

# ‘I MUST BE FROM SOMEWHERE. I’M NOT FROM THE MOON’: NAVIGATING THE POLITICS OF LABELLING FOR STATELESS PALESTINIAN REFUGEES FROM SYRIA

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*This article explores the relationship between statelessness and refugeeness over time and space. It does so by drawing on how Palestinian refugees from Syria in Sweden navigate the various stateless and refugee labels imposed upon them before, during and after their flight from Syria to Sweden. Standpoint theory was deployed as the basis for understanding how this group of stateless refugees related to these labels. While the research found that, even though the labelling process was largely non-participatory, both as a manifestation for epistemic agency and a vehicle for epistemic justice in statelessness and refugee research, standpoint theory has offered an indispensable lens through which we have accessed the multiple strategies that the interviewees adopted to accept, reject, resist or negotiate their re/de-labelling throughout their journey.*

## TABLE OF CONTENTS

I	Introduction.....	330
II	Palestinian Syrians.....	332
III	Palestinian Refugees under International Law .....	333
IV	Bureaucratic Labels and Stateless Refugee Standpoints.....	334
V	Methodology.....	336
VI	Being Palestinian Syrian.....	337
	A    Denizenship Plus/Citizenship Lite in Syria.....	337
	B    The Palestinian Camps as Home and Homeland.....	338
	C    Leaving Syria.....	339
VII	Syria’s Neighbouring States and the Wider Region .....	339
	A    Obscuring Their Palestinianness .....	339
	B    Contesting Their Exceptionalism as Palestinian Refugees.....	340
	C    Contesting the Fractioning of the Palestinian Refugee Label .....	340
	D    Risk Taking Behaviour and ‘Illegality’ as a Consequence of Their Exceptionalism .....	341
VIII	Entering and Moving through Europe .....	342
IX	Negotiating Re-Labelling within Sweden.....	344
X	Becoming Swedish and the Bureaucratic Erasure of the Stateless Refugee Labels .....	344
XI	Conclusion .....	345

## I INTRODUCTION

Prior to the drafting of the contemporary international legal regimes for refugees and stateless persons, statelessness and ‘refugeeness’ were seen as so heavily intertwined that making a distinction between the two was not deemed necessary or, indeed, even possible. The adoption of the 1951 *Convention Relating to the*

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*Status of Refugees* ('*Refugee Convention*') and the 1954 *Convention on the Status of Stateless Persons* ('*1954 Statelessness Convention*') reflected a significant change in this approach.<sup>1</sup> For the first time, the international community created two separate, though closely related, categories: the refugee and the stateless person. This separation under international law was, by and large, mirrored in academic research and policy, with the relationship between the two remaining relatively underexplored until recently. Further obscuring this relationship, after the adoption of the *Refugee Convention* and *1954 Statelessness Convention*, statelessness fell by the wayside of both the international community and academia, comparative to refugeeness.<sup>2</sup>

While refugee studies saw an explosion of interest from academics, policy makers and practitioners from the 1980s onwards, statelessness was only 'rediscovered' in the last twenty years.<sup>3</sup> This rediscovery has led to an increasingly burgeoning field of statelessness studies. Yet, despite their closely interlinked origins and previously, arguably, inseparable nature, it is only recently that the relationship between the contemporary categories of statelessness and refugeeness have been the subject of significant interest.<sup>4</sup>

Understanding this relationship is important for several reasons. First, there are a significant number of people who have been, or could be labelled, as stateless refugees under international law. In 2016 the Office of the United Nations High Commissioner for Refugees ('UNHCR') reported that there were 22.5 million refugees globally, of which at least 6.5 million were believed to have been stateless.<sup>5</sup> Second, where research has been undertaken on this relationship, it has generally been from a legal or policy perspective that has tended to uphold the categories as clearly distinct.<sup>6</sup> Third, the growing body of research exploring this relationship from a range of disciplinary backgrounds and perspectives is proving to be empirically and theoretically rich.<sup>7</sup>

This article seeks to build upon this research and further address the gap in our understanding of this relationship by exploring how Palestinian refugees from Syria ('PRS') in Sweden conceptualised their categorisation as either stateless, refugees, both of these or some variation thereof. The narratives of how the participants' experienced these labels before, during and after their flight from Syria to Sweden were considered to cast as wide an analytical net as possible, as

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<sup>1</sup> *Convention Relating to the Status of Refugees*, opened for signature 28 July 1951, 189 UNTS 150 (entered into force 22 April 1954) ('*1951 Refugee Convention*'); *Convention Relating to the Status of Stateless Persons*, opened for signature 28 September 1954, 30 UNTS 117 (entered into force 6 June 1960) art 1 ('*1954 Convention*').

<sup>2</sup> Michelle Foster and Hélène Lambert, *International Refugee Law and the Protection of Stateless Persons* (Oxford University Press 2019) 1.

<sup>3</sup> See, eg, Giulia Scalettaris, 'Refugee Studies and the International Refugee Regime: A Reflection on a Desirable Separation' (2007) 26(3) *Refugee Survey Quarterly* 36.

<sup>4</sup> Jason Tucker, 'The Statelessness of Refugees' in Tendayi Bloom and Lindsey N Kingston (eds), *Statelessness, Governance, and the Problem of Citizenship* (Manchester University Press 2021) 61.

<sup>5</sup> Institute on Statelessness and Inclusion, *The World's Stateless* (Wolf Legal 2014) 125, 132.

<sup>6</sup> See, eg, *ibid*; Eric Fripp, *Nationality and Statelessness in the International Law of Refugee Status* (Hart Publishing 2016); Foster and Lambert (n 2).

<sup>7</sup> See Megan Bradley, 'Rethinking Refugeehood: Statelessness, Repatriation, and Refugee Agency' (2014) 40(1) *Review of International Studies* 101; Elena Fiddian-Qasmiyeh, 'On the Threshold of Statelessness: Palestinian Narratives of Loss and Erasure' (2015) 39(2) *Ethnic and Racial Studies* 301; Jinan Bastaki, 'The Meanings of Citizenship between Resettlement and Return: The Case of Displaced Palestinians' (2020) 24(2) *Citizenship Studies* 154; Thomas McGee, and Haqqi Bahram, 'Kurdes syriens: après l'exil, l'apatridie en Europe' (2021) 128(1) *Plein Droit* 15.

well as to explore this relationship over time and space. Grounded in standpoint epistemology and stressing the central epistemic agency of our interlocutors, we study how PRS understand, negotiate and challenge the historical, political, legal and social conditions of the stateless and refugee labels.

