

1- How does the law define Palestinian refugees residing in Lebanon?

There is no clear and specific definition for Palestinian refugees in the Lebanese law.

In accordance with Decree N° 11770/1948 dated 5/13/1948 every person who sought refuge in Lebanon as a result of the conflict in Palestine, regardless of nationality, original residence location and economic situation, is considered to be a refugee.

In accordance with Article 26 of the Asylum Law "Any foreigner subject to pursuit, condemned for a political crime by a non-Lebanese authority or whose life or freedom is threatened for political reasons can request to be granted the right of political asylum".

According to the definition of Article 1 of the Law of 7/10/1962 (pertaining to foreigners), "Any natural person who is not of Lebanese nationality is [...] a foreigner."

2- Does Lebanon apply the international legislations and treaties to which it adheres with regard to the right to work?

Theoretically, yes. Lebanon's positive laws conform to international treaties in regard to granting foreigners the right to work on its territory without discrimination except where Lebanese nationals abroad do not benefit from the same right to work (the principle of reciprocity). Lebanese laws are devoid of any stipulations which discriminate between one foreigner and another.

In practice, however, there is a loophole which concerns every stateless foreigner such as the Palestinian refugees. Therefore, in the absence of an international entity for the State of Palestine and of recognized legislation issued by a Palestinian State, the principle of reciprocity which is obligatory for an overwhelming majority of occupations and professions a foreigner is permitted to practice in Lebanon, cannot be applied, particularly where the law requires a proof of reciprocity treatment in the form of a bilateral agreement between Lebanon and the foreigner's state of origin. The foreigner must also possess a license to practice certain professions in his/her own country, such as medicine, dental medicine, engineering and other fields, which Palestinian refugees cannot obtain as a result of the absence of a regional entity for the State of Palestine.

There are also other loopholes, the most important of which is that Palestinian refugees must comply with all the obligations required of all foreigners with regard to Social Security but do not benefit like they do from its allowances due to the principle of reciprocity. It should be noted as well that although the ministerial decision N°79/1 issued in 2005 by the Minister of Labour and the subsequent decisions were a positive step, there is still a risk that this decision could be repelled by a succeeding Minister of Labour or that the article pertaining to the Palestinian refugees may be omitted. For Lebanese laws to conform to international treaties, the issue of employment for stateless Palestinian refugees residing in Lebanon must be attended to by changing the labour laws pertaining to them either by creating a special law specific to them or by modifying current laws.

3- What are the legislative texts which govern the status, the rights and the obligations of Palestinian refugees in the Lebanese labour market?

There are no specific laws regarding the employment of Palestinian refugees in Lebanon. Their status is governed by legislative texts pertaining to the labour market such as the Contract Law, the Labour Law, the Social Security Law, the Law governing occupational injuries, and their provisions with respect to foreigners working in Lebanon.

These laws do not stipulate any specific or explicit derogation of the rights of Palestinian refugees to work in Lebanon, which is evident and in conformity with the international treaties and conventions to which Lebanon has adhered.

However, the conditions and general principles that govern foreigners working in Lebanon and the benefits conferred to them by the work contract lead to a situation of inequality between Palestinian refugees and all other foreigners due to Palestinians' inability to ensure the required conditions and qualifications for certain professions, and especially, proof of reciprocity.

4- What is meant by the principle of reciprocity in the Labour Law and the Social Security Law? And what are its implications on the Palestinian refugees in Lebanon?

General definition

According to the Lebanese Labour Law, the principle of reciprocity means that a foreigner is allowed to work in Lebanon only to the extent that the country of that particular foreigner accords a Lebanese worker the same rights.

According to the Social Security Law, this principle means that foreign workers cannot benefit from Social Security allowances unless they possess a work permit in accordance with the laws and regulations in effect, and unless the state to which they belong endorses the principle of equality between Lebanese citizens and its nationals with regard to Social Security.

The states which deal with Lebanon on the basis of reciprocity with respect to Social Security (part or all of its branches) and the conditions for extending its benefits to their citizens are determined in accordance with decisions issued by the Fund's Board of Directors after consultation with the Ministry of Foreign Affairs and Emigrants.

