

WORKING PAPER

THE LEGAL STATUS OF SYRIAN REFUGEES IN LEBANON

Maja Janmyr



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CONTENTS

04

SUMMARY

06

INTRODUCTION

07

**OVERVIEW OF
SYRIAN REFUGEE
RESPONSE IN
LEBANON**

10

**LEBANON AND THE
INTERNATIONAL
REFUGEE LAW
REGIME**

11

**NATIONAL
LEGISLATION
AND LEGAL
STATUS OF
SYRIANS PRIOR
TO 2015**

13

**CHANGES IN
REGULATIONS 2015**

**ENTRY
REQUIREMENTS 13**

**RENEWING AND
MAINTAINING
RESIDENCY 14**

**PALESTINIAN
REFUGEES FROM
SYRIA 15**

**REJECTION OF
PRESENCE 15**

**FACILITATING
EXPLOITATION 16**

17

CONCLUSIONS

18

REFERENCES

SUMMARY

Lebanon has had an ambiguous approach to the more than one million Syrians seeking protection in the country. The country is not a party to the 1951 UN Convention on the Status of Refugees, and it essentially lacks any meaningful national legislation dealing with refugees. At the same time, the current political deadlock, thirty years of Syrian military presence, and the country's long-term Palestinian refugee presence, has influenced government policies towards refugees from Syria.

In October 2014, Lebanon's Council of Ministers adopted a comprehensive policy on Syrian displacement, one explicit goal of which is to decrease the number of Syrians in Lebanon by reducing access to territory and encouraging return to Syria. This ambition is currently being implemented through the December 2014 General Security Office (GSO) new set of entry requirements for Syrians and new rules for Syrian nationals already in Lebanon applying for and renewing their residency permits.

This Working Paper explores the legal status of Syrian refugees in Lebanon in light of the recent regulatory changes. It argues that these leave many refugees in a deeply precarious legal position. The strict entry requirements entail that many people attempting to flee the conflict in Syria cannot find safety in Lebanon, and the new criteria concerning the renewal or regularization of legal stay are so onerous and expensive that most people are unable to renew their permits. As such, an overwhelming majority of Syrian refugees are present in Lebanon without legal status. In essence, this paper therefore argues that Syrians in Lebanon are left with two options: they either leave the country or stay and accept exploitation.



INTRODUCTION

The commencement of the Syrian conflict in 2011 brought about substantial refugee flows into Syria's neighboring countries of Lebanon, Jordan, Turkey and Iraq. One of the heaviest burdens is borne by Lebanon, currently hosting more than one million registered refugees, in addition to between 300,000 and 500,000 unregistered refugees throughout Lebanon. (Norwegian Refugee Council/International Rescue Committee 2015). Added to these numbers are also an approximate 45,000 Palestinian refugees from Syria (PRS) (Inter-agency Coordination Lebanon 2015b).

Lebanon, a country with an already fragile governance system and sub-standard infrastructure (Yassin et al. 2015), has had an ambiguous approach to Syrians seeking protection in the country. The country is currently experiencing deep political deadlock, having been without a President since May 2014 and due to the two-time postponement of parliamentary elections scheduled for 2013. Thirty years of Syrian military presence has moreover influenced government policies towards refugees from Syria, as has the country's long-term Palestinian refugee presence.

The country is not a party to the 1951 UN Convention on the Status of Refugees, and it lacks any meaningful national legislation dealing with refugees. Syrian refugees have thus no status other than that afforded to Syrian nationals in general. They are furthermore not referred to by government authorities as "refugees" but as "displaced," a less historically- and legally loaded term.

Only in October 2014 did Lebanon's Council of Ministers adopt a comprehensive policy on Syrian displacement, one explicit goal of which is to decrease the number of Syrians in Lebanon by reducing access to territory and encouraging return to Syria. This ambition is currently being implemented through the issuance of the General Security Office (GSO) new set of entry requirements for Syrians and new rules for Syrian nationals already in Lebanon applying for and renewing residency permits in December 2014. For the first time since its establishment, the Lebanese state now imposes restrictive measures on the entry of Syrian nationals into the country (Frangieh 2015).

This Working Paper seeks to explore the legal status of Syrian refugees in Lebanon in light of these recent regulatory changes. It begins with a general overview of the Lebanese government's refugee response since the beginning of the Syrian conflict in 2011, and continues with an elaboration of Lebanon's relationship with the international refugee law regime and the United Nations High Commissioner for Refugees (UNHCR). It thereafter describes the national legislation applicable to Syrians prior to 2015, before exploring the regulatory changes that emerged in 2015. Following this, the paper highlights the particularly perilous situation of Palestinian refugees from Syria (PRS) and explains how the 2015 changes leave many refugees in a deeply precarious legal position.

OVERVIEW OF SYRIAN REFUGEE RESPONSE IN LEBANON

In the early stages of Syrian displacement, Lebanon won significant praise from human rights groups and UNHCR for its open borders and non-encampment policy (Frelick 2013, Dettmer 2013, Turner 2015). Closer scrutiny nevertheless suggests that these policies were not the result of any particular, intentional government approach to Syrian refugees, but are rather symptomatic of the current political stalemate. This impasse within constitutional institutions has paralyzed public policy on Syrian displacement, and in fact led to the government having no strategy at all to respond to the influx of refugees in the early stages of Syrian displacement. This, in turn, initiated varying and sometimes contradictory responses within government agencies and municipalities alike (Yassin et al. 2015).