The paper demonstrates the relationship between the labels as being interconnected and sequential, in a bureaucratic process of imposition that is both highly fluid and simultaneously restrictive. This relationship is also realised as situationally instructed and context dependent but with some significant spillover from one context into another. By adopting standpoint theory, the research sheds light on how during the labelling process itself, the participants adopted multiple strategies to accept, reject, resist, negotiate or circumvent their re/de-labelling as stateless, Palestinian, refugee, asylum seeker or some variation thereof.

## II PALESTINIAN SYRIANS

Palestinians were chosen for this research for several reasons. First, they are the largest and most protracted stateless refugee population globally. Second, they have been subject to secondary forced migration in several states, so much so that it has been referred to as an almost ‘regular phenomenon’ for Palestinian refugees in the Middle East and North Africa.<sup>8</sup> Third, while Palestinian refugees can be found in numerous states, the recent displacement of Palestinians from Syria makes it highly topical, especially regarding the exploration of how refugee and stateless labels that were (or were not) previously imposed on the population are now being recast, contested and negotiated as they move through and to new international and national bureaucratic systems to seek refuge. Finally, there are possible policy-related ramifications for their selection. Specifically, that their previously held statuses and identities as Palestinians has meant that some PRS have faced restricted access to international protection or reduced mobility compared to other refugees from Syria.<sup>9</sup>

Large numbers of Palestinian refugees arrived in Syria with the establishment of the State of Israel in 1948. This establishment led to 750,000 Arabs fleeing or being expelled from Palestine, of which around 70,000 fled to Syria.<sup>10</sup> During the 1967 war, further displacement of Palestinians to Syria took place, as well as Palestinian refugees in the Golan Heights moving to other parts of the country. These refugees and their descendants were registered as Palestinian refugees in Syria and, due to the lack of possibility for the vast majority to naturalise as Syrian citizens, the stateless population continued to grow. By 2010 the United Nations Works and Relief Agency for Palestine Refugees in the Near East (‘UNRWA’) reported that there were just over half a million Palestinian refugees registered in Syria.<sup>11</sup>

<sup>8</sup> See BADIL Editors, ‘Palestinian Refugees: Multiple Displacements and the Issue of Protection’ (2017) 59 (March) *Al Majdal* 1, 2.

<sup>9</sup> Mai Abu Moghli, Nael Bitarie and Nell Gabiam, ‘Palestinian Refugees from Syria: Stranded on the Margins of Law’, *Al Shabaka* (Blog Post, 9 October 2015) <<https://al-shabaka.org/briefs/palestinian-refugees-from-syria-stranded-on-the-margins-of-law/>>; Tucker (n 4) 64.

<sup>10</sup> Marcin Szydzisz, ‘Palestinian Refugees in Syria During the Syrian Civil War’ (2017) 12(1) *Teka Komisji Politologii i Stosunków Międzynarodowych* 107.

<sup>11</sup> ‘Syria Crisis’, *United Nations Relief and Works Agency for Palestine Refugees in the Near East* (Web Page, 2017) <<https://www.unrwa.org/syria-crisis>> (‘Syria Crisis’).

By and large, the PRS's situation in Syria was relatively good, especially when compared to the situation of Palestinian refugees in neighbouring Lebanon. While they or their descendants could not acquire Syrian citizenship or political rights, they occupied a position of 'quasi-parity' with Syrian citizens in terms of social and economic rights as well as duties and responsibilities.<sup>12</sup> This socio-economic parity with Syrian citizens was based on the establishment of the legal status of Palestinians in Syria in 1957.<sup>13</sup>

However, as a consequence of the deteriorating situation within the country, between 2011 and 2017 over 120,000 PRS sought refuge in other states.<sup>14</sup> Of those Palestinian refugees who remain in Syria, the vast majority have been internally displaced.<sup>15</sup> For those who crossed an international border, a process of re/labelling began. To better understand how the stateless and refugee labels are conceptualised by the interviewees and how this understanding itself is a site of knowledge about the socio-political struggle within the new asylum bureaucracies, we must first consider the exceptionalism of Palestinian refugees under international law.

### III PALESTINIAN REFUGEES UNDER INTERNATIONAL LAW

Most Palestinian refugees do not receive international protection under UNHCR's refugee and/or statelessness mandates due to the 'exclusion clauses' within the *Refugee Convention* and *1954 Statelessness Convention*.<sup>16</sup> This exclusion from protection under the *Refugee Convention* was specifically targeted at the Palestinians who were receiving assistance from UNRWA or its predecessor, the United Nations Conciliation Commission for Palestine ('UNCCP'), when the *Refugee Convention* was drafted.<sup>17</sup> Given that the *Refugee Convention* and *1954 Statelessness Convention* are sister conventions, one being drafted with the other in mind and mirroring each other in many ways, it could be argued that the exclusion clause in the *1954 Statelessness Convention* was similarly targeted at the Palestinians.<sup>18</sup>

This exclusion stemmed from the idea that Palestinian refugees should be categorised as distinct from other stateless persons and/or refugees, as the Palestinian issue was too politicised, complicated or unique — or that it required

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<sup>12</sup> Jalal Al Hussein and Riccardo Bocco, 'The Status of the Palestinian Refugees in the Near East: The Right of Return and UNRWA in Perspective' (2009) 28(2–3) *Refugee Survey Quarterly* 260; Sari Hanafi, 'Rethinking the Palestinians Abroad as a Diaspora: The Relationship between the Diaspora and the Palestinian Territories' in André Levy & Alex Weingrod (eds), *Homelands and Diasporas: Holy Lands and Other Places* (Stanford University Press 2004) 97.

<sup>13</sup> The legal status of Palestinians living in Syria was established under *Law No 260 of 10 July 1957* (Syrian Arab Republic). See also Szydzisz (n 10); 'Syria Crisis' (n 11).

<sup>14</sup> UNRWA, *Syria: A Humanitarian Snapshot February 2018* (Report, 20 March 2018) <<https://www.unrwa.org/resources/reports/syria-unrwa-humanitarian-snapshot-february-2018>>.

<sup>15</sup> *ibid.*

<sup>16</sup> *1951 Refugee Convention* (n 1) art 1(d); *1954 Convention* (n 1) art 1(2)(i).

<sup>17</sup> Susan Akram, 'UNRWA and Palestinian Refugees' in Elena Fiddian-Qasmiyeh et al (eds), *Oxford Handbook of Refugee and Forced Migration Studies* (Oxford University Press 2014) 227.

