



Addressing the Protracted Refugee Crisis

*Policy options for long-term
response and solutions for the
Syrian refugee crisis in
Lebanon*

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Abstract:

This paper seeks to analyse and present policy options for long terms solutions to the Syrian refugee crisis in Lebanon. These options stem from rights standards, and take into account the political, social, and economic challenges that Lebanon suffers from, including those created or exacerbated as a result of the crisis.

List of Acronyms

GoL	Government of Lebanon
UNHCR	United Nations High Commissioner for Refugees
GDP	Gross Domestic Product
EXCOM	UNHCR Executive Committee
ILO	International Labor Organization
IOM	International Organization for Migration
WB	World Bank

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Disclaimer

While the team made all efforts possible to cross-check information and reproduce only accurate facts and events, this does not overrule the possibility of inaccuracies or oversights, for which ALEF expresses hereby its regrets.

ALEF – Act for Human Rights is a Lebanese non-profit, non-partisan human rights organization that works on promoting human rights values documenting, rights violations in Lebanon as well as informing public policies related to human rights. In 2011, ALEF established the “Syrian Refugee Monitoring Unit” (SRMU) with the aim of monitoring the situation of Syrian refugees in Lebanon, documenting violations and designing advocacy and community based interventions.

Background

The war in Syria has had an important impact on Lebanon and other countries in the region over the past six years. In addition to a significant influx of refugees, violence has spilled over into some neighbouring countries, including Lebanon. The impact of the Syrian crisis on Lebanon has been straining further the already fragile situation in the country and its weak infrastructure. Since the outbreak of the war in 2011, more than 1.5 million displaced persons¹ are believed to have crossed the border into Lebanon. The population has grown unexpectedly by at least 25% in under four years, making Lebanon the country with the highest concentration of refugees per capita worldwide.

The heightened political instability in the country—further exacerbated by the standoff between regional powers—resulted in the failure of the Lebanese Government to properly address the crisis. Substantive gaps in the state’s decision-making capacity made it impossible to tackle the most important challenges arising from the refugee presence, and allowed the UN agencies and NGOs to kick-off their operations with limited coordination and oversight by the GoL. The short-term interventions were hence guided by donor policies and funding and lacked a longer-term vision including about aspects related to Lebanon’s structural shortfalls or the needs for policy reforms.

Even when a shift to a longer-term approach happened as of 2014, the focus was put on “building “a future for [refugees] and their children in the region”.² Which basically increased the resentment by host communities as they realized that the plan is to keep the refugees in the host countries rather than resorting to aggressive resettlement programs in line with the much needed “demographic burden sharing” as opposed to the conventional principle of “burden sharing” that usually materializes in financial support to the refugees and host communities.

The vast majority of Lebanon’s public and political figures stated clearly their opposition to a permanent resettlement of Syrian refugees in Lebanon. Nevertheless, the lack of foreseeable prospects for the safe and voluntary return of Syrian refugees to their home country requires the Lebanese government to do more than just insisting on the temporary nature of their presence and refraining from adopting clear and comprehensive policies about Syrian refugees. Even when discussing solutions to the crisis, Lebanon’s decision makers focus on the return to Syria, blindsiding protection and rights- based elements for those Syrians, who in any case, will have to spend several years in Lebanon.

ALEF recognizes the pressure that the Lebanese society, economy, and infrastructure are facing, and that short-term and non-comprehensive responses could further amplify existing problems. This paper aims therefore to provide a rights-based approach for solutions to the crisis and to influence policy discussions in Lebanon and internationally. The paper proposes policy options addressing registration, durable solutions, burden sharing and other solutions.

Key Policy Elements

- Undergo a thorough review of the Syrian Refugees status determination to distinguish the persons of concerns (i.e. in need of refugee protection) among the larger Syrian community in Lebanon (mostly Syrians seeking better economic opportunities but not necessarily in need for refugee protection).
- Utilize resources of the Government of Lebanon to encourage efficient and targeted durable solutions
 - *Resettlement*: Discuss other forms of admission plans with other countries in need of labour, even if on temporary basis including customised resettlement plans based on the needs of refugees and economic capacities of these countries.
 - *Voluntary Return*: Utilize its position and role in the global discussions on the Syrian conflict to ensure refugee return measures are part of the on-going negotiations in particular those in relation to the de-escalation zones in Syria.
 - *Temporary Asylum*: The Government of Lebanon to reform measures applicable to Syrian refugees allowing the latter population to receive proper protection and dignified temporary asylum in Lebanon until their resettlement or return.

