



A displaced Palestinian receives protection or assistance from the United Nations Agency for Palestine Refugees only when that person has actually availed himself of that protection or assistance

The United Nations established the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in order to provide aid and assistance to displaced Palestinians in the Lebanon, Syria, Jordan, the West Bank and the Gaza Strip. UNRWA's services are, in principle, available to Palestinians living in those territories who lost both their home and means of livelihood as a result of the 1948 conflict and to their descendants.

The Geneva Convention¹ defines who must be granted refugee status, under what conditions, and what that status means. In the context of the European Union, the obligations arising under the Convention are reproduced in Directive 2004/83².

Under the Convention, the term 'refugee' is to apply to any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

However, the Convention provides that those provisions do not apply to persons who are at present receiving protection or assistance from organs or agencies of the United Nations, other than the United Nations High Commissioner for Refugees (HCR), such as UNRWA. Nevertheless, when such protection or assistance has ceased for any reason, without the position of such persons being definitively settled, those persons are *ipso facto* entitled to the benefits of the Convention.

In 2007, Nawras Bolbol, a stateless person of Palestinian origin, arrived in Hungary in the company of her husband, with a visa, having come from the Gaza Strip. She submitted an application for asylum to the Hungarian Immigration Office because she did not want to return to the Gaza Strip on account of the unsafe situation there caused by the daily clashes between Fatah and Hamas.

Ms Bolbol did not avail herself of the protection or assistance of UNRWA while she was still in the Gaza Strip, but she claims that she was eligible for such protection and assistance on the basis of family connections. She claims to be entitled to unconditional refugee status as a resident of Palestine now living outside UNRWA's area of operations.

The Hungarian Immigration Office refused her application on the grounds that she had not left her country of origin owing to persecution for reasons of race, religion, nationality or because of political persecution and that she was not automatically entitled to refugee status.

Ms Bolbol brought an appeal against that decision before the Fővárosi Bíróság (Budapest Municipal Court, Hungary), which must ascertain whether the specific Convention rules applicable

¹ Geneva Convention of 28 July 1951 relating to the Status of Refugees.

² Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ 2004 L 304, p. 12).

to displaced Palestinians can be relied on in respect of Ms Bolbol. In that context, the Hungarian court asked the Court of Justice whether a person receives protection and assistance from UNRWA merely by virtue of the fact that that person is entitled to that protection or assistance, or must that person have availed himself of that protection or assistance.

The Court recalls that while the term 'Palestine Refugee' applies to everyone who lost both their home in Palestine and means of livelihood as a result of the 1948 conflict, other persons are also eligible to receive protection or assistance from UNRWA. The Court observes, in particular, that, following subsequent hostilities in that region, other groups of Palestinians became displaced and are entitled to receive assistance from UNRWA.

However, the specific Convention rules applicable to displaced Palestinians concern only those persons who are at present receiving protection or assistance from UNRWA. Accordingly, **only those persons who have actually availed themselves of the assistance provided by UNRWA come within those specific rules.** On the other hand, persons who are, or were, merely eligible to receive protection and assistance from that agency are still covered by the general provisions of the Convention. Thus, their applications for refugee status must be examined on a case-by-case basis and can be accepted only where there is persecution for reasons of race, religion, nationality, or because of political persecution.

In relation to the issue of proof of actually receiving assistance from UNWRA, the Court states that, while registration with UNWRA is sufficient proof, the beneficiary must be permitted to adduce evidence of that assistance by other means.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice.

The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

Press contact: Christopher Fretwell ☎ (+352) 4303 3355

Pictures of the delivery of the judgment are available from "[Europe by Satellite](#)" ☎ (+32) 2 2964106