The refugee issue is highly politicized in Lebanon, and the government's stance towards Syrian refugees can be explained on the one hand by Lebanon's previous refugee experience with Palestinians, and, on the other, by the major antagonistic political parties' conflicting attitudes towards the conflict in Syria (Dahi 2014, Meier 2014). The diverging approach to refugees is particularly evident in the recurrent debate on the establishment of refugee camps, which is favored by one political front and strenuously opposed by another (Yassin et al. 2015).

The ambiguity of the government response was exacerbated with the coming into power of the then caretaker Prime Minister Naguib Miqati, who in mid-2012 established a policy of neutrality towards the events in Syria under the label of the "disassociation policy". The policy aimed to preserve the delicate political balance between the various sectarian forces which, as political factions, were unable to come to agreement. However, as Meier (2014) argues, "Pretending to be neutral, this policy in fact adopted the point of view of the most powerful – the Syrian government – and was referring to traditional links between main political components of the Lebanese government with the Asad regime."

One strand of this disassociation policy was the enforcement by Miqati of the use of "displaced persons" (*nazihoun* in Arabic) as a legitimate terminology rather than "refugees" (*lajoun*). The government rejects, in principle, the integration of refugees and does not consider itself a country of asylum, but rather one of transit (TRANSTEC 2015). One explanation for this lies in the strong association of "refugee" with Palestinian; "displaced" then appears suggestive of a less permanent status (Stevens 2014). But the usage of this term may also be seen as an attempt to circumvent any obligations and privileges owed to these individuals by virtue of their refugeehood (Al-Saadi 2015). Indeed, as this paper intends to show, the Lebanese government considers the growing number of Syrian refugees in the country to be a serious threat to the security, political, economic and social stability and has enacted laws and policies that treat Syrian refugees as undesirable foreigners.

Due to the political stalemate and lack of national policy for the management of the Syrian refugee influx at central government level, Lebanese municipalities, who have long borne the de facto authoritative capability of responding to emerging problems, were left with managing the increasing flow (El Helou 2014). One of the clearest examples of this municipality autonomy are the curfews imposed on Syrian refugees, restricting freedom of movement (Amnesty International 2015b). From August 2014, at least 45 municipalities across Lebanon have put in place such curfews, which are enforced by municipality police but also allegedly by local vigilante groups (Human Rights Watch 2014, Lebanese Center for Human Rights 2014).

In March 2013, Prime Minister Miqati resigned, and in February 2014, a new government was formed. Not long after this new government closed 18 unofficial border crossing points that had previously been tolerated (Nayel 2014), and in October that same year, it took two important steps. The first was the decision to cooperate with the UN in the development of a Lebanon Crisis Response Plan (LCRP), which has three main strategic priorities: (i) ensuring humanitarian protection and assistance primarily to Syrian de facto refugees and the poorest Lebanese; (ii) strengthening the capacity of national and local public delivery systems to accommodate the basic needs of the aforementioned peoples; and (iii) supporting Lebanon's economic, social, institutional and environmental stability." (Yassin et al. 2015)

The second key step was when the Council of Ministers approved a "Policy Paper on Syrian Refugee Displacement." This document sets out three express goals regarding "displaced" Syrians in Lebanon: (i) reducing the numbers of Syrian refugees in the country by reducing access to territory and encouraging Syrian nationals to return to Syria, (ii) ensuring security by *inter alia* increasing regulation of the Syrian population in Lebanon, providing additional support for municipality police and requiring municipalities to undertake regular statistical surveys, and (iii) easing the burdens on the infrastructure (Norwegian Refugee Council/International Rescue Committee 2015). A number of more specific steps were provided in the Policy Paper, including strictly enforcing laws governing displaced persons and foreigners to protect Lebanese employment and employment generally.



LEBANON AND THE INTERNATIONAL REFUGEE LAW REGIME

The protracted Palestinian issue is often cited as a reason for a continued refusal of many states in the Middle East to sign the 1951 Convention on the Status of Refugees and its 1967 Protocol (Stevens 2014). Many countries in the region are anxious to ensure that Palestinian refugees retain their special status and not be subjected to the prevailing norm of resettlement. Lebanon is no exception in this regard, and the country is not a party to the UN Refugee Convention. By way of customary international law, however, Lebanon is *inter alia* bound by leading principles of refugee protection, not the least the principle of *non-refoulement*. This principle is generally considered to be the cornerstone of international refugee law in that it prohibits refugees from being returned or expelled to places where their lives or freedoms could be threatened.

Additionally, Lebanon has ratified the major international human rights instruments,¹ and the principles of international human rights law are also embedded in the Lebanese Constitution. The Preamble of the Lebanese Constitution of 1926 (as amended in 1990) explicitly states that “Lebanon is [...] a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights.” It moreover asserts that “the Government shall embody these principles in all fields and areas without exception”. Of particular interest here, this would include Article 14, UDHR and the right to seek asylum. While international human rights conventions constitutionally also take precedence over national law, it has been observed that this principle is seldom practiced in domestic courts (Alef 2013).

