

When is return voluntary? Conditions of asylum in Lebanon

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The decision of Syrian refugees in Lebanon to return to Syria must not be based on a deteriorating quality of asylum that creates physical, social and material pressures on decisions to return.

An estimated 1.5 million Syrian refugees are currently living in Lebanon, of whom just under one million are registered with UNHCR; many others are not currently registered. According to research conducted by Oxfam in 2017, only 21% of Syrian refugee respondents felt they had found complete safety in Lebanon, with both men and women describing daily fears and continuous worry.¹

Respondents reported that at the beginning of the crisis they had felt safer and had received better treatment in Lebanon. In 2017, their sense of safety had been eroded by regulations that have made it much more difficult to obtain valid residency documents, by exploitation, by tensions with the host community and local authorities, by recurrent arrests, by violent raids on refugee settlements, and by threats of deportation and forced return. Despite this, and despite the fact that the vast majority of the respondents have no intention of remaining in Lebanon after the conflict in Syria ends, they do not feel that conditions in Syria currently allow for their safe return.

The principle of ‘voluntariness’ is at the core of refugee return, and is derived from the principle of *non-refoulement* as enshrined in the 1951 Refugee Convention and international customary law. According to the handbook on voluntary repatriation published by UNHCR (the UN Refugee Agency), “the principle of ‘voluntariness’ must be viewed in relation to both: conditions in the country of origin (calling for an informed decision) and the situation in the country of asylum (permitting a free choice).”² For return to be truly voluntary, return decisions should be made without the influence of ‘push factors’ in the form of physical, psychological or material pressure.

For many Syrian refugees in Lebanon, a host of push factors affect their safety and ability to meet their basic needs, which may result in premature and unsustainable returns that are not based on a truly free choice. The conflict in Syria continues and is escalating in some areas, and any premature returns could expose refugees to conflict, detention, torture, abduction and other forms of violence – and repeated displacement.

Legal status and meeting basic needs

One key factor for assessing the voluntariness of return decisions is refugees’ legal status in the country of asylum. At present, an estimated 80% of Syrian refugees in Lebanon lack legal status in the form of valid residency documents issued by the Government of Lebanon. Not having valid residency documents is a criminal offence in Lebanon and refugees who lack these documents are at particular risk of arrest and detention. As checkpoints are present throughout the country, many refugees have adopted self-imposed restrictions on movement to reduce their risk of arrest. Limited movement results in a reduced ability to find work. For those who can find work, their lack of legal status makes them vulnerable to financial exploitation, because they can be reported to the authorities. Reduced income makes it extremely difficult to meet basic needs – including shelter – and increases the need for families to take on debt in order to survive. Simultaneously, restrictions on movement and fear of arrest also make it more difficult to access basic services and assistance, including health care and education.

In addition to food, clothing, hygiene supplies and other essential household items, nearly all refugees in Lebanon (even those

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who live in tents) pay rent, at an average cost of US\$189 per month. Eviction is a major fear due in large part to difficulties in affording rent. Health care is also a major expense and concern, as health insurance provided through UNHCR covers only 75% of costs (and then only for life-saving procedures and obstetrics). Cash-based humanitarian assistance meant to alleviate these financial burdens is neither sufficient nor provided to all refugee households. Over 70% cent of Syrian refugees in Lebanon live in poverty and households have on average debts totalling \$857.

Pathways to residency

Residency regulations that came into force in January 2015 provide two primary pathways for Syrians to obtain residency documents: applying on the basis of a valid UNHCR registration certificate (if they have one), or obtaining a pledge of responsibility (sponsorship) from a Lebanese citizen. These regulations initially required those refugees with UNHCR registration certificates to sign a pledge not to work. This provision was removed in mid-2016 but the implementation of these regulations means that in practice this barrier persists. Refugees, especially men between the ages of 18-60, who work or are suspected of working have been denied residence permits when they try to obtain them on the basis of their UNHCR registration certificate, and are told instead to obtain a sponsor. Refugees who have already

obtained residence via sponsorship – like those who did so when the pledge not to work was still in place – cannot later obtain residency via their UNHCR certificate, even if their sponsorship is withdrawn. For refugees who need to work, therefore, the sponsorship pathway remains in many cases the de facto ‘required’ pathway. However, sponsored refugees have reported being required to submit to exploitative conditions in order to maintain their sponsorship (and hence their legal status). The two principal means of exploitation are providing free labour and paying additional fees ranging from \$100 to \$1,000.³ Syrian refugees across North Lebanon and the Beka’a valley who were interviewed in 2017 indicated that allowing Syrian refugees, even if they are not registered with UNHCR and regardless of how they are supporting themselves, to have residence permits without the need to obtain a sponsor was one of the most important factors that would enable them to feel safe and maintain their dignity during their time in Lebanon.

For most Syrian refugees, it is too early to consider return to Syria as a possibility. In addition to the need for the conflict to end and safety inside Syria to be established, refugees have spoken of the need for guarantees against reprisal, arrest and detention. However, refugees in Lebanon are facing very real physical, psychological and material ‘push factors’. In order to ensure that future return decisions are truly acts of free will, the international community and the Government of Lebanon must ensure that all refugees from Syria are able to easily access a form of legal status that grants their basic rights and allows them the capacity to sustain themselves, without requiring sponsorship.

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1. Shawaf N and El Asmar F (2017) ‘We’re Not There Yet...’ *Voices of Refugees from Syria in Lebanon*, Oxfam <http://oxf.am/ZaoC>

2. UNHCR (1996) *Voluntary Repatriation: International Protection Handbook*, p10 <http://bit.ly/UNHCR-VolRepatHandbook-1996>

3. Evidence from Oxfam protection monitoring carried out in June, July and August 2017.