<sup>18</sup> *The 1954 Convention relating to the Status of Stateless Persons: Implementation within the European Union Member States and Recommendations for Harmonisation* (Report, UNHCR 2003) <<https://www.refworld.org/docid/415c3cfb4.html>>.

a specific solution: justifications that are still used today.<sup>19</sup> Indeed, the UNRWA definition of a Palestinian refugee is considerably different to that of UNHCR, with the former, today at least, being based on descent rather than on need for protection due to persecution.<sup>20</sup>

It should be noted that this exceptionalism does have its geographic limitations. UNRWA are only mandated to work in a certain operational area: Gaza, the West Bank, Lebanon, Jordan and Syria. Where UNRWA does not operate, the Palestinian refugees fall under UNHCR's mandate. In practice, however, the exclusion of the Palestinians goes beyond these operational areas.<sup>21</sup> For example, in Egypt, Palestinian refugees cannot apply for asylum with the state or UNHCR.<sup>22</sup> One can also see the misapplication of art 1D resulting in the exclusion of some Palestinians from being granted refugee status in the global north.<sup>23</sup>

Thus, despite them being the largest stateless refugee population, and the majority of Palestinian refugees being also stateless (under the *Refugee Convention* and *1954 Statelessness Convention* definitions), the Palestinians have, and continue to be, categorised as exceptional in the international norms of refugeeness and statelessness.<sup>24</sup> This exceptionalism, and the associated labels (Palestinian refugees), meant that even before their flight from Syria, the PRS's lives had been saturated with various stateless and refugee labels.

#### IV BUREAUCRATIC LABELS AND STATELESS REFUGEE STANDPOINTS

Given the centrality of labels in the socio-political landscape of asylum procedures, it is paramount to investigate how labelling interplays with stateless and refugee standpoints and self-identifications. As claimed, '[f]rom the first procedures of status determination — who is a refugee? — to the structural determinants of life chances which this identity then engenders, labels infuse the world of refugees'.<sup>25</sup> This research builds upon a substantial body of work that has investigated how the refugee label is imposed, experienced, resisted, rejected and internalised by those upon whom it is ascribed or denied.<sup>26</sup> Epistemologically, the study is centred on how the standpoints of the stateless and the refugees strongly articulate and inform these negotiations of labels.

<sup>19</sup> *ibid*; Michael Dumper, *The Future for Palestinian Refugees: Toward Equity and Peace* (Lynne Rienner Publishers 2007).

<sup>20</sup> See Ilana Feldman, 'The Challenge of Categories: UNRWA and the Definition of a Palestine Refugee' (2012) 25(3) *Journal of Refugee Studies* 387.

<sup>21</sup> See Jinan Bastaki, 'The Legacy of the 1951 Refugee Convention and Palestinian Refugees: Multiple Displacements, Multiple Exclusions' (2017) 8(1) *Berkeley Journal of Middle Eastern & Islamic Law* 1.

<sup>22</sup> Marjan Claes, 'Palestinian Refugees from Syria in Egypt: an Overview', *BADIL: Aj-Majdal Magazine* (online, 2015) <<http://www.badil.org/en/publication/periodicals/al-majdal/item/2075-article-4.html>>.

<sup>23</sup> Fiddian-Qasmiyeh (n 7).

<sup>24</sup> *ibid*; Institute on Statelessness and Inclusion (n 5).

<sup>25</sup> Roger Zetter, 'Labelling Refugees: Forming and Transforming a Bureaucratic Identity' (1991) 4(1) *Journal of Refugee Studies* 39.

<sup>26</sup> See, eg, Liisa H Malkki, 'Refugees and Exile: From "Refugee Studies" to the National Order of Things' [1995] 24 *Annual Review of Anthropology* 495; Nando Sigona, 'How Can a "Nomad" be a "Refugee"?': Kosovo Roma and Labelling Policy in Italy' (2003) 37(1) *Sociology* 69; Bernadette Ludwig, "'Wiping the Refugee Dust from My Feet": Advantages and Burdens of Refugee Status and the Refugee Label' (2013) 54(1) *International Migration* 5; Roger Zetter, 'More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization' (2007) 20(2) *Journal of Refugee Studies* 172.

Our use of the concept of 'standpoint(s)' is inspired by feminist scholarship in the various negotiations of the relationship between knowledge and power. Feminist standpoint epistemology is based on the idea that the socio-political positions of women (or other marginalised groups) make them better knowers of their conditions and struggles and this epistemic power should be acknowledged vis-a-vis dominant narratives produced about them.<sup>27</sup> Our work builds on this position in the case of stateless refugees by considering their *situated experiences* as a site of knowledge on refugee and stateless labels. Although we base our understanding on individual standpoints, the rationale of this work derives from collective standpoints that give deeper meanings to the socio-political struggles of statelessness and refugeeness. As Donna Haraway has rightly asserted, '[s]ituated knowledges are about communities, not about isolated individuals'.<sup>28</sup> Thus, the analytical lens offered through standpoint theory engages the perspectives of stateless refugees as an act of collective epistemic agency and empowerment vis-a-vis knowledge about statelessness and refugees common to the socio-political discourse of these labels.<sup>29</sup>

Due to Palestinians being the largest and most well-known stateless population, it is not surprising that they have been the focus of much of the previous research on the stateless label in the European context. For example, Elena Fiddian-Qasmiyeh discussed how Palestinians experienced, negotiated and contested being labelled as stateless by several bureaucratic systems in Europe.<sup>30</sup> The research highlighted the value of recognising the dangers of, and stripping away, the concept of statelessness as a form of vulnerability. By doing so, Fiddian-Qasmiyeh examined the:

perceptions of statelessness as a marker of rightlessness, home(land)lessness and voicelessness which is simultaneously embraced and yet resisted as an ambiguous label, status, and condition imposed upon them through a range of political and bureaucratic processes.<sup>31</sup>

Nell Gabiam, when looking at Palestinians in France, questioned the assumption of UNHCR's discourse on statelessness by privileging the informants' understanding of what it meant to be stateless.<sup>32</sup> In deconstructing the imposed stateless label, as well as academic and policy makers understanding of statelessness, Gabiam noted that:

[w]hile being a member of a stateless people is a cause of statelessness at the individual level, this does not mean, in practice, that a person who is a member of a stateless people is necessarily stateless in the legal sense: that he or she is not recognized as a national of any state.<sup>33</sup>

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<sup>27</sup> See generally Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (2<sup>nd</sup> ed, Routledge 1999); Sandra Harding, *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies* (Routledge 2003).