UNHCR and UNRWA are the two main agencies dealing with refugees from Syria and Palestine, respectively. Lebanon has long been reliant on UNHCR to conduct registration, documentation and refugee status determination (RSD), and to provide assistance and seek durable solutions for all non-Palestinian refugees. UNHCR has signed a 2003 Memorandum of Understanding (MoU) with Lebanon permitting it to register asylum seekers and conduct refugee status

determination.² This MoU affirms that “Lebanon does not consider itself an asylum country,” and specifies that an “asylum seeker” means a “person seeking asylum in a country other than Lebanon.”

The MoU furthermore accepts UNHCR’s protection role against the expectation that refugees recognized by UNHCR be resettled within a six-month period (which can be extended once). It thus allows registered refugees to obtain a temporary ‘circulation permit’ for up to 12 months, when UNHCR is supposed to resettle the individual. While a 2006 Ministry of Justice advisory note generally affirmed that the Government should not forcibly return refugees recognized by UNHCR, it has occurred that Lebanese authorities have refused to give any significance to UNHCR’s refugee status determination decisions, detaining and deporting hundreds of refugees and asylum-seekers (Kagan 2012). UNHCR has more recently attempted to negotiate a new MoU with the Lebanese government that would more directly address concerns related to the Syrian conflict, but the proposed MoU remains pending at the Council of Ministers (UNHCR 2013).

The lack of an updated MoU pertaining to the Syrian refugee influx is currently problematic as the Lebanese government does not give legal effect to the UNHCR’s recognition of refugee status and treats most Syrian refugees as illegal immigrants liable to arrest (Chabaan et al. 2013). Unlike the arrangement for Iraqis, the Lebanese government has never agreed for UNHCR to grant asylum status for Syrians (Lebanon Humanitarian INGO Forum 2014). There is thus no *prima facie* refugee status for Syrians in Lebanon.

UNHCR is furthermore not permitted to freely register Syrian refugees without interference from the Lebanese government. In April 2015, the Ministry of Social Affairs requested that UNHCR de-register over 1,400 Syrian refugees who had arrived in Lebanon after 5 January 2015 (Inter-agency Coordination Lebanon 2015c, Daily Star 2015). With the exception of humanitarian cases approved by the Ministry, in May 2015, Lebanese authorities even instructed UNHCR to temporarily suspend registration of Syrian refugees, including individuals already in the country and new arrivals. The reason given for this new ban was that a new mechanism for registration of refugees was to be established (Amnesty International 2015b).

¹ For example, the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 1465 UNTS 85, 113 (adopted 10 December 1984); *International Covenant on Civil and Political Rights*, 999 UNTS. 171 (adopted 16 December 1966), *International Covenant on Economic, Social and Cultural Rights*, 993 UNTS 3 (adopted 16 December 1966). For a list of ratifications see: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=96&Lang=EN [accessed 21 December 2015].

² *The Memorandum of Understanding between the Directorate of the General Security (Republic of Lebanon) and the regional Office of the UN High Commissioner for Refugees, concerning the processing of cases of asylum-seekers applying for refugee status with the UNHCR Office, 9 September 2003.*

NATIONAL LEGISLATION AND LEGAL STATUS OF SYRIANS PRIOR TO 2015

As many other states in the region, Lebanon does not have a formal domestic refugee legislation in place. Rather, asylum issues are attended to through immigration laws, which monitor entry and exit of all, and includes a reference to refugees (Stevens 2014). The 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country (Law of Entry and Exit)³ provides six articles relating to asylum. Article 26 states that “Every foreigner who is persecuted or sentenced for a political crime outside Lebanon, or whose life or liberty is threatened on account of political activity, may apply for asylum in Lebanon.”

Importantly, Article 31 of the Law of Entry and Exit also provides for the *non-refoulement* of a former political refugee. Even though the Law outlines a process for making asylum decisions, which *inter alia* includes the establishment of an asylum-granting Committee composed of the Minister of Interior, the Director-Generals of the Ministries of Justice, Foreign Affairs and General Security, asylum through this Committee has only be granted once (Lebanese Center for Human Rights 2011, Frontiers Association 2006). As Stevens (2014) notes, “the provisions on asylum are in reality redundant” and Lebanon has adopted alternative practices, which includes the previously mentioned RSD processes by UNHCR.

At the start of the conflict in Syria, Lebanon largely operated an “open door” policy towards Syrian nationals wishing to enter the country, and Syrians were generally subject to the same provisions in domestic law that apply to other foreigners. Beneficial to Syrians was a 1993 bilateral agreement for Economic and Social Cooperation and Coordination between Lebanon and Syria. This agreement set out principles of free movement of goods and people, and granted freedom of work, residence and economic activity for nationals of both countries. Since the beginning of the Syrian conflict, it has also governed the entry of Syrian refugees into Lebanon via official border crossings (Lebanon Humanitarian INGO Forum 2014).

