



Palestinian Asylum Seekers, Statelessness, and the Limits of Forced Repatriation

Shaul M. Gabbay

1. Global Research Institute, Posner Center for International Development, Denver, CO USA

Abstract: Palestinian asylum seekers present a distinct and frequently misunderstood profile in contemporary asylum proceedings. Unlike most asylum-seeking populations, Palestinians often lack citizenship in any state, rendering conventional assumptions about nationality, origin, and the availability of return fundamentally inapplicable to their cases. This article examines two principal populations: Palestinians who have resided in Gulf states, primarily Saudi Arabia, the United Arab Emirates, and Kuwait, under temporary and contingent residency arrangements, and Palestinians who have fled the West Bank directly. For both groups, the assumption that "Palestine" constitutes a viable destination for forced repatriation is factually untenable. The absence of Palestinian statehood, Israeli control over all entry points into Palestinian territories, and enduring conditions of instability and persecution make return either structurally impossible or deeply unsafe. For a significant subset of applicants, individual persecution grounds including sexual orientation, religious conversion, and honor-based violence further preclude safe return. Understanding the factual dimensions of Palestinian statelessness and territorial conditions is essential for accurate and just assessment of Palestinian asylum claims.

Keywords: Palestinian asylum seekers, statelessness, forced repatriation, West Bank conditions, Gulf states, honor-based violence, refugee protection

INTRODUCTION

Among the many complex cases that arise in asylum proceedings, those involving Palestinian applicants present a distinctive and frequently mischaracterized set of challenges. Palestinians occupy a unique position in the global landscape of forced displacement: as a population that has lived for generations without a sovereign state, without guaranteed citizenship in any country, and without an unambiguous territorial home to which they may be returned. Yet this complexity is often insufficiently understood, leading to consequential errors in the assessment of their claims.

This paper addresses two principal populations of Palestinian asylum seekers. The first comprises Palestinians who have lived in Gulf states, primarily Saudi Arabia, the United Arab Emirates, and Kuwait, for one or more generations under temporary and contingent residency arrangements that confer no citizenship, no permanent status, and no right of return to those countries. The second comprises Palestinians who have left the West Bank directly, driven not by generalized conflict but by specific and deeply rooted forms of intra-community and intra-family persecution.

Despite the differences in their immediate origins, both populations share a fundamental vulnerability: neither can be meaningfully or safely returned to Palestinian territory. For Palestinians leaving the West Bank directly, the motivations for flight are

frequently rooted in intra-community and intra-family persecution rather than generalized conflict. These include pressure or threats from Hamas and other factions to join or cooperate with their activities; accusations of collaboration with Israeli authorities, which carry severe social and physical consequences; honor-based violence arising from behavioral transgressions such as premarital sex, refusal of an arranged marriage, or conduct deemed to bring shame upon the family; entrenched family feuds with potentially lethal outcomes; sexual orientation; religious conversion or apostasy; and the broader experience of living outside accepted social norms in ways that invite violent retribution. In many cases, the threat originates not from state actors but from family members or community networks, making it no less dangerous and no less relevant to the assessment of asylum claims. [16] [17]

The assumption that Palestinian asylum seekers have a homeland to which they can be repatriated reflects a significant misunderstanding of Palestinian legal status, territorial fragmentation, and the political realities governing entry into the West Bank and Gaza. Palestine does not function as a sovereign state with independent border authority. [11] Israel exercises control over all entry points into Palestinian territories, and Palestinian Authority travel documents carry no guarantee of admission. [5] [7] For many applicants, the question of return is therefore not merely difficult. It is structurally impossible. For others, even where entry might theoretically be arranged, prevailing conditions of violence, instability, and individual persecution render return deeply unsafe.

This paper examines each of these dimensions in turn, with the goal of providing a factually grounded analysis of why forced repatriation to Palestinian territory fails as a durable or just resolution to Palestinian asylum claims.