<sup>28</sup> Donna Haraway, 'Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective' (1988) 14(3) *Feminist Studies* 575, 590.

<sup>29</sup> Haqqi Bahram, 'Towards a Stateless Standpoint Epistemology' (2021) 3(1) *Statelessness & Citizenship Review* 113, 116.

<sup>30</sup> Fiddian-Qasmiyeh (n 7).

<sup>31</sup> *ibid* 307.

<sup>32</sup> Nell Gabiam, 'Citizenship and Development: Palestinians in France and the Multiple Meanings of Statelessness' (2015) 50(4) *Studies in Comparative International Development* 479.

<sup>33</sup> *ibid* 481.

The aforementioned research has made significant progress in shaping a more nuanced understanding of the refugee label and, to a lesser extent, the stateless label. Yet, there remains a significant knowledge gap in our understanding of the relationship between these two closely interrelated labels.

## V METHODOLOGY

The research was based on interviews with 22 Palestinian refugees from Syria in three cities across Sweden: Gothenburg, Malmö and Stockholm. Sweden was chosen as it is a key migration asylum destination for Palestinian refugees from Syria. The interviews took place between February and December 2017. Seven women and 15 men participated in the research, with interviews being held in 18 sessions (two being held with married couples, one with a mother and son and another one with two friends). Most interviews took place in Arabic with the assistance of an interpreter. Three were held in English at the request of the interviewees. The participants' ages ranged from 19 to 71 years old and there was considerable diversity amongst them in terms of their family situation, socio-economic backgrounds and their migration histories. To ensure confidentiality, pseudonyms have been used and any information that would allow for the participants to be identified has been redacted.

The majority of the interviews were undertaken by the Palestinian League for Human Rights — Syria as part of their research on the PRS in Germany, Lebanon and Sweden.<sup>34</sup> In addition, several interviews were conducted as part of a separate project exploring the statelessness of refugees in Sweden and Denmark.<sup>35</sup>

All the participants were previously registered with UNRWA in Syria and were (until 2017) registered as refugees (*flyktingstatus*) or person in need of subsidiary protection (*alternativt skyddsbehövande*) in Sweden. Their citizenship was recorded as stateless (*statslös*) and their country of origin was recorded as Syria. All the participants arrived in Sweden between 2012 and 2017 and, as of 2017, none had acquired Swedish citizenship.

Narratives were central in the data collection strategy, with participants describing their experiences of the refugee and/or stateless label(s) before, during and after their journey. This approach was chosen as previous research on labelling has had a leaning towards either methodological nationalism or focusing on the country of arrival. These are tendencies that some scholars warn against regarding migration research more generally.<sup>36</sup> The research was also sensitive to the 'sedentarist analytical bias', which is prevalent in forced migration research and the problematic perception that movement across nation-state borders 'is often assumed a priori to entail not a transformation but a loss of culture and/or identity'.<sup>37</sup> Selection of quotations for presentation was based on their ability to illustrate themes.

<sup>34</sup> Tom Rollins, 'Syria's Palestinians: A New Nakba' (Report, March 2021) <[http://new-nakba.org/wp-content/uploads/Syria\\_s\\_Palestinians.pdf](http://new-nakba.org/wp-content/uploads/Syria_s_Palestinians.pdf)>. Our sincere gratitude goes to Salim Salamah, from the Palestinian League for Human Rights — Syria (PLHR-S), and Tom Rollins, the lead researcher on the PRS project for the PLHR-S. Salim and Tom were generous enough to share with us their incredibly rich data and insights.

<sup>35</sup> Ethical approval was granted for the project by the Swedish Regional Ethical Board (Lund, 4 May 2017).

<sup>36</sup> Andreas Wimmer and Nina Glick Schiller, 'Methodological Nationalism and Beyond: Nation-State Building, Migration and the Social Sciences' (2002) 2(4) *Global Networks* 301.

<sup>37</sup> Malkki (n 26) 508.

The journey itself was considered as being of great significance in this research because 'labels form a life narrative and an overlapping sequence of events, not just static features of geographical origin, national identity and legally designated statuses.'<sup>38</sup> The interview questions and the structure of the interviews in both projects were, thus, designed to ensure that the shifting experiences of these labels over time and space — in what Heaven Crawley and Dimitris Skleparis refer to as the often overlooked 'in between' spaces — were captured.<sup>39</sup>

The research had its limitations, as it was only a snapshot of the participants' migration histories. Further to this, deploying standpoint theory as an analytical lens could run the potential risk of essentialising statelessness and refugeeness. Despite this, the theory provides a useful empirical lens through which to reflect upon the relationship between the stateless and refugee labels and to explore their socio-political powers and different legal implications in how they are imposed and how they are experienced. It is to the participants' experiences that we turn now.

## VI BEING PALESTINIAN SYRIAN

### A *Denizenship Plus/Citizenship Lite in Syria*

Many of those spoken to began their narratives by describing how well-regarded Palestinians in Syria were before 2011. As mentioned previously, they had, and still technically do have, almost equal rights compared to Syrian citizens. As Mamdouh recalled:<sup>40</sup>

In Syria, you lived like a Syrian just without the right to vote. And even with the Syrians, most Syrians were very kind to you as a Palestinian. So, it wasn't a problem at all just to be Palestinian. And you felt that you are Palestinian at the same time: you were living in a camp and speaking with a different dialect, a different accent and you felt that your identity is more Palestinian ... It was a kind of resistance to be Palestinian. My father and my mother were born in Syria, and I can ... I felt that I belonged to Syria exactly as I belonged to Palestine.<sup>41</sup>

When discussing their conceptualisation of the labels imposed on them when living in Syria before they fled, the participants outlined that their refugee label was only raised in relation to Israel and the 'right of return' to Palestine. Regarding Syria, they saw themselves as only being labelled as Palestinians and not as refugees. They considered themselves as refugees *from* Palestine but not as Palestinian refugees *in* Syria. Instead, they were Palestinian Syrians.

None of the interviewees perceived themselves as stateless during this time. This label had not been imposed upon them (yet) due to their exceptionalism as Palestinians. By not considering themselves as stateless, the participants should

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<sup>38</sup> Zetter, 'More Labels, Fewer Refugees' (n 26) 183.

