

PASC WG Brief - Legal Documentation and Deportations

This brief has been produced by the Persons Affected by the Syrian Crisis Working Group (PASC WG) ahead of the Brussels V Conference on Supporting the Future of Syria and the Region. The PASC WG is a network of 26 local Non-Governmental Organizations supporting vulnerable Lebanese, Syrians, and Palestinians. It aims to amplify the capacity and influence of its members, increasing their ability to monitor, advocate, and discuss research findings on key national and international trends and issues pertaining to human rights and protection in Lebanon. As part of its mandate to advocate for a future anchored in human rights, the PASC WG has been advocating and researching on a series of issues to shed a light on the most important and pressing protection challenges pertaining to child protection, forced evictions, the right to work, and deportations.

This year, due to the economic depression and change of country circumstances, the PASC WG expanded its research focus to include information on attempts at migration, restrictions on freedom of movement, the rise in social tensions, and sexual and gender-based violence. As such, the PASC WG's briefs for the Brussels V Conference are set out as follows: (1) Evictions and Social Tensions; (2) Documentation and Deportations; (3) Child Protection and SGBV; and (4) Migration and Freedom of Movement.

Obstacles around documentation

The rates of legal residency for Syrian refugees continues to decline, year by year, from 27% in 2018, to 22% in 2019, to just 20% in 2020.¹ This extremely low rate of legal residency means that 80% of Syrian refugees are exposed to serious protection threats including inability to secure employment, housing, and services as well as arbitrary arrest, harassment, and deportation. In 2019, the government instituted a residency fee waiver and eligibility criteria, which should have allowed refugees who could document their legal entry before 2015 to apply for and receive residency.² However, this policy effectively excluded a large number of refugees who arrived after 2015 and those who cannot show proof of having come to Lebanon before 2015. Additionally, the General Security Office (GSO) has reportedly rejected many applications for residency regardless of whether the applicants met the eligibility criteria, in many cases requiring refugees acquire a sponsor even when a sponsor was not required by law or applicable rules and regulations.³ This systematic discrimination and the inability to afford documentation fees are largely responsible for the low rates of legal residency.⁴

Similar trends were reported with regards to civil documentation, with many being unable to register their marriages and the births of their children.⁵ Birth registrations fell from 30% in 2019 to 28% in 2020, due

¹ UNHCR: "VASyR 2020, Key Findings of the 2020 Vulnerability Assessment of Syrian Refugees in Lebanon",

<https://www.unicef.org/lebanon/media/5696/file>;

UNHCR: "Vulnerability Assessment for Syrian Refugees in Lebanon 2018", <https://www.unhcr.org/lb/wp-content/uploads/sites/16/2018/12/VASyR-2018.pdf>;

Reliefweb: "Vulnerability Assessment for Syrian Refugees in Lebanon 2019", <https://reliefweb.int/sites/reliefweb.int/files/resources/73118.pdf>.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

in part to the costs of obtaining documentation, as well as COVID-19 lockdowns, which decreased awareness raising and counselling activities and led to the closure of government offices for extended periods of time.⁶ This lack of documentation can cause significant problems; undocumented children are left without any proof of their identity and may have difficulty accessing health care, education and aid, and the lack of marriage licenses and birth certificates can hinder resettlement and immigration procedures.⁷ Further, the COVID-19 pandemic lockdowns, in addition to the protests and the roads being blocked, have put even more pressure on the capacities of the authorities to deal with various documentation demands. As such, it will be necessary to increase the processing capacity and clearing the large backlog of residency applications.

Resulting challenges

The lack of adequate pathways towards legal documentation has caused several protection and security issues for Syrians displaced in Lebanon. In addition to the constant fear of being stopped by security forces, and facing potential fines, imprisonment or deportation for lacking residency permits, Syrian refugees can be easily exploited and are easy targets for crimes and abuse because they are unlikely to report the offender.⁸ Additionally, some registration processes require displaced Syrians to obtain documents or stamps from the Syrian Embassy in Lebanon, which can pose a great risk to the safety of asylum seekers, especially if they are on regime wanted lists.⁹

In one incident exemplifying Syrian refugees' vulnerability to crime, refugees living in a camp on private land in the Bekaa received a donation of 40 residential vehicles (RVs) from an NGO. The refugees also paid a monthly rent to the landowner. Over the course of a month, 26 of the RVs were stolen, yet none of the residents reported the thefts for fear of being questioned or removed from Lebanon. The situation was only discovered when a former staff member of the NGO was told about it and went to the camp and documented the situation.¹⁰

Along these lines, members of the PASC WG have noted in discussions and meetings the rise in crime against Syrian refugees and their unwillingness to report on them due to their fragile situation. They have also called attention to the discriminatory treatment faced when dealing with government officials and security forces. Refugee-led NGOs often fear staff members being stopped at checkpoints and harassed due to their legal status or nationality, and some assert that refugees are more likely to be stopped and more heavily fined than their Lebanese counterparts for violating curfews and social distancing

⁶ Ibid.