PALESTINIAN STATELESSNESS IN THE GULF CONTEXT

The Palestinian presence in Gulf states is the product of decades of labor migration, professional recruitment, and displacement that began in earnest following the 1948 Arab-Israeli War and accelerated after 1967. [1] [2] Over successive generations, Palestinian communities became deeply embedded in the economies and social fabric of Saudi Arabia, the United Arab Emirates, Kuwait, and other Gulf states, contributing significantly to their development as engineers, educators, physicians, and business professionals. [2] Yet despite this long and often multigenerational presence, Palestinians in the Gulf have never been offered a path to citizenship. Their residence has remained entirely contingent, dependent on employment contracts, family sponsorship, or other temporary arrangements that can be terminated, lapsed, or revoked without recourse. [25]

This structural exclusion is not incidental but reflects a consistent and deliberate policy across Gulf states. [4] Unlike Jordan, which extended citizenship to a significant portion of its Palestinian population following 1948, Gulf states have maintained Palestinians in a state of permanent legal impermanence. There is no naturalization pathway, no permanent residency status, and no legal mechanism by which a Palestinian family, regardless of how many generations it has lived and worked in a Gulf country, can secure the right to remain. [25] When residency status lapses, whether through job loss, the death of a sponsor, a child aging out of a dependent visa, or simple administrative expiration, the individual concerned has no legal basis to remain and no right of return to that country once departed.

The consequences of this arrangement for asylum proceedings are significant. A Palestinian applicant who has spent their entire life in Saudi Arabia or the United Arab Emirates cannot be returned there. The country of long residence will not readmit them. They hold no passport issued by that state, no permanent residency document, and no legal claim on its territory. They are, in the most precise sense of the term, stateless, not because they have been formally stripped of citizenship, but because they have never possessed it in any country, and because the state in which they built their lives has no legal obligation to receive them back. [4] [24]

This statelessness is further complicated by the generational dimension. Many Palestinian asylum seekers from the Gulf were born there, raised there, educated there, and have never resided in Palestinian territory. Their connection to Palestine is ancestral and cultural rather than experiential. They may hold a Palestinian Authority travel document, an instrument of uncertain and limited utility, but they have no established residence, no family home, no social network, and no practical foundation for life in a territory they have never inhabited. [4] [24] To characterize forced repatriation to Palestine as a return in any meaningful sense fundamentally misrepresents the reality of their lives and the nature of their displacement.

WHY PALESTINE IS NOT A VIABLE RETURN OPTION

The characterization of Palestine as a destination for forced repatriation rests on an assumption that does not withstand factual scrutiny: that a recognizable, functioning, and accessible territorial home exists to which Palestinian asylum seekers can be sent. In reality, the political, administrative, and physical architecture governing entry into Palestinian territories renders this assumption untenable for the vast majority of applicants, regardless of their country of prior residence.

Palestine does not exist as a sovereign state in the conventional sense. The Palestinian Authority, established under the Oslo Accords of the early 1990s, exercises limited administrative and civil governance over designated areas of the West Bank, but it possesses no independent border authority, no control over airspace, and no capacity to guarantee the entry of its own population. [11] [12] All entry points into the West Bank, whether overland crossings from Jordan or checkpoints from Israeli territory, are controlled and administered by Israel. [7] This means that a Palestinian Authority travel document, while it may serve limited bureaucratic functions, carries no guarantee of admission into Palestinian territory. Entry is subject to Israeli approval, and that approval is neither automatic nor assured, particularly for individuals who have lived abroad for extended periods, who lack current West Bank residency registration, or whose personal or political history raises concerns under Israeli security criteria. [5] [8]

The implications of this arrangement are profound. Even if a Palestinian asylum seeker wished to return, and in many cases they emphatically do not, they face the practical reality that no authority exists with both the jurisdiction and the capacity to receive them. The Palestinian Authority cannot compel Israel to admit someone at the border. It cannot issue a visa that guarantees entry. It cannot provide the consular protection that sovereign states extend to their nationals abroad. [24] In this respect, the Palestinian situation is structurally unlike that of nationals of any recognized state, and it cannot be assessed through the same framework.

