



Refugees / Migrants

Refugee Mobility, Recognition and Rights

Refugee Recognition Regime Country Profile: Lebanon

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Working Paper No. 03



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About RefMig Project

The RefMig project aims to examine the global refugee regime, with a particular focus on the institutionalisation of the refugee/migrant binary globally. The project is divided into two strands: Recognising Refugees and Organisations of Protection. This report falls under the Recognising Refugees strand, which examines the institutional practices that seek to distinguish refugees from migrants. We take a purposefully broad conception of refugee recognition, encompassing not only individual refugee status determination (RSD) but also the institutional processes that determine access to RSD, as well as various forms of group determination. We examine the role of state institutions in this context (bureaucracies, legislatures, and the judiciary), as well as UNHCR's mandate RSD practices, and its handovers to state authorities.

The project lead is Professor Cathryn Costello. During the RefMig project, she held the positions of Andrew W. Mellon Professor of International Refugee and Migration Law, Refugee Studies Centre, University of Oxford and Professor of Fundamental Rights and Co-Director of the Centre for Fundamental Rights at the Hertie School, Berlin. RefMig obtained ethics clearance from the Central University Research Ethics Committee (CUREC) of the University of Oxford (Ref No: R61177/RE001) and the European Research Council.

RefMig Working Papers are available to download at: <https://www.refmig.org/working-papers>

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Executive Summary

Lebanon is one of the most important countries to understand the dynamics of the refugee recognition regime. It has received a large number of displaced people, and since the arrival of Syrians, it has been the highest per capita refugee-hosting country in the world. It is, therefore, crucial to understand how displaced persons are received, how their asylum applications are assessed, and how their protection needs are met in the country. This report describes Lebanon's refugee recognition regime and assesses UNHCR's quality of recognition process and the quality of protection for asylum seekers and refugees. It provides an overview of existing legislation and brings together original insights from legal aid organisations, UNHCR staff, and asylum seekers and refugees. The report, outlined in seven sections, first gives an overview of the existing literature and then explains the methods.

Norms and institutions: The third section sets out Lebanon's key international legal obligations and its practice of governing its refugee population largely with *ad hoc* policies. Lebanon is not party to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol. The fourth section details the responsibilities of institutions involved in refugee recognition and protection. UNHCR acts as the sole authority in Lebanon to recognise refugees, like elsewhere, with no independent appeal mechanism, and therefore its practices need particular scrutiny.

Modes of Recognition: In Lebanon, the mode refugee recognition varies depending on the nationality of individuals. The fifth section explores the various case processing modalities that UNHCR has used over the last twenty years (including group-based recognition, accelerated processing, regular RSD, and merged RSD/RST) for different nationalities and applicant profiles.

Quality of Recognition Processes: The sixth section explores the quality of recognition, focusing on *accessibility, accuracy, efficiency, and fairness of the system*. The findings indicate that *accessibility* is vulnerable to the dynamics in Lebanese domestic and foreign politics. This can be seen in the suspension of registration for Syrians in 2015 and continuing pressures over UNHCR. Assessing UNHCR's decision-making *accuracy* is found more difficult as the processes are not transparent, though vital for applicants. UNHCR's possibly wrongful rejection of an applicant may have disastrous consequences. Considering the risks, UNHCR's decision making would benefit from the establishment of an independent appeal mechanism and/or independent monitoring. UNHCR's decision-making *efficiency* depends on time, the number of new arrivals, offices' capacity, case processing modalities, and other external circumstances such as the Covid-19 pandemic. Assessing *fairness*, the report outlines practices reported by UNHCR and compares and complements them with findings from interviews with legal aid NGOs, asylum seekers and refugees. This section indicates that civil society was concerned about UNHCR's practices particularly in the late 1990s and early 2000s. Some concerns about the provision of detailed reasoning in rejection letters seem to continue. Asylum seekers and refugees are also concerned with some refugees receiving more humanitarian aid and resettlement opportunities than others. Lastly, we find evidence that applicants find information about UNHCR's decision-making for refugee status, resettlement or distribution of humanitarian aid limited, which seems to feed into applicants' frustration within the asylum system.

Quality of Protection: The last section assesses the quality of protection and shows that in a country like Lebanon, refugee recognition provides only limited protection. Registration with UNHCR and being recognised as a refugee bring protection against *refoulement* (though this is not always guaranteed) and only some protection in accessing livelihoods, education and healthcare. Most asylum seekers and refugees in the country stay in Lebanon with no valid residency permits. This section also shows that practices for asylum seekers and refugees may vary by nationality, gender and race. Finally, frequent changes of laws, policies and practices contribute to a politics of uncertainty about asylum seekers and refugees' presence and future in the country. These problems have been exacerbated by the pandemic and Lebanon's growing political and economic crisis. The report emphasises the importance of continuing to assess UNHCR's practices in recognising refugees in conjunction with an analysis of political dynamics at the national and international levels.

الملخص التنفيذي

تُعتبر لبنان من أهم الدول المستوعبة لسياسات وإجراءات نظام الاعتراف باللاجئين، حيث استقبلت عددًا كبيرًا من اللاجئين، فمنذ وصول السوريين، أصبحت لبنان أكبر دولة مضيئة للاجئين من حيث نصيب الفرد في العالم، لذلك من الضروري فهم كيفية استقبال الأشخاص اللاجئين وكيفية تقييم طلبات اللجوء الخاصة بهم وكيفية تلبية احتياجات الحماية الخاصة بهم في الدولة. يستعرض هذا التقرير نظام الاعتراف باللاجئين في لبنان ويلقي الضوء على مدى جودة عملية الاعتراف باللاجئين التي تتبعها المفوضية السامية للأمم المتحدة لشؤون اللاجئين وجودة الحماية لطالبي اللجوء واللاجئين، كما يتضمن نبذة عامة عن التشريعات القائمة ويستعرض الأفكار الأساسية للمنظمات التي تقدم المساعدة القانونية وكذلك موظفي المفوضية السامية للأمم المتحدة لشؤون اللاجئين وطالبي اللجوء واللاجئين، وذلك إلى جانب إلقاء هذا التقرير (الذي يتكون من سبعة أقسام) نظرة عامة على الأدبيات السابقة المتعلقة باللاجئين ثم التطرق إلى شرح المنهجيات المتبعة.

القواعد والنظام القانوني: يتضمن القسم الثالث من هذا التقرير الالتزامات الدولية الأساسية للبنان وإجراءاتها المتعلقة باللاجئين من خلال تبنيها عدد من السياسات الخاصة، وذلك لأن لبنان ليس طرفاً في اتفاقية عام 1951 الخاصة بوضع اللاجئين أو بروتوكولها لعام 1967، في حين أن القسم الرابع يوضح مسؤوليات المؤسسات المعنية بالاعتراف باللاجئين وحمايتهم بشكل تفصيلي، حيث تعمل المفوضية السامية للأمم المتحدة لشؤون اللاجئين باعتبارها السلطة الوحيدة في لبنان للاعتراف باللاجئين (كما هو الحال في أي دولة أخرى) مع عدم وجود آلية رقابة مستقلة، وبالتالي فإن ممارساتها تحتاج إلى فحص وتدقيق خاص.

أشكال الاعتراف: يختلف وضع الاعتراف باللاجئين في لبنان حسب جنسية الأفراد، ويستعرض القسم الخامس من هذا التقرير الوسائل والأشكال المختلفة التي تبنتها المفوضية السامية للأمم المتحدة لشؤون اللاجئين على مدار العشرين عاماً الماضية (بما في ذلك الاعتراف في شكل مجموعات، والمعالجة السريعة، وتحديد وضع اللاجئين المنتظم، ونظام تحديد وضع اللاجئين المنتظم/ إعادة توطين اللاجئين المدمج) فيما يتعلق باللاجئين من مختلف الجنسيات وكذلك طرق معالجتها لمفاتيح مقدمي طلبات اللجوء.

جودة عمليات الاعتراف: يستعرض القسم السادس من هذا التقرير جودة وكفاءة عملية الاعتراف باللاجئين، مع التركيز على معايير إمكانية الوصول ودقة وكفاءة القرارات وعدالة نظام المفوضية السامية للأمم المتحدة لشؤون اللاجئين فيما يتعلق بالاعتراف باللاجئين، حيث أشارت النتائج إلى أن إمكانية الوصول تأثرت بالتغيرات في السياسة اللبنانية الداخلية والخارجية، وهو ما حدث بالفعل عندما تم إيقاف تسجيل السوريين في عام 2015 مما شكل مزيد من الضغوط على المفوضية السامية للأمم المتحدة لشؤون اللاجئين، ومن ناحية أخرى، أشارت النتائج إلى أن عملية تقييم مدى دقة اتخاذ القرارات في المفوضية السامية للأمم المتحدة لشؤون اللاجئين كانت معقدة للغاية لأن الإجراءات العملية لم تكن شفافة على الرغم من أهميتها بالنسبة لمقدمي الطلبات، ناهيك عن أن رفض المفوضية لمقدمي طلبات اللجوء بشكل غير عادل قد يترتب عليه عواقب وخيمة، ولذلك فهناك ضرورة ملحة لإنشاء آلية مراقبة مستقلة على عملية صنع القرار في المفوضية مما سيساعد بشكل كبير في تجنب العديد من المخاطر. أما بالنسبة لمعيار كفاءة عملية صنع القرار في المفوضية، فقد أشارت النتائج إلى أن عملية صنع القرار في المفوضية تعتمد على الوقت، وعدد الوافدين الجدد، والكفاءة الإدارية، وطرق معالجة القضايا، والظروف الخارجية الأخرى مثل جائحة كوفيد-19، وفي السياق نفسه، أشارت نتائج هذا التقرير فيما يتعلق بعدالة نظام المفوضية السامية للأمم المتحدة لشؤون اللاجئين فيما يتعلق بالاعتراف باللاجئين، إلى الممارسات التي أبلغت عنها المفوضية وقد تم مقارنتها بنتائج المقابلات مع المنظمات غير الحكومية التي تقدم المساعدة القانونية ومع طالبي اللجوء واللاجئين. ومن ناحية

أخرى، ألقى هذا القسم أيضًا الضوء على مدى اهتمام المجتمع المدني بممارسات المفوضية السامية للأمم المتحدة لشؤون اللاجئين خاصة في أواخر التسعينيات من القرن الماضي وأوائل القرن الحادي والعشرين، كما بحث التقرير في الأسباب الحقيقية وراء رفض طلبات اللجوء، خاصة وأن طالبي اللجوء واللاجئون يشعرون بالقلق من حصول بعض اللاجئين على المزيد من المساعدات الإنسانية وفرص إعادة التوطين أكثر من غيرهم، وقد توصل التقرير إلى أدلة توضح أن مقدمي طلبات اللجوء لا يمكنهم الوصول إلا لعدد محدود من المعلومات حول عملية صنع القرار في المفوضية بشأن وضع اللاجئين أو إعادة التوطين أو توزيع المساعدات الإنسانية، والتي يبدو أنها تعمل على زيادة الشعور بالإحباط وخيبة الأمل لدى مقدمي الطلبات تجاه نظام اللجوء.

جودة الحماية: يستعرض القسم الأخير من هذا التقرير مدى جودة عملية حماية اللاجئين في لبنان، حيث تشير النتائج إلى أن نظام الاعتراف باللاجئين في لبنان لا يوفر سوى مستوى محدود من الحماية، خاصة وأن التسجيل لدى مفوضية الأمم المتحدة لشؤون اللاجئين والاعتراف بهم كلاجئين يوفر الحماية ضد الإعادة القسرية (على الرغم من أن هذا ليس مضمونًا دائمًا) وقليل من الحماية في الوصول إلى سبل العيش والتعليم والرعاية الصحية، مع ضرورة الأخذ في الاعتبار أن معظم طالبي اللجوء واللاجئين يقيمون في لبنان بدون تصاريح إقامة سارية، كما يوضح هذا القسم أيضًا أن الممارسات الخاصة بطالبي اللجوء واللاجئين قد تختلف حسب الجنسية والجنس والعرق، وأخيرًا يشير هذا القسم إلى أن التغييرات المتكررة للقوانين والسياسات والممارسات تساهم في وجود سياسات مجهولة وغير واضحة بشأن طالبي اللجوء ووجود اللاجئين ومستقبلهم في لبنان، خاصة وأن المشكلات المتعلقة باللاجئين في لبنان تفاقمت بسبب جائحة كوفيد-19 والأزمة السياسية والاقتصادية المتصاعدة في لبنان، وفي الختام، شدد هذا التقرير على أهمية الاستمرار في تقييم ممارسات المفوضية في الاعتراف باللاجئين بالتزامن مع تحليل الإجراءات السياسية المطبقة على الصعيدين الوطني والدولي.

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List of Acronyms

ARM	Anti-Racism Movement
GSO	General Security Office
IRAP	International Refugee Assistance Project
IRC	International Rescue Committee
LCRP	Lebanon Crisis Response Plan
MEHE	Ministry of Education and Higher Education
MOSA	Ministry of Social Affairs
MOU	Memorandum of Understanding
NGO	Non-Governmental Organisation
NRC	Norwegian Refugee Council
PLO	Palestine Liberation Organization
PFLP	Popular Front for Liberation of Palestine
ProGres	Profile Global Registration System
RACE	Reaching All Children with Education
RAIS	Refugee Assistance Information System
RSD	Refugee Status Determination
UDHR	Universal Declaration for Human Rights
UNHCR	The United Nations High Commissioner for Refugees
UNRWA	The United Nations Relief and Works Agency for Palestine Refugees in the Near East
VASyR	The Vulnerability Assessment of Syrian Refugees in Lebanon
VARON	The Vulnerability Assessment of Refugees of Other Nationalities

Glossary

Iqama	Residency permit
Kafeel	Sponsor
Laji'in	Refugees
Nazihin	Displaced people, usually used in relation to internal displacement
Shabiha	State sponsored or protected militias of the Syrian regime
Shifra	Code
Tawteen	Permanent settlement, often used in relation to Palestinians, or colonisation
Watan	Homeland
Wattana	To settle down

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I. Introduction

Lebanon is one of the most important countries around the world to understand the dynamics of the refugee recognition regime, including the norms, institutions and modes of recognising refugees. Though it is not a party to the 1951 Convention on the Status of Refugees or the 1967 Protocol (commonly known as the Refugee Convention), Lebanon has received a large number of displaced people. Notably it has been home to Armenians and Palestinians who fled displacement and dispossession,¹ and the war in Syria has made it the highest per capita refugee-hosting country in the world. Today Lebanon, a state of only 10,452 km², with a population estimated around 6.8 million,² hosts nearly 1.5 million Syrian refugees.³ It is also home to more than 17,000 non-Syrian refugees registered with the United Nations High Commissioner for Refugees (UNHCR).⁴ More than three-quarters of these are Iraqis, followed by Sudanese, Ethiopian and other nationals.

To understand Lebanon's transformation into a state that hosts large numbers of refugees and asylum seekers, its political structures built along sectarian lines must be mentioned. Lebanon, which was administered for a long time under the Ottoman rule (1516-1916) and then the French Mandate (1926-1943), became an independent state in 1943. The constitution, the unwritten National Pact agreed in 1943, and later the Ta'if agreement signed in 1989 acknowledged and promoted a consociational system. This political system has rendered issues of the ethnic and religious balance of the population existential matters for the ruling political elites. The sensitivity of these questions is reflected in the fact that no national census has been conducted since 1932. The continuing delicate balance has arguably had an impact on the ways in which political elites have perceived the arrival of refugees from different religions and sects.