⁷ NRC: "Seeking a better life for his grandchildren", <https://www.nrc.no/perspectives/2020/seeking-a-better-life-for-his-grandchildren/>.

⁸ NRC: "Documentation and access to healthcare for refugees in Lebanon", <https://www.nrc.no/resources/briefing-notes/documentation-and-access-to-healthcare-for-refugees-in-lebanon/>.

⁹ UNHCR: "VAsyR Vulnerability Assessment of Syrian Refugees in Lebanon (2020)", <https://reliefweb.int/sites/reliefweb.int/files/resources/VASyR%202020.pdf>;

Bilateral discussion between ALEF and the PASC Working Group, February 17, 2021, <https://pascwg.com/>.

¹⁰ Orient Net: "مصدر لأورينيت يكشف سرقة وابتزاز للاجئين السوريين في مخيم بلبنان" "27", <https://bit.ly/3rXzQ2m>;

Bilateral discussion between ALEF and URDA, February 9, 2021, <https://urda-lb.org/en/home/>.

protocols.¹¹ If fines are not paid within 6 months, they can be converted into criminal charges, putting refugees in an even more precarious security situation.¹²

Deportations

It has recently come to light that a number of deportations have taken place since 2020, despite little awareness of them by humanitarian organizations and the media. Many had assumed that deportations came to a halt during 2020 due to the COVID-19 pandemic and the fact that the border between Lebanon and Syria was closed from March to July, but according to the Access Center of Human Rights (ACHR), two Syrians were forcibly deported in 2020 and another in 2021, all of whom were detained by the Syrian authorities as soon as they returned to Syria.¹³

The lack of adequate pathways towards legal residency and documentation lends way to higher probabilities of deportations without due process. The Ministry of Social Affairs officially announced a return plan for Syrian refugees in July 2020,¹⁴ which was endorsed during the Damascus Returns Conference of November 2020.¹⁵ This plan has yet to be implemented though, however, it is expected that this policy will be picked up again as there seems to be a strong political will for returns. While the 2020 Return Plan promises to respect the principle of non-refoulement, it further contends that Syria is now safe for return, and that the Syrian Regime is making efforts to ensure that returnees will have their needs met, despite protection threats being widely reported while the Regime is struggling to meet the needs of nationals residing in Regime-controlled territories.¹⁶ Additionally, the policy paper states that 89% of Syrians in Lebanon want to return to Syria, based on a 2017 UNHCR survey, which found that although the majority of Syrian refugees hope to return to Syria at some point, they would only do so when the conditions allow for a safe return, and were unsure when that would be possible.¹⁷ The latest perception survey conducted by the UNHCR in March 2021 clearly shows that a majority of Syrian refugees (88%) do not plan to go back to Syria in the next 12 months, while 70% hope to return one day.¹⁸

The return plan states that returns should be managed by the Ministry of Social Affairs (MoSA), in cooperation with the Syrian regime and UNHCR, yet later goes on to describe a system of registering displaced Syrians with the MoSA through various government bodies, with no mention of the involvement of UNHCR. A policy that excludes full monitoring and cooperation with UNHCR and other impartial

¹¹ Bilateral discussion between ALEF, SAWA and URDA, February 4, 2021, <https://urda-lb.org/en/home/>;
Daraj Media: "تضييق وملاحقات أمنية... ضغوط لبنان على منظمات إغاثة اللاجئين", <https://daraj.com/55951/>;
Legal Agenda: "محضر مخالفة بحق سوريين بقيمة قد تتجاوز مستحقاتهم 70", <https://bit.ly/2NIJFCA>.

¹² Ibid.

¹³ Access Center for Human Rights: "ACHR warns against the revival of the Lebanese authorities arbitrary deportation policy in Lebanon", <https://www.achrightrights.org/en/2021/03/12/11993/?fbclid=IwAR0-f7QsxfjdbBiBipc7XYvdjxASc-jiKy7sAbpiTgN1vMyWmZqi0b7u31U>.

¹⁴ Lebanese Republic Ministry of Social Affairs, Policy Paper for the Return of Displaced Persons, 3rd version, July 2020.

¹⁵ National News Agency: "Msharrafieh, Lebanon's refugee plan adopted at Damascus Conference", <http://www.naharnet.com/stories/en/276687-msharrafieh-lebanon-s-refugee-plan-adopted-at-damascus-conference>.