Syrian refugees who entered Lebanon through an official border point with a valid national Syrian identity card or passport received an “entry coupon” and “entry stamp” that grants legal residency for an initial period of six months (for free), and could be renewed free of charge for an additional six months (Lebanon Humanitarian INGO Forum 2014, TRANSTEC 2015). After one year Syrian refugees were obliged to renew their residency at a cost of \$200 USD per person/per year for everyone 15 and above. While those present in Lebanon in violation of the Law of Entry and Exit, for example through unofficial entry or expiry of legal stay, would be subject to arrest, prosecution and deportation; those who entered Lebanon irregularly could in principle also regularize their presence through the payment of a high fee (Lebanon Humanitarian INGO Forum 2014).

These regulations have been problematic in many different ways, not the least because the associated costs are unaffordable for a large number of refugees. And even for refugees who have an entry coupon, being at the discretion of General Security, renewals could be denied despite the refugees having all of the required documentation and funds (Lebanon Humanitarian INGO Forum 2014). This practice has been aggravated by the fact that the Lebanese government has declared the Syrian refugee crisis not to be governed by law, but by governmental decisions (Oxfam 2015). As such, national law and bilateral agreements have been continuously sidestepped.

Since 2013, authorities have begun to impose restrictions on those seeking to enter Lebanon from Syria. Beginning with restrictions on entry for Palestinian refugees from Syria in 2013, in June 2014 Lebanese authorities announced that only Syrians from areas bordering Lebanon where there was fighting would be allowed to enter the country (Amnesty International 2015b, NOW Media 2013). As this next section will show these regulations were tightened further in 2015.

³ Liban: Loi du 1962 réglementant l'entrée et le séjour des étrangers au Liban ainsi que leur sortie de ce pays. Bulletin de Législation Libanaise (Journal Officiel), No. 28-1962, 10 July 1962, available at: <http://www.refworld.org/docid/3ae6b4f30.html> [accessed 21 December 2015]

المركز الرئيسي لإغاثة النازحين السوريين

في منطقة وادي خالد بن الوليد

مجمع الرعاية الاجتماعية للأيتام التابع لجمعية العرانة الخيرية
بالتعاون مع إئتلاف الجمعيات الإسلامية والخيرية والإنسانية والطبية والتجار وفعالي الخير



CHANGES IN REGULATIONS 2015

In December 2014, Lebanon's General Security Office issued a new set of entry requirements for Syrians and rules for Syrian nationals already in Lebanon applying for and renewing residency permits (Palestinian refugees from Syria are not included). These are being implemented as of 5 January 2015, and on 13 January, 3 and 23 February 2015, the GSO issued further regulations concerning entry, residency renewal and regularization. These new regulations are an implementation of the first provision in the "Policy on Syrian Displacement" adopted in October 2014 to dissuade and prevent Syria's refugees from seeking protection in Lebanon. The new measures are noteworthy for a number of reasons, not the least because they entail restrictive conditions that are *only* applicable to Syrian nationals, and hence are discriminatory in comparison to other foreigners (Frangieh 2015).

Entry requirements

Admission to Lebanon for Syrians is today restricted to those who can produce valid identity documents and proof that their stay in Lebanon fits into one of the approved entry categories. A list of categories for which admission would be granted includes the following: category one for tourism, shopping, business, landlords, and tenants; category two for studying; category three for transiting to a third country; category four for those displaced; category five for medical treatment; category six for an embassy appointment; and category seven for those entering with a pledge of responsibility (a Lebanese sponsor). All require specified documents in order to meet the requirements and have their visa approved by the Ministry of Social Affairs and the Ministry of Interior before being allowed entry into Lebanon. The majority of these categories also allow entry into Lebanon for a defined period of time, ranging from 24 hours to one month for a temporary business visa. In some cases the entry permit can be extended, for example for medical cases and for embassy appointments (Amnesty International 2015b).

Not only is the potential of exploitation of Syrians increased due to the application of the sponsorship system in entry category seven, Syrian refugees are being treated differently depending on their financial situation. As has been observed by Frangieh (2015), the list of reasons stipulated by the Government "aims to deny entry to poorer Syrians, while keeping the borders open to those who enjoy good financial standing." Entrants must, for example, show proof of hotel reservations and possession of a sum of a thousand dollars for a tourist visa, or proof of ownership of real estate in Lebanon. As I will show in a forthcoming section, this differentiation between Syrians with or without good finances, continues in the residency renewal procedure.

As is furthermore clear, there are no categories for those fleeing armed conflict, violence or persecution and seeking safety in Lebanon; the category for "displaced" persons in fact requires compliance with one of the other categories, or with the Government's "humanitarian exceptions criteria" (Norwegian Refugee Council/International Rescue Committee 2015). The criteria for this last requirement were disclosed first in April 2015 to specifically apply to "Unaccompanied and/or separated children with a parent already registered in Lebanon; persons living with disabilities with a relative already registered in Lebanon; persons with urgent medical needs for whom treatment in Syria is unavailable; persons who will be resettled to third countries." (Inter-agency Coordination Lebanon 2015c, Amnesty International 2015a).