The geographic and administrative fragmentation of Palestinian territory adds further complexity. The West Bank and Gaza constitute physically separate territories governed by distinct and antagonistic political authorities, the Palestinian Authority in the West Bank and Hamas in Gaza, with no unified administrative structure, no shared border policy, and no coordinated mechanism for receiving returning Palestinians. [11] Gaza, moreover, has been subject to a prolonged blockade and has experienced catastrophic destruction, rendering it wholly unsuitable as a destination for forced repatriation under any credible humanitarian standard. [16]

The origin of a Palestinian family's displacement also bears directly on the question of where, precisely, they could be sent. Palestinians whose families were displaced from territories that became part of Israel in 1948 have no territorial unit within the current Palestinian Authority's jurisdiction to which they belong. Their ancestral homes, villages, and lands lie within the State of Israel, to which they have no right of entry or return under Israeli law. For these families, "return to Palestine" is a geographic and legal fiction. The place their families came from no longer exists as a Palestinian territorial unit, and the place nominally available to them is one their family has never inhabited. [4]

Finally, the question of West Bank residency registration is a practical barrier that is frequently overlooked. Entry into and residence in the West Bank is governed in part by a population registry that has been subject to Israeli administrative control since 1967. [6] [10] Palestinians who have lived abroad for extended periods may have lost their residency registration, rendering them ineligible to reside in the West Bank even if they were permitted to enter. [5] [9] Reestablishing registration is a complex, uncertain, and often unsuccessful process, leaving many returnees in a state of legal limbo within the territory itself. [10]

CONDITIONS ON THE GROUND

Even where entry into the West Bank might theoretically be arranged, the conditions prevailing in Palestinian territory raise serious and well-documented concerns about the safety of those compelled to return. These conditions are not episodic or temporary in nature but reflect structural realities that have characterized Palestinian life in the West Bank for decades and have intensified significantly in recent years.

For a Palestinian asylum seeker compelled to return to such an environment, the absence of effective protection is not a hypothetical concern but a documented reality. [17]

Beyond the immediate dangers posed by violence, the West Bank is characterized by a climate of deep political tension between competing Palestinian factions, principally the Palestinian Authority and Hamas, whose rivalry has at times manifested in violent confrontations, arbitrary detentions, and the suppression of dissent. [16] [17] Palestinians perceived as insufficiently aligned with one faction or the other, or those whose political history or associations make them suspect in the eyes of either authority, face risks that the Palestinian Authority itself is structurally ill-equipped to address. The PA's capacity to protect its own civilian population is severely constrained by its limited jurisdiction, its dependence on external financial support, and the broader political environment in which it operates. [11]

The cumulative effect of these conditions is an environment in which meaningful protection for returning Palestinians cannot be assumed or guaranteed. For individuals who left the West Bank precisely because they faced threats from community members, family networks, or political factions, return does not represent safety. It represents renewed and potentially heightened exposure to the same threats from which they fled, in a territory where institutional protection is weak, where armed actors operate with considerable impunity, and where the social and political environment that generated the original persecution remains intact. [16] [17]

The risk of broader conflict further compounds these concerns. The West Bank has historically been subject to cycles of escalation that have produced widespread violence affecting civilian populations indiscriminately. Current conditions, characterized by record levels of settler violence, intensified military operations, factional tensions, and regional instability, suggest that the potential for renewed large scale conflict remains significant. [13] [14] [15] Forced repatriation into such an environment cannot reasonably be characterized as a safe or durable outcome.