¹⁶ Newlines Institute: "Kneel and Starve: Under the Watchful Eye of the Secret Police, Syrians Go Hungry", <https://newlinesinstitute.org/syria/kneel-and-starve-under-the-watchful-eye-of-the-secret-police-syrians-go-hungry/>.

¹⁷ UNHCR: Data portal, <https://data2.unhcr.org/en/documents/download/63310>.

¹⁸ Reliefweb: "Sixth Regional Survey on Syrian refugees' perceptions & intentions on return to Syria", <https://reliefweb.int/report/lebanon/sixth-regional-survey-syrian-refugees-perceptions-and-intentions-return-syria-rpis>.

international bodies or humanitarian organizations is inherently problematic, as it is likely to result in the unlawful expulsion of refugees with serious asylum claims. This was the case with Lebanon's 2019 decision, managed by the Higher Defense Council (HDC), which deported over 2,700 displaced Syrians without affording adequate protections, and the necessity to follow due process such as giving refugees the opportunity to meet with UNHCR or to plead their asylum case before in court. Back then, the decision of deporting refugees was made without a judicial order, with a complete absence of due process, which was a major brief of the Lebanese rule of law and has set a dangerous precedent regarding the protection of refugees but also regarding the state of human rights in Lebanon. Human Rights Watch was able to follow up on the cases of three returnees who were subject to violation upon their arrival in Syria, including detention, conscription and one case of forced disappearance.¹⁹

The lack of transparency regarding the MoSA's 2020 Return Plan might undermine the Lebanese rule of law if the plan's mechanisms aren't shared in a transparent way with the general public. Further, the Higher Defense Council's decision of 2019, in addition to the deportation cases identified in 2020, are a worrying sign that the Government of Lebanon has already failed to abide by its commitments and the treaties it has ratified, such as the Convention Against Torture. These precedents not only pave the way for violations against refugees, but also against the Lebanese society, especially protesters, activists, journalists, and human rights defenders, whom have been paying the price of the Lebanese authorities' crackdown over the past few years, especially since the start of the October 2019 protests.

Recommendations

To the Government of Lebanon

- The GoL must uphold the rule of law and respect due process by giving anyone at risk of deportation to Syria the opportunity to see a lawyer, to meet with UNHCR, and to present their argument against deportation in a competent court. Courts should prohibit any deportation that amounts to refoulement. In addition, Syrian refugees without legal documentation should not be threatened by deportation when seeking treatment or vaccines related to COVID-19.
- The GoL must annul the Higher Defense Council Decision No. 50 of 15/4/2019 and the General Director of the General Security decision No. 48380 of 13/5/2019 ordering the expulsion or forced return of Syrian nationals who entered Lebanon through unofficial border crossing after 24 April 2019 without the application of the necessary legal procedural safeguards to prevent refoulement.
- The GoL should be transparent and provide a regular, public accounting of deportations, including reasons for removal to international organizations and Civil Society to ensure accountability and the respect of rule of law.
- The GoL honors its commitments made by previous governments since Brussels II and expands the residency fee waiver to apply to all refugees regardless of entry date, registration profile or border crossed, to ensure protection on the principle of non-discrimination, and ensures consistent implementation of the waiver.

¹⁹ Human Rights Watch: "Syrians deported by Lebanon arrested at home", <https://www.hrw.org/news/2019/09/02/syrians-deported-lebanon-arrested-home>.

- The GoL permits UNHCR to resume the registration of refugees based on the 2015 guidelines and commits to removing obstacles for refugees in reaching UNHCR offices.
- The GoL must clearly share the modalities of the MoSA's Return Plan ahead of its adoption (its mechanisms and legal components) to ensure transparency and give the space to donors, civil society, and the Lebanese justice system to monitor returns and ensure the protection of the most vulnerable.
- The GoL must ensure that it will not be using the Lebanese security apparatus to enforce the MoSA Return Plan but the Lebanese Justice system in order to provide refugees with all the protection guarantees before returning to Syria voluntarily.

To Donors and UNHCR

- Donors and UNHCR should continue to monitor and advocate for the voluntariness of return including through tackling protection and rule of law challenges in Lebanon that limit people's ability to make free and informed decisions, while encouraging improved information-sharing with operational actors on return movements.
- Donors must ensure that any support to the GoL of Lebanon is contingent upon its adherence to international law and commitment to the principle of non-refoulement.
- Donors should push for an international monitoring mechanism, on the basis of the UNHCR Protection Thresholds issued in February 2018, which closely monitor the conditions for safe, voluntary and dignified return of Syrian refugees.
- Donors should recognize the long-term character of forced displacement and promote responsibility sharing by increasing resettlements places, especially to individuals facing protection threats.
- Donors should insist the Government of Lebanon to provide a full clarity and transparency regarding the modalities of the Return Plan issued by the Ministry of Social Affairs.



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