As such, the category for the "displaced" does not include most of those fleeing the Syrian conflict, in contravention of Lebanon's obligations under the customary law principle of *non-refoulement*. As Frangieh (2015) has argued, this criteria is rather "clearly aimed at maintaining selectivity and nebulousness in terms of determining its applicability to new entries". Seen together, then, the new entry requirements have entailed that many people attempting to flee the conflict in Syria cannot reach safety in Lebanon.

Renewing and maintaining residency

On top of preliminary entry requirements, Syrian refugees are confronted with serious obstacles to maintaining their legal status in Lebanon. As explained above, until 2014, Lebanon employed regulations that requested Syrian refugees to renew their residency after one year in Lebanon at a cost of \$200 USD, and these renewals were at the discretion of General Security (Lebanon Humanitarian INGO Forum 2014). The new General Security regulations retain the requirement of residency renewal every six months for a \$200 USD fee. However, new criteria are now applied for Syrian nationals wishing to renew their residency or otherwise regularize their immigration status in Lebanon.

For those Syrian nationals who apply to renew their residency permits, Lebanese authorities divide them into two categories: those registered with UNHCR and those who are not. Both categories are required to pay a fee of \$200 USD and in addition provide: a housing commitment (certified copies of a lease agreement or real estate deed); certified attestation from a mukhtar (village leader) that the landlord owns the property; and show valid ID or passport, as well as entry slip and return card.

According to Amnesty International, the process of obtaining a housing pledge is a tedious one, not only entailing the signature of a landlord or a tenant (subletting to the Syrian refugee in question) confirming that he or she is hosting a Syrian household and committing to notify the local General Security Office when the occupancy ends, but also the demonstration by the landlord or tenant of his/her rights to the property by either presenting a certified copy of the property deed, or a lease agreement (Amnesty International 2015b). For Syrian nationals living in informal tented settlements, there is a requirement to provide a residency statement from the local municipality stating this.

Syrians who are registered with UNHCR must additionally provide a pledge not to work, signed in the presence of a notary, which states that they will not work in Lebanon; UNHCR registration certificate; and proof of their financial means such as bank statements, documents showing money transfers or proof of charitable or UN support, such as World Food Programme (WFP) prepaid cards (UNHCR 2015, Amnesty International 2015a). According to UNHCR, some refugees are also asked to sign a notarized pledge that they will return to Syria when their permit expires or when requested by the government.

For refugees not registered with UNHCR, an additional requirement includes a “pledge of responsibility”. This pledge can either be a sponsorship for an individual work permit by a Lebanese individual, or a group pledge of responsibility provided by a registered entity that hires a number of Syrian nationals (Amnesty International 2015b). A Lebanese national may also pledge to host and be fully responsible for one Syrian family. The sponsorship system, previously only applied to third-country migrants and domestic workers, entails that employers take full responsibility for the concerned individual. The sponsor is as such not only responsible for the Syrian national’s living costs and liable for his/her misdemeanors, but is also required to be present at the General Security Office for any renewals of the Syrian national’s residency permit. As such, the duty of sponsors to cooperate with General Security means that the sponsorship system assists Lebanese security forces in their ability to monitor Syrian refugees.

The new procedures for renewal of residency permits are moreover so onerous and expensive that many people are unable to renew their permits. Paying the costs associated with the new regulations is an insurmountable struggle in itself and one that only very few Syrian refugees can afford (UNHCR 2015). Apart from the half-yearly \$200 USD residency renewal fee, all of the pledges and documents required for this renewal must be signed by a notary public, which again requires an additional payment to the notary office.

In addition, agencies working with refugees estimate that most refugees will be unable to meet the requirements (Amnesty International 2015b). Many Syrian refugees cannot produce the documents required by the new regulations. Most do not have formal lease agreements or ways of demonstrating that they have financial means to live in Lebanon (UNHCR 2015). In many cases, municipal councils decided to refrain from registering any lease agreements concluded by Syrians (Lebanese Institute for Democracy and Human Rights (LIFE) 2015). While a study conducted in 2014, before the most recent regulatory changes, found that almost all rental agreements for Syrian refugees in Mount Lebanon and Beirut were informal agreements that did not involve any form of contract (Norwegian Refugee Council; Save the Children 2014), a more recent study found that as many as 82% of those Syrian refugees that pay rent do not have written lease agreements with their landlords, especially in the low-cost housing markets (Amnesty International 2015b).

And for those who may be able to provide all the necessary documents and pay the required fees their request to renew their residency permits can be denied by General Security, for reasons that are often unclear.

Palestinian Refugees from Syria

While Lebanon largely applied an open-door policy to most Syrians in the early years of the Syrian conflict, Palestinian refugees fleeing Syria have been subjected to a separate policy. In line with Lebanon's long standing attempts to reduce the size of the country's Palestinian population (Dumper 2008, Peteet 2005), the country has placed increasing restrictions on Palestinians wishing to enter from Syria. These changes in entry and stay regulations for Palestinian refugees from Syria began already in the summer of 2013, with the need for a valid pre-approved visa which required an application made by a guarantor in Lebanon (Norwegian Refugee Council/International Rescue Committee 2015, Amnesty International 2015a).