The implications of this principle on Palestinian refugees

The principle of reciprocity constitutes a major obstacle to the ability of Palestinian refugees to work in Lebanon. The reason is the following: In the absence of an international entity for the State of Palestine and of recognized legislation issued by the State of Palestine, the principle of reciprocity which is obligatory for an overwhelming majority of occupations and professions a foreigner is permitted to practice in Lebanon, cannot be applied, particularly where the law requires – as a proof of reciprocity treatment – a bilateral agreement between Lebanon and the foreigner's state of origin. As a result, a large number of occupations and professions are barred to many Palestinians, whether born in Lebanon or residing abroad.

Furthermore, Palestinian refugees cannot benefit from the allowances of the National Social Security Fund – although they have to comply with its obligations like all other workers – because of the principle of reciprocity. This is due to the fact that registration in Social Security is obligatory while the provisions of Social Security do not tackle at all the situation of refugees (in general), whether Palestinian or from other nationalities.

5- Does the Lebanese law require a compulsory work permit for foreigners and Palestinian refugees for all authorized occupations? What are the laws and decisions which govern obtaining a work permit and what fees do the Palestinian refugees have to pay?

Is the work permit compulsory?

Yes, a work permit is required by law under Article 2 of Decree N° 17561 dated 9/18/1964 (work regulations for foreigners). It is obvious from the above mentioned article that a work permit is compulsory for Palestinians and non Palestinians alike.

One must mention here the documents and formalities needed to obtain a work permit. These formalities are not easy and represent an additional obstacle for Palestinian refugees, who do not benefit from the work permit to the same extent as other foreigners working in Lebanon.

Documents needed to obtain a work permit

- 1- An original labour contract authenticated by a notary that specifies the type of work.
- 2- An insurance policy with a photocopy of the card or the original receipt.
- 3- A Palestinian refugee ID.
- 4- A photocopy of the employer's commercial circular and certificate of registration in the trade register (if the employer is a business or a company) or a photocopy of the employer's ID.

Work permit fees for Palestinian refugees in Lebanon

Article 26 of Law N° 1/70 dated 01/19/1970 (residence card fees for non-Lebanese and renewal fees for foreigners' work permits) and amended by the Budget Law for 2002 specifies the annual fees imposed on work permits of foreigners with the exception of musicians and artists as follows:

- 1,800,000 LL for first category foreigners (foreigners who exercise important professions in trade, industry, banking and tourism and earn per month at least three times the minimum monthly wage).
- 960,000 LL for second category foreigners (foreigners who exercise the same above mentioned professions but on a smaller scale or practice independent professions and earn per month more than two and up to three times the minimum monthly wage).
- 480,000 LL for third category foreigners (foreigners who work as craftsmen or operate a small business and earn per month an income ranging between the minimum monthly wage and its double).
- 240,000 LL for fourth category foreigners (all other foreigners, in particular those who are not subject to the Labour Law, who earn per month less than the minimum monthly wage (Article 1, Two, (1))

Law 61/88 stipulates that Palestinians registered in the Directorate for Political and Refugee Affairs should pay 25% of the above mentioned fees for work permits (Article 1, Two, (2)). According to Paragraph 4 of the same Article, the Minister of Labour shall rule after checking the category of the permit applicant.

6- What are the occupations and professions that Palestinian refugees can practice? And are there any obstacles standing in the way of their ability to practice them?

In theory, Palestinian refugees can practice the occupations and professions restricted to Lebanese nationals, by virtue of the Ministerial Decision N° 94/1 issued by the Minister of Labour in 2008, which excludes in Article 3, Paragraph 1, Palestinian refugees from said restrictions, provided that they are born in Lebanon, officially registered in the records of the Lebanese Ministry of the Interior, and have obtained a work permit. These occupations and professions are numerous and include:

a- Wage earners

Banking and administrative work of all kinds, particularly:

Manager - Assistant manager - Staff manager - Treasurer - Accountant - Secretary - Clerk - Documentalist - Archivist - Computer worker - Commercial representative - Marketing representative - Foreman - Warehouse keeper - Salesman - Tailor - Electrical installations - Mechanics and maintenance - Paintwork - Installation of glass panes - Doorman - Watchman - Driver - Hairdresser - Electronic work - Arabic food cook - The technical professions in the construction sector and its derivatives such as tiling, coating, plastering, installation of aluminum, iron, wood or decoration works, and the like - Smithery and upholstery work - Nursing - All kinds of work in pharmacies, drug warehouses and medical laboratories - Teaching at the elementary, intermediate and secondary levels with the exception of foreign language teaching when necessary - Engineering work of all specialties - Measurement and surveying work - In general all occupations and professions which can be filled by Lebanese nationals.