<sup>39</sup> Heaven Crawley and Dimitris Skleparis, 'Refugees, Migrants, Neither, Both: Categorical Fetishism and the Politics of Bounding in Europe's "Migration Crisis"' (2017) 44(1) *Journal of Ethnic and Migration Studies* 48, 55.

<sup>40</sup> Interview with Mamdouh, 46 years old from Yarmouk (Jason Tucker, 10 February 2017).

<sup>41</sup> Yarmouk (or Yarmouk Camp) is an urban part of the Syrian capital Damascus. It was home to the largest Palestinian community in Syria before the war. See 'Yarmouk (Unofficial Camp\*)', *United Nations Relief and Works Agency for Palestine Refugees in the Near East* (Web Page, 1 January 2019) <<https://www.unrwa.org/where-we-work/syria/yarmouk-unofficial-camp>>.

also be understood by their reflections on how they were treated as ‘nearly’ Syrian. ‘Palestinian Syrian’ was a bureaucratic label that led to the ‘quasi-parity’ between Palestinians and Syrian citizens, derived from the status imposed upon the population by *Law No 260 of 10 July 1957*.<sup>42</sup> Many of the participants recalled how they were not fully Syrian citizens, yet had a form of Syrian citizenship that granted them rights beyond those offered to other foreigners who were legally and permanently residing in the country. We note that none compared their situation to other refugees or stateless people with temporary or informal residency rights. The participants conceptualised their situation as living between Syrian citizenship and the denizenship of other ‘privileged’ non-citizens.

In sum, while many of the participants had internalised the labels of their refugeeness (only in relation to Israel) and Palestinianness (though not statelessness), they had also internalised their Syrian ‘denizenship *plus*’/‘citizenship *lite*’. This was reflected in Zahra’s claim that she did not consider herself Palestinian or Syrian, but ‘Palestinian-Syrian’,<sup>43</sup> with the two labels being inseparable and meaning that she had a distinct and privileged status in Syria.

### B *The Palestinian Camps as Home and Homeland*

Fiddian-Qasmiyeh cautioned that we may limit our conceptualisation or theorisation on statelessness if we do not acknowledge the role of the homeland.<sup>44</sup> One can see the value of doing so when considering the relationship between the stateless/Palestinian, refugee and Palestinian Syrian labels for the PRS. Rarely in the interviews was Palestine referred to as their home or where they belonged. When it was, it was qualified with references to it being an idealised or imagined notion of what Palestine was, is or could be in the future. Instead, it was the Palestinian camps within Syria that featured most prominently when discussing what their Palestinian label meant, as Hania reflects:

The average European by age twenty five has already travelled the world. There are people who are sixty years old and they’ve never left Yarmouk. This shapes your identity. It’s your mental identity as a Palestinian, you’re feeling that you’re always oppressed and constrained. It’s not like a racist thing from Syrians, but the Palestinian-Syrians always belonged to a one-kilometre-squared patch of land in Syria: the camps. It’s like the romanticised alternative to the lost home; an alternative to or a compensation for Palestine. So, I would imagine that anyone that has lived through this and lived in that environment has a specific personality linked to their circumstances.<sup>45</sup>

Regarding the connection of the Palestinians in Syria with their camps, Elia Zureik claimed that the camps had become ‘symbol[s] of severance from one’s homeland ... [becoming] the site for the social construction of memory and

<sup>42</sup> See *Law No 260 of 10 July 1957* (Syrian Arab Republic); Hussein and Bocco (n 12); Szydzisz (n 10).

<sup>43</sup> Interview with Zahra, 24 years old from Yarmouk (Tom Rollins, 29 April 2017).

<sup>44</sup> Fiddian-Qasmiyeh (n 7).

<sup>45</sup> Interview with Hania, 53 years old from Yarmouk (Tom Rollins, 25 April 2017).

identity.<sup>46</sup> As Zak explained, '[w]e miss the camp: we miss Yarmouk and then Syria'.<sup>47</sup>

### C *Leaving Syria*

When the participants reflected upon their experiences of the labels, and how they interacted with them, all noted a significant shift that began in Syria around 2011 to 2012. As Mamdouh described:

Previously we wouldn't even say we are two countries — Palestinians and Syrians were one. It's only after the war that people started talking like this. And the Syrian regime fostered this idea, that Palestinians and Syrians were separate.<sup>48</sup>

The experiences of this socio-political, though not legal, separation differed for the participants, but was generally reflected upon as a point of either confusion, anger or a site of resistance to their Syrianness being withdrawn or contested. For example, when trying to flee Syria, Zahra noted how she, for the first time, was confronted with very restricted freedom of movement within what she perceived as 'her country':

Why couldn't I reach the northern areas of Syria legally? Why did I have to reach it illegally? That's because I'm Palestinian. That's because I'm a Palestinian living in Syria. Why should I be smuggled inside Syria, from one Syrian city to another Syrian city?<sup>49</sup>

For Zahra, this restricted freedom of movement, along with other factors, led to her reconceptualising the relationship between her Palestinian and Syrian identities. At this point she no longer considered herself as a 'Palestinian-Syrian' but, rather, a Palestinian who was *living in* Syria.

## VII SYRIA'S NEIGHBOURING STATES AND THE WIDER REGION

### A *Obscuring Their Palestinianness*

Upon leaving Syria, the participants occupied a rather unusual position. Unlike most other stateless refugee populations, they had to enter into a set of negotiations over how their already existing, widely acknowledged and deeply politicised stateless and refugee labels were to be recast, rejected or upheld by various actors. In line with Roger Zetter's claim about how the refugee label is imposed more generally,<sup>50</sup> in Syria's neighbouring states, and the wider region, this process was reflected upon by the interviewees as being non-participatory.

There were, however, many examples of the rejection, resistance and obscuring or deployment of these labels by the participants. Some detailed how they hid their Palestinianness when dealing with bureaucracies or for pragmatic reasons when trying to navigate everyday life. As Mohammed explained:

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<sup>46</sup> Elia Zureik, 'Theoretical and Methodological Considerations for the Study of Palestinian Society' (2003) 23(1–2) *Comparative Studies of South Asia, Africa and Middle East* 152, 156.

<sup>47</sup> Interview with Zak, 42 years old from Yarmouk (Tom Rollins, 22 April 2017).

<sup>48</sup> Interview with Mamdouh, 46 years old from Yarmouk (Jason Tucker, 10 February 2017).

<sup>49</sup> Interview with Zahra, 24 years old from Yarmouk (Tom Rollins, 29 April 2017).