In May 2014, the Lebanese government implemented new entry requirements effectively closing the border to all Palestinian refugees from Syria (Amnesty International 2015b). The new, stricter conditions entail that Palestinian refugees from Syria can enter only if they have an embassy appointment, are transiting to a third country (with proof of airline tickets and a visa to the third country) or with a pledge of responsibility. Unlike other refugees from Syria, they cannot benefit from the humanitarian exceptions clause (Oxfam 2015). This has entailed that, for the Palestinian refugee community from Syria, accessing safety in Lebanon is very difficult if not impossible, leaving many in a precarious situation (Inter-agency Coordination Lebanon 2015b).

Consequences of 2015 Regulations of Legal Status

The 2015 Policy on Syrian Displacement has been criticized by leading human rights lawyers for its focus on "manufacturing vulnerability," meaning that the policy aims to strip various groups of their fundamental rights in order to reject their presence and facilitate their exploitation (Saghieh 2015). Under the new Policy, Syrians are thus left with two options: they either leave Lebanon or stay and accept exploitation, which in some cases even may amount to forced labor and human trafficking.

Rejection of presence

The difficulties associated with renewing residency permits have entailed a drastic increase in the number of Syrian refugees who lack valid legal status in Lebanon. One study suggests that the percentage of Syrian households without valid residency has steadily risen from 9% in January 2015 to over 61% at the end of July 2015 (Inter-Agency Coordination Lebanon 2015d). Another study estimated that in 2015, 70% of Syrian refugees in Lebanon did not have valid legal stay in the country (Alsharabati 2015). The situation for Palestinian refugees from Syria is much worse, with 90% lacking valid residency documents in September 2015 (Oxfam 2015). Without a valid residency permit, refugees are considered to be in breach of Lebanese law, and may, in accordance with the Law on Entry and Exit, be detained by security and be forcibly returned to Syria.

The lack of valid residency permits brings on a growing sense of insecurity in refugee communities, where many, given their irregular status in the country, are fearful of arrest or detention, or feeling increasingly vulnerable to abuse (UNHCR 2015). Indeed, as Frangieh (2014) has noted, refugees become less likely to turn to the Lebanese state for protection, and are as such "not only rendered outlaws, but outside the protection of the law." While Lebanon publically adheres to the principle of *non-refoulement*, Frangieh has argued that the country in fact evades the principle by engaging in what she calls a practice of "legal deportation", consisting of the issuance of deportation orders and informing refugees that they must leave Lebanon (Frangieh 2014).

In the past, Lebanese authorities had used "prolonged arbitrary detention as a means to coerce refugees to "agree" to be returned to their home country", but today, Frangieh argues, they are "using the method of refusing to grant residence permits to a number of Syrian refugees in Lebanon". In other words, "such measures seem to circumvent the principle of *non-refoulement* by placing the Syrian refugees in a vulnerable position that would drive them to leave Lebanon whenever possible." Thus, when the refugees' exercise of their right of protection from *refoulement* becomes a criminal offense, any return to their country of origin would amount to *refoulement*. If one were to accept this line of thought, hundreds of thousands of Syrian refugees without legal stay in Lebanon would be at immediate risk of *refoulement*.

For many Syrian refugees, remaining in Lebanon brings about a most precarious legal position. They are deprived of the rights enjoyed by legal residents in Lebanon, including enrollment in public schools, opening a bank account, and acquiring lawful employment. Obtaining civil documents such as birth certificates also requires valid legal status; according to a 2014 survey, 72% of Syrian refugee newborns in Lebanon did not have an official birth certificate due to bureaucratic requirements that the parents could not fulfil (Amnesty International 2015b).

Limited freedom of movement can be seen as the main consequence of limited legal status for Syrian refugees, resulting in lack of access to services, particularly healthcare and education and lack of accessing UNHCR registration. A 2015 survey found that as many as 67% of interviewed Syrian refugees reported restrictions on freedom of movement as a main challenge with limited legal status (Norwegian Refugee Council/International Rescue Committee 2015). Fears include arrest and detention at both regular and adhoc checkpoints operated by the Lebanese Armed Forces (LAF), General Security Office (GSO), Internal Security Forces (ISF) and other security forces. In certain areas, political parties also act to limit movement, including the use of curfews.

Facilitating exploitation

The pledge for UNHCR-registered refugees not to work entails that these are entirely reliant on aid assistance and increasingly at risk of being hindered from accessing work opportunities or pushed towards informal and exploitative labor (Inter-agency Coordination Lebanon 2015a). Research has furthermore confirmed that limited legal status for Syrian refugees increases the risk of abuse and exploitation, and decreases their ability to seek redress and access justice (Norwegian Refugee Council 2014).