INDIVIDUAL PERSECUTION GROUNDS

Beyond the structural impossibility of return and the general conditions prevailing in Palestinian territory, a significant proportion of Palestinian asylum seekers face individual persecution grounds that are deeply rooted in the social, religious, and political culture of Palestinian society. These grounds are distinct from generalized conditions of violence or instability and reflect specific, identifiable threats directed at individuals on the basis of who they are, what they believe, or how they have chosen to live. In many cases these threats originate not from state actors but from family members, clan networks, or community institutions, a distinction that does not diminish their severity or their relevance to asylum determination. [17] [22]

Among the most serious and frequently encountered grounds is sexual orientation. Palestinian society, across both its secular and religious expressions, maintains deeply conservative norms regarding gender and sexuality. Individuals who are gay, lesbian, bisexual, or transgender face the near-total absence of legal protection, severe social stigma, and the very real prospect of violence from family members or community networks. [18] [19] There is no legal recognition of same-sex relationships in Palestinian territory, no institutional recourse for victims of homophobic violence, and no realistic expectation of protection from Palestinian Authority security forces, who are themselves embedded in the same social and cultural environment. [18] For such individuals, return to the West Bank does not merely represent hardship. It represents exposure to a credible and potentially lethal threat.

Religious conversion and apostasy constitute an equally serious ground. Palestinians who have left Islam face consequences that can range from social ostracism and family rupture to physical violence and death. [23] Apostasy carries profound stigma in Palestinian society and is treated in many community and family contexts as an act warranting severe punishment. [21] There is no legal protection for converts in Palestinian territory, and the Palestinian Authority has neither the will nor the institutional capacity to shield individuals from family or community retribution on religious grounds. [21] For those who have converted to another faith or who have simply ceased to practice Islam, the prospect of

return carries dangers that are concrete, documented, and unmitigated by any available protective mechanism.

Honor-based violence represents a third and particularly complex category, and one that is frequently underestimated by those unfamiliar with its cultural foundations. In Arab Muslim society, honor is not simply a value among other values. It occupies a position in the social and moral hierarchy that supersedes life itself. This is a fundamental distinction from Western frameworks, in which human life is typically treated as the paramount value and honor is understood as secondary or subordinate to it. In Palestinian society, as in much of the broader Arab Muslim world, the calculus is reversed: the preservation of family and community honor can justify, and in many contexts demands, the taking of a life. This cultural reality is not peripheral to the assessment of honor-based persecution claims. It is central to understanding why such threats are credible, why institutional protection is unavailable, and why flight is often the only viable response. [20]

The range of conduct that can trigger honor-based violence is broader than is commonly understood. Sexual relationships outside of marriage, refusal of an arranged marriage, homosexual conduct, extramarital affairs, apostasy or departure from Islamic practice, and any behavior that is perceived to have brought public shame upon the family or clan can constitute sufficient grounds for lethal retribution in the eyes of family or community members. [20] Critically, the threshold is social perception rather than legal determination. An accusation, a rumor, or a community judgment is sufficient to generate a threat, regardless of whether the conduct in question actually occurred. Women bear a disproportionate share of this risk, but men are by no means exempt, particularly where homosexuality, apostasy, or accusations of moral failing are involved. Palestinian Authority law and enforcement practice offer little meaningful protection in such cases, and the social infrastructure that sustains honor norms is pervasive, multigenerational, and resistant to institutional intervention. [20] [17]

Accusations of collaboration with Israeli authorities represent a fourth and distinct persecution ground. In the intensely politicized environment of the West Bank, an accusation of collaboration, whether substantiated or not, can effectively condemn an individual within their community. Such accusations may arise from personal disputes, political rivalries, or simple proximity to Israeli institutions through employment or administrative contact. [17] The consequences can include social exclusion, threats, physical violence, and killing. Palestinian security forces have historically been implicated in the mistreatment of individuals accused of collaboration, and community-based retribution operates largely outside any institutional accountability framework. [22] [16]

Finally, family feuds of a broader nature, unconnected to honor specifically, represent a significant source of individual threat in Palestinian society. Clan and extended family structures remain influential in Palestinian social and political life, and disputes between families can escalate into cycles of violence that place individuals at serious risk regardless of their personal involvement in the original dispute. For someone returning to the West Bank after years abroad, the existence of an unresolved family feud can represent an immediate and serious threat that no institutional actor is positioned to address. [17]

Taken together, these individual persecution grounds illustrate that for a substantial proportion of Palestinian asylum seekers, the dangers of return are not abstract or speculative. They are specific, credible, and grounded in the social and political realities of

Palestinian territory. When these grounds are considered alongside the structural impossibility of return for Gulf Palestinians and the general conditions prevailing in the West Bank, the cumulative case against forced repatriation becomes compelling and difficult to dismiss.