The main aim of this report is to lay out Lebanon's refugee recognition regime and to assess the quality of recognition process and the quality of protection for asylum seekers and refugees of various nationalities. In this report, the concept of 'refugee recognition regime' refers to the stages involved, starting from registration with UNHCR, through refugee status determination (RSD) to resettlement. The report contributes to the literature on the asylum system in Lebanon by providing insights from legal aid NGOs, UNHCR staff members in relation to registration and RSD practices, and asylum seekers' and refugees' experiences and perceptions of these processes. The report focuses on practices towards Syrians, Iraqis and Sudanese asylum seekers and refugees (the top three nationals in Lebanon). It does not include practices towards Palestinians, as the RefMig project focuses primarily on the role of UNHCR and state institutions in recognising refugees.

The report is outlined in seven sections. The first section gives a brief overview of the existing literature. The second section explains the methods and the case selection. The third section sets out Lebanon's key international legal obligations and its practice of governing its refugee population largely with *ad hoc* policies. The fourth section details the responsibilities of institutions involved in refugee recognition and protection. The fifth section explores the various modes of case processing modalities that UNHCR has used over the last twenty years, including group-based recognition, accelerated processing, regular RSD, and merged RSD/RST. The sixth section explores the quality of recognition, with a focus on accessibility, accuracy, efficiency, and fairness of the system. The last section assesses the quality of protection with a focus on security of residence, detention and protection from *refoulement*, the right to work, education and health. The conclusion summarises the key findings of the report.

II. Literature Review

¹ Dawn Chatty, *Displacement and Dispossession in the Modern Middle East* (Cambridge University Press 2010).

² World Bank, *Country Data: Lebanon* (2020) <<https://data.worldbank.org/country/LB>>.

³ UNHCR, *Fact sheet: Lebanon, January 2020* (2020) <<https://www.unhcr.org/lb/wp-content/uploads/sites/16/2020/02/UNHCR-Lebanon-Operational-Fact-sheet-January-2020.pdf>>. Note that of these 1.5 million Syrians, only around 900,000 Syrians are registered with UNHCR.

⁴ *Ibid.*

The existing literature on asylum seekers and refugees in Lebanon is largely concerned with issues related to their protection in the country. For instance, an important strand of the literature explores difficulties accessing education,⁵ health,⁶ and livelihoods.⁷ This is not surprising given that Lebanon has not established a comprehensive framework towards asylum seekers and refugees,⁸ but instead opted for *ad hoc* policies,⁹ which are described in the literature as an ‘ostrich policy’¹⁰ or a ‘standoffish’ policy,¹¹ with a deliberate institutional ambiguity towards refugees.¹² Notably, Tamirace Fakhoury shows that in the context of power struggles among ruling political elites, their differing views over how to approach the conflicts in Syria, and the absence of a legal asylum framework, policymakers have framed the arrival of Syrians as a threat to domestic affairs.¹³ Another important strand of literature also explores the dynamics at the local level and the Lebanese society’s hospitality or intolerance towards refugees.¹⁴

In the absence of a comprehensive state policy at the national level, the literature shows that local actors such as the Municipalities are left to manage their asylum seeker/refugee populations on their own,¹⁵ and most protection programs are run by international and national humanitarian organisations. This situation has produced some important scholarship on humanitarianism in Lebanon.¹⁶ The former UNHCR Country Representative, Ninette Kelley has published an article detailing the UNHCR’s response to the arrival of Syrian refugees.¹⁷ In this article, Kelley identifies what has worked and what has been challenging for UNHCR to respond in an emergency like that of a ‘refugee influx’ in Lebanon. Some IR literature also explores the Lebanese authorities’ approach towards Syrians in relation to foreign policy decision making¹⁸ or the relationship between the Lebanese government and the United Nations.¹⁹

⁵ Elizabeth Buckner, Dominique Spencer and Jihae Cha, ‘Between Policy and Practice: The Education of Syrian Refugees in Lebanon’ (2017) 31 *Journal of Refugee Studies* 444.

⁶ Sarah E. Parkinson and Orkideh Behrouzan, ‘Negotiating health and life: Syrian refugees and the politics of access in Lebanon’ (2015) 146 *Social Science & Medicine* 324; Emily Lyles and others, ‘Health Service Access and Utilization among Syrian Refugees and Affected Host Communities in Lebanon’ (2017) 31 *Journal of Refugee Studies* 104.

⁷ Jad M. Chaaban and others, ‘Poverty and Livelihoods Among UNHCR Registered Refugees in Lebanon’ (2013) 32 *Refugee Survey Quarterly* 24.

⁸ Tamirace Fakhoury, ‘Governance Strategies and Refugee Response: Lebanon in the Face of Syrian Displacement’ (2017) 49 *International Journal of Middle East Studies* 681; Nora Stel, *Hybrid Political Order and the Politics of Uncertainty: Refugee Governance in Lebanon* (Routledge 2020).

⁹ Romola Sanyal, ‘Managing through ad hoc measures: Syrian refugees and the politics of waiting in Lebanon’ (2018) 66 *Political Geography* 67.

¹⁰ N. Saghieh and G. Frangieh, *The main features of Lebanon’s policy towards Syrian refugees: from the ostrich policy to soft power* (2014) <<http://legal-agenda.com/article.php?id=945>>.

¹¹ Lama Mourad, ‘“Standoffish” Policy-making: Inaction and Change in the Lebanese Response to the Syrian Displacement Crisis’ (2017) 9 *Middle East Law and Governance* 249.

¹² Jessy Nassar and Nora Stel, ‘Lebanon’s response to the Syrian refugee crisis – Institutional ambiguity as a governance strategy’ (2019) 70 *Political Geography* 44.

¹³ Fakhoury, 683.

¹⁴ Cathrine Thorleifsson, ‘The limits of hospitality: coping strategies among displaced Syrians in Lebanon’ (2016) 37 *Third World Quarterly* 1071; Estella Carpi and H. Pınar Şenoğuz, ‘Refugee Hospitality in Lebanon and Turkey. On Making ‘The Other’ (2019) 57 *International Migration* 126; Bassem Jamil Kheireddine, Ana Maria Soares and Ricardo Gouveia Rodrigues, ‘Understanding (in)tolerance between hosts and refugees in Lebanon’ (2020) *Journal of Refugee Studies*; A.J. Knudsen, ‘Syria’s refugees in Lebanon: Brothers, burden and bone of contention’ in R. Di Peri and D. Meier (eds), *Lebanon Facing the Arab Uprisings* (Palgrave 2017); Dawn Chatty, *Syria: The Making and Unmaking of a Refugee State* (University of Oxford Press 2017) 237; Dawn Chatty, ‘The Syrian Humanitarian Disaster: Understanding Perceptions and Aspirations in Jordan, Lebanon and Turkey’ (2017) 8 *Global Policy* 25, also see Dawn Chatty, ‘Commentary: When Hospitality turns into Hostility in Prolonged Forced Migration’ (2020) 58 *International Migration* 258.

¹⁵ A Betts, F Memisoglu and A Ali, ‘What difference do mayors make? The role of municipal authorities in Turkey and Lebanon’s response to Syrian refugees’ (2020) *Journal of Refugee Studies*.

¹⁶ See, for instance, Estella Carpi, ‘Towards a Neo-cosmetic Humanitarianism: Refugee Self-reliance as a Social-cohesion Regime in Lebanon’s Halba’ (2019) 33 *Journal of Refugee Studies* 224.

¹⁷ Ninette Kelley, ‘Responding to a Refugee Influx: Lessons from Lebanon’ (2017) 5 *Journal on Migration and Human Security* 82.

¹⁸ Gerasimos Tsourapas, ‘The Syrian Refugee Crisis and Foreign Policy Decision-Making in Jordan, Lebanon, and Turkey’ (2019) 4 *Journal of Global Security Studies* 464.

¹⁹ Carmen Geha and Joumana Talhouk, ‘From Recipients of Aid to Shapers of Policies: Conceptualizing Government–United Nations Relations during the Syrian Refugee Crisis in Lebanon’ (2018) 32 *Journal of Refugee Studies* 645.

There is some literature on the status and rights of migrants and refugees in Lebanon,²⁰ and the related legal texts.²¹ However, compared with the analysis of state policies, there is relatively less work examining the procedures involved in refugee recognition. Among these, Maja Janmyr's work in Lebanon is exceptional. Building on her extensive fieldwork, Janmyr explores policy changes concerning Syrian refugees and their precarious legal status, which as she shows either push them to leave Lebanon or to accept exploitative working and living conditions.²² Janmyr also shows that nationality and race of asylum seekers have an important impact on their access to refugee recognition, resettlement and overall protection.²³ Compared with Syrians, she finds that Sudanese applicants receive significantly different treatment from UNHCR.

In another exceptionally detailed study, Janmyr investigates the question of how Lebanon legitimises its non-ratification of the Refugee Convention.²⁴ She points to four main reasons, including the obligations that come with the Convention and the belief that the Convention requires States to allow for the permanent settlement of refugees on its territory. Other reasons include the possibility of responsibility sharing with UNHCR, the argument that the Convention would jeopardise the 'good neighbourliness principle between Arab states by recognising displaced people as refugees, and finally Lebanese policymakers' disbelief in the utility of the Convention. In this context, that is in a state not a party to the Refugee Convention, Janmyr shows that UNHCR finds itself in a challenging position to execute its international protection mandate.²⁵

Despite a large literature on various components of the asylum system in Lebanon, a thorough scholarly examination of UNHCR's status determination is absent. One major reason for this could be the opacity of the process.²⁶ For example, a recent Master thesis written at the American University of Beirut aims to explore UNHCR's status determination, yet as the author states, despite her efforts, she was not given access to observe the RSD interviews.²⁷ As a result, her analysis only explores the procedures as defined in UNHCR's Handbook. In this context, the important work of practitioner lawyers, such as Samira Trad and Ghida Frangieh, is crucial. Among others, Trad and Frangieh have widely reported on human rights violations and legal and practical challenges that mainly Sudanese, Iraqi, and later Syrian asylum seekers and refugees have faced in Lebanon. Legal Agenda, a Beirut-based non-profit and advocacy organisation, publishes opinion pieces on legal and political changes related to asylum seekers and refugees.²⁸

²⁰ Maja Janmyr, *The Legal Status of Syrian Refugees in Lebanon* (2016) <https://www.aub.edu.lb/ifi/Documents/publications/working_papers/2015-2016/20160331_Maja_Janmyr.pdf>.

²¹ For a list of legal texts concerning the status and rights of all migrants, see: Amresha Jagarnathsingh, *Lebanon: Country Report* (Working Papers: Global Migration: Consequences and Responses, 2018); Syria Needs Analysis Project, *Legal status of individuals fleeing Syria* (2013) <https://reliefweb.int/sites/reliefweb.int/files/resources/legal_status_of_individuals_fleeing_syria.pdf> Dallal Stevens, 'Shifting Conceptions of Refugee Identity and Protection: European and Middle Eastern Approaches' in S. Kneebone, D. Stevens and L. Baldassar (eds), *Refugee Protection and the Role of Law: Conflicting Identities* (Routledge 2014) Dallal Stevens, 'Rights, needs or assistance? The role of the UNHCR in refugee protection in the Middle East' (2016) 20 *The International Journal of Human Rights* 264 Dallal Stevens, 'Access to Justice for Syrian Refugees in Lebanon' in Maria O Sullivan and Dallal Stevens (eds), *States, the Law and Access to Refugee Protection: Fortresses and Fairness* (Hart 2017).

²² Maja Janmyr, 'Precarity in Exile: The Legal Status of Syrian Refugees in Lebanon' (2016) 35 *Refugee Survey Quarterly* 58.

²³ Maja Janmyr, 'Sudanese Refugees and the "Syrian Refugee Response" in Lebanon: Racialised Hierarchies, Processes of Invisibilisation, and Resistance' (2021) *Refugee Survey Quarterly*.

²⁴ Maja Janmyr, 'No Country of Asylum: 'Legitimizing' Lebanon's Rejection of the 1951 Refugee Convention' (2017) 29 *International Journal of Refugee Law* 438.

²⁵ Maja Janmyr, 'UNHCR and the Syrian refugee response: negotiating status and registration in Lebanon' (2018) 22 *The International Journal of Human Rights* 393.

²⁶ Also see, Cathryn Costello, Caroline Nalule and Derya Ozkul, 'Recognising refugees: understanding the real routes to recognition' (2020) 65 *Forced Migration Review* 4.

²⁷ Hanan Hasson, *UNHCR's Refugee Status Determination* (Department of Political Studies and Public Administration, 2018) <<https://scholarworks.aub.edu.lb/bitstream/handle/10938/21338/pj-1938.pdf?sequence=1&isAllowed=y>>, 2.

²⁸ See their work on Lebanon at <https://english.legal-agenda.com/country/lebanon/>. Their objective is to create awareness and build a critical approach to law and justice in Lebanon and other Arab countries. Also, see in particular, Samira Trad and Ghida Frangieh, 'Iraqi refugees in Lebanon: continuous lack of protection' (2007) 35 *Forced Migration Review* 35; Ghida Frangieh, 'Forced Departure: How Lebanon Evades the International Principle of Non-Refoulement' (2014) <<http://legal-agenda.com/en/article.php?id=675&folder=articles&lang=en>> ; Ghida Frangieh, *Lebanon Places Discriminatory Entry*

III. Methods

For the country profile on Lebanon, we have benefitted from desk-based research and in total 3 months of fieldwork where we conducted semi-structured interviews with multiple stakeholders. The research started in late 2018 with desk-based research on the publicly available legislation, scholarly articles, NGO reports and UNHCR statistics. Legal aid organisations in Lebanon were scanned and contacted in the first three months of 2019. The fieldwork was carried out in April, late July, August and early September 2019. Interviews included elite and individual interviews.

i. Elite interviews

During the fieldwork, Dr Ozkul – in some interviews together with Prof Costello – interviewed UNHCR officers, lawyers, staff members of NGOs and staff members of embassies. NGOs were chosen among those that provided legal aid and/or representation before UNHCR and/or advocacy about various issues impacting asylum seekers' and refugees' stay and access to their rights in Lebanon. Dr Ozkul also had informal meetings with academics who work on refugee-related issues and staff members of small-scale NGOs providing protection for refugees across Lebanon. Later in November 2020, Dr Ozkul interviewed an additional NGO staff member online whom she was unable to reach during fieldwork in 2019.

Access to RSD Officers

In April 2019, Prof Costello and Dr Ozkul introduced the RefMig research and its Recognising Refugees strand to officers at the UNHCR Beirut office. Following this interview, Dr Ozkul conducted a more in-depth and focused interview on RSD practices with officers at the Beirut office in September 2019. In-person interviews were followed by online communication and interviews with other UNHCR officials. In November 2020, Dr Ozkul conducted an online interview with a former UNHCR staff member who worked in registration in Lebanon. The RefMig research team also conducted an online interview in November 2020 with a former RSD officer and in February 2021 with a current UNHCR official based in the MENA Regional office, which informed some of the practices that applied to Lebanon.