<sup>50</sup> Zetter, 'Labelling Refugees' (n 25).

It was better for them [Egyptians] to hear that you were Syrian rather than you were from Palestine. So, I rode the wave and said I was Syrian, especially at the checkpoints ... We'd cover, you know with your passport you have a cover, like a leather cover. We got covers on our passports just to hide 'Palestinian Refugee' ... then they'd treat you as a Syrian ... It was easier for me to be Syrian.<sup>51</sup>

This was a response to the spillover of the Palestinian label into a context where, under international law, it should not apply, and the population should be allowed to apply for asylum as refugees under UNHCR's mandate: Egypt is outside of UNRWA's areas of operation. PRS face harassment and even detention for having an 'irregular' status in the country as the Egyptian authorities will not allow UNHCR to register them as refugees.<sup>52</sup> The spillover of the Palestinian label also impacted the participants when the moving through Europe, as will be discussed later.

### B *Contesting Their Exceptionalism as Palestinian Refugees*

In Lebanon, several participants contested being caught in what has been referred to as the 'protection gap' between UNRWA and UNHCR's mandates.<sup>53</sup> While there is not scope here to detail the nuances of this gap in full, to briefly summarise, it results from Palestinians only being able to receive *some* forms of protection from UNRWA and not benefit from certain forms of protection that UNHCR offers to other refugees (such as resettlement and protection from refoulement).

In states where UNRWA operates, or does not, some participants contested the 'exceptional' status that meant that they could not be labelled as a refugee and/or stateless. They did so by turning to UNHCR, seeking to be recognised as refugees under UNHCR's mandate or trying to benefit from certain services reserved for non-Palestinian refugees. The contestation of the exceptionalism of the Palestinian refugees by those labelled as such is not new, with Michael Kegan claiming that Palestinians in the Middle East are 'increasingly asking to be recognized as just refugees, full stop'.<sup>54</sup>

### C *Contesting the Fractioning of the Palestinian Refugee Label*

Some participants also contested the labelling of Palestinian refugees as 'belonging' to certain areas of operation of UNRWA. This relates to the idea of a spillover of certain labels into new bureaucratic spaces as a result of what Zetter referred to as the 'fractioning', or further subdivision, of the refugee label.<sup>55</sup> This fractioning was not a distinction that was envisioned when UNRWA was established, but came later.

An example of this fractioning, which impacted many of the participants, was UNRWA's distinction between Palestinian Syrians and the Lebanese

<sup>51</sup> Interview with Mohammed, 26 years old from Damascus (Tom Rollins, 26 April 2017).

<sup>52</sup> See Claes (n 22).

<sup>53</sup> See Noura Erekat, 'Palestinian Refugees and the Syrian Uprising: Filling the Protection Gap during Secondary Forced Displacement' (2014) 26(4) *International Journal of Refugee Law* 581; Rami G Khouri, 'Sixty Years of UNRWA: From Service Provision to Refugee Protection' (2009) 23(2-3) *Refugee Survey Quarterly* 438.

<sup>54</sup> Michael Kagan, 'The (Relative) Decline of Palestinian Exceptionalism and its Consequences for Refugee Studies in the Middle East' (2009) 22(4) *Journal of Refugee Studies* 417, 434.

<sup>55</sup> Zetter, 'More Labels, Fewer Refugees' (n 25) 172.

Palestinians.<sup>56</sup> UNRWA imposed the label of the operational context where the refugees, or their forbearers, were originally registered, upon them. Palestinian Syrians thus belong in Syria, with bureaucratic systems being created to ensure as much.

Those participants who did manage to be registered were registered as Palestinian Syrians and they claimed to have received less assistance and protection compared to Lebanese Palestinians. For example, they said that, even when registered, they faced greater barriers in accessing public health services and more restricted freedom of movement, which was essential for accessing various services. This was due to a combination of legal restraints by the Lebanese Government, lack of funding and discrimination by a range of actors and organisations, including some Lebanese Palestinians.

This subcategorisation was rejected and resisted by those participants whose journeys took them through Lebanon. When in contact with UNRWA, participants claimed to emphasise their Palestinianness and argued that their Syrianness should be seen as inconsequential (thus, hoping to receive assistance on par with Lebanese Palestinians). For others, it was claimed that UNRWA either refused to register them or they themselves refused to be registered as PRS rather than just as a Palestinian in Lebanon, for various reasons.

D *Risk Taking Behaviour and 'Illegality' as a Consequence of Their  
Exceptionalism*

Some participants recalled that their exclusion from the privileges received by other refugees/stateless people forced them to undertake dangerous forms of resistance to ensure that they, or their children, received labels relating to their refugeeeness or statelessness. For example, Omar was not able to register the birth of his child in Lebanon.<sup>57</sup> This would have meant that the child would not have any bureaucratic label as PRS and could not be included on the family registration card issued by UNRWA. To avoid this situation, Omar and his family briefly returned to Syria. 'We just went to [Syria] ... and got a legal passport. We got [our] passports in a legal way; but to register our child, that had to be done in an illegal way. We paid money for that.'<sup>58</sup>

This reflects the importance Omar placed on his child being labelled as PRS, rather than letting them be without bureaucratic labels. It was so important that the family undertook the extremely risky and costly journey back to Syria to illegally register his child as having been born there so that the child could receive some documentation stating that they were PRS. Omar knew that his child having this document would not mean that the child would receive any label in Lebanon. It did, however, allow him and his partner to prove that the child was theirs when they took their onward migration to Europe.

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<sup>56</sup> See Raed Eshnaiwer, 'Palestinian Refugees from Syria (PRS) in Jordan: The State of Exclusivism' (Working Paper Series RSCAS 2015/92, European University Institute 2015) <[http://cadmus.eui.eu/bitstream/handle/1814/37967/RSCAS\\_2015\\_91.pdf?sequence=1&isAllowed=y](http://cadmus.eui.eu/bitstream/handle/1814/37967/RSCAS_2015_91.pdf?sequence=1&isAllowed=y)>.

<sup>57</sup> Interview with Omar, 40 years old from Yarmouk (Tom Rollins, 23 April 2017). See also *Birth Registration Update: The Challenges of Birth Registration in Lebanon for Refugees from Syria* (Report, Norwegian Refugee Council 2015) <<https://www.nrc.no/resources/reports/the-challenges-of-birth-registration-in-lebanon-for-refugees-from-syria/>>.