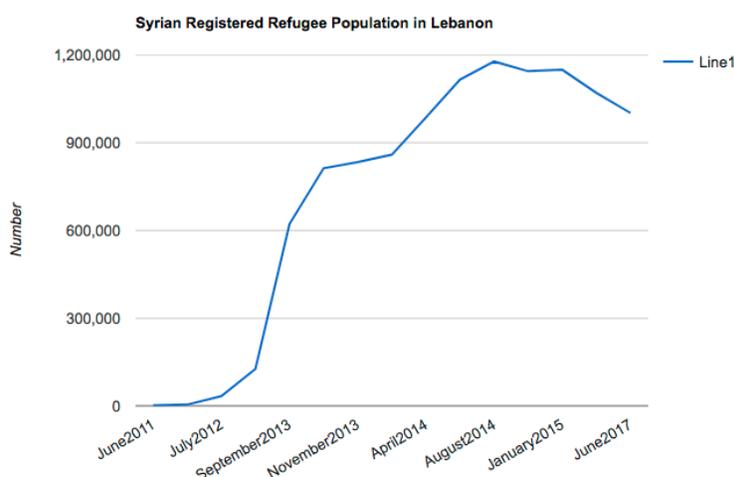
¹ Lebanon Crisis-Response Plan 2015-2016, <http://www.un.org.lb/library/assets/engbrochfullversion-065158.pdf>

² Beatrice Immenkemp, “Syrian Crisis: Impact on Lebanon”, European Parliament Research Service, March 2017.

Status Determination and People of Concern

With the escalation of the Syrian conflict in 2012, Lebanon witnessed a mass influx of refugees onto its territory. The United Nations High Commissioner for Refugees (UNHCR) adopted a *prima facie* status for individuals coming from Syria. This simplistic process resulted in the sharp increase of refugee status holders and persons of concern.

The quasi-automatic granting of refugee status to all Syrians without a thorough status determination process confounded refugees with economic migrants, undermining the value of refugee status, and its definition as per the 1951 Geneva Convention. A periodic re-evaluation of asylum seekers and Syrians with refugee status is needed in order to ensure compliance with the refugee definition, guarantee protection for those with real protection needs, and develop evidence based policies and programming which inform durable solution options.



In 2015, the GoL requested that UNHCR review all cases of Syrians that had gone back to Syria after June 1, 2014, believing that their return to Syria signifies the economic nature of their stay in Lebanon as opposed to protection-seeking, and thus justifying the revocation of their refugee status. Following this, around 16,000 of those registered were considered as economic migrants and had their status inactivated. The number of persons of concern according to UNHCR decreased from close to 1.2 million individuals in early 2014 to 1,001,051 by June 2017. However, it remains difficult to determine how many had their status revoked as a direct result of these re-examinations.

In May 2015 the GoL had requested from UNHCR to halt all forms of refugee status application and identification. This deprives asylum seekers who entered into Lebanon or were unable to register with UNHCR prior to 2015 from accessing basic protection needs. Rather than halting the refugee status identification exercise the GoL should engage in dialogue with UNHCR to resume a thorough status identification and re-examination process in line with the 1951 Refugee Convention. As an integral part of this process, individuals claiming asylum should satisfy the “*well-founded fear of being persecuted*” criteria as per the Convention. The subjective nature of the “fear” element requires an evaluation of the applicant's individual claim rather than a judgment of the general situation in their country and area of origin. The subjective element is then complemented by an objective determination of whether the fear itself is “well- founded” or factual.

The result of this exercise will lead to a screening of the refugee population among the Syrian nationals, clearly determining the size of the population in need of international protection from other Syrians that could fall within the economic migrant category or other forms of mobility and hence be subject to a reformed labor law. Following this exercise, the GoL would have identified the population of concern for whom durable solutions are applicable.

Application of Durable Solutions: Resettlement and other forms of admission

Resettlement, or other forms of admission into third countries, provides a practical way in which states can contribute to durable solutions, while ensuring refugee protection and alleviating the burden of the host country.

Current resettlement schemes remain limited by a lack of political will from third countries, reflecting the general anti-refugee sentiment in countries that have the capacity and resources to receive more refugees.³ Less than three percent of the Syrian refugee population has been resettled to a third country since the start of the crisis.⁴ 19,000 out of the 19,100 open places for resettlement were filled in 2016, however the resettlement quota for 2017 has been reduced to 12,000 places.⁵ This decrease from an already low objective comparing to actual needs is a major protection downfall.

Resettlement and other forms of humanitarian admission can benefit both refugees and receiving third countries. If third countries provided language and targeted vocational trainings to refugees before their arrival, refugees would be able to acquire specific skills that are needed in the resettlement country. This would guarantee refugees' protection as well as contribute to meeting labour needs in countries of destination, while facilitating refugees' integration into the country of destination.

