

Syrian refugees' return from Lebanon

Tamirace Fakhoury and Derya Ozkul

Analysis of return practices in Lebanon reveal challenges to voluntary, safe and dignified return.

As the Assad regime regains control in most parts of Syria, Syrian refugees are under increasing pressure to return from neighbouring countries including Lebanon. Analysis of the complex political landscape and of current return practices, however, shows that much needs to be done to ensure Syrians can return voluntarily in safety and dignity.

Although Lebanon continued its visa-free policy for Syrians in the initial stages of the war, the tension between political parties and between Syrians and the local population rapidly intensified. Some municipalities began imposing curfews on Syrians as early as 2014 and Lebanon has increasingly applied harsher border management policies. In January 2015, Lebanon terminated its visa-free policy and instructed the UN Refugee Agency (UNHCR) to stop registering Syrian refugees. The government's General Security Offices (GSO) largely continued to allow women and children to obtain residency permits free of charge if they had UNHCR refugee certificates but required men to sign a pledge not to work in Lebanon. The GSO has applied these practices inconsistently but in general the only way for men to obtain a residency permit has been to have a Lebanese sponsor (*kafeel*). Applying for a residency permit through a sponsor costs US\$200 per year for each person over 15 years old in the family.¹ Difficulties in obtaining documents and paying fees have pushed the majority of Syrians residing in Lebanon into illegality.

Displacement from Syria has upset Lebanon's multi-sectarian political system which governs its 18 different communities. Political parties have not been able to develop a unified response either in relation to Syria's conflict or to asylum policy making. Some Lebanese factions have stressed that the presence of Syrian refugees, who are mostly Sunni, changes Lebanon's demographics and threatens the fragile power-sharing

equilibrium between Muslims and Christians. As soon as the Assad regime seemed to have gained the upper hand in Syria's war, Lebanon's key political figures rushed to call for the return of Syrian refugees and promoted return by applying harsher containment measures. Municipalities and the GSO started enforcing stricter laws that have significantly restricted Syrians' access to employment and housing, and have reduced their livelihood opportunities.

Lebanon's political parties agree that displaced Syrians should return but there is no consensus around which actors should facilitate the process, the timing of such a process, and under what conditions return ought to take place. In recent years, a deep division regarding whether or not the government should facilitate returns while normalising its ties with the Syrian regime has paralysed negotiations over a unified refugee return plan. Competing positions are largely the result of Lebanese actors' varied geopolitical agendas relating to the war in Syria. Parties that have seen the 2011 uprisings as an opportunity to dismantle the Assad regime perceive coordination with the regime on refugee return as bolstering its position, while those Lebanese actors that have sided with the Syrian regime perceive coordination with Syrian authorities as a signal to the international community that the regime has indeed regained control over its territory.

Channels for return

Within this climate, small-scale returns to Syria have been taking place through a variety of channels, facilitated by a proliferation of formal and informal Lebanese actors. Syrians can apply for return – pending approval from the Syrian government – at registration centres across Lebanon that are coordinated by the GSO. As criteria for approving pending applications remain mostly opaque, however, human rights organisations have

October 2019

www.fmreview.org/return

decried the secrecy under which such claims are processed. To encourage applications for return, the GSO has formulated some incentives such as revoking the 'exit' fees that potential returnees must pay if they previously had any period in which they did not have residency permits in Lebanon. According to the GSO, around 170,000 Syrian refugees have so far 'voluntarily' returned.² At the border, the GSO stamps each passport to state that its owner is banned from returning to Lebanon for a period of time that is often unknown to refugees.

Some political parties have also set up their own committees to study refugee return conditions and process applications. Although these committees may coordinate with the GSO, they form networks which offer alternative pathways to repatriation. In July 2018 Hezbollah (a Shia political party that had already in 2017 coordinated the repatriation of thousands of Syrian refugees) established a return programme with contact centres and task forces across Lebanon where return procedures were explained to refugees and their cases studied. In 2018 the Free Patriotic Movement, the largest Christian party in parliament, created its own local refugee return committee to inform refugees about return pathways and facilitate returns to

Syria's so-called safe zones in coordination with the GSO and municipalities.

Informal actors such as local committees and religious actors close to the Syria–Lebanon border have also initiated small-scale returns, liaising with Lebanese political parties and networks on both sides of the border. The European Union and UNHCR have warned against all return operations, noting that conditions in Syria are still not conducive to return, and insisting that returns must be voluntary and take place in safety and dignity. However, they have not been able to influence realities on the ground. In 2018, Lebanon's Ministry of Foreign Affairs accused UNHCR of seeking to dissuade refugees from returning and of encroaching on Lebanon's sovereign decision making. UNHCR has been informally monitoring returns at border crossings although it has no authority to intervene. There is no other independent monitoring at borders to ensure that returns are indeed voluntary.

Prospects for return

On 13 May 2019 the GSO issued a statement that all Syrians who entered Lebanon irregularly after 24 April 2019 would be deported, in contravention of the principle of *non-refoulement*. Recent reports show

that Syrian refugees registered with UNHCR were forced to sign voluntary return forms, and at least three returnees were detained upon arrival in Syria.³ Moreover, the 13 May decision imperils those refugees who were already living in Lebanon and who had entered the country irregularly. Those who do not have official proof of entry before April 2019 are at risk of being deported at any time.

Despite the myriad challenges that Syrian



Syrian refugees inspect the flooding in Dalhamiya informal settlement camp in Lebanon following heavy storms in January 2019. More than 150 informal sites were affected, putting 70,000 refugees at risk. "We cannot sleep at night. It has been three days like this," said one woman.

www.fmreview.org/return

October 2019

refugees face in Lebanon, their imminent return still appears unlikely. In a recent study conducted in various parts of the country,⁴ none of the interviewees was planning to return. The most cited reasons were military conscription for men in the family, lack of housing and employment in places of origin, feelings of being settled and/or invested in Lebanon, single women's lack of child custody rights in Syria, and refusal to live under the Assad regime. Lebanon needs to devise longer-term protection mechanisms for Syrian refugees; the current push for their return will only increase the deprivation suffered by refugees and compromise Lebanon's adherence to human rights instruments.

Tamirace Fakhoury

tamirace.fakhoury@lau.edu.lb

Associate Professor of Political Science and International Affairs and Director, Institute for Social Justice and Conflict Resolution, Lebanese American University *<http://sas.lau.edu.lb>*

Derya Ozkul *derya.ozkul@qeh.ox.ac.uk*

Research Officer, Refugee Studies Centre, Department of International Development, University of Oxford *www.rsc.ox.ac.uk*

1. Waived officially in 2017 but inconsistently in practice.
2. Human Rights Watch 'Lebanon: Syrians Summarily Deported from Airport', 24 May 2019 *bit.ly/HRW-24052019-Lebanon*
3. Human Rights Watch 'Syrians Deported by Lebanon Arrested at Home', 2 September 2019 *bit.ly/HRW-02092019-Syrians-deported*
4. Comprising 30 in-depth interviews by Derya Ozkul in 2019.