<sup>58</sup> Interview with Omar, 40 years old from Yarmouk (Tom Rollins, 23 April 2017).

Several participants noted how, due to their PRS label, they were forced to act ‘illegally’ in order to access ‘legal’ migration pathways available for those labelled as refugees from Syria (this is not to say that Syrian citizens did not also have to undertake similar actions at times).<sup>59</sup> The most notable example of this was the smuggling of participants into Turkey or Lebanon in order for them to attend interviews for, or undertake, family reunification in Sweden. This often involved smuggling family members in and out of Syria several times. Despite the multiple and interconnected labels denoting their need for protection — ‘refugee’, ‘stateless’ and ‘family reunification migrant’ — their Palestinianness or Syrian Palestinianness was used to exclude them from some protection, assistance and opportunities in Syria’s neighbouring states and the wider region. This exclusion put them in contrast to those labelled as being Syrian refugees or Palestinian refugees in Lebanon.

### VIII ENTERING AND MOVING THROUGH EUROPE

Entering and moving through Europe was not a linear process for the participants. Often, it meant repeated failed attempts at accessing states, constant rejection by migration authorities and forced relocation back to countries of transit. Participants recalled being re/de-labelled as they moved through and into these bureaucracies. Re/de-labelling occurred for those who had significant contact with European states’ asylum bureaucracies before reaching Sweden (others simply being allowed to keep moving without being processed). This re/de-labelling was often highlighted as a moment of distress for the participants as, pending refugee status determination, they were labelled as asylum seekers from Syria. As such, the participants saw the simultaneous removal of their Palestinian, stateless *and* refugee labels, as well as then being asked to prove that they were deserving of being re-labelled as such.

This removal of their Palestinian, stateless and refugee labels by asylum bureaucracies is similar to what Liisa Malkki referred to as the recasting of refugees, whereby refugees are positioned beyond and above history and politics.<sup>60</sup> This occurs as asylum seekers are framed as a ‘monolithic mass of clients’ who are approaching authorities — the gatekeepers to assistance and services.<sup>61</sup> The bureaucratic systems designed to process this monolithic mass do not accommodate prior imposed refugee or stateless labels (such as PRS). Refugee-ness and statelessness, thus, have to be reassessed and renegotiated.

Being re-labelled as a refugee, or some form of refugee, was possible for nearly all of the participants as they moved through Europe. It was their Palestinian label that proved most problematic, often being lost in these re-labelling negotiations. This re-labelling was often referred to as being traumatic, as the ‘erasure’, ‘white washing’ or ‘loss’ of their Palestinianness. Mohammed reflected upon this:

Even in Egypt ... I was always called a Palestinian. ‘You are Palestinian’. Okay in Syria it’s very easy to say, ‘I am a Palestinian, from Yarmouk’. And in Egypt also, they mixed that you are coming from Syria and that you are Palestinian ... But in Europe, that choice is not available. You are stateless. So, I remember thinking:

<sup>59</sup> Thomas Mcgee, *From Syria to Europe: Experiences of Stateless Kurds and Palestinian Refugees from Syria Seeking Protection in Europe* (Report, Institute on Statelessness and Inclusion, ASKV and European Network on Statelessness 2019).

<sup>60</sup> Malkki (n 26) 514.

<sup>61</sup> Ludwig (n 26) 7.

'Ah, so I *don't* have citizenship'. I'd always thought that I was dealt with as a Palestinian, even when I was in Lebanon, they deal with you as a Palestinian. In Egypt, they deal with you as a Palestinian from Syria. But in Europe, it's another thing, you are stateless.<sup>62</sup>

This re/de-labelling of their statelessness did not occur for all the participants. This was because the exceptionalism of the Palestinian refugee label is, as discussed earlier, not bound to the space where UNRWA operates. Several interviewees recalled how they were detained or subjected to differential treatment and harassment in Austria, Bulgaria, Greece, Germany, Poland and Spain compared to other refugees from Syria due to their Palestinianness. Some participants were detained for prolonged periods of time or found themselves stuck in administrative limbo as asylum bureaucracies were unable to categorise their Palestinianness (or statelessness). In some situations, this ambiguous and fluid stateless/Palestinian label meant that they could not benefit from being labelled as refugees, as they were seen as either Palestinian 'citizens' or uncategorisable by those European asylum bureaucracies that do not have stateless determination procedures. Others recalled how Palestinianness was either included in the label of statelessness or was found to be incompatible with statelessness as a bureaucratic category (as it denoted some form of citizenship of Palestine). This is similar to the findings of Kate Darling, who argued that statelessness can be a barrier to claiming protection as a refugee.<sup>63</sup>

Resistance to this re/de-labelling took multiple forms. Many of the participants talked about hiding their Palestinianness as they moved through Europe. Some hid documents, photographs or items that they believed could indicate them as Palestinian. Others disposed of documents or left friends and family with instructions to forward them those documents when they had arrived in certain countries where deploying their Palestinianness would be useful. This temporary or permanent obscuring of their Palestinianness was sometimes accompanied by the purchase of documents that would be held by Syrian citizens, the receipt of briefings from smugglers or traffickers on how to avoid being labelled as Palestinian or information on when and where to reveal their Palestinianness to asylum bureaucracies.

These actions were taken because the participants believed that the Palestinian or statelessness label could have, or had already, restricted their mobility and/or ability to be labelled as a refugee. This was normally the result of first-hand experience, but in some instances was based on information they received through their social networks. In some cases, this resistance to their labelling as PRS occurred even before they left Syria. The desire to acquire citizenship and not face the administrative hurdles associated with their Palestinianness affected many of the participant's asylum destination decision making.<sup>64</sup> As such, the hiding of their Palestinianness was pragmatic and can be understood as the participants placing little importance on how transit states labelled them as long as it did not hinder their movement. This stands in stark contrast to the strategic deployment of Palestinianness in states where UNRWA operates, and the resistance to the administrative whitewashing of their Palestinianness in Sweden, to which we turn now.

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<sup>62</sup> Interview with Mohammed, 26 years old from Damascus (Tom Rollins, 26 April 2017).

<sup>63</sup> Kate Darling, 'Protection of Stateless People in International Asylum and Refugee Law' (2009) 21(4) *International Journal of Refugee Law* 742.

<sup>64</sup> Tucker (n 4).