Although these interviews helped us obtain information about officers' practices and views on the recognition process, it was not possible to obtain a representative sample of anonymised case files from the UNHCR Lebanon office. Therefore, in this report, quality of recognition is assessed based on statements from UNHCR officers, NGO workers, and recognised refugees and asylum seekers with pending and rejected decisions, as well as available statistics on recognition and rejection.

ii. Individual interviews

Individual interviews with asylum seekers and refugees who went through various case processing modalities provided evidence for how those who are seeking protection experienced and perceived the recognition process. Dr Ozkul, assisted by two bilingual research assistants, Ms Rita Jarrou and Ms Watfa Najdi, conducted in total 30 semi-structured interviews with Syrian, Iraqi and Sudanese refugees and asylum seekers. Iraqi and Sudanese refugees either held refugee status or pending or rejected decisions. Syrian refugees were registered with UNHCR, or their details were recorded at UNHCR following the government's ban on registering Syrian refugees in 2015. Two Syrian women married to

Restrictions on Syrians (2015) <<http://legal-agenda.com/en/article.php?id=679&folder=articles&lang=en>>; Ghida Frangieh, 'Relations between UNHCR and Arab Governments: Memoranda of Understanding in Lebanon and Jordan' in Ribale Steiman Haidar (ed), *The Long-Term Challenges of Forced Migration* (LSE Middle East Centre 2016) Frontiers Ruwad Association, *Invisible Citizens: Humiliation and a Life in the Shadows, A Legal and Policy Study on Statelessness in Lebanon* (2011) <<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1918&file=Annexe1>>; Frontiers Ruwad Association, *Who are stateless people in Lebanon? Victims multiply in heredity under state indifference* (2015) <<http://legal-agenda.com/article.php?id=1339>>.

Palestinian men from Syria were registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

We did our best to approach men and women equally to have perspectives from both genders. In total, 14 (out of 30) of our primary interviewees were female, and 16 were male. In the RefMig project, we aimed to interview asylum seekers and refugees from the top four nationalities. In Lebanon the top four nationalities of asylum seekers and refugees are Syrian, Palestinian, Iraqi and Sudanese. Because in Lebanon we aimed to assess UNHCR’s status determination, we only approached Syrian, Iraqi and Sudanese applicants. The breakdown of interviewees by nationality and gender is provided in Table 1.

Table 1: Summary of individual interviews with asylum seekers and refugees

Country	Nationality	Male	Female	Total
Lebanon	Syrian	8	10	30
	Iraqi	5	2	
	Sudanese	3	-	
	Syrian married to Palestinian refugee from Syria		2	

Finally, we did our best to approach asylum seekers and refugees in as diverse locations as possible in order to understand the diversity of practices by the various UNHCR offices and the Lebanese authorities around the country. Interviews were carried out in urban and peri-urban areas, towns, and villages located in both central and peripheral regions of Lebanon. 19 of these interviews were conducted with Syrian men and women living in Beirut (Hamra, Salim Salam, and Tariq Al Jdideh), Mount Lebanon (Burj al Barajneh Palestinian Refugee Camp), North Lebanon (Tripoli, and Abu Samra), and West Beqaa (Bar Elias, Deir Zanoun, Ghazza, and Joub Jannine). Seven interviews were carried out with Iraqi men and women living in South Lebanon (Nabatieh) and Mount Lebanon (Sad Al Bouchrieh), and three interviews were conducted with Sudanese men (Mount Lebanon and Beirut). All interviewees lived in rented apartments or rooms, except two Syrian interviewees who lived in informal tented settlements in West Beqaa. The two Syrian women married to Palestinian refugees from Syria lived in Bourj al Barajneh camp in Mount Lebanon.

iii. Main refugee cohorts in Lebanon and selection of nationalities

In Lebanon, the top four nationalities of asylum seekers and refugees are Syrians, Palestinians, Iraqis, and Sudanese. In this sub-section, we provide a brief overview of each nationality.

Syrians constitute the largest group of these four nationalities. The Syrian war has resulted in the displacement of around 6.6 million Syrians inside Syria and over 5.6 million Syrians outside of the country.²⁹ At present day, fewer than 1.5 million Syrians are estimated to live in Lebanon. It is important to note that prior to the war, there was already a high degree of mobility between the two states, with free movement based on the Bilateral Agreement for Economic and Social Cooperation and Coordination, signed between Syria and Lebanon in 1993.³⁰ Article 1 of this agreement provided ‘freedom of persons’ movement between both countries; freedom to stay, work, employ and practice economic activity in conformity with the laws and regulations in force in each country. Prior to the war around 300,000 Syrians were estimated to be Lebanon.³¹ Syrians often worked as seasonal workers for low salaries in agriculture, construction, and services, and constituted a crucial part of the labour force in the country. According to John Chalcraft, a prominent scholar on capital and labour relations in the

²⁹ UNHCR, ‘Emergencies: Syria Emergency’ (2020) <<https://www.unhcr.org/uk/syria-emergency.html>>

³⁰ ‘Agreement for Economic and Social Cooperation and Coordination between the Lebanese Republic and the Syrian Arab Republic’, Available at: http://www.syrleb.org/SD08/msf/1507751474_.pdf. This agreement was in place continuously after the Cedar Revolution.

³¹ ILO, *Towards Decent Work in Lebanon: Issues and Challenges in Light of the Syrian Refugee Crisis* (2015) <https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_374826.pdf>34.

region, 'Lebanon was built with Syrian muscles',³² and their presence in the country was invisible and largely tolerated, because they benefitted the wealthy Lebanese and worked hard with no political and social rights.³³

Though Syrian migrant workers were largely invisible, it is also important to note that Syria had a very visible military presence in Lebanon from 1976 until the Cedar Revolution of 2005. The Cedar Revolution was triggered by the assassination of the former Lebanese Prime Minister Rafik Hariri in 2005. It was alleged that Syria had a major role in this assassination, aggravating the already existing and growing popular anger towards Syria's military and political involvement in Lebanon. A series of widespread demonstrations and chants of 'Syria Out', known as the Cedar Revolution, eventually led to the Syrian military's withdrawal from the country. This problematic history between Lebanon and Syria has made Lebanon's receipt of Syrian refugees even more complicated. The war and the arrival of large numbers of Syrians in Lebanon disrupted the free mobility between the two countries. As the conflicts rapidly intensified, the free movement of Syrians became increasingly restricted.

The second largest group in Lebanon is over 470,000 Palestinian refugees who have fled to Lebanon since the 1948 Palestine war. Palestinian refugees (and descendants of Palestine refugee males)³⁴ in Lebanon are registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).³⁵ Over the years, some Palestinians (mostly Christian Palestinians), could obtain Lebanese citizenship, but most of them still lack a Lebanese identity and they are barred from buying property and performing many professions.³⁶ Half of Palestinian refugees in Lebanon live in one of the 12 refugee camps across the country. These camps have long been characterised by overpopulation, unemployment and poverty.³⁷ The war in Syria has also displaced many of the 438,000 Palestinian refugees in Syria (PRS). Among these, 31,000 PRS arrived in Lebanon.³⁸ Though they could ask for refuge, PRS in Lebanon remain largely neglected by the international donor community.³⁹

The third largest group of asylum seekers and refugees in Lebanon is Iraqis who arrived in the country especially after the US-led invasion of Iraq in 2003. Although the US-led invasion started in 2003, Iraqis largely started fleeing after the bombing of the Al-Askari mosque (a Shi'a shrine in the city of Samarra) in February 2006. This bombing lit a fire to sectarian conflicts in Iraq. As of 2009, around 2 million Iraqi refugees had escaped to other countries in the Middle East. Approximately 50,000 of these arrived in Lebanon.⁴⁰ Later, the war with the so-called Islamic State between 2013 and 2017 and subsequent conflicts also led to displacement of many Iraqis, some of which arrived in Lebanon. As of January 2020, 13,604 Iraqis were registered with UNHCR in Lebanon.⁴¹ As it will be explained in Section VIII, compared with Syrians, Iraqis registered with UNHCR have fewer benefits in accessing residency permits in Lebanon.

³² John Chalcraft, *Syrian Migrant Workers in Lebanon: The Limits of Transnational Integration, Communitarian Solidarity and Popular Agency* (EUI Working Papers, RSCAS No 2006/26, 2006) 1.

³³ For a more extensive analysis, see John Chalcraft, *The invisible cage: Syrian migrant workers in Lebanon* (Stanford studies in Middle Eastern and Islamic societies and cultures ed, Stanford University Press 2009).

³⁴ UNRWA, 'Palestine Refugees' (2020) <<https://www.unrwa.org/palestine-refugees>> Note that this definition renders children from mixed marriages with no protection if the mother is a Palestinian refugee, but the father is not.

³⁵ UNRWA, 'Where We Work: Lebanon' (2020) <<https://www.unrwa.org/where-we-work/lebanon>> UNHCR, *The Situation of Palestinian Refugees in Lebanon* (2016) 2 <<http://www.refworld.org/pdfid/56cc95484.pdf>> UNRWA, 'Where We Work: Lebanon'.

³⁶ See Susan M. Akram, 'Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution' (2002) 31 *Journal of Palestine Studies* 36; Jaber Suleiman, *Trapped refugees: the case of Palestinians in Lebanon* (No refuge: Palestinians in Lebanon, 2010) <<https://www.rsc.ox.ac.uk/files/files-1/wp64-no-refuge-2010.pdf>>; Stel, Chapter 4 and 5.

³⁷ UNRWA, 'Where We Work: Lebanon'.

³⁸ UNRWA, 'Syria Crisis' (2020) <<https://www.unrwa.org/syria-crisis>> Note that upon displacement, families under the guardianship of a PRS husband and Syrian wife needed to register with UNRWA, whereas those under the custody of a Syrian husband and a PRS wife required to register with UNHCR.

³⁹ Lars Erslev Andersen, *The neglected: Palestinian refugees in Lebanon and the Syrian refugee crisis* (DIIS Report, No 2016: 12, 2016) <<https://www.econstor.eu/bitstream/10419/197637/1/878191410.pdf>>.

⁴⁰ Andrew Harper, 'Iraq's refugees: ignored and unwanted' (2008) 90 *International Review of the Red Cross* 169, 170.

⁴¹ UNHCR, *Fact sheet: Lebanon, January 2020* <<https://www.unhcr.org/lb/wp-content/uploads/sites/16/2020/02/UNHCR-Lebanon-Operational-Fact-sheet-January-2020.pdf>>.

Finally, the fourth group includes Sudanese asylum seekers and refugees. Sudanese have long been working in Lebanon as migrant workers, dating back to the 1940s and 1950s.⁴² Particularly since the 1990s, a growing number of Sudanese displaced by the conflicts in West Sudan, also arrived in Lebanon.⁴³ As of January 2020, there were 2,323 Sudanese who were registered with UNHCR.⁴⁴ As with Iraqis, Sudanese registered with UNHCR have fewer benefits in accessing residency permits compared with Syrians. Moreover, the literature shows that because their numbers are relatively smaller than Syrians and Iraqis, but also because of racial hierarchies in the humanitarian sector, Sudanese asylum seekers and refugees in Lebanon receive less attention by the international donor community.⁴⁵ Finally, they suffer from greater degrees of racism in the Lebanese society.⁴⁶

As stated in the introduction, among these four populations, the important practices towards Palestinians are deliberately not included in this report, because the RefMig project focuses on the role of UNHCR and state institutions in recognising refugees. Therefore, the report explores procedures and practices towards Syrians, Iraqis and Sudanese. In the following two sections, we will outline the norms around refugee recognition and modes of recognition that UNHCR employed for these nationalities.

IV. Norms

Lebanon is a monist state; in other words, international treaties that are ratified are part of the domestic legal system and are given supremacy over domestic laws.⁴⁷ Article 2 of the Code of Civil Procedure provides that ‘[i]n the event of a conflict between the provisions of international treaties and those of ordinary law, the former shall take precedence over the latter.’^{48,49} The preamble of the Constitution includes a clause providing that Lebanon is committed to the Charter of the United Nations and the Universal Declaration for Human Rights (UDHR)⁵⁰ and that it embodies their principles ‘in all sectors and scopes without exception’. The Constitution thereby enables ‘the right to seek and to enjoy in other countries asylum from persecution’, as stated in UDHR’s Article 14, but it does not include a specific provision concerning asylum in Lebanon.

The Preamble of the Constitution (as amended in 1990) also states that ‘The Lebanese territory is one for all Lebanese [...] There shall be no segregation of the people on the basis of any type of belonging and no fragmentation, partition, or *tawteen*’. The Arabic term, *tawteen*, is derived from the noun *watan*

⁴² Janmyr, ‘Sudanese Refugees and the “Syrian Refugee Response” in Lebanon: Racialised Hierarchies, Processes of Invisibilisation, and Resistance’, 10.

⁴³ *Ibid.*, 8.

⁴⁴ UNHCR, *Fact sheet: Lebanon, January 2020* <<https://www.unhcr.org/lb/wp-content/uploads/sites/16/2020/02/UNHCR-Lebanon-Operational-Fact-sheet-January-2020.pdf>>.

⁴⁵ Janmyr, ‘Sudanese Refugees and the “Syrian Refugee Response” in Lebanon: Racialised Hierarchies, Processes of Invisibilisation, and Resistance’.

⁴⁶ See the testimonies in Anti-Racism Movement, *Sudan* (2021) <<https://armlebanon.org/tags/sudan>>.

⁴⁷ The Preamble to the Constitution states that the Lebanese political system is based upon ‘the principle of separation of powers, their balance, and their cooperation’. The Legislative Power is entrusted to the Chamber of Deputies (Art 16); the Executive Power is vested in the Council of Ministers (Art 17), and the Judicial Power is entrusted to the Courts where judges can exercise their roles independently (Art 20). The Chamber of Deputies and the Council of Ministers have the right to propose laws, and the Chamber of Deputies must adopt them before they can be published. Article 52 of the Constitution provides that the President signs international treaties and ratifies them with the consent of the Head of Government. The treaties can only be ratified after the approval of the Council of Ministers.

⁴⁸ For example, the Decision No 4 of 2001, issued by the Constitutional Council to make amendments to the Code of Criminal Procedure, gives reference to the Universal Declaration of Human Rights—one of the first legal precedents to reference international charters and treaties while making amendments in the national code.

⁴⁹ Note that the legal system in Lebanon includes elements from civil law based on the French civil code, Ottoman legal traditions and religious laws on issues related to personal matters such as marriage, divorce, child custody and inheritance.

⁵⁰ Lebanon declared its support for the Universal Declaration for Human Rights (UDHR) on 10 December 1948. UDHR includes provisions that prohibit torture and cruel, inhuman or degrading treatment or punishment (Art 5), and provides the right to seek asylum from persecution (Art 14), the right to work in just and favourable conditions and equal pay without any discrimination (Art 23), the right to a standard of living adequate for the health and well-being (Art 25) and the right to education (Art 26).

