachment 5).

Information in question and answer format from the UAE Ministry of Labour website indicates that persons whose residency permit has been voided because their employment has ceased may seek to transfer their sponsorship to a new employer:

**If my work permit is cancelled; will my family visas be automatically cancelled at the same time?**

In case of cancellation of my work permit consequently the family visas will be cancelled. However you can apply for a new visa and transfer of sponsorship wherein the family visa status will be automatically changed ('FAQ: Labour Permit' 2007, United Arab Emirates Ministry of Labour website, [http://www.mol.gov.ae/index.php?option=com\\_content&task=view&id=29#a2](http://www.mol.gov.ae/index.php?option=com_content&task=view&id=29#a2) – Accessed 9 April 2008 – Attachment 13).

Further information on the procedures for transferring sponsorship was located in an information booklet published by a UAE law firm, which indicated that:

Those who are already employed in the UAE may only seek new employment by transferring their sponsorship from their current or previous employer to their new employer, or alternatively cancelling their original sponsorship and undergoing the same process as if they were employed for the first time, that is, re-entering the country on an employment visa ('UAE Immigration Law' 2006, Al Tamimi & Company website <http://www.tamimi.com/reports/publications/PU-024.pdf> – Accessed 18 April 2008 – Attachment 2).

## **Naturalisation**

Reports were located to indicate that while the limited possibility of foreign nationals obtaining UAE citizenship does exist, the requirements are stringent and few people are naturalised. Recent RRT *Research Response ARE32814* of 4 January 2008 refers to a 2003 report from the Immigration and Refugee Board of Canada, which noted that:

With respect to nationality, the March 2001 United States Office of Personnel Management summary of citizenship laws entitled *Citizenship Laws of the World* states that, in accordance with the United Arab Emirates' Nationality Law No. 17 of 1 January 1972, as amended by Law No. 10 of 1975, nationality in the UAE can be acquired by naturalization under the following conditions:

Citizens of Qatar, Oman and Bahrain must reside for three years. Citizens of Arab descent must reside for seven years. All other persons must reside in the country for at least 30 years, 20 of those years occurring after January 1, 1972.

...However, as a correspondent for the Manchester-based daily *The Guardian* stated in a February 2001 article in *Le Monde diplomatique*,

[translation]

those who come here do so to earn a living and must leave the country once their work is terminated. And only those who earn more than \$1,000 US can bring in their families. Some, who have been here a long time, have become very wealthy, and they are born here in ever increasing numbers. Nevertheless, naturalization is only granted with the special, and rare, permission of the sovereign.

Furthermore, *Country Reports 2002* states that there is no formal procedure for naturalization in the UAE and naturalization is granted sparingly, on an arbitrary basis (Immigration and Refugee Board of Canada 2003, ARE42096.E – *United Arab Emirates: 1) Rights and obligations of a foreign national who has been working in the UAE for the past 24 years under a work visa and living in the UAE under a residence visa 2) whether that person can exit and re-enter the country while the visa remains valid 3) whether this person can obtain UAE nationality*, 24 October – Attachment 14; RRT Research & Information 2008, *Research Response ARE32814*, 4 January – Attachment 4).

An article by the *Independent Online* in 2006 provided the following assessment of the prospect of attaining naturalization for foreign workers in the UAE:

The one thing money cannot buy in Dubai, however, is UAE nationality. Around 80 per cent of the population are foreigners from no less than 160 different countries and the Maktoums appear to be prepared to let the foreigner-to-local ratio grow even wider. But however long the expatriates stay, they will not be allowed citizenship. Visas are tied to jobs, and there is always the risk of being thrown out when the contract ends ('United Arab Emirates: Migrants and the Middle East: Welcome to the other side of Dubai' 2006, *Independent Online*, 28 March, 2006 – Attachment 15).

Further information on naturalisation and citizenship in the UAE was located in UAE Federal Law No. 17 for 1972, amended by Federal Law No. 10 for 1975 ('Federal Law No. 17 for 1972 Concerning Nationality, Passports and Amendments Thereof [United Arab Emirates]' 1972 UNHCR Refworld website, 18 November <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3fba182d0> – Accessed 16 April 2008 – Attachment 16; 'Federal Law No. 10 for 1975 Concerning Amendment of Certain Articles of the Nationality and Passports Law No. 17 for 1972 [United Arab Emirates]' 1975, UNHCR Refworld website, 27 November <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3fba19484> – Accessed 16 April 2008 – Attachment 17).