## IX NEGOTIATING RE-LABELLING WITHIN SWEDEN

Upon arriving in Sweden, the participants shared similar experiences of how their Palestinianness was seen as an irrelevant label by the Swedish Migration Agency or Migrationsverket ('SMA'). All those spoken to were labelled as refugees (*flyktingstatus*) or person in need of subsidiary protection (*alternativt skyddsbehövande*) by the SMA. Their 'citizenship' was recorded as stateless (*statslös*), with Syria as their country of origin. No reference to their Palestinianness was made on any official documents or databases. This stateless label was imposed on them despite the SMA having no law, policy or guidance on how statelessness should be determined or categorised, and there being no mechanism to appeal the decision.<sup>65</sup>

Zahra explained how she, as with all the other participants spoken to (excluding those who arrived through family reunification), raised her Palestinianness during the asylum procedure, only to have its relevance rejected:

The first thing they wrote when I told them that I am Palestinian-Syrian ... they registered me as *statslös*, stateless, like I have no country that I belong to, that I have no nationality. So, I was stateless, and this is something that makes you wonder: If I'm stateless and I'm considered stateless, where do I come from? What are my origins? Who gave me the right to be Palestinian?<sup>66</sup>

For Mohammed, recognition of his Palestinianness by the SMA was 'an issue of respect and it's also an issue of existence, which is our resistance against the Israeli occupation'.<sup>67</sup> When the SMA referred to him as stateless he noted that 'it was a shock for me ... I'm here, you can see me, but do I have a country or what? I must be from somewhere. I'm not from the moon'.

For Mohammed and Zahra, along with other participants, it was at the point when their citizenship was recoded as *statslös* by the SMA that they felt like they were made stateless for the first time. When being labelled as a stateless refugee from Syria by the SMA, all the participants demanded, unsuccessfully, for their Palestinianness to be officially recognised. This was the beginning of a pattern of resistance and rejection to their non-labelling as Palestinian that would continue, and in several cases intensify, as the participants moved closer to acquiring Swedish citizenship. Unlike many other bureaucracies that the participants had previously navigated, the citizenship or statelessness of refugees does not negatively impact their access to services or opportunities in Sweden. This demand for Palestinianness to be recognised as part of the participant's status in Sweden, as compared to transit states, reflects the importance of this label for individual or group identity in the participant's final country of asylum.

## X BECOMING SWEDISH AND THE BUREAUCRATIC ERASURE OF THE STATELESS REFUGEE LABELS

Prior to the 2016 temporary asylum laws, the culmination of asylum procedure in Sweden was the acquisition of Swedish citizenship.<sup>68</sup> All but two of the

<sup>65</sup> Jason Tucker, 'Sweden's Temporary Asylum Law and the Indefinite Statelessness of Refugees' (2018) 2(7) *Oxford Monitor of Forced Migration* 21.

<sup>66</sup> Interview with Zahra, 24 years old from Yarmouk (Tom Rollins, 29 April 2017).

<sup>67</sup> Interview with Mohammed, 26 years old from Damascus (Tom Rollins, 26 April 2017).

<sup>68</sup> Tucker (n 65) 21.

participants were on this almost automatic pathway to citizenship, having been granted permanent residence status as refugees. Deema described how the new refugee label the SMA imposed on her would finally allow her to shed her prior Palestinian refugee label:

Some people may say that: 'Okay you're not a refugee anymore, you've abandoned Palestine'. But I remained a refugee for 63 years and I never saw anything from Palestine. But after two years from this appointment [at the SMA] I can become Swedish? The first trip I make the moment I get citizenship will be from [Sweden] to Tel Aviv.<sup>69</sup>

Acquiring citizenship in Sweden can be understood as a bureaucratic erasure of former asylum/migration labels. However, while claiming that acquiring citizenship would end their refugeeness, many participants did not perceive this as also being an end to their Palestinianness/statelessness. As Mamdouh claimed:

Personally, I differentiate between my identity and my legal status. Legally, I'm not a citizen of anywhere, legally I'm stateless — but I am Palestinian, this is my identity. When I will soon get Swedish citizenship, I will legally be a Swedish citizen but I'll still be Palestinian. That will never change.<sup>70</sup>

While Mamdouh will have a citizenship for the first time in his life and, thus, not be stateless under Swedish or international law, citizenship for him and Deema can be understood as what Elizabeth Mavroudi described as 'pragmatic citizenship'.<sup>71</sup> This concept, which resulted from Mavroudi's research with stateless Palestinians in Greece, identified that Greek citizenship was 'sought, acquired and negotiated for pragmatic and strategic reasons and can result in dual or multiple feelings of belonging and attachment as well as de/re-territorialisation'.<sup>72</sup> Indeed, for Deema, the acquisition of Swedish citizenship was not seen as her abandoning her Palestinian label, but rather as a practical step towards being able to finally visit Palestine for the first time since she fled.

## XI CONCLUSION

To shed light on the relationship between statelessness and refugeeness, this research drew on the narratives of 22 PRS who fled from Syria to Sweden. It focused on how they, as stateless refugees upon whom various labels are, were or were not imposed, conceptualised the relationship between these labels over time and space. It showed how these labels can be understood as being interconnected, sequential, highly fluid and simultaneously restrictive. The relationship was also shown to be situationally instructed and context dependent, though with spillover from one context to another in some circumstances (largely related to their Palestinianness or Syrian Palestinianness). This spillover sometimes led to the participants' exclusion from the privileges available to other refugees or stateless persons, such as during their transit through Europe. At other times, labels were hidden for pragmatic reasons; participants threw away documents stating that they were PRS or deployed documents as a way of resisting the erasure of their

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<sup>69</sup> Interview with Deema, 71 years old from Yarmouk (Tom Rollins, 20 April 2017).

<sup>70</sup> Interview with Mamdouh, 46 years old from Yarmouk (Jason Tucker, 10 February 2017).

<sup>71</sup> Elizabeth Mavroudi, 'Palestinians and Pragmatic Citizenship: Negotiating Relationships between Citizenship and National Identity in Diaspora' (2008) 39(1) *Geoforum* 307, 310.

<sup>72</sup> *ibid* 310.

identities, such as when they were labeled as stateless and not as Palestinian by the SMA.

Standpoint theory was deployed as the basis for understanding the relationship between this group of stateless refugees and these labels. While the research found that, even though the labelling process was largely non-participatory, both as a manifestation for epistemic agency and as a vehicle for epistemic justice in statelessness and refugee research, standpoint theory has offered an indispensable lens through which we have accessed the multiple strategies that the interviewees adopted to accept, reject, resist or negotiate their re/de-labelling throughout their journey.