(the homeland) and the verb *wattana* (to settle down).⁵¹ However, its translation into English is not straightforward. As Maja Janmyr points out, the term has been translated differently in different official translations, including ‘settlement of non-Lebanese in Lebanon’, or ‘colonisation’.⁵² If *tawteen* means ‘settlement of non-Lebanese, then the Constitution restricts the permanent settlement of non-Lebanese. However, if it means ‘colonisation’, then the Constitution simply states that Lebanon cannot be colonised by another state. The first interpretation has long been used especially against the presence of Palestinian refugees in Lebanon.⁵³

Importantly, Lebanon has ratified the major international human rights instruments;⁵⁴ but like many other states in the Middle East, it is not a party to the 1951 Convention on the Status of Refugees or the 1967 Protocol (commonly known as the Refugee Convention). Even though Lebanon participated in parts of drafting the Convention, it has refrained from ratifying it.⁵⁵ Scholars have suggested that Arab states have not signed the Refugee Convention because the Convention did not take into account Arab states’ traditions, laws and values⁵⁶ and/or because at the time of drafting, Arab states were largely interested in Palestinian refugees’ status.⁵⁷ For example, Susan Akram shows that, at that time, Arab states worried that Palestinian refugees would be bound by ‘the prevailing consensus for refugees – third party resettlement’, and that they therefore demanded repatriation and compensation for Palestinian refugees in line with refugees’ wishes and Paragraph 11 of UNGA Resolution 194 (III).⁵⁸

Perceived domestic problems with how to deal with Palestinian refugees in the country seems to be another major reason for non-ratification. Scholars have cited the uncertainty around what the Refugee Convention would bring for Lebanon, and the belief that the ratification would require Lebanon to allow Palestinians to settle on its territory permanently. Some scholars have found that the perceived problems particularly with Sunni Palestinians at the time have led to the inclusion of the phrase that there shall be no *tawteen* in the Constitution of 1990.⁵⁹ At the time, the impact of the Palestine Liberation Organization (PLO) on Lebanese domestic affairs seemed to be a major cause for concern. Using Lebanon as a base, Palestinian fighters’ attacks towards Israel were followed by the 1982 war where Israel invaded Lebanon, sieged West Beirut and ultimately evicted the PLO from the country. This war resulted in the killing of thousands of people, mostly civilians,⁶⁰ and was followed by massacres in Sabra and Shatila camps. Militias close to the Christian right-wing Kataeb Party reportedly carried out these massacres in alliance with the Israeli Defence Forces. While the criticism towards Palestinian guerrilla groups grew for provoking attacks,⁶¹ continuing tensions with Israel escalated the

⁵¹ Hans Wehr, *A Dictionary of Modern Written Arabic* (Librairie du Liban/Macdonald & Evans Ltd 1980), cited in Daniel Meier, ‘“al-Tawteen”: The Implantation Problem as an idiom of the Palestinian presence in post-civil war in Lebanon (1989-2005)’ (2010) 32 *Arab Studies Quarterly* 145, 147.

⁵² See Janmyr, ‘No Country of Asylum: ‘Legitimizing’ Lebanon’s Rejection of the 1951 Refugee Convention’ 450.

⁵³ See Meier.

⁵⁴ Lebanon has ratified the International Covenant on Civil and Political Rights (CCPR), International Covenant on Economic, Social and Cultural Rights (CESCR), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). In 2011, Lebanon also ratified the 1994 Arab Charter on Human Rights, which includes the prohibition of torture and cruel, inhuman, or degrading treatment or punishment (Art 8), and provides the right to freedom (Art 24, 26 and 27), the right to seek political asylum (Art 28) and the right to acquire a nationality (Art 29).

⁵⁵ For the history of Lebanon’s involvement in the drafting process, see Maja Janmyr, ‘No Country of Asylum: ‘Legitimizing’ Lebanon’s Rejection of the 1951 Refugee Convention’ 29 *International Journal of Refugee Law* (2017) 438-465, 450-451.

⁵⁶ See Khadija Elmadmad, ‘An Arab Convention on Forced Migration: Desirability and Possibilities The 1991 Geneva Colloquium: Part 2: Regional Dimensions’ (1991) 3 *International Journal of Refugee Law* 461.

⁵⁷ See Stevens, ‘Shifting Conceptions of Refugee Identity and Protection: European and Middle Eastern Approaches’, 14-15.

⁵⁸ Akram, 40.

⁵⁹ Janmyr, ‘No Country of Asylum: ‘Legitimizing’ Lebanon’s Rejection of the 1951 Refugee Convention’ 450.

⁶⁰ See ‘The 1982 Israeli invasion of Lebanon: the casualties’ (1983) 24 *Race & Class* 340, for an account detailing various numbers of casualties in this war.

⁶¹ See Farid EL Khazen, ‘Permanent Settlement of Palestinians in Lebanon: A Recipe for Conflict’ (1997) 10 *Journal of Refugee Studies* 275.

consolidation of Hezbollah.⁶² As such, the perceived domestic problems have been projected over Palestinians and refugees' possible settlement in the country has become a contentious issue.

An important Arab League instrument to govern the treatment of Palestinians in Arab states is the 1965 Casablanca Protocol for the Treatment of Palestinians in Arab States. The Casablanca Protocol has established five key principles for Palestinians residing in member states. These include the right of employment on a par with nationals, right to leave and return to the country of residence, right to enter and depart other member states, right to be given and renew travel documents, and right of equal treatment in member states on a par with nationals regarding visa and residency applications. Lebanon signed this Protocol on 3 August 1966 with reservations on all the five articles,⁶³ and in practice, it has not respected any of them. With frequent changes in policies targeting Palestinians, the principles established in the Casablanca Protocol have progressively lost their utility.⁶⁴ Today many Palestinians who reside in Lebanon suffer from poverty, statelessness, discrimination, and difficulties in accessing work opportunities and housing on a par with Lebanese nationals.⁶⁵

Scholars have also suggested that the arrival of refugees (such as Shia Iraqis or Sunni Syrians) could potentially undermine the ostensibly delicate sectarian balance in the country.⁶⁶ As mentioned in the introduction, the delicate balance is due to Lebanon's ongoing consociational model of democracy—the Lebanese Constitution provides that state offices be distributed among confessional communities.⁶⁷ Article 95 of the Constitution states that the Cabinet should represent various sects 'in a just and equitable manner'. It also states that this is a transitional phase and that it should be replaced 'according to an interim plan' (Art 95), but so far there has been no replacements.⁶⁸ Except for Grade One posts—where the posts shall be distributed equally between Christians and Muslims—positions in public service, the judiciary, military, and security institutions should be reserved according to the principles of expertise and competence. However, allocation of positions according to sects is reportedly still widespread in state positions⁶⁹ and non-state positions like in NGOs.⁷⁰ Although the Constitution clearly states that the confessional model is a temporary solution, it does not provide a specific timeline nor

⁶² See Augustus Richard Norton, 'The Role of Hezbollah in Lebanese Domestic Politics' (2007) 42 *The International Spectator* 475.

⁶³ League of Arab States, Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol"), 11 September 1965, available at: <https://www.refworld.org/docid/460a2b252.html> [accessed 27 July 2020].

⁶⁴ Frontiers, *Falling through the Cracks: Legal and practical gaps in Palestinian refugee status* (2005) 62 <https://prn.mcgill.ca/research/papers/050815_fallingthroughthecracks.pdf>.

⁶⁵ See Sari Hanafi and Taylor Long, 'Governance, Governmentalities, and the State of Exception in the Palestinian Refugee Camps of Lebanon' (2010) 23 *Journal of Refugee Studies* 134; Are Knudsen and Sari Hanafi (eds), *Palestinian Refugees: Identity, Space and Place in the Levant* (Routledge 2011); Suleiman <<https://www.rsc.ox.ac.uk/files/files-1/wp64-no-refugee-2010.pdf>>; UNHCR, *The Situation of Palestinian Refugees in Lebanon* <<http://www.refworld.org/pdfid/56cc95484.pdf>>; Frontiers <https://prn.mcgill.ca/research/papers/050815_fallingthroughthecracks.pdf>.

⁶⁶ Drew Mikhael, *Syrian refugees remain trapped and marginalised by Lebanon's power-sharing politics* (2018) <<https://theconversation.com/syrian-refugees-remain-trapped-and-marginalised-by-lebanons-power-sharing-politics-108363>> Also see, Janmyr, 'No Country of Asylum: 'Legitimizing' Lebanon's Rejection of the 1951 Refugee Convention' 450.

⁶⁷ See Lebanon's Constitution of 1926 with Amendments through 2004. Translated by Fouad Fahmy Shafik. Available at: https://www.constituteproject.org/constitution/Lebanon_2004?lang=en. The original constitution was promulgated on 23 May 1926. Following the Ta'if Agreement, the major revision of 21 Sep 1990 introduced a Preamble and changed Articles 17-19, 22, 24, 30, 33, 44, 49, 52-58, 62, 64-66, 69-72, 77, 79, 80, 85, 86, and 95. See International Constitutional Law Project, Lebanon. Available at: https://www.servat.unibe.ch/icl/le__indx.html.

⁶⁸ Article 95 states that 'the Chamber of Deputies [*Majlis an-Nuwwab*], elected on the basis of half Muslims and half Christians, must take the appropriate measures to eliminate political sectarianism, according to an interim plan'. Accordingly, a National Council shall be formed, headed by the President of the Republic, and including the President of the Chamber of Deputies and the Prime Minister among others.

⁶⁹ In practice, some posts have become strictly reserved for certain religious sects. See a short synopsis at https://monthlymagazine.com/article-desc_4445_. Due to tensions over power, some posts regularly remain vacant due to fights between candidates or the absence of a suitable person. See *The Monthly*, 'Grade 1 Posts: Vacancies and Monopolies' (2012) February *The Monthly* 8.

⁷⁰ Interview with an international NGO worker, 6 August 2019.

guidelines to revoke it.⁷¹ As such, despite several calls for its abolition,⁷² the Lebanese political system is still based on confessionalism for that the political elite has blocked all the attempts to abolish it.

Though Lebanon has refrained from ratifying the Refugee Convention, this decision has not been without contestation. For instance, at the 2014 Berlin Conference, titled ‘Syrian Refugee Situation: Supporting Stability in the Region’, Lebanon was pressured to ratify the Convention, according to As-Safir, one of the popular newspapers in the country.⁷³ As-Safir reported, right before the conference, Turkey helped draft a document where a clause stated that Lebanon should ratify the Refugee Convention. This document was planned to be read as part of the closing statement of the conference. However, the then Prime Minister Tammam Salam, Foreign Minister Jebran Bassil and Social Affairs Minister Rashid Derbas opposed these plans. Jebran Bassil argued that these plans would turn Lebanon ‘into a country for refugees under “international dictations”’.⁷⁴ Consequently, the Lebanese government rejected this clause, stating that ‘the Lebanese authorities would not accept that the Syrian refugee crisis turns into a status quo’.⁷⁵ On 23 October 2014, the government decided not to accept any Syrians seeking refuge unless under exceptional cases. This decision was considered to be a ‘major achievement’, as described by the then Economy and Trade Minister Alan Hakim.⁷⁶

In fact, the Refugee Convention does not require permanent settlement of refugees; however, seemingly, Lebanese policymakers perceived its ratification that way. On the word of Rashid Derbas, any attempt to have a permanent settlement of refugees in Lebanon would have “dangerous repercussions”,⁷⁷ denoting that the presence of Syrian refugees (the majority of whom are Sunni Muslims) could create problems in the political system. In theory, recognising refugees may not disrupt the political system unless they are allowed to vote in municipal and national elections. Nonetheless, Lebanon’s reluctance to ratify the Refugee Convention may as well be due to the fear of creating political troubles with neighbouring countries and their allies, the fear of changing the demographics and consequently the fear of political elites losing their power.

In addition, Lebanon also refrained from establishing its own legal framework to recognise refugees. Like all migrants in the country, asylum seekers are subject to the provisions of the 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country (Law of Entry and Exit) and of the Decision No 320/1962 Regarding the Control of Entry and Exit from Lebanese Border Posts.⁷⁸ The 1962 Law regulates the entry (Chapter II), transit and residence (Chapter III), transit visas (Chapter VI), employment of foreign nationals (Chapter VII), political asylum (Chapter VIII) and penalisation of illegal entry (Chapter IX).

It is important to note that among these, Article 26 in Chapter VIII explicitly provides the right to seek ‘political asylum’ (*le droit d’asile politique*):

‘Any foreign national who is the subject of a prosecution or a conviction by an authority that is not Lebanese for a political crime or whose life or freedom is threatened, also for political reasons, may request political asylum in Lebanon.’

⁷¹ For more on the history of consociationalism in Lebanon, see E.W. Aboultaif, *Power Sharing in Lebanon: Consociationalism since 1820* (Routledge 2019).

⁷² For instance, a major item that protestors demanded in late 2019 was the abolishment of the consociational political system.

⁷³ Naharnet, ‘Derbas Says Lebanon and Jordan United at Berlin Conference’ (Beirut, 24 October) <<http://www.naharnet.com/stories/en/152503>>

⁷⁴ Naharnet, ‘Lebanon Thwarts Attempt to Have a Permanent Settlement for Refugees’ (Beirut, 23 October) <<http://www.naharnet.com/stories/en/152334>>

⁷⁵ Ibid.

⁷⁶ Naharnet, ‘Derbas Says Lebanon and Jordan United at Berlin Conference’.

⁷⁷ Naharnet, ‘Lebanon Thwarts Attempt to Have a Permanent Settlement for Refugees’.

⁷⁸ 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: www.refworld.org/docid/3ae6b4f30.html and <https://www.refworld.org/pdfid/4c3c630f2.pdf> for English.

The subsequent articles in Chapter VIII give further details. For instance, Article 27 and 29 designate a specific committee to grant, refuse or cancel asylum.⁷⁹ Article 28 explains the provision of a special card to be issued to refugees.⁸⁰ Article 30 requires refugees not to take part in any political activities.⁸¹ Finally, Article 31 provides the principle of non-*refoulement* for political refugees.⁸² However, most importantly, the 1962 Law does not specify the definition of who a political refugee is. It also does not set out the procedure to grant or reject an asylum seeker's application nor the relevant institutions' responsibilities in the process. Also, importantly, the Law does not provide the right to appeal. Article 27 states the committee's orders 'may not be subject to any claim *even that of abuse of power*',⁸³ thereby leaving applicants with no right to appeal even in cases of authorities' potential misuse of power.

More importantly, up to the present time, none of these provisions has been effective. According to a stakeholder we have interviewed, at the time of drafting the 1962 Law, political asylum was included in the law considering only high profile politicians.⁸⁴ To date, only very few persons have been granted asylum under this Law. For instance, during the preparation of this report, no person could be found for the last twenty years. The only case that could be found belonged to a Japanese national.^{85,86} Except for a few exceptional cases like this one, the Lebanese government has not designated a committee that could serve long-term, nor granted asylum to other asylum seekers.

In the absence of comprehensive legislation and a well-functioning framework on asylum, the United Nations High Commissioner for Refugees (UNHCR) has been conducting refugee status determination in Lebanon with a view to resettle them (for more details on the role of UNHCR, see Section V). Non-resettled refugees are otherwise considered irregular migrants under Lebanese law and are subject to the provisions laid out in Chapter IX of the 1962 Law, rendering them vulnerable to deportation. Although Lebanon is arguably bound by the customary law principle of non-*refoulement*,⁸⁷ and although Article 31 of the 1962 Law provides the principle of non-*refoulement* for political refugees, in practice deportation still remains an important risk for asylum seekers and recognised refugees. Also, according to the 1962 Law, the General Directorate of General Security (from hereon, General Security) can decide to deport any foreign national if s/he is considered to be a 'threat to public security' (Art 17). Also, the General Security can arrest and keep those who are to be deported in custody 'for the period of time required to complete the travel formalities' (Art 18). As it will be shown further in the following sections of this report, many asylum seekers and refugees remain at risk and have at best limited protection in Lebanon.