CONCLUSION

Palestinian asylum seekers occupy a position of exceptional vulnerability in the landscape of forced displacement, one that is poorly served by the frameworks and assumptions that govern the assessment of most asylum claims. As this paper has demonstrated, the question of return for Palestinian applicants cannot be resolved by reference to a country of citizenship, a functioning state apparatus, or a territorial home to which meaningful repatriation is possible. For Palestinians from the Gulf states, statelessness is structural and multigenerational, the product of deliberate exclusionary policies that have denied citizenship and permanent status across decades of residence. [1] [2] [25] For Palestinians from the West Bank, the availability of return is constrained by Israeli control over all entry points, the fragmentation of Palestinian governance, the erosion of residency registration, and the absence of any authority capable of guaranteeing admission or protection. [5] [6] [7] [10]

Layered upon these structural realities are conditions on the ground that make return not merely difficult but dangerous. The West Bank is characterized by escalating violence, weakened institutional protection, and a climate of political tension that places returning Palestinians at significant risk. [13] [14] [15] For a substantial subset of applicants, individual persecution grounds rooted in the social, religious, and political culture of Palestinian society compound these dangers further. Sexual orientation, apostasy, honor-based violence, accusations of collaboration, and family feuds represent threats that are specific, credible, and largely beyond the reach of any available protective mechanism. [16] [17] [18] [19] [20] [21] [22]

While this paper has focused primarily on West Bank conditions and the statelessness of Gulf Palestinians, it bears noting that Gaza represents an even more acute expression of the same fundamental problem. The combination of a prolonged blockade, catastrophic infrastructure destruction, and governance by a faction whose treatment of dissent, sexual minorities, and those accused of collaboration is extensively documented makes forced repatriation to Gaza not merely difficult but indefensible under any credible humanitarian standard. [16] [18] [22] The impossibility of return to Palestinian territory is not a matter of degree. It is structural, and it applies across the full geographic and political landscape of Palestinian life.

The concept that unifies these dimensions is statelessness in its broadest and most accurate sense. Palestinian asylum seekers are not merely people without a passport. They are people without a sovereign state capable of protecting them, without a territory that is obligated or able to receive them, and without the institutional infrastructure that transforms the abstract right of return into a practical reality. [4] [24] Recognizing this condition accurately is not a matter of political sympathy. It is a matter of factual precision, and it is essential to any assessment of Palestinian asylum claims that aspires to be both just and grounded in reality.

REFERENCES

- [1] BADIL Resource Center for Palestinian Residency and Refugee Rights, "Palestinian Forced Displacement from Kuwait," Al-Majdal. [Online]. <https://badil.org/publications/al-majdal/issues/items/1355.html>
- [2] "Beyond the Rupture: The Palestinian Moment in Kuwait and its Implications." Abdulla, Eman AlOtair Thesis. Georgia State University, 2024. <https://doi.org/10.57709/36942175>. <https://scholarworks.gsu.edu/items/539c4a3b-2586-4b24-9c45-ca0ff616cf3e>
- [3] Human Rights Watch, "The Tragedy of the Remaining Palestinian Residents of Kuwait," 1991. [Online]. https://www.hrw.org/reports/kuwait_1991.pdf
- [4] A. Shiblak, "Stateless Palestinians," Forced Migration Review. <https://www.fmreview.org/shiblak-2/>
- [5] Human Rights Watch, "'Forget About Him, He's Not Here': Israel's Control of Palestinian Residency in the West Bank and Gaza," February 2012. <https://www.hrw.org/report/2012/02/05/forget-about-him-hes-not-here/israels-control-palestinian-residency-west-bank-and>
- [6] B'Tselem, "Residents without Status," July 2013. https://www.btselem.org/gaza_strip/stateless
- [7] M. Loewenstein, "Identity and Movement Control in the OPT," Forced Migration Review. <https://www.fmreview.org/loewenstein/>
- [8] Danish Immigration Service, "Access and Residency for Palestinians in the West Bank, the Gaza Strip and East Jerusalem," May 2019. https://www.ecoi.net/en/file/local/2011580/palestinians_access_and_residency_+g_wb_ej_may_2019.pdf
- [9] Norwegian Refugee Council, "Legal Memo: Child Registration," December 2016. https://www.nrc.no/globalassets/pdf/legal-opinions/legal_memo_child_registration.pdf
- [10] HaMoked: Center for the Defence of the Individual, "Israeli Control of the Palestinian Population Registry," 2021. https://hamoked.org/files/2021/1665170_eng.pdf
- [11] Anera, "What Are Area A, Area B, and Area C in the West Bank?" <https://www.anera.org/what-are-area-a-area-b-and-area-c-in-the-west-bank/>
- [12] Israel Education, "Oslo Accords (Declaration of Principles on Interim Self-Government Agreements), Israel and PLO, 1993." <https://israeled.org/oslo-accords/>
- [13] United Nations Office for the Coordination of Humanitarian Affairs, "Humanitarian Situation Update #252: West Bank," 2024. <https://www.unocha.org/publications/report/occupied-palestinian-territory/humanitarian-situation-update-252-west-bank>
- [14] United Nations Office for the Coordination of Humanitarian Affairs, "Humanitarian Situation Update #350: West Bank," December 2025. <https://www.unocha.org/publications/report/occupied-palestinian-territory/humanitarian-situation-update-350-west-bank>
- [15] United Nations Office at Geneva, "Rise in Intimidation, Settler Violence in the West Bank, Warns OCHA," November 2023. <https://www.ungeneva.org/en/news-media/meeting-summary/2023/03/afternoon-human-rights-council-hears-current-israeli-plan-double>
- [16] Amnesty International, "Human Rights in Palestine (State of)," 2024 Annual Report. <https://www.amnesty.org/en/location/middle-east-and-north-africa/palestine-state-of/report-palestine-state-of/>

- [17] U.S. Department of State, "West Bank and Gaza 2023 Human Rights Report," March 2024.
https://www.state.gov/wp-content/uploads/2024/03/528267_WEST-BANK-AND-GAZA-2023-HUMAN-RIGHTS-REPORT.pdf
- [18] UN Human Rights Council, Submission by UN Watch, "LGBT Persons Under Palestinian Authority and Hamas," June 2023.
https://digitallibrary.un.org/record/4019290/files/A_HRC_53_NGO_95-EN.pdf
- [19] Human Dignity Trust, "Criminalisation of LGBT People in Palestine," January 2026.
<https://www.humandignitytrust.org/country-profile/palestine/>
- [20] A. Khalil et al., "Palestinian Students' Attitudes Toward Honor Killing Crimes: A Quantitative, Cross-Sectional Study," *BMC Psychology*, August 2025.
<https://bmcp psychology.biomedcentral.com/articles/10.1186/s40359-025-03159-0>
- [21] Open Doors, "Palestinian Territories: Persecution Dynamics," February 2025.
<https://www.opendoors.org/research-reports/country-dossiers/WWL-2025-Palestinian-Territories-Persecution-Dynamics>
- [22] UN Human Rights Council, "Submission on Palestinian Authority and Hamas Human Rights Violations," September 2020. https://www.un.org/unispal/wp-content/uploads/2020/09/A.HRC_.45.NGO_.114.pdf
- [23] M. Nir and K. Brulliard, "Leaving Islam," in *Handbook of Leaving Religion*, Brill, 2020.
<https://brill.com/display/book/edcoll/9789004331471/BP000008.xml>
- [24] Institute for Palestine Studies, "Should Palestine Give Its Refugees Citizenship?"
<https://www.palestine-studies.org/en/node/1648817>
- [25] Springer Nature, "Residency and Citizenship in the Gulf: Recent Policy Changes and Future Implications," *Comparative Migration Studies*, March 2024.
<https://link.springer.com/article/10.1186/s40878-024-00376-1>