### **“Emiratisation”**

Information was found to indicate that the UAE administration has recently announced plans for the future “emiratisation” of the nation’s workforce, and has commenced initiatives to

replace foreign workers with citizens in some industries. The United States Library of Congress Country Profile on the UAE provides the following summary:

Numerous labor issues plague the UAE, resulting directly from the disproportionate number of expatriates (80 percent of the population) living and working there. In 2004 expatriates constituted 2.5 million of the total labor force of 2.7 million, which means that nationals constituted less than 10 percent of the employed population. Nationals make up an estimated 80 percent of the federal and emirate-level civil service but hold only 2 percent of jobs in the private sector, which provides 52 percent of the jobs in the UAE. In April 2007, the UAE government unveiled a new national strategy that declared “emiratisation” of the workforce to be at the heart of the country’s future economic development. In recent years, the government has explored various ways to create employment opportunities for UAE nationals in several economic sectors. In June 2006, a government decree mandated the replacement of all private sector expatriate secretaries and human resources managers with UAE nationals. In February 2007, the government posted online for comment the draft of a new labor law that would impose a minimum quota of UAE nationals across the private sector (United States Library of Congress 2007, ‘Country Profile – United Arab Emirates (UAE)’, United States Library of Congress website, July <http://lcweb2.loc.gov/frd/cs/profiles/UAE.pdf> – Accessed 17 April 2008 – Attachment 18).

### **Treatment of Non-Citizens**

Information was located to indicate that temporary residents in the UAE may not enjoy the same rights and civil protections as UAE citizens. The US Department of State report on Human Rights Practices for 2007 provided the following assessment of the treatment of non-citizens in the United Arab Emirates:

Societal discrimination against noncitizens, who comprised approximately 80 percent of the resident population, was prevalent and occurred in most areas of daily life, including employment, housing, social interaction, and healthcare. National origin played an important role in employment, immigration, and security policies, as well as cultural attitudes towards noncitizens.

...Noncitizens were denied equal access to public education, public health care, housing, and social and recreational club memberships (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – United Arab Emirates*, Section 5, March 11– Attachment 19).

The US Department of State report on Human Rights practices in the UAE for 2007 also contained criticism of labour conditions for foreign workers in the UAE (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – United Arab Emirates*, Section 6, March 11 – Attachment 19).

### **Treatment of Refugees**

Information was found to indicate that the UAE does not provide asylum for refugees, nor guarantee protection from refoulement. The US Department of State report on Human Rights Practices for 2007 provided the following assessment of the treatment of refugees in the United Arab Emirates:

The government did not grant refugee status or asylum. The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. The government did not provide protection against



refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The government cooperated with the Office of the UN High Commission for Refugees (UNHCR) on a humanitarian basis but did not grant refugee status or asylum. Refugees generally were required to petition for settlement in third countries. In the past the government detained some persons seeking refugee status, particularly non-Arabs, while they awaited resettlement in third countries (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – United Arab Emirates*, Section 2.d, March 11–Attachment 19)

### **Treatment of Palestinians**

A 2004 report from the Immigration and Refugee Board of Canada was located to indicate that with regard to residency rights in the UAE, Palestinians who held passports or travel documents issued by the Palestinian National Authority did not face any appreciable disadvantage compared to Palestinians who held travel documents issued by other Arab nations:

In correspondence sent to the Research Directorate on 19 February 2004, an official at the consular section of the Embassy of the United Arab Emirates stated that for the purposes of naturalization and residency requirements, “no distinction [exists] between stateless Palestinians who hold a travel document from another Arab country, and Palestinians whose travel document is issued by the Palestinian National Authority” (Immigration and Refugee Board of Canada 2004, *ARE42390.E – United Arab Emirates: Whether, for the purposes of naturalization and residency requirements, any distinction is made between stateless Palestinians who hold a travel document from another Arab country, and Palestinians whose travel document is issued by the Palestinian National Authority*, 25 February – Attachment 20).

A 1993 report from the Immigration and Refugee Board of Canada indicated that there was an established history of Palestinians living and working in the United Arab Emirates:

According to the author of a recent (May 1993) report on the labour situation in the Persian Gulf, the UAE has historically been on good terms with the Palestinian community, and in principle it has treated Palestinians well (12 Aug. 1993). Palestinians have lived in the UAE for generations and as a result there is a strong Palestinian presence in the country (Ibid.) (Immigration and Refugee Board of Canada 1993, *ARE14947 – United Arab Emirates (UAE): Information on the current work status of Palestinians*, 1 August, UNHCR Refworld website <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6ad3178> – Accessed 16 April 2008 – Attachment 21).

The same report, however, also notes that around the time of the 1991 Gulf War, restrictions were tightened for the issue of work permits to Palestinians:

Palestinians who remained in the UAE following the Gulf War were not asked to leave, as was the case in Kuwait after its liberation, however strict controls on entry and exit permits became the norm rather than the exception (Ibid.). Furthermore, although a mass exodus did not occur, like many other Gulf countries, the UAE no longer gives work permits to Palestinian applicants, nor does it renew expired work permits (Ibid.) (Immigration and Refugee Board of Canada 1993, *ARE14947 – United Arab Emirates (UAE): Information on the current work status of Palestinians*, 1 August, UNHCR Refworld website <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6ad3178> – Accessed 16 April 2008 – Attachment 21).

Further reports from the Immigration and Refugee Board of Canada were located which provided information to indicate that in the past, the security of residency rights for Palestinian workers may have been compromised to some degree by political/diplomatic issues between the UAE and Palestinian groups. A 1993 report provided information pointing to difficulties faced by Palestinians in obtaining work permits:

According to a representative of Burks, Sinclair & Associates, a British consultant firm that produced a report on workers in the Persian Gulf, there is a mixture of economic and political reasons given for the non-renewal of Palestinian work permits (30 Sept. 1993). The representative added that non-renewal of work permits for Palestinians has been the trend since well before the Gulf War and it has been difficult for the Palestinian work force to even obtain work permits since 1983 (Ibid.). Although the government of the UAE is the main employer of Palestinians in the UAE and this makes it more difficult to distinguish between economic and political reasons for not renewing work permits (Ibid.) (Immigration and Refugee Board of Canada 1993, *ARE15267.E – United Arab Emirates (UAE): Information on the reasons (economic or political) for not renewing Palestinian work permits*, 1 September UNHCR Refworld website <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6acad34> – Accessed 16 April 2008 – Attachment 22).

A 1990 report from the Immigration and Refugee Board of Canada attributed difficulties experienced by Palestinians in obtaining residency permits to the diplomatic relations between the UAE and the PLO, and to fears of radical ideology:

... the U.A.E. authorities have been concerned about the presence of non-native Arab nationals in their country who constitute a significant percentage of the U.A.E.'s population. They are concerned because the non-native Arabs in general and the Palestinians in particular have been perceived as the importers and promoters of radical and potentially subversive ideas which may endanger the status-quo in the U.A.E. (Ibid., pp. 300-301).

It seems that the Persian Gulf crisis has severed U.A.E. relations with the Palestinians to some extent. It is possible that the refusal of the PLO to take a stand against Iraq has contributed to this situation. According to a BBC broadcast, the U.A.E. security forces apprehended and deported 500 Palestinians early in August 1990 (BBC Summary, 17 August 1990). In addition, an unknown number of Palestinians was reported to be under arrest for (presumably) the PLO's condemnation of the American military presence in the Persian Gulf (Ibid.).

...Another representative of the PIC in Ottawa stated that the Palestinians who had been in the U.A.E. prior to the Persian Gulf crisis could still stay and work there. She added that the U.A.E., however, has refused to issue visas and work permits to those Palestinians wishing to enter and work in the U.A.E. since the Iraqi invasion of Kuwait (telephone interview, 16 November 1990) (Immigration and Refugee Board of Canada 1990, *ARE7244 – The United Arab Emirates (U.A.E.): Information on the treatment of the Palestinians in the U.A.E.*, 1 November, UNHCR Refworld website <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6ad5f24> – Accessed 16 April 2008 – Attachment 23).

## **2. What is the right of return to UAE for PA document holders/foreigners after travel from the country?**

Information was found to indicate that holders of a current UAE residency permit have the right to exit and re-enter the UAE for the duration of their permit, provided they do not



remain outside the country for more than six months. Information was found to indicate residency permit holders who remain outside the UAE for more than six months lose their right to re-enter the country. Information was found to indicate that a person whose right to re-enter the UAE is voided in this manner may apply to have this right re-instated, provided their residence permit is still valid. Recent RRT *Research Response ARE32814* of 4 January 2008 refers to several sources on the question of return rights for foreigners who hold a residence visa in the UAE, including a 2004 report published by the Immigration and Refugee Board of Canada:, which provided the following information:

Residence permit holders have the right to re-enter the UAE as often as desired, provided that they do not remain out of the country for an uninterrupted period extending six months. Residence permits are cancelled when permit holders remain out of the UAE for an uninterrupted period longer than six months (Immigration and Refugee Board of Canada 2004, *ARE41484.E – United Arab Emirates: The rights and privileges accorded to the holder of a United Arab Emirates residence permit, including whether a residence permit holder has the right to re-entry, and to reside and earn a living in the country*, 3 March – Attachment 5; RRT Research & Information 2008, *Research Response ARE32814*, 4 January – Attachment 4).

Information was found to indicate that a six-month absence does not invalidate the residency permit itself, but only the right to re-enter the UAE. A DFAT report from 2001 provides the following information:

The six-month absence period is fairly rigidly enforced. If the temporary resident is absent for greater than six months they do not automatically lose their residency as such, however it is illegal to re-enter the countr[y] (DIMIA Country Information Service 2001, *Country Information Report No.200/01– United Arab Emirates: Residence rights in UAE*, (sourced from DFAT advice of 11 July 2001), 16 July – Attachment 24).

A recent DFAT Report was located which provided information to indicate that holders of a UAE residency visa who are outside the UAE for more than six months may apply for permission to re-enter the UAE, if they are able to obtain a “letter of no objection” from their sponsor:

...UAE resident visas require a sponsor. Visas are void if the holder leaves the UAE for more than six months. The applicant may reside in the UAE on his current visa if he is still sponsored by his original sponsor.

...The relevant Articles under the UAE Immigration Law (Federal) are:

\* Article (59)

Residence permit entitles its holder to reside in the country during the period of residence granted to him, and upon expiry permit [*sic*] or cancellation, he has to leave the country within a period of thirty days at most.

\* Article (61)

Residence permit issued to a foreigner shall be regarded void, if his stay outside the country lasted for more than six months.

...3. One 25 July we spoke to Mohammed (he would not give his family name) at the Office of the General Manager for the Department of Naturalisation and Residency in Abu Dhabi. He confirmed the above articles were still in force, but added a resident visa holder who has been out of the country for more than six months may re-enter and reside in the UAE

if they have a letter of no objection from their original sponsor (Department of Foreign Affairs and Trade 2007, 'RRT Information Request: ARE32074', 26 July – Attachment 3)

Specific information was located on the website of the Dubai Department of Naturalization & Residency regarding the procedures to be followed for application for re-entry for a person who holds a current residence permit but who has been outside the country for six months. This information indicates that the application for re-entry should be made by the sponsor or employer of the foreign national ('What are the procedures for the entry permit for who stays outside the country more than 6 months?' 2007, Department of Naturalization & Residency – Dubai website <http://www.dnrd.gov.ae/DNRD/Inquiries/Faq.aspx?id=33> – Accessed 15 April 2008 – Attachment 25).

### **3. What is the process for renewal of PA travel documents from Australia or other countries outside the Palestinian controlled Territories?**

No definitive information was located through publicly available sources regarding the current process for renewing Palestinian passports/travel documents from locations outside the Palestinian Territories. Searches of various Palestinian Authority websites, including the Palestinian Ministry of Information website (<http://www.minfo.ps/english/index.asp>), and the Palestinian Ministry of Interior website (<http://www.moi.ps/en/>), did not reveal information on the renewal of Palestinian passports. Various information published over the past ten years on the subject of the renewal of Palestinian Authority travel documents from outside the Palestinian Territories was located. This information found suggests that the process of obtaining a Palestinian Authority passport from abroad may be other than straightforward, and may vary over time according to the current political situation in the Palestinian Territories.

Information published by the BADIL Resource Center for Palestinian Residency & Refugee Rights in 1998 indicated that Palestinian Authority passports/travel documents could be renewed from abroad by appointing a proxy in the Palestinian Territories to handle the application process with the Palestinian Interior Ministry. The same source indicated that where possible, the appointment of the proxy should be approved by the local overseas Palestinian Authority embassy:

Palestinian residents of the West Bank and the Gaza Strip living abroad may obtain/renew their Palestinian passport by:

- a) Authorizing a person in Palestine to handle their application with the PA Interior Ministry. Such authorization must be signed by the applicant and approved by the Palestinian embassy abroad. If no Palestinian embassy is available, the authorization must be signed by a notary in the country of residence of the applicant (BADIL Resource Center for Palestinian Residency & Refugee Rights 1998, 'How To Protect Your Residency Rights In The West Bank And Gaza Strip', Badil Website, 24 October <http://www.badil.org/Publications/Press/1998/press30-98.htm> – Accessed 17 April 2008 – Attachment 29).

Subsequent advice contained in a Department of Foreign Affairs and Trade Report from 2002 made specific reference to the process for renewing a Palestinian passport from Australia, indicating that Palestinians seeking to obtain a new passport may approach the local Palestinian Representative Office in Canberra. It is worth noting that this advice makes no mention of the need to appoint a proxy in the Palestinian Territories, and indicates that

applicants may be required to provide proof of residence in the Palestinian Territories as part of the application:

#### Background

The applicant was born in Gaza and holds a Palestinian passport. The applicant lived in Gaza until 1986.

The applicant moved to the UAE and lived there with his/her children who had been living in the UAE since 1980.

In 1999, the applicant moved back to Gaza.

...Q.3 Where can the applicant renew an expired passport?

... A.3 The applicant may obtain a new passport from any Palestinian mission, including the Palestinian Representative Office in Canberra. the applicant must present the expired passport and evidence of residence in the Palestinian territories with the completed passport application (DIMIA Country Information Service 2002, *Country Information Report No.265/02 – Re-Entry/Residence Rights – UAE Resident Sponsoring Mother as Dependent*, (sourced from DFAT Advice of 11 August 2002), 11 August – Attachment 27).

Information on the contact details for the General Palestinian Delegation in Australia were located on the Australian Department of Foreign Affairs and Trade website ('General Palestinian Delegation' (undated), Australian Department of Foreign Affairs and Trade website

<http://www.info.dfat.gov.au/Info/WebProtocol/WebProtocol.nsf/WebConsularList?OpenForm&Palestinian%20TerritoriesO> – Accessed 17 April 2008 – Attachment 28).

More recent information, located in Australian Federal Court judgments from 2003, charts the progress of attempts made by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) to assist a Palestinian in Australia to obtain a Palestinian Authority passport (to facilitate his departure from the country). These judgments provide information on the process of applying for a Palestinian passport by appointing a proxy to handle the application in the Palestinian Territories, and on liaison which occurred between the Australian Embassy in Tel Aviv and Palestinian Authority representatives; they do not contain any explicit reference to any attempts being made to obtain a Palestinian passport through the local General Palestinian Delegation in Canberra.

Australian Federal Court Judgement *SHMB v Goodwin* [2003] FCA 1053 (13 August 2003) provides information regarding difficulties encountered by a Palestinian in Australia attempting to secure a Palestinian passport by appointing a close relative in the Palestinian Territories as a proxy, including a changes made by Palestinian authorities regarding “the rules”, “circumstances in which”, “and the places at which”, “the application for a Palestinian passport could be made”:

The Palestinian authorities firstly required, in addition to the application for a passport, a power of attorney from the applicant to some family member in Palestine who would then appear to make a formal application for the passport to be processed. The Palestinian authorities then appear to have changed their requirements as to the nature and extent of documentation to be lodged in support of the application for a Palestinian passport. They also appear to have changed the rules as to the circumstances in which – and the places at which – the application for a Palestinian passport could be made. Some of those changes appear to have corresponded with changes in the senior personnel in the Palestinian authority. They

have led to uncertainty on the part of the Department about the current requirements of the Palestinian authorities for the issue of a Palestinian passport to persons such as the applicant. It is also suggested that military activities in the Middle East in the early part of this year have somehow impacted upon the processing of Palestinian passport applications by the Palestinian authorities (*SHMB v Goodwin* [2003] FCA 1053 (13 August 2003), AustLII website <http://austlii.law.uts.edu.au/au/cases/cth/FCA/2003/1053.txt/cgi-bin/report.cgi/report/au/cases/cth/FCA/2003/1053.rtf> – Accessed 18 April 2008 – Attachment 30).

The same judgement indicates that Australian representatives from the Australian Embassy in Tel Aviv subsequently liaised with the Director-General of the Palestinian Ministry of the Interior to clarify the requirements for the issue of a Palestinian passport, and that there was evidence to show that “...the applicant, if he attends by a duly authorised relative with the necessary power of attorney, may be granted a Palestinian passport” (*SHMB v Goodwin* [2003] FCA 1053 (13 August 2003), AustLII website <http://austlii.law.uts.edu.au/au/cases/cth/FCA/2003/1053.txt/cgi-bin/report.cgi/report/au/cases/cth/FCA/2003/1053.rtf> – Accessed 18 April 2008 – Attachment 30).

*SHMB v Goodwin (No 3)* [2003] FCA 1444 (10 December 2003), a subsequent Federal Court judgment regarding the same applicant, provides a brief account of then unresolved attempts to secure a Palestinian Passport for the applicant with the aid of an Australian Embassy Official, in the absence of the availability of a close relative to act as proxy:

At that time, the option of securing a Palestinian passport supported by a duly authorised relative with the necessary power of attorney had become less realistic. The respondent was exploring, with the applicant, him applying for a Palestinian passport supported by an officer of the Australian Embassy in Tel Aviv who had been granted a power of attorney limited to that purpose. There was conflicting evidence as to whether such an application would be accepted for processing by the Palestinian authorities, and if accepted for processing would result in the issue of a Palestinian passport to him. I noted at the time that the option of securing a Palestinian passport supported by a duly authorised officer of the Australian Embassy, who has a power of attorney limited to that purpose, could on the evidence be pursued only through a local office of the Ministry of the Interior. The evidence was that the principal issuing office for passports at Hebron would not accept or grant a Palestinian passport for which the application was made supported only by a duly authorised officer of the Australian Embassy, with such a power of attorney. It required a power of attorney granted to and an application supported by a close relative of the applicant (*SHMB v Goodwin (No 3)* [2003] FCA 1444 (10 December 2003), AustLII website, [http://www.austlii.edu.au/au/cases/cth/federal\\_ct/2003/1444.txt/cgi-bin/report.cgi/report/au/cases/cth/federal\\_ct/2003/1444.rtf](http://www.austlii.edu.au/au/cases/cth/federal_ct/2003/1444.txt/cgi-bin/report.cgi/report/au/cases/cth/federal_ct/2003/1444.rtf) – Accessed 18 April 2008 – Attachment 31; see also *SHMB v Goodwin (No 2)* [2003] FCA 1171 (3 October 2003), AustLII website [http://www.austlii.edu.au/au/cases/cth/federal\\_ct/2003/1171.txt/cgi-bin/report.cgi/report/au/cases/cth/federal\\_ct/2003/1171.rtf](http://www.austlii.edu.au/au/cases/cth/federal_ct/2003/1171.txt/cgi-bin/report.cgi/report/au/cases/cth/federal_ct/2003/1171.rtf) – Accessed 18 April 2008 – Attachment 34).