⁷⁹ Article 27: 'Asylum shall be granted pursuant to an order made by a committee the membership of which is as follows: Ministre de l'Intérieur, chair; the Directeurs de la Justice, des Affaires Étrangères et de la Sûreté Générale, members. In the event that the number of votes cast for and against is equal, the chair shall have a casting vote. An order made by this committee is not admissible in law and may not be subject to any claim, even that of abuse of power.' Article 29: 'The committee may refuse to grant asylum or may cancel it at any time or limit it by requiring the person, for example, to remain in a specific place.'

⁸⁰ Article 28: 'A special card shall be issued by the Direction de la Sûreté Générale to a political refugee. This card shall contain all the information concerning the identity of the refugee and the conditions to which the refugee shall be subject.'

⁸¹ Article 30: 'A person who has obtained asylum in Lebanon may not engage in any political activity.'

⁸² Article 31: 'In the event that a former political refugee is deported, he or she may not be removed to the territory of a country where his or her life or freedom is threatened.'

⁸³ Italics added.

⁸⁴ Interview with the Director of Frontiers Ruwad Association, 1 November 2020.

⁸⁵ This was a particularly controversial case. The applicant was Kozo Okamoto, a member of the Japanese Red Army, a communist militant group based in Japan that at the time worked closely with the Popular Front for Liberation of Palestine (PFLP). Okamoto assisted an attack at the Lod International Airport in Tel Aviv, Israel in 1972 in which 26 people died. The attack was considered to be 'a strike for Arab rights' by some left-wing and anti-Israeli groups. See John F. Burns, 'Lebanon Grants Political Asylum to 1 of 5 Japan Terrorists' *New York Times* (New York, March 18) <<https://www.nytimes.com/2000/03/18/world/lebanon-grants-political-asylum-to-1-of-5-japan-terrorists.html>>

⁸⁶ Following the incident, the only surviving gunman, Kozo Okamoto, was given a life sentence in Israel and was imprisoned for 13 years until 1985, when Israel exchanged him with Palestinian prisoners. Lebanon's decision to grant Okamoto asylum was taken by an *ad hoc* asylum committee, 'because of the suffering he endured in Israeli prisons'. See *ibid*.

⁸⁷ Janmyr, 'Precarity in Exile: The Legal Status of Syrian Refugees in Lebanon' 62; Dalia Aranki and Olivia Kalis, 'Limited legal status for refugees from Syria in Lebanon' (2014) 47 *Forced Migration Review* 17; HRW, *The Gaps in Lebanon's New Refugee Policy* (2017) <<https://www.hrw.org/news/2017/03/14/gaps-lebanons-new-refugee-policy>>.

V. Institutions

Asylum seekers and refugees in Lebanon are subject to the procedures and practices of a number of institutions. This section provides an overview of the role of UNHCR in refugee recognition and of Ministries, Municipalities and *Mukhtars* in refugee protection. UNHCR's practices will be assessed specifically in the section on the quality of recognition process.

i. Refugee Recognition: UNHCR

UNHCR has been operating in Lebanon since the early 1960s through unwritten agreements where Lebanese governments 'tolerated' the stay of relatively small numbers of 'persons of concern' to UNHCR. A significant rise in the detention and deportation of refugees since 1999⁸⁸ seems to have led to UNHCR's negotiations with the Lebanese authorities. Eventually in September 2003, UNHCR and the General Security signed a Memorandum of Understanding (MOU).⁸⁹ According to this MOU, UNHCR in Lebanon is responsible for registering, conducting refugee status determination, and resettling refugees.⁹⁰ However, though the MOU provides a legal framework for a temporary stay of asylum seekers for the first time in Lebanon, at present day it fails to provide protection for most asylum seekers and refugees⁹¹ and therefore its validity is questionable. Even some of UNHCR's own staff seem to consider the MOU ineffective.⁹²

First, the MOU only applies to those who enter Lebanon after 2003 and who submit their claims within two months of their arrival.⁹³ It goes without saying that many asylum seekers may not be able to claim asylum within two months of their arrival. Second, the MOU requires UNHCR to complete applications (both at first and appeal instances) within three months, and to find a 'durable solution' (resettlement or voluntary repatriation when appropriate) to recognised refugees within 6-9 months. Articles 5 and 9 of the MOU limit refugees' stay in Lebanon to a maximum of one year, starting from registration.⁹⁴ For this period, asylum seekers and registered refugees can obtain provisional residence permits from the General Security.⁹⁵ Alarming, the MOU does not mention the principle of non-*refoulement*.⁹⁶ Considering the very few resettlement places available around the world, this requirement leaves many refugees who cannot be resettled within under a year at risk.

Moreover, the MOU of 2003 has shifted the Lebanese state's responsibility towards its asylum seeker and refugee population to an international organisation. For instance, despite the existing provisions in the 1962 Law, the MOU states that 'Lebanon does not consider itself an asylum country' and that an asylum seeker is a 'person seeking asylum in a country other than Lebanon'.⁹⁷ Also, the MOU states that asylum seekers and refugees do not have a right to work.⁹⁸ Instead, it requires that UNHCR provide refugees with assistance during their stay in Lebanon. Considering that UNHCR's capacity to distribute humanitarian aid is at best limited (or absent for some groups), this requirement pushes many asylum seekers and refugees to work informally.

⁸⁸ Ghida Frangieh, 'Relations between UNHCR and Arab Governments: Memoranda of Understanding in Lebanon and Jordan' in R. Sleiman Haidar (ed), *The long term challenges of forced migration*, vol Middle East Centre Collected Papers (London School of Economics 2016) 38.

⁸⁹ UNHCR, *UNHCR Country Operations Plan, Lebanon, Planning Year 2004* (2003) <<https://www.refworld.org/docid/3fd9c6a14.html>>, 2.

⁹⁰ Frangieh, 'Relations between UNHCR and Arab Governments: Memoranda of Understanding in Lebanon and Jordan', 37.

⁹¹ Note that although there is some literature on its substance, the MOU is not publicly available. Ghida Frangieh from Legal Agenda describes its content in the most extensive manner. See *ibid*.

⁹² Janmyr, 'UNHCR and the Syrian refugee response: negotiating status and registration in Lebanon', 395.

⁹³ Frangieh, 'Relations between UNHCR and Arab Governments: Memoranda of Understanding in Lebanon and Jordan' 38.

⁹⁴ *Ibid*.

⁹⁵ UNHCR, *UNHCR Country Operations Plan 2005 - Lebanon* (2004) <<https://www.refworld.org/docid/4159634c4.html>>, 2.

⁹⁶ Frangieh, 'Relations between UNHCR and Arab Governments: Memoranda of Understanding in Lebanon and Jordan' 38.

⁹⁷ *Ibid*.

⁹⁸ UNHCR, *UNHCR Country Operations Plan, Lebanon, Planning Year 2004* <<https://www.refworld.org/docid/3fd9c6a14.html>>, 3.

Over time, there have been a number of attempts by UNHCR to revise it in line with changes on the ground, but these attempts were to no avail. At the time of signing the MOU, UNHCR considered it ‘the first step in the further development of national asylum structures’,⁹⁹ and continued having meetings with the Lebanese authorities with the aim to revise it. For instance, in 2004 and 2005, UNHCR was concerned that the detention of refugees and asylum seekers was still ongoing and, resumed its negotiations with the Lebanese authorities. In 2005, UNHCR managed to schedule a new MOU to be signed in 2006,¹⁰⁰ and began discussions to persuade the Lebanese authorities to provide residence permits to refugees whose bids for resettlement were not successful.¹⁰¹ But later the 2006 Israel war and the authorities’ growing concerns over security seem to have suspended UNHCR’s negotiation efforts.¹⁰² In 2011, UNHCR presented the Lebanese government a draft of a new MOU, which included the principle of non-*refoulement* and the right of refugees to work in Lebanon, but the Lebanese authorities immediately rejected it.¹⁰³

Since the arrival of large numbers of Syrian refugees in Lebanon, the existing MOU’s validity has become even more questionable. It is important to note that the MOU of 2003 was signed at a time when the number of refugees in Lebanon was just over 2,500¹⁰⁴ and was, therefore, not conducive to deal with a mass influx of refugees nor protracted situations. Thus, as it was with the arrival of Iraqi refugees after 2003, the MOU proved unworkable with the arrival of Syrian refugees. The Lebanese government also seems to consider Syrians outside of the scope of the MOU and uses the term *nazihin* (displaced), which is usually used to refer to internally displaced persons, instead of *laji’in* (refugees).¹⁰⁵ The arrival of Syrians also seems to have brought tensions between Lebanese governments and UNHCR. For example, in June 2018, the former Foreign Minister, Gibran Bassil summoned a freeze on the renewal of residency permits for UNHCR staff, if the latter has criticised incentives to return Syrians.¹⁰⁶

Finally, what is also surprising is that this MOU was signed with the General Security,¹⁰⁷ but it is not clear whether the General Security has the right to sign an MOU with an international organisation. Nowhere in the functions of the General Security is listed signing agreements with international organisations.¹⁰⁸ Considering these shortcomings, and Lebanon’s current asylum seeker and refugee population, the MOU of 2003 seems to have little weight in governing Lebanon’s refugee recognition regime. It is in this environment that UNHCR continues conducting registration, refugee status determination (RSD), resettlement, as well as provision of access to legal and humanitarian aid in Lebanon.¹⁰⁹ More details about UNHCR’s practices of RSD will be provided in Section VI and VII.

⁹⁹ UNHCR, *UNHCR Country Operations Plan 2005 - Lebanon* <<https://www.refworld.org/docid/4159634c4.html>>, 2.

¹⁰⁰ UNHCR, *The Global Report 2005* (2006) <<https://www.unhcr.org/uk/publications/fundraising/4a0c04f96/global-report-2005.html>>, 278.

¹⁰¹ UNHCR, *The Global Report 2006* (2007) <<https://www.unhcr.org/uk/publications/fundraising/501f7d2e2/global-report-2006.html>>, 333.

¹⁰² A positive development in this period was that in 2006, at UNHCR’s request, the Ministry of Justice instructed Lebanese judges and persecutors not to deport refugees from the country. See *ibid*, 334.

¹⁰³ Janmyr, ‘UNHCR and the Syrian refugee response: negotiating status and registration in Lebanon’, 395.

¹⁰⁴ UNHCR, *Statistical Yearbook 2003* (2005) <<https://www.unhcr.org/uk/statistics/country/42aff7e84/unhcr-statistical-yearbook-2003.html>>.

¹⁰⁵ See for a critical reading of various state authorities and humanitarian agencies’ labelling of refugees in Lebanon: Maja Janmyr and Lama Mourad, ‘Modes of Ordering: Labelling, Classification and Categorization in Lebanon’s Refugee Response’ (2018) 31 *Journal of Refugee Studies* 544.

¹⁰⁶ Hanan Elbadawi, ‘Syrian refugees in Lebanon: Potential forced return?’ *Atlantic Council* (6 July 2018) <<https://www.atlanticcouncil.org/blogs/menasource/syrian-refugees-in-lebanon-potential-forced-return/>>

¹⁰⁷ UNHCR, *UNHCR Country Operations Plan, Lebanon, Planning Year 2004* <<https://www.refworld.org/docid/3fd9c6a14.html>>, 2.

¹⁰⁸ General Security, *Functions of the General Security* (2021) <<https://www.general-security.gov.lb/en/posts/3>>.

¹⁰⁹ Note that UNHCR in Lebanon also supported internally displaced Lebanese nationals in past conflicts. For instance, during the war between Israel and Hezbollah that started in July 2006, UNHCR worked closely with the Government and local actors and provided assistance, including shelter, to some 750,000 IDPs and returnees in Lebanon. See UNHCR, *The Global Report 2006* <<https://www.unhcr.org/uk/publications/fundraising/501f7d2e2/global-report-2006.html>>, 332. Similarly, in the aftermath of the recent explosion at the port of the city of Beirut, UNHCR has mobilised at least US\$35 million for its emergency response to Lebanese, refugee and migrant households. See Houssam Hariri, *UNHCR mobilizes aid for Beirut in*

ii. Refugee Protection: Ministries, Municipalities and Mukhtars

Various Lebanese institutions play an important role for foreigners', that is non-Lebanese', including asylum seekers/refugees' stay in Lebanon. Article 65 of the Lebanese Constitution provides the Council of Ministers with the executive power and responsibility of elaborating the public policy, the bills and decrees, overseeing the functions of the State apparatus among others. By law, the Council of Ministers is the competent authority to amend the conditions of foreigners' entry, residence and exit from Lebanon. The most significant Ministries for non-Lebanese include, firstly, the *Ministry of Interior and Municipalities*, which regulates public security and order and monitors foreigners' (including asylum seekers' and refugees') entry, stay and exit from Lebanon.

The Ministry of Interior includes three Directorates. The most crucial one for refugees (and in fact for all migrants in the country) is the *General Directorate of General Security* (often abbreviated as General Security or General Security Office, GSO). General Security is responsible for collecting information for the Lebanese government, monitoring secret organisations, as well as keeping track of the print and social media. Of most importance, General Security processes non-Lebanese' applications for naturalisation in Lebanon and issues documentation related to residence and travel in and out of the country, such as residency permits (*iqama*).¹¹⁰ This is also the institution that the UNHCR has signed the MOU of 2003.¹¹¹ The other Directorates under the Ministry of Interior include the *General Directorate of Civil Status*, which administers the Census Registry and registers births, deaths, marriages and divorces, and the *General Directorate of Political Affairs and Refugees*, which registers Palestinian refugees and maintain their records.¹¹² The arrival of Syrian refugees has increased, particularly, General Security's power as it has become the key institution to deal with almost up to a quarter of the population in Lebanon. General Security's power also stems from the fact that it is the institution that issues exit permits for resettling refugees.

Secondly, the *Ministry of Labour* regulates and administers work conditions for all foreigners and requirements for their work permits in Lebanon, and reviews and designates the professions that they may engage in on an annual basis. Finally, the *Ministry of Social Affairs* (MOSA) works to respond to the basic needs of the groups most in need and coordinates emergency and relief activities in Lebanon.¹¹³ MOSA has played a crucial role in particular in the relief efforts targeting Syrian refugees and has acted as the steering ministry for the Lebanon Crisis Response Plans (LCRP), a joint initiative between the Lebanese government and its international and national partners. Together with MOSA, UNHCR co-leads the humanitarian refugee response element of the LCRP (see Section VIII for refugees' access to protection).

Another group of crucial actors in refugee protection in Lebanon are Municipalities operating at the district level. The competence of Municipalities is laid out in Chapter 2 of the Municipal Act, Decree No. 118/1977. According to this Act, Municipalities are responsible for various tasks including the distribution of donations, 'ensuring ethics and public decency', 'protecting all that relates to the

aftermath of deadly blast (2020) <<https://www.unhcr.org/uk/news/stories/2020/8/5f3934cc4/unhcr-mobilizes-aid-beirut-aftermath-deadly-blast.html>>.