b- Business owners

Commercial work of all kinds - Money exchange - Accounting - Commissions - Engineering work of all types - Jewelry - Printing, publishing and distribution - Sewing and darning - Hairdressing - Ironing and dry-cleaning - Car repairs (blacksmith, paint, mechanics, installation of glass, upholstery and car electricity) - Independent professions (engineering, medicine, pharmacy, law) unless the foreigner obtains an authorization allowing him/her to practice a profession or occupation which he/she can prove to be non-prejudicial to or in competition with Lebanese business owners.

However, in practice, the Ministerial Decision N^o 94/1 issued by the Ministry of Labour in 2008 did not have any concrete results, as it is not enough to allow Palestinian refugees access to a number of occupations and professions if they cannot benefit from the advantages that go with a work contract, like health insurance, severance pay insurance, etc.

Therefore, although Palestinians were allowed to work in fields restricted to Lebanese nationals, the obstacle of the principle of reciprocity was not lifted with respect to benefiting from the allowances of the National Social Security Fund.

7- What is the situation of Palestinian refugees with regard to practicing independent professions governed by the Labour Law?

a- Professions that Palestinian refugees can practice in Lebanon

Contractor - Investor - Physician or dentist pursuing a specialization - Preparation and fitting of artificial limbs and orthopedic apparatuses provided that this occupation is practiced within the framework of a non-profit organization or an academic institution or a vocational training center - Legal midwife - Itinerant photographer

b- Professions that Palestinian refugees cannot practice because they are restricted to Lebanese nationals

With regards to wage earning professions governed by special laws

Health worker - Registered nurse - Assistant nurse

With regards to independent professions

Regulation of the profession of archeological and tourist guides in Lebanon - Regulation of the profession of real estate agents - Regulation of the money exchange profession - Regulation of the legal profession - Regulation of the profession of follow-up of formalities at the car and vehicle registration department - Regulation of the profession of driving instructors for cars and all other vehicles - Assistant laboratory technician - Land surveyor or work instructor

c- Occupations that Palestinian refugees cannot practice because of the principle of reciprocity

The provisions pertaining to independent professions differ from one profession to another depending on the laws governing them. A major obstacle faced by Palestinian refugees in the majority of independent professions is the principle of reciprocity.

Regulation of medical laboratories - Certified laboratory technician - Laboratory technician - Physician or dentist - Preparation and fitting of artificial limbs and orthopedic apparatuses - Topographer - Physiotherapist - Certified health inspector - Health inspector - Engineer - Certified chartered accountant - Dental laboratory specialist - Veterinarian - Registered nurse

8- Why does the Social Security Law require foreigners working in Lebanon with a work permit to subscribe and contribute to the Social Security Fund, yet does not allow them to benefit from its advantages?

According to the law, the Social Security is an independent national institution of a social nature intended to provide insurance to Lebanese nationals only and not foreigners.

Foreign workers on Lebanese territory are subject to all the obligations stipulated by the Social Security Law yet cannot benefit from its allowances unless they possess a work permit in accordance with the laws and regulations in effect, and unless the state to which they belong endorses the principle of equality between Lebanese citizens and its nationals with regard to Social Security. The states which deal with Lebanon on the basis of reciprocity with respect to Social Security (part or all of its branches) and the conditions for extending its benefits to their citizens, are determined in accordance with decisions issued by the Fund's Board of Directors after consultation with the Ministry of Foreign Affairs and Emigrants (the principle of reciprocity).

With regards to the end of service branch, neither the employer nor the employee are bound by the obligations of the Fund unless the right of the employee to benefit from it is proven, namely on the basis of reciprocity.

The law requires that all foreigners and Lebanese nationals be subject to its provisions as registration in Social Security is obligatory, and the Fund's revenues are mainly composed of its registered members' contributions. Foreigners cannot be exempted of the obligations of the Fund, namely registration and contributions, as this would lead to the preferential employment of foreigners over Lebanese nationals. The provisions of the Social Security do not tackle the situation of refugees at all (in general) whether Palestinian, political or other.