More recently, a 2005 report published by BADIL provided information on the renewal of Palestinian Authority passport/travel documents, indicating that they could be renewed either through the Palestinian Interior Ministry, or through an overseas Palestinian Authority representative, but noting also that Palestinians may face difficulties in renewing their travel documents from abroad:

Since 1994, Palestinian residents of the occupied West Bank (except eastern Jerusalem) and the Gaza Strip may obtain a "Palestinian Passport" issued under the terms of the Oslo Accords between Israel and the PLO. This "passport" functions as a travel document. It does not convey citizenship of a state (in the absence of a Palestinian state). However, it entitles its holder to leave and re-enter the West Bank/Gaza Strip without the need for additional travel and re-entry permits (unless Israeli authorities raise "security reasons"). The Palestinian passport/travel document is issued by the Palestinian Authority (PA) after clearance by Israel. Only Palestinians residents in the 1967-OPT and their descendants who hold a valid ID-card are entitled to this passport/travel document. The document is valid for three years and renewable via the PA Interior Ministry or Palestinian representations abroad. Still, Palestinians may face difficulties renewing their Palestinian passport/travel document while abroad due to a lack of efficient procedures (BADIL Resource Center for Palestinian Residency & Refugee Rights 2005, 'Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention', BADIL website August, p.21 <http://www.badil.org/Publications/Books/Handbook.pdf> – Accessed 15 April 2008 – Attachment 26).

Information was located to indicate that the process of obtaining Palestinian passport/travel documents from abroad may have been complicated by the recent conflict in the Palestinian Territories between *Harakat al-Muqawama al-Islamiyya* (Hamas) and the *Harakat al-Tahrir al-Watani al-Filastini* (Fatah) controlled Palestinian Authority. An article published by *The New York Times* in June 2006 indicated that the Palestinian President Mahmoud Abbas had cancelled the validity of all Palestinian travel documents issued in Gaza:

Mr. Abbas, in a series of decrees, has canceled the validity of any Palestinian passport or travel document issued in Gaza, meaning that Gazans will have to travel to the West Bank to get new ones. That journey is impossible for most Gazans because of the Israeli security restrictions already in place, and it would presumably allow Mr. Abbas and Fatah to prevent Hamas figures from getting new passports (Erlanger, Steven 2007, Backing Fatah and Abbas, Egypt Organizes Summit Meeting for Palestinian Leader, *The New York Times*, 22 June [http://www.nytimes.com/2007/06/22/world/middleeast/22mideast.html?\\_r=2&oref=slogin&oref=slogin](http://www.nytimes.com/2007/06/22/world/middleeast/22mideast.html?_r=2&oref=slogin&oref=slogin) – Accessed 17 April 2008 – Attachment 33).

An Al-Quds report of 21 June 2007, carried by *BBC Monitoring*, provided the following Statement by Palestinian Authority Ministry of the Interior Undersecretary Amin Maqbul on Palestinian passports, indicating that following the destruction of the Passports Directorate in Gaza, passports were not being issued within Gaza until further notice. Information was not located to indicate that the issue of Palestinian passports had subsequently recommenced in Gaza:

"The cessation of passports being issued in the Gaza Strip resulted from the destruction of the Passports Directorate and the burning and looting of its contents. The situation is now being restructured and it is being monitored by us until work resumes at the Passports Directorate in the Gaza Strip in accordance with the rules and under our supervision. We will make the announcement at the proper time. Until then, the Passports Directorate at the Ministry headquarters in Ramallah will issue passports to the sons of our people in the Gaza Strip for emergency and necessary cases, in coordination with the Director General of Passports in the Gaza Strip" ('Palestinian Interior Ministry clarifies position on passports' 2007, *BBC Monitoring Middle East* 22 June (source: Al-Quds website 21 June 2007) – Attachment 32).

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Google search engine <http://www.google.com/>

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United Arab Emirates Ministry of Interior Naturalisation and Residency Administration  
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Website of Palestinian Ambassador to Canada

<http://www.cyberus.ca/~baker/palestine4aa.htm>

Palestine General Delegation Finland website <http://www.palestinegd.fi/>

Palestinian Ministry of Information website <http://www.minfo.ps/english/index.asp>

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#### **Non- Government**

Political Resources website <http://www.politicalresources.net/palestine.htm>

#### **Region- Specific Links**

The Emirates Network Guide website <http://guide.theemiratesnetwork.com/>

Dubai City Guide website <http://www.dubaicityguide.com/main/index.asp?ref=vis>

Badil website <http://www.badil.org/>

Palestinian Information Centre website <http://www.palestine-info.co.uk/en/>

Canada-Palestine Support Network website <http://www.canpalnet.ca/mambo/index.php>

#### **United Nations**

UNHCR Refworld website <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

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BACIS (DIAC Country Information database)

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ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

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