¹¹⁰ General Security was established by the legislative decree no. 139, dated 12/6/1959, then amended by the legislative decree no. 104, dated 16/9/1983, which was cancelled by decree no. 17, dated 23/3/1985 and resumed to the original content of decree no. 139. See, Amine Saliba, *The Security Sector in Lebanon: Jurisdiction and Organization* (2012) <https://carnegieendowment.org/files/Security_Sector_in_Lebanon2.pdf>. Pursuant to this decree, the GSO became a General Directorate under the supervision of the Ministry of Interior. See General Security, 'Historical Overview' (*General Directorate of General Security*, 2020) <<https://www.general-security.gov.lb/en/posts/2.>> accessed 25 July 2020.

¹¹¹ UNHCR, *UNHCR Country Operations Plan, Lebanon, Planning Year 2004* <<https://www.refworld.org/docid/3fd9c6a14.html>>, 2.

¹¹² DPAR works in collaboration with the UNRWA in order to safeguard Palestinian refugees' access to shelter, health and education. DPAR also processes requests to reunite separated families, determines the camp locations and provides permits to move between camps, if necessary, among others.

¹¹³ Ministry of Social Affairs, *About Us* (2020) <<http://www.socialaffairs.gov.lb/en/MSASubPage.aspx?parm=9&parentID=1>>.

environment’ including preventing pollution, ‘applying the provisions of the law to settle the violations against building regulations’, and ‘ensuring security through the municipal police in its capacity as Judicial Police’.¹¹⁴¹¹⁵

The lack of a comprehensive political and legal framework for refugees has left Municipalities to deal with their populations in their own way, which seems to have resulted in varying practices across regions.¹¹⁶ For instance, some Municipalities have tolerated the building of informal settlements, while others have made use of discriminatory curfews and evictions without due process.¹¹⁷ As an example, between 2016 and 2018, nearly 4,000 Syrian nationals were evicted from 13 Municipalities due to various reasons including lack of residency permits or religious affiliations, which are, in fact, ‘not valid legal bases for evicting tenants from their homes’.¹¹⁸ One particularly heated case was in September 2017 in the Municipality of Mizyara in North Lebanon when a Syrian reportedly raped and murdered a 26-year-old Christian woman in her home. This incident resulted in a violent mass eviction of at least 800 Syrian refugees from the area. UNHCR estimates around 14,600 and 11,300 Syrian refugees were evicted in 2017 and 2018, and many more were at risk of eviction.¹¹⁹ In 2019, at least 180 refugees were evicted from their informal settlements in Zahrani, and another 50 refugees were evicted from their informal settlements along Litani River in Southern Tyre because it was believed that they were contributing to water pollution in the area. In these cases, the Municipal Police led the evictions, in some violent cases, with the help of Internal Security Forces. Curfews to prevent the spread of COVID-19 in 2020 have also been implemented discriminately towards Syrian refugees.¹²⁰ Evictions and curfews led by Municipalities have taken place with no legal framework and without due process, leaving refugees even more vulnerable in Lebanon (see Section VIII for more details).

Other important actors at the local level are *mukhtars*. *Mukhtars* are the heads of villages voted by residents. This is an institution commonly held in many countries in the MENA region, dating back to the Ottoman administrative system.¹²¹ The 1947 Mukhtar Law (revised in 1997) requires a *mukhtar* to be from the village or neighbourhood he wishes to be the *mukhtar*, which enable their familiarity with the local population and possibility to mediate informal disputes between residents.¹²² Importantly, *Mukhtars* grant the housing attestation for residents, which is required to obtain official documents such as residency permits (*iqama*) and birth registration. They also facilitate direct representation between residents and policymakers. *Mukhtars* report to the district governor, not the mayor, and as such, provide

¹¹⁴ Government of Lebanon, Ministry of Interior and Municipalities, Decree-law no. 118, dated 20/6/1977 and its amendments.

¹¹⁵ The District Commissioner (*Kaemakam*), the Governor (*Mohafez*) and the Minister of Interior (in the case of Beirut Municipal Council, only the Minister of Interior) have the authority to exercise administrative control over the decisions of the Municipal Council (Art 56) within one month as of the date of the decision’s registration in the competent unit of the concerned administrative control authority (Art 63). The District Commissioner, the Governor of the Ministry of Interior can postpone the execution of the Municipal Council’s decision temporarily at any time for security purposes, by a virtue of a justified decision that may be challenged before the State Council (Art 65).

¹¹⁶ S. Van Vliet and G. Hourani, *Regional differences in the conditions of Syrian refugees in Lebanon* (2014); Lama Mourad, ‘Open Borders, Local Closures: Decentralization and the Lebanese Response to the Syrian Refugee Crisis’ (University of Toronto 2019).

¹¹⁷ HRW, *Lebanon: Mass Evictions of Syrian Refugees: Expulsions by Municipalities Appear Discriminatory, Lack Due Process* (2018) <<https://www.hrw.org/news/2018/04/20/lebanon-mass-evictions-syrian-refugees>> Nora Stel and A. van der Meijden, *Lebanon’s Eviction of Syrian Refugees and the Threat of de facto Refoulement* (The Lebanese Center for Policy Studies Newsletter, 2018) <<http://www.lcps-lebanon.org/featuredArticle.php?id=188>>.

¹¹⁸ HRW, *Lebanon: Mass Evictions of Syrian Refugees: Expulsions by Municipalities Appear Discriminatory, Lack Due Process* <<https://www.hrw.org/news/2018/04/20/lebanon-mass-evictions-syrian-refugees>>.

¹¹⁹ UNHCR, *Lebanon: Inter-Agency - In Focus: Evictions of Syrian Refugees in Lebanon in 2018 - February 2019* (2019) <<https://data2.unhcr.org/en/documents/details/68333>>.

¹²⁰ HRW, *Lebanon: Refugees at Risk in COVID-19 Response* (2020) <<https://www.hrw.org/news/2020/04/02/lebanon-refugees-risk-covid-19-response>>.

¹²¹ Tülay Ercoşkun, ‘Osmanlı Devleti’nde Muhtarlık Kurumunun İşleyişine İlişkin Düzenlemeler ve Gözlemler’ (2012) 60 Bilig 131.

¹²² Traditionally, *mukhtars* provide a vital role in mediation between residents. They can be the first person to go to when a conflict arises between individuals or groups. In our research, it has been reported that surprisingly, *mukhtars* have not provided an important role in mediation between Syrian refugees and Lebanese residents or between Syrian refugees. That may be the case because Syrian refugees are not *mukhtars*’ constituency and Syrians may have been reluctant to ask their help to resolve conflicts at the neighbourhood level due to fears of eviction.

a counterbalance to the power of Municipalities. They do not receive municipal funds for their office, and their position remains crucial as they are directly linked with the local population.

As this section shows, various institutions facilitate or limit protection for refugees in Lebanon. It is important to note that refugees are not a homogenous group either. Over time, UNHCR's policies have developed and refugees have been subject to different legal procedures and level of protection according to their nationality and time of registration, which will be explained below.

VI. Modes of Recognition

In Lebanon, all asylum seekers must first register with UNHCR by filling an application form either as a family or as an individual (see the sub-section on Accessibility). UNHCR then assesses applications using different case processing modalities according to their nationality and/or profile. As it will be elaborated below, in Lebanon, UNHCR has employed various case processing modalities for Syrians (accelerated processing and RSD/RST) and Iraqis (*prima facie* and later merged RSD/RST and regular RSD). Currently, some Iraqi and Syrian applicants are processed under merged RSD/RST procedure in accordance with the RSD Glossary and the RSD Procedural Standards. Merged RSD/RST procedure is applied when there is a high probability of recognition from the place of origin/profile and regular RSD is applied for other places of origin/profiles. Registration for Syrians was largely suspended in 2015 (see the section on Syrians). The cases for all other applicants are assessed under regular RSD.¹²³

In its latest Global Appeal report 2020/2021, and in line with its new approach to strategic engagement with respect to RSD dated 2016,¹²⁴ UNHCR states that individualised RSD will be conducted only when it leads to concrete protection benefits for asylum seekers:

‘UNHCR will conduct RSD under its mandate when required provided that status determination yields concrete protection benefits for people of concern. Individual case processing will take place only where it serves a clear and identifiable purpose as part of a broader protection and solutions strategy. In many contexts, group-based approaches are more practical, particularly where asylum-seekers arrive in large numbers due to objectively verifiable circumstances in their country or countries of origin.’¹²⁵

The statement of ‘only where it serves a clear and identifiable purpose’ is crucial because it shows that UNHCR operating in non-Convention States will conduct RSD only for a concrete purpose, that is for resettlement. In other words, this position is related to reasons around efficiency but also legitimacy.

i. Group-based Recognition

Iraqis

Throughout the last two decades, UNHCR in Lebanon has recognised Iraqi refugees under various case processing modalities. Before 2003, all Iraqi nationals were subject to individualised RSD. Following the US-led invasion of Iraq, Iraqis started fleeing to Lebanon, Jordan and Syria, and this situation prompted UNHCR to implement temporary protection in Lebanon between March 2003 and December 2006.¹²⁶ As Samira Trad and Ghida Frangieh from the Frontiers (Ruwad) Association document in detail, UNHCR called for all Iraqi refugees (including rejected applicants) to be included under temporary protection, initially for three months and then in practice until the end of 2006.¹²⁷ Unlike *prima facie* recognition, temporary protection did not recognise Iraqis as refugees, leaving them in

¹²³ Interview with UNHCR officials, 15 April 2019, Beirut.

¹²⁴ UNHCR, *Refugee Status Determination*, 31 May 2016, EC/67/SC/CRP.12 (2016) <<https://www.refworld.org/docid/57c83a724.html>>.

¹²⁵ UNHCR, *Global Appeal 2020-2021* (2021) <<https://reporting.unhcr.org/node/24555>>, 112-113.

¹²⁶ Trad and Frangieh, 35.

¹²⁷ *Ibid*, 35.

limbo for an unlimited period of time.¹²⁸ UNHCR acknowledges that during this period temporary protection for Iraqis in Lebanon, as well as in other host countries like Jordan and Syria, was ‘in essence no more than toleration or an extended leave to stay’.¹²⁹

The rapid increase of Iraqi refugees, along with Israel’s attacks on Lebanon in 2006, seem to have led UNHCR in Lebanon to stop its efforts to revise its MOU with the Lebanese authorities, and to look for alternative arrangements for refugee status determination. In 2006, some 730 refugees and 2,600 asylum seekers were registered with UNHCR—of which 75 per cent of the refugee population and over 90 per cent of asylum seekers were of Iraqi origin.¹³⁰ Others included Sudanese and Somalis. During this period, UNHCR issued registration certificates to Iraqi asylum seekers and carried out refugee status determination only when appropriate for resettlement purposes.¹³¹

Following pressures from civil society,¹³² on 1 January 2007, UNHCR stated that ‘in light of the large numbers involved, individual refugee status determination [was] not feasible’ and that therefore it considered Iraqis ‘who are outside their country and are willing or unable to return due to the existing circumstances’ ‘as refugees on a *prima facie* basis’.¹³³ To illustrate the increase in numbers, the following figures may be helpful. While UNHCR Beirut office was registering 15 cases per week in February/March 2006 and a year later in February/March 2007, this number had increased to 125 cases per week at the time when 40,000 Iraqis were living in Lebanon.¹³⁴ In its Country Operations Plan for 2008, UNHCR explained its reasoning behind its *prima facie* recognition as follows:

‘Because of the war and subsequent problems in the country, discussions between UNHCR and the GSO have not been finalised. An additional reason for not putting too much emphasis on the revision of the MOU is the fact that Lebanon is faced with an unprecedented increase in the number of Iraqis present in the country and UNHCR’s position that *all Iraqis from Central and Southern Iraq are to be considered as prima facie refugees*. Since the Iraqis constitute more than 90% of the asylum seeker and refugee caseload in Lebanon, it is important for UNHCR and the Lebanese authorities to “think outside the MOU box”, which apart from its inherent limitations, becomes unworkable in case of significant refugee influx, as it is currently the case (italics added).’¹³⁵

According to this statement, *prima facie* recognition was to be applied for those from Central and Southern Iraq. In its consecutive guidelines, UNHCR’s reasoning was that ‘an internal flight or relocation alternative (IFA/IRA) in Central and Southern Iraq [was] on the whole not available, because of the overall ability of agents of persecution to perpetrate acts of violence with impunity, the widespread violence and human rights violations, risks associated with travel, and the hardship faced in ensuring even basic survival in areas of relocation.’¹³⁶ UNHCR further found that ‘the security situation throughout the region [was] highly volatile, with a risk of persecution or other serious harm present throughout.’

The situation in the Kurdish region, that is the Northern Governorates of Sulaymaniyah, Erbil and Dahuk, was found to be relatively more stable. Therefore, those coming from these regions required individual assessment. The Eligibility Guidelines of 2005 stated that, while the economy was fragile in

¹²⁸ Ibid, 35.

¹²⁹ UNHCR, *Guidelines Relating to the Eligibility of Iraqi Asylum-Seekers, October 2005* (2005) <<https://www.refworld.org/docid/4354e3594.html>>, 8.

¹³⁰ UNHCR, *The Global Report 2006* <<https://www.unhcr.org/uk/publications/fundraising/501f7d2e2/global-report-2006.html>>, 333.

¹³¹ Ibid, 333.

¹³² Trad and Frangieh.

¹³³ UNHCR, *Revised Strategy for the Iraq Situation, 1 January 2007* (2017) <<https://www.refworld.org/docid/45b6258b4.html>>.

¹³⁴ UNHCR, *Country Operations Plan 2008 Lebanon* (2007) <<https://www.refworld.org/docid/47162496d.html>>, 3.

¹³⁵ Ibid.

¹³⁶ UNHCR, *UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers* (2007) 15.

the Northern Governorates, ‘acts of violence [were] far less frequent as compared to the rest of the country’; however ‘serious protection concerns remain[ed], especially for persons who [did] not originate from these areas’.¹³⁷ In its Eligibility Guidelines of 2007, while UNHCR advised *prima facie* recognition for asylum seekers from Central and Southern Iraq, it still considered the situation in the Northern Governorates also ‘tense and unpredictable’.¹³⁸ It therefore continued recommending that each case from the Northern Governorates should be assessed on individual merits.¹³⁹

UNHCR’s approach to *prima facie* recognition seems to have changed in September 2012, when in its Eligibility Guidelines it recommended that all applicants from Iraq should ‘be considered on their individual merits in fair and efficient refugee status determination procedures’.¹⁴⁰ The changing approach can be seen in decreasing numbers of group recognition. While in 2010, 2,755 Iraqis were recognised through group recognition, the figures decreased to 627 in 2013 and 95 in 2017 (see the available statistics in Table 2).¹⁴¹

Table 2: The number of Iraqi applicants who were recognised under group recognition (2010-2017)¹⁴²

Year	Group Recognition
2010	2,755
2011	1,996
2012	895
2013	627
2014	625
2015	406
2016	131
2017	95
Total	7,530

Currently some Iraqi applicants’ cases are processed under merged RSD/RST procedure in accordance with the RSD Glossary and the RSD Procedural Standards (see the sub-section below on Merged RSD-Resettlement).

Syrians

The growing uprisings and consecutive state violence and conflicts between armed groups in Syria resulted in the arrival of Syrians seeking refuge in Lebanon as well as in other countries like Jordan and Turkey. In the first years of arrival in Lebanon after 2011/2012, Syrian nationals were able to enter and stay in Lebanon freely for up to one year under the Bilateral Agreement of 1993 signed between Lebanon and Syria. This policy later changed, and restrictions were brought for Syrians to enter Lebanon (see the Section VIII, Security of Residence).