These same risks are arguably embedded in the sponsorship system for Syrian nationals, which seemingly builds upon Lebanon's system of sponsorship for other migrants. Under the pretext of sponsorship, Syrian refugees can thus be subject to government-sanctioned exploitation. Characteristic of this *kefala* system is that the legal relationship between employer and employee "appears most analogous to a parent and child, or alternatively, master and slave or servant" (Kagan 2012). In some cases, workers are forced to endure very harsh work conditions due to fear of dismissal and subsequent deportation, and may even, as Saghie (2015) has noted, have to pay large sums of money or relinquish their rights before the employer agrees to transfer their sponsorship to another person. As such, the sponsorship system "concentrates all the power in the hands of employers" and "clearly puts workers in an extremely weak and vulnerable position" (Saghieh 2015).

CONCLUSIONS

This Working Paper has explored the legal status of Syrian refugees in Lebanon, particularly in light of recent regulatory changes. Lebanon has an ambiguous approach to the Syrian refugee influx, which is exasperated by the current political deadlock, thirty years of Syrian military presence, and the country's long-term Palestinian refugee presence. The country does not have any formal domestic refugee legislation in place, even though the 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country provides six articles relating to asylum. These provisions are nevertheless largely redundant, and the Lebanese government has continuously sidestepped other relevant national legislation – including the Lebanese Constitution – when attending to the country's Syrian refugee presence.

While Lebanon is not a party to the UN Refugee Convention, by way of customary international law, the country is bound by leading principles of refugee protection, not the least the principle of *non-refoulement*. This prohibits refugees from being returned or expelled to places where their lives or freedoms could be threatened. However, amid the lack of an updated Memorandum of Understanding, the Lebanese government does not currently give legal effect to the UNHCR's recognition of refugee status and treats most Syrian refugees as illegal immigrants liable to arrest and deportation. This criminalization of refugee presence may place Syrian refugees in such a vulnerable situation that it may de facto force some refugees to leave Lebanon, a scenario which some have argued would be in breach of Lebanon's international obligations.

In October 2014, Lebanon's Council of Ministers adopted a comprehensive policy on Syrian displacement, one explicit goal of which is to decrease the number of Syrians in Lebanon by reducing access to territory and encouraging return to Syria. This ambition is currently being implemented through the December 2014 General Security Office new set of entry requirements for Syrians and new rules for Syrian nationals already in Lebanon applying for and renewing residency permits, in force as of January 2015. As has been aptly observed by Oxfam (2015), the “current policy and practice are [...] de facto re-categorizing Syrians who fled the conflict as irregular migrants.” In addition, they are only applicable to Syrians, and are as such discriminatory in comparison to other foreigners.

This Working Paper finds that the 2015 regulatory changes leave many refugees in a deeply precarious legal position. The strict entry requirements entail that many people attempting to flee the conflict in Syria cannot reach safety in Lebanon, and the new criteria concerning the renewal or regularization of legal stay are so onerous and expensive that most people are unable to renew their permits. As such, an overwhelming majority of Syrian refugees are present in Lebanon without legal status. For the Palestinian refugee community from Syria, accessing safety in Lebanon has proven very difficult if not impossible. In essence, then, Syrians in Lebanon are left with two options: either they leave the country, or stay and accept exploitation and marginalization.

REFERENCES

- Al-Saadi, Yazan. 2015. Restrictions, perceptions, and possibilities of Syrian refugees' self-agency in Lebanon, Civil Society Knowledge Center, Lebanon Support.
- Alef. 2013. Two Years on: Syrian Refugees in Lebanon. Beirut.
- Alsharabati, Carole; Nammour, Jihad. 2015. Survey on Perceptions of Syrian Refugees in Lebanon: Full Report. Beirut: Université de Saint Joseph.
- Amnesty International. 2015a. New entry requirements for Syrians likely to block would-be refugees.
- Amnesty International. 2015b. Pushed to the Edge: Syrian refugees face increased restrictions in Lebanon.
- Chabaan, Jad M., Karin Seyfert, Nisreen I. Salti, and Gheed S. Makkaoui. 2013. "Poverty and livelihoods among UNHCR registered refugees in Lebanon." *Refugee Survey Quarterly* 32 (1):24-49.
- Dahi, Oman. 2014. "The Refugee Crisis in Lebanon and Jordan: the need for economic development spending." *Forced Migration Review* 47 (September):11-13.
- Dettmer, Jamie. 2013. "It's about time: United Nations plans refugee camps for Syrians in Lebanon." *Daily Beast*, 6 December 2013. <http://www.thedailybeast.com/articles/2013/06/12/it-s-about-time-united-nations-plans-refugee-camps-for-syrians-in-lebanon.html>.
- Dumper, Michael. 2008. "Palestinian Refugees." In *Protracted Refugee Situations: Political, Human Rights and Security Implications*, edited by Gil Loescher, James Milner, Edward Newman and Gary Troeller. Tokyo/New York: United Nations University Press.
- El Helou, Maya. 2014. "Refugees Under Curfew: The War of Lebanese Municipalities Against the Poor." *Legal Agenda*, 22 December 2014. <http://english.legal-agenda.com/article.php?id=674&folder=articles&lang=en>.
- Frangieh, Ghida. 2014. "Forced Departure: How Lebanon Evades the International Principle of Non-Refoulement." *Legal Agenda*, 29 December 2014. <http://english.legal-agenda.com/article.php?id=675&folder=articles&lang=en>.
- Frangieh, Ghida. 2015. "Lebanon Places Discriminatory Entry Restrictions on Syrians." *Legal Agenda*, 22 January 2015. <http://english.legal-agenda.com/article.php?id=679&folder=articles&lang=en>.
- Frelick, Bill. 2013. *Fleeing Syria: Insights on Lebanon's open border*. New York: Human Rights Watch.
- Frontiers Association. 2006. *Legality vs Legitimacy: Detention of Refugees and Asylum Seekers in Lebanon*. Beirut.
- Human Rights Watch. 2014. *Lebanon: At Least 45 Local Curfews Imposed on Syrian Refugees*. New York: Human Rights Watch.
- Inter-agency Coordination Lebanon. 2015a. *Livelihoods Sector: Mid-Year Dashboard: June 2015*.
- Inter-agency Coordination Lebanon. 2015b. *Minutes of Inter-sectoral Meeting: Beirut, 12 June 2015*.
- Inter-agency Coordination Lebanon. 2015c. *Protection Monthly Dashboard April 2015*.
- Inter-Agency Coordination Lebanon. 2015d. *Protection Sector Monthly Dashboard: July 2015*.
- Kagan, Michael. 2012. "The UN "Surrogate State" and the Foundation of Refugee Policy in the Middle East." *University of California Davis Journal of International Law and Policy* 18:307-342.
- Lebanese Center for Human Rights. 2011. *Asylum Seekers and Refugees: Languishing in Injustice*. Beirut.
- Lebanese Center for Human Rights. 2014. *Conclusions and Recommendations on the National Conference for the Rights of the Refugees from Syria, Including the Most Vulnerable Groups*. Beirut: Lebanese Center for Human Rights.
- Lebanese Institute for Democracy and Human Rights (LIFE). 2015. *Unprotected Refugees: The legal report on the situation of Syrian refugees in Lebanon*. Beirut.
- Lebanon Humanitarian INGO Forum. 2014. *Background Paper on Unregistered Syrian Refugees in Lebanon*.
- Meier, Daniel. 2014. "Lebanon: the refugee issue and the threat of a sectarian confrontation." *Oriente moderno* 94:382-401.
- Nayel, Moe Ali. 2014. "On the struggle of Syrian refugees in Lebanon." *Jadaliyya*, 17 April 2014. <http://www.jadaliyya.com/pages/index/17306/on-the-struggle-of-syrian-refugees-in-lebanon>.
- Norwegian Refugee Council. 2014. *The consequences of limited legal status for Syrian refugees in Lebanon. NRC field assessment - North, Bekaa and South*.

Norwegian Refugee Council/International Rescue Committee. 2015. Legal Status of Refugees from Syria: Challenges and consequences of maintaining legal stay in Beirut and Mount Lebanon.

Norwegian Refugee Council; Save the Children. 2014. "Evictions in Beirut and Mount Lebanon: Rates and reasons." http://www.nrc.no/arch/img.aspx?file_id=9195046&ext=.pdf.

NOW Media. 2013. "Lebanon imposes entry restrictions on Syrians." *NOW Media*, July 24, 2013.

Oxfam. 2015. Lebanon: Looking ahead in times of crisis. In *Oxfam Discussion Papers*.

Peteet, Julie Marie. 2005. *Landscape of hope and despair: Palestinian refugee camps*. Philadelphia, Pa.: University of Pennsylvania Press.

Saghieh, Nizar. 2015. "Manufacturing Vulnerability in Lebanon: Legal Policies as Efficient Tools of Discrimination." *Legal Agenda*, 19 March 2015. <http://english.legal-agenda.com/article.php?id=690&folder=articles&lang=en>.

Stevens, Dallal. 2014. "Shifting Conceptions of Refugee Identity and Protection: European and Middle Eastern Approaches." In *Refugee protection and the role of law: conflicting identities*, edited by Susan Kneebone, Dallal Stevens and Loretta Baldassar. Routledge.

The Daily Star. 2015. "UNHCR to cross off 5,500 Syrian refugees: Derbas." *Daily Star*, 29 April 2015. <http://www.dailystar.com.lb/News/Lebanon-News/2015/Apr-29/296164-unhcr-to-cross-off-5500-syrian-refugees-derbas.ashx>.

TRANSTEC. 2015. Beyond Humanitarian Assistance? UNHCR and the Response to Syrian Refugees in Jordan and Lebanon. January 2013-April 2014. Brussels: TRANSTEC.

Turner, Lewis. 2015. "Explaining the (Non-) Encampment of Syrian Refugees: Security, Class and the Labour Market in Lebanon and Jordan." *Mediterranean Politics*:1-19. doi: 10.1080/13629395.2015.1078125.

UNHCR. 2013. UNHCR Global Appeal 2013 Update: Lebanon. Geneva.

UNHCR. 2015. "Syrian refugees in Lebanon. Quarterly snapshot January - March 2015."

Yassin, Nasser, Tarek Osseiran, Rima Rassi, and Marwa Boustani. 2015. No Place to Stay? Reflections on the Syrian Refugee Shelter Policy in Lebanon. Beirut: AUB's Issam Fares Institute for Public Policy and International Affairs, UN-Habitat.



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