The GoL through its diplomatic missions, Ministry of Education and Higher Education, Ministry of Economy, and Ministry of Labour among others, should map economic and market needs of potential resettlement countries and highlight areas in which resettled refugees could receive further protection and contribute to the economy of the resettlement country. In Germany for example, 73% of Small and Medium Enterprises (SMEs) rely on foreign workers, while 63% of Micro-businesses recruit internationally and 82% of retail workers are foreign workers.⁶ German SMEs alone have hired 250,000 refugees in the last five years.⁷ Government bodies in Lebanon through proper negotiations with relevant foreign governments could build such admission programs and eventually provide efficacious resettlement options for refugees.⁸

Other forms of discussions and negotiations could take place with sponsorship groups such as in Canada and the USA. Private sponsorship in Canada has provided resettlement protection to more than 275,000 refugees since 1979.⁹ A study released in 2007 by the Citizens for Immigration in Canada showed that private programs are more sustaining and successful in integration than government sponsored programs.¹⁰ The Government of Lebanon should utilize such successes and engage with such programs internationally and encourage targeted resettlement from Lebanon.

Application of Durable Solutions: Voluntary and safe returns

Protection and fundamental rights should be at the centre of all return-oriented discussions. All returns of refugees to Syria must be purely voluntary, as non-voluntary return would amount to refoulement. Voluntariness must be viewed in relation to conditions in Syria, as well as to conditions in Lebanon, which should permit a free and informed choice. It implies the absence of coercive conditions, which could influence refugees' decisions. In light of the multitude of threats, which they are prone to, and their protection needs, conditions for Syrian refugees in Lebanon greatly limit the extent of their free choice.

As the conflict is on-going in most habitable regions in Syria, including in areas covered by the recent cease-fire brokered by the US and Russia in southern Syria, the current situation in Syria does not offer refugees a safe and dignified existence. However, the on-going discussions about the de-escalation zones is an opportunity for Lebanon to weight in the discussion. Talks regarding safe zones within Syria to which refugees could return must consider both direct and potential threats, including protection from retaliation for having fled the country as refugees for example. Strong guarantees must be ensured by all parties to the conflict and their sponsors to ensure the protection and full enjoyment of fundamental rights by refugees. Returns under the scope of durable solution could happen on a case by case screening, and not necessarily in the form of collective returns, where potential threats and concerns are overlooked.

³ Oxfam, «Where there's a will, there's a way : Safe havens needed for refugees from Syria », 16 December 2016, available at : https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-where-theres-a-will-syria-refugees-161216-en.pdf

⁴ Idem

⁵ UNHCR, Global Focus, <http://reporting.unhcr.org/node/17293>

⁶ Christine Volk, KfW, "German SMEs need foreign workers", January 16, 2017 https://www.kfw.de/KfW-Group/Newsroom/Aktuelles/Pressemitteilungen/Pressemitteilungen-Details_394112.html

⁷ Idem

⁸ Idem

⁹ Urban Justice Center, Human Rights First, "Private Sponsorship of Refugee Resettlement in the United States: Guiding principles and recommendations", October 2016. https://www.refugeerights.org/wp-content/uploads/2016/10/Private-Sponsorship-of-Refugees-in-the-United-States_White-Paper.pdf

¹⁰ Idem

Lebanon's participation in the International Syria Support Group (ISSG) and the Geneva Talks set to solve the Syrian Civil War should provide the Government of Lebanon with strong presence to promote refugee return as an essential element of a peaceful settlement. The various – often divergent- positioning of the parties represented currently within the Lebanese government should allow them to mobilize the many actor's members of the ISSG or those participating in the Geneva Talks. In that regard a strong formulated plan by the Lebanese government should be presented as part of the talks ensuring that peaceful settlements cannot exclude refugee returns and refugee participation in the reconstruction and future of Syria.

Application of Durable Solutions: Temporary asylum

The third and most limited durable solution is temporary protection for Syrian refugees in Lebanon. This solution should be considered as a temporary measure preceding the return of Syrian refugees to their home country or their resettlement in third countries. By 2011, an estimated 400,000 to 600,000 low-skilled Syrians had already been living in Lebanon, working mainly in agriculture and construction.¹¹ After and throughout the Syrian war, many of them stayed in Lebanon, and some were granted the status of refugees. However, as noted above, a clear distinction needs to be made between refugees and economic migrants. Syrians who are in Lebanon solely to seek employment should be subject to the country's foreign labour regulations. When the war ends, though the majority of Syrians have expressed a strong desire to return to their home country, it can be expected that these workers may stay in Lebanon. This calls for a rights-based reform of the labour law, including the sponsorship system, as the current legislation does not offer sufficient protection for workers from abuse and exploitation, and does not ensure workers' rights. The GoL should also begin to develop plans to better regulate the foreign workforce and provide better protection measures.

¹¹ BALANCHE, F., « Les travailleurs syriens au Liban ou la complémentarité de deux systèmes d'oppression », *Le Monde Diplomatique*-Éditions arabes, mars 2007.