Throughout the period since 2011, UNHCR has not made any official statement regarding the *prima facie* recognition of Syrians, as it did for Iraqis between 2007 and 2012. According to one former RSD officer, UNHCR’s previous experiences with Iraqis’ *prima facie* recognition was a reason for this. In

¹³⁷ UNHCR, *Guidelines Relating to the Eligibility of Iraqi Asylum-Seekers*, October 2005 25 <<https://www.refworld.org/docid/4354e3594.html>>.

¹³⁸ UNHCR, *UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers* 9.

¹³⁹ *Ibid.*

¹⁴⁰ UNHCR, *UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Iraq*, 31 May 2012, *HCR/EG/IRQ/12/03* (2012) <<https://www.refworld.org/docid/4fc77d522.html>>.

¹⁴¹ Email communication with UNHCR Information Management, 6 October 2020.

¹⁴² Email communication with UNHCR Information Management, 6 October 2020.

some instances, and as a lesson learnt from the situation involving Iraqis in the Middle East, where there is a war situation, UNHCR has taken the decision not to recognise refugees on a prima facie basis because of exclusion concerns.¹⁴³

Instead of prima facie recognition, in its guidance for international protection considerations with regard to people fleeing Syria, published in December 2012, UNHCR characterised the flight of Syrians as ‘a refugee movement’.

‘UNHCR characterizes the flight of civilians from Syria as a refugee movement. Syrian civilians and persons who had their habitual residence in Syria will continue to require international protection until such time as the situation in Syria improves and allows for voluntary return in safety and dignity. Syrians and habitual residents of Syria in need of international protection who approach UNHCR and the respective host Governments have been or are being registered, where applicable, as persons seeking international protection and are being assisted. UNHCR encourages states to ensure arrivals are afforded international protection and associated rights, the form of which may vary, depending on how the situation in Syria unfolds and on the processing and reception capacity of countries receiving them.’

In its consecutive guidance published in October 2013, UNHCR stated that ‘most Syrians seeking international protection [were] likely to fulfil the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention’.¹⁴⁴ It reiterated this statement (referring to ‘most Syrians’) in its guidance published in 2014¹⁴⁵ and 2015.¹⁴⁶ In 2017, UNHCR ‘continue[d] to characterise the flight of civilians as a *refugee movement*, with the vast majority of Syrian asylum seekers continuing to be in need of international refugee protection, fulfilling the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention’.¹⁴⁷

Another reason that UNHCR did not recognise Syrians as prima facie refugees may also be related to domestic pressures and Lebanese governments’ increasingly restrictive approach towards the arrival of Syrians. The increasing number of border crossings, the attacks in Aarsal in early August 2014 (where the al-Nusra and ISIL fighters attacked the army checkpoints and took hostage of 16 policemen and proceeded to take control of the town resulting in the battle of Aarsal) and the fear of a spill over of the Syrian conflict in Lebanon led the Lebanese government in January 2015 to stop its visa-free policy for Syrians. A series of regulations was issued in order to restrict Syrians’ entry and stay in Lebanon (see the Section VIII, Security of Residence, for more details).

Under these circumstances, UNHCR in Lebanon conducted ‘accelerated processing of claims from Syria’.¹⁴⁸ This meant that (until May 2015 when the Lebanese Ministry of Social Affairs requested UNHCR to stop registrations for Syrians) UNHCR registered Syrians after a screening interview. In this interview, caseworkers asked applicants questions regarding their origin city, prior and current living conditions, and past experiences with Syrian state and military. Those who were not found to fall under the Convention’s exclusion clauses were given a UNHCR registration certificate.¹⁴⁹ In this way, by mid-2014, up to 90,000 Syrians were registered a month (with an average of 50,000 a month).¹⁵⁰

¹⁴³ Interview with a former RSD officer with the RefMig research team, 11 November 2020, online interview.

¹⁴⁴ UNHCR, *International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update II, 22 October 2013* (2013) <<https://www.refworld.org/docid/5265184f4.html>>, 8.

¹⁴⁵ UNHCR, *International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update III, 27 October 2014* (2014) <<https://www.refworld.org/docid/544e446d4.html>>, 13.

¹⁴⁶ UNHCR, *International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update IV, November 2015* (2015) <<https://www.refworld.org/docid/5641ef894.html>>, 22.

¹⁴⁷ UNHCR, *International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update V, 3 November 2017* (2017) <<https://www.refworld.org/docid/59f365034.html>>, 5. Italics added by the author.

¹⁴⁸ UNHCR Lebanon, *Accelerated processing of claims from Syria in the context of large influxes into Lebanon, 15-16 December* (2015) <<http://www.refworld.org.ru/pdfid/56c46f8f4.pdf>>.

¹⁴⁹ Also see, Janmyr, ‘UNHCR and the Syrian refugee response: negotiating status and registration in Lebanon’.

¹⁵⁰ UNHCR Lebanon <<http://www.refworld.org.ru/pdfid/56c46f8f4.pdf>>.

Syrians have undergone a more detailed individualised assessment only if they are likely candidates for resettlement (see the sub-section on Merged RSD-Resettlement). Therefore, considering this practice, Maja Janmyr has rightly argued that UNHCR applied ‘what could be considered a policy of de facto prima facie refugee status determination’.¹⁵¹ In 2014, UNHCR Lebanon introduced a merged RSD-Resettlement procedure ‘in response to increased resettlement activity for Syrians’.¹⁵² Currently Syrian applicants continue being processed under RSD/RST procedure in accordance with the RSD Glossary and the RSD Procedural Standards, ‘in light of this group’s high presumption of inclusion’¹⁵³ (see the sub-section below on Merged RSD-Resettlement).

Table 3: The number of Syrian applicants who were recognised under group recognition (2010-2017)¹⁵⁴

Year	Group Recognition	Temporary Protection
2010	5	-
2012	131,888	-
2013	-	737,423
2014	-	354,759
2015	-	45,291
2016	-	13,242
2017	-	14,552
Total	131,893	1,165,267

ii. Merged RSD-Resettlement

In this section, we explore UNHCR’s use of merged RSD-Resettlement procedure for Iraqis and Syrians. The process starting from consideration for resettlement to the RSD/RST interview and final decision by resettlement states includes several steps and various actors and is therefore a lengthy and complicated one (see Figure 1). Applicants remain in a ‘grey area’ until resettlement decisions are definite. Until then, their case may be accepted or rejected at any time. In other words, applicants stay in limbo for a long time without knowing whether (and if so when) their life in the country of asylum will change.

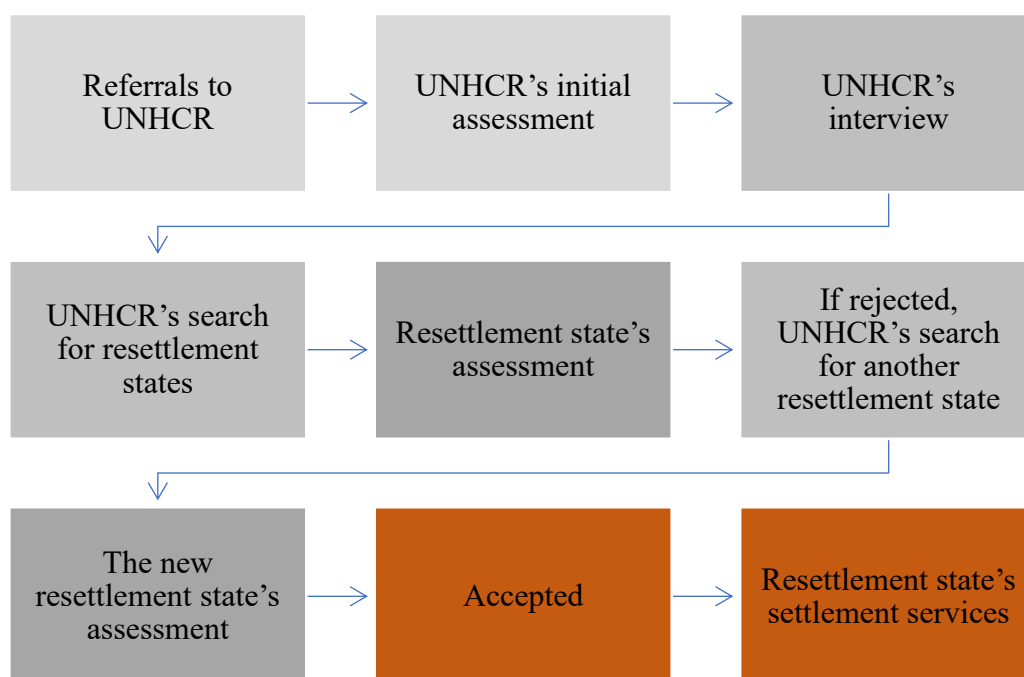
¹⁵¹ Janmyr, ‘UNHCR and the Syrian refugee response: negotiating status and registration in Lebanon’, 400.

¹⁵² UNHCR Lebanon <<http://www.refworld.org.ru/pdfid/56c46f8f4.pdf>>, 7.

¹⁵³ Information received from UNHCR HQ by email, 11 August 2021.

¹⁵⁴ Email communication with UNHCR Information Management, 6 October 2020.

Figure 1: Steps in refugee recognition and resettlement



First, either UNHCR or NGOs that can refer cases to UNHCR must identify applicants to be considered for resettlement. NGOs that work in various areas of refugee protection can refer cases directly to UNHCR by filling in a referral form. UNHCR then contacts the applicant directly if they consider the applicant can potentially be resettled.¹⁵⁵ Needless to say, this process can be discretionary as the UNHCR or NGO staff member may or may not decide to refer a case. Several NGOs can refer some of their beneficiaries to UNHCR for resettlement. Non-legal NGOs may provide relatively brief details about applicants. Those helping their clients specifically with RSD and resettlement may provide more details in their referrals to UNHCR. For example, in the case of an NGO that provides legal aid for RSD in Lebanon, applicants can either directly contact this NGO with an intention for resettlement, or other NGOs can refer the applicant to this particular legal aid NGO. Then the NGO conducts a phone screening with the applicant to see if they can be eligible for resettlement, and then invites them for an in-person interview. If they think the applicant can indeed be eligible, then the NGO prepares a 3-4 page letter to UNHCR, outlining why the applicant meets the refugee definition, and why they think the applicant qualifies for resettlement.¹⁵⁶ Most cases they refer to UNHCR involve either urgent medical needs, or protection needs in the broad sense (e.g. facing a risk to their life in Lebanon), or applicants would be survivors of violence, of torture or women at risk.¹⁵⁷

Then the second next step is UNHCR's assessment of the case. UNHCR then contacts the applicant directly, and this process can reportedly be difficult for the relevant NGOs.¹⁵⁸ If UNHCR does not call the applicant, NGOs may not understand why UNHCR did not follow up and may not be able to answer their beneficiaries with their questions. If UNHCR calls the applicant, but then decides not to proceed, some applicants are reported to be left with little understanding of UNHCR's decision. In such cases, NGOs may need to ask to be involved in the process in order to understand and explain the reasoning to the applicant.¹⁵⁹ An issue that seems to exacerbate possible misunderstandings is that UNHCR is reported to inform the applicant only orally and not in writing.¹⁶⁰ If UNHCR gives their decision at this

¹⁵⁵ Informal meeting with a non-governmental organisation, 8 April 2019, Beirut.

¹⁵⁶ Interview with a non-governmental organisation, 30 July 2019, Beirut.

¹⁵⁷ Interview with a non-governmental organisation, 30 July 2019, Beirut.

¹⁵⁸ Informal meeting with a non-governmental organisation, 8 April 2019, Beirut, and interview with another non-governmental organisation, 30 July 2019, Beirut.

¹⁵⁹ Interview with a non-governmental organisation, 30 July 2019, Beirut.

¹⁶⁰ Interview with a non-governmental organisation, 30 July 2019, Beirut.

stage (to consider or not to consider an applicant referred by an NGO) and their reasoning in writing, applicants may have the possibility to consult with NGOs and have a clearer understanding about their case.

In the third step, if UNHCR decides to consider the applicant for resettlement, then they do a brief phone screening with the person and confirm that they want to be resettled to a third country. ‘If all goes well’ in this phone screening, then UNHCR invites the applicant for an interview.¹⁶¹ In merged RSD-Resettlement, UNHCR officers conduct a combined RSD and resettlement interview with applicants in which they fill in a Resettlement Registration Form (RRF), instead of RSD Assessment Form and an RRF. In this process, those who are deemed suitable are also formally recognised as a refugee. According to UNHCR’s procedural standards for RSD under UNHCR’s Mandate, if UNHCR officers find, at any moment in the process, that the applicant is not suitable for resettlement related to ‘credibility concerns, complexity, unresolved family unity issues and potential exclusion triggers’, among others, the case should be referred to Regular RSD or ‘deprioritised’.¹⁶²

Box 1: Deprioritisation

According to UNHCR Lebanon, Syrian applicants are deprioritised if they do not meet criteria for submission.¹⁶³ The list for potential reasons for deprioritisation is a long one. It includes those who served in the Syrian military after March 2011, as a Republican Guard, Military Police or ranks of Captainship, or in paramilitary and militant groups, including members of pro-government armed groups, such as *shabiha*, or People’s Army, Free Syria Army, Islamic State, Jabhat Al-Nusra, Muslim Brotherhood, Lebanese Hezbollah, or civilians who engaged in armed conflict and those who assisted combatants, informant individuals for the Assad regime or opposition groups, excluding those who provided information while under torture or threat of torture, or staff who worked in detention facilities, including in courts, police departments, security apparatus, military and government ministries and *ad hoc* facilities.¹⁶⁴ It is not clear to us whether applicants are familiar with these potential reasons, and whether UNHCR informs them that their file is deprioritised during or after the RSD/RST interview.

A UNHCR official we interviewed on this matter informed us that those who are deprioritised cannot appeal but are informed that they are no longer under consideration for resettlement.¹⁶⁵ Only if one of the possibly deprioritised cases has serious protection needs, then the Country Office can contact the Regional Office to ask for permission to process the case, with a view to resettlement. In almost all such cases, the Regional Office gives permission to proceed, because Country Offices are seen to be in the best position to identify who is vulnerable.¹⁶⁶ Assessments for exclusion from refugee status are explained further under the Section on Accuracy.

In the following fourth step, if an applicant is recognised as a refugee following the merged RSD/RST interview, UNHCR then looks for suitable resettlement states and contacts the relevant Embassy of the state of resettlement. Resettlement states may have different criteria, and UNHCR needs to consider applicants according to these criteria, along with their willingness to be resettled to that state. In this process, applicants can get stuck, in other words, they may be suitable for resettlement, but there can be no available resettlement place for them.

If UNHCR can find an available resettlement state, then the following fifth step includes the Embassy officers or allocated state officers’ examination of the file for further review. Embassies sometimes do ‘dossier reviews’. For example, ‘the French Consulate does dossier review for resettlement of very

¹⁶¹ Interview with a non-governmental organisation, 30 July 2019, Beirut.

¹⁶² UNHCR, Aide-Memoire & Glossary of case processing modalities, terms and concepts applicable to RSD under UNHCR’s Mandate (The Glossary), 2020, available at: <https://www.refworld.org/docid/5a2657e44.html>, 13.

¹⁶³ UNHCR Lebanon <<http://www.refworld.org.ru/pdfid/56c46f8f4.pdf>>, 9.

¹⁶⁴ Ibid, 10.

¹⁶⁵ Interview with a UNHCR official, 5 February 2021, online interview.

¹⁶⁶ Interview with a UNHCR official, 5 February 2021, online interview.

urgent Syrian cases’, but these are exceptions.¹⁶⁷ Often officers on mission or allocated officers at Embassies, including the French Embassy, conduct their own interviews with refugees. Then once they accept the refugee for resettlement, resettlement states may need to find them a suitable place of residence (housing or municipality for accepted refugees). These practices vary according to states’ own ways of providing services for resettled refugees and take varying periods to finalise. Once the resettlement state identifies the relevant residency place, General Security also needs to issue an exit permit. Applicants may again face problems in this process because of various reasons, such as pending court cases on their names.

The process is not only a lengthy one, but it often is complicated. Applicants may get stuck in the process for various reasons. Also, the process can be confusing for applicants. In our fieldwork, an important complaint we received from refugees was the lack of knowledge about the resettlement process in general.¹⁶⁸ Often refugees did not know how resettlement worked in practice, how UNHCR and Embassies made their final decision, and why some refugees were selected, and not others. As one refugee recounted, ‘I am not sure whether resettlement countries follow a certain list of criteria while choosing families. I have been living in Lebanon for five years, X [referring to his friend] has been living here for six years, and we are still waiting for resettlement. Other families were resettled after staying in Lebanon for only one year and a half.’¹⁶⁹

Indeed, according to an NGO we spoke to the process seems difficult to understand for refugees: ‘refugees often do not know where their file is. They know that it usually takes around 4-6 months, [that is] the time between when UNHCR says that their file was sent to an Embassy and when they hear from the Consulate for the interview. [...] After the interview by the Consulate, the Consulate tell the person in words that they may hear from UNHCR in 3-6 months.’ Because the final decision is not definite, refugees must wait for another period, and in this period, they do not know what will happen to them.

A major point in the process is UNHCR’s submission of referral to a resettlement state, which then conducts their own interviews and assessments. UNHCR’s referral includes the Resettlement Registration Form (RRF), which is a detailed 10-15 pages document.¹⁷⁰ According to legal aid organisations and Embassy officers we spoke with, Embassies usually seem to accept UNHCR’s referrals, except cases where there may be an exclusion or security issue,¹⁷¹ or where there is a problem related to custody of a child.¹⁷² Embassies we have interviewed seemed to have been content with the information they received from UNHCR. At times, they may request specific information related to their resettlement criteria or, for example, more information about an applicant’s military service. In those cases, UNHCR then seems to be accommodating to their questions.¹⁷³ As explained above, very often Embassies do their own extensive interviewing with each refugee too before deciding whether or not to accept them.

If a resettlement state rejects a submission, the process becomes even lengthier. In such cases, UNHCR officers may search for another state of resettlement. In cases where multiple states reject a refugee, the refugee may be ‘stuck’ in Lebanon. For instance, in 2006, there were 500 refugees of different nationalities who lived in Lebanon for more than five years and who were rejected by multiple resettlement countries.¹⁷⁴

¹⁶⁷ Interview with a non-governmental organisation, 30 July 2019, Beirut.

¹⁶⁸ Also see Derya Ozkul and Rita Jarrous, ‘How do refugees navigate the UNHCR’s bureaucracy? The role of rumours in accessing humanitarian aid and resettlement’ (2021) 42 *Third World Quarterly* 2247.

¹⁶⁹ Interview with an Iraqi refugee, 1 September 2019, Baouchriyeh, Beirut.

¹⁷⁰ UNHCR does not share the full transcript of the RSD/RST interview with resettlement state, but only the RRF. Interview with an Embassy official, 31 July 2019, Beirut. Note that refugees themselves do not have access to these documents.

¹⁷¹ Interview with a non-governmental organisation, 30 July 2019, Beirut.

¹⁷² Interview with an Embassy official, 31 July 2019, Beirut.

¹⁷³ Interview with an Embassy official, 31 July 2019, Beirut.

¹⁷⁴ UNHCR, *2007 Lebanon Country Operations Plan* (2006) <<https://www.refworld.org/pdfid/45221e482.pdf>>.

Refugees we interviewed often reported positive experiences about the interview process in terms of staff's approaches to them. However, one person claimed that UNHCR and/or the Embassy staff asked about incidents that happened too long ago which she could not remember (such as an elderly father's military service and his rank) or incidents that happened to relatives in the country of origin. Such detailed questions seem to have created concerns among refugees about how best to act and to answer during interviews.¹⁷⁵ Another family who was interviewed by the French Embassy officers reported her discomfort during the taking of her biodata. In this one case, reportedly the mother was asked to take off her headscarf to take her picture for her ID due to ID requirements. When she refused to take it, according to this family's statement, the Embassy officers informed her that they would not be able to resettle them. As a result, they were very disappointed and argued that if UNHCR told them about this procedure in this particular Embassy in advance, they would ask whether another state would be willing to resettle them. In this particular case, once rejected by the Embassy, UNHCR reportedly informed the family that their file was then being considered for another resettlement state, which seemed to make the process even lengthier.¹⁷⁶

Also, some applicants potentially recognisable as refugees may not ever be able to reach the RSD/RST interview where their refugee status is confirmed. That is simply because resettlement spots are currently too few, compared with the number of recognised refugees and registered Syrians in Lebanon. Between 2003 and 2020, only 80,900 refugees departed for resettlement from Lebanon via UNHCR (see Appendix, Table 6). Overall, the numbers have slightly increased with the arrival of Syrian refugees but are nowhere near the almost 900,000 registered refugees with UNHCR, in addition to Syrians who were barred from registration since 1 January 2015. Among the largest Syrian refugee-hosting countries, resettlement from Lebanon has been the highest for most years since 2013, yet still in total between 2013 and 2020, only 61,340 Syrian refugees departed for resettlement from Lebanon via UNHCR (see Appendix, Table 6). According to a UNHCR official we interviewed, the majority of Syrians do not reach the point where they can even be considered for resettlement.¹⁷⁷ Considering that Lebanon is the second largest country where UNHCR submitted applications for resettlement,¹⁷⁸ one can see how small chance there is for an applicant to be resettled.

It is in these circumstances that UNHCR's RSD/RST interview and referral to an Embassy becomes even more important. Therefore, it is critical to assess the quality of UNHCR's recognition process, which we turn to below.

VII. Quality of the Recognition Process

In this section, we explore the quality of UNHCR's recognition process under four dimensions: accessibility, accuracy, efficiency and fairness. The information on UNHCR's practices and compliance with procedural standards has been reported to us on 4 September 2019, and has been confirmed on 30 September 2021 before publication. This information is then compared with asylum seekers' and refugees' experiences and perceptions of the recognition process.

i. Accessibility

Although UNHCR's procedures for registration are relatively straight forward, Lebanese authorities' ongoing tense relationship with UNHCR poses great risks for applicants. As the MOU of 2003 has become almost obsolete with the arrival of large numbers of Iraqi and later Syrian refugees, UNHCR's operations in the country continue depending on Lebanese governments' generosity. UNHCR's

¹⁷⁵ Interview with a Syrian refugee, 4 August 2019, Beqaa.

¹⁷⁶ Interview with a Syrian refugee, 4 August 2019, Beqaa.

¹⁷⁷ Interview with a UNHCR official, 5 February 2021, online interview.

¹⁷⁸ Note that during the period of January 2017 and December 2019, 'the UNHCR operations with the highest number of submissions were Turkey (21 per cent), Lebanon (14 per cent) and Jordan (9 per cent)'. Source: UNHCR, *Audit of resettlement practices at the Office of the United Nations High Commissioner for Refugees* (2020), 1.

registration activities may be stopped at any time, as we have seen with the ban on registration for Syrian applicants in 2015, or Lebanese governments may pressure UNHCR to deregister some applicants. Therefore, access to the asylum system in Lebanon (despite UNHCR's efforts to make registration as accessible as possible for applicants) remains vulnerable to the dynamics in Lebanese domestic and foreign politics. In the following paragraphs, we explain the current practices of registration, suspension of registration for Syrian applicants in 2015, UNHCR's practice of acquisition of biometrics, UNHCR's practices around deregistration or inactivation, some Syrians' choice not to register with UNHCR, and finally the impact of the Covid-19 pandemic on registrations.

Registration

Those who seek international protection in Lebanon (except Palestinian refugees and most Syrian refugees since 2015) can approach UNHCR to register. Application forms at the registration stage include questions in both English and Arabic, which is the native language for most applicants in Lebanon. Those who do not speak English or Arabic can request interpretation services from UNHCR. Applicants are typically considered on a family basis. However, if a person in the family has a different case, s/he can fill a separate application form and go through any of the processes separately. According to the UNHCR Beirut office, refugees are counselled on this opportunity at the beginning of their application. Each person above 18 years old can fill a separate application form if s/he wants to and can request to be assessed individually at any stage of the registration and status determination.¹⁷⁹ Despite this possibility, needless to say, it may be difficult for some family members to request a separate application, as this may put them in a difficult situation vis-à-vis his/her other family members.

Prior to registration, an individual must request an appointment with UNHCR based on his/her residence address by approaching the nearest UNHCR office. UNHCR calls the individual back to set up an appointment in one of the four registration sites. The Registration Centre is part of UNHCR Lebanon Field Office Mount Lebanon, which is located in Jnah, Beirut. The office in South is Field Office Tyre, the office in North is Sub Office Tripoli, and in the Bekaa is Sub Office Zahle. As in other countries where UNHCR operates, registration with UNHCR in Lebanon is free of charge.

At registration, all applicants go through a brief interview.¹⁸⁰ The aim of registration is to interview the asylum seeker, learn about the previous city of residence, reasons for flight and fear of return, obtain contact details, copies of official documents and biometrics (fingerprints, iris and facial recognition). For registration (and all the following interviews), applicants should bring family-related documents, such as a national identity card, family registration book, passport, birth certificate, marriage certificate, school/university certificate, and any official document issued by the Lebanese authorities, if any. Also, for men, Military Service Booklets (also referred to as military books) are required at registration and, if not, in subsequent interviews or at renewal times.¹⁸¹ All the household members should be present at the registration appointment during which they are interviewed briefly, and their biometric data are collected. Upon registration, UNHCR issues a 'registration certificate', which gives details on family members' names, date of birth, contact details and the validity date.¹⁸² Since 2015, registration for most Syrian applicants has been suspended and some others' files have been inactivated, as we explain in the sections below.

¹⁷⁹ Interview with UNHCR officials, 4 September 2019, Beirut.

¹⁸⁰ Note that when the number of Syrian refugees were rapidly increasing prior to 2015, UNHCR started conducting emergency registrations. This form of registration included fewer questions and took less time and UNHCR staff could register higher number of Syrian refugees – at times up to 1000 registrations a day across the country. UNHCR had to take this decision at the time, because the number of arrivals was growing too rapidly. Interview with a former UNHCR staff, 10.11.2020, online interview.

¹⁸¹ Interview with UNHCR officials, 4 September 2019, Beirut.

¹⁸² Those who registered before July 2013 received a registration certificate valid for one year; those who registered after July 2013 received a registration certificate valid for two years. See, UNHCR, *Inter-Agency Q&A on Humanitarian Assistance and Services in Lebanon (INQAL)*, October 2014 (2014) <<https://reliefweb.int/report/lebanon/inter-agency-qa-humanitarian-assistance-and-services-lebanon-inqal>>, 86. From January 2015 onward, validity period of registration of certificate was reduced to 18 months. See, UNHCR, *Inter-Agency Q&A on Humanitarian Assistance and Services in Lebanon (INQAL)*, August 2015 (2015) <https://www.refugees-lebanon.org/uploads/qadownload/qadownload_144656159095.pdf>, 81.

Suspension of registration for Syrians

Lebanese authorities' pressure on UNHCR is most visible in their request to stop registrations or deregister some applicants. According to UNHCR's 2015 Year End Reporting, in April 2015, the Ministry of Social Affairs requested UNHCR to 'de-register' Syrians who arrived in Lebanon on or after 5 January 2015 (the date when the Lebanese government required all Syrians to acquire a visa to enter Lebanon). On 4 May 2015, the Ministry of Social Affairs further requested UNHCR to suspend all new registrations of Syrians, regardless of their date of arrival. This request included all Syrians who arrived in Lebanon prior to 5 January 2015. Following this request, UNHCR stopped the registration of Syrian refugees on 6 May 2015, yet continued negotiations with the Ministry of Social Affairs. In July 2015, UNHCR could resume the registration of newborn babies born to Syrian parents who were already registered with UNHCR. By the end of the year, 14,225 newborn babies were registered.¹⁸³ However, those who approached UNHCR for the first time after 6 May 2015 could not be registered.

It seems that as a solution under these circumstances, UNHCR started offering these applicants only a 'counselling appointment'. In these counselling appointments, UNHCR has 'explain[ed to applicants about] Government's instruction to suspend registration and record information on their vulnerabilities in the Information Assistance System, in order to identify the most vulnerable amongst the Syrian population'.¹⁸⁴ In these appointments, unlike before UNHCR could not issue a registration certificate but only appointment slips with a barcode (*shifra*). Those who had a *shifra* alone could still have access to aid, and all the types of assistance UNHCR provided for recognised refugees, but not the UNHCR registration certificate.¹⁸⁵ They are nonetheless eligible for resettlement and can go under RSD/RST interview.¹⁸⁶ This practice of giving a *shifra* alone and not a registration certificate, in other words 'recording'¹⁸⁷ refugees, shows to what extent UNHCR's activities are shaped by home governments' pressures over the institution.

Acquisition of biometrics and other personal information and data sharing practices

An issue that is vital, especially in countries where a number of institutions and organisations are involved in refugee protection, is data sharing practices among various institutions. In Lebanon, during registration, UNHCR requires applicants to provide their consent for their basic personal information to be shared with UNHCR's implementing partners and the Lebanese authorities. According to the agreement between UNHCR and the Lebanese government, UNHCR does share registered Syrian refugees' names, addresses and other personal information with the Lebanese Ministry of Social Affairs, but not their reasons for arrival in Lebanon.¹⁸⁸ According to UNHCR, this practice helps the Lebanese authorities to plan and devise better policies for refugees. UNHCR states that data sharing can only happen with refugees' consent, for which there is a protocol counselling asylum seekers on data sharing and a consent form they need to sign at the time of registration.¹⁸⁹

However, it is not clear to us whether in practice, this is forced upon asylum seekers and refugees. UNHCR has recently responded to our inquiry on this topic by stating that '[w]ith regard to Syrian refugees, those who have given their informed consent may have certain of their data shared for specific purposes and with specific entities, in line with the Policy on the Protection of Personal Data of Persons of Concern to UNHCR. Data is not shared if consent is not provided by applicant/s'.¹⁹⁰ However, our

¹⁸³ UNHCR, '2015 Year End Reporting, Lebanon, Registration and Profiling' (2016) <<https://reporting.unhcr.org/node/3600>>

¹⁸⁴ UNHCR, 'Reporting, Lebanon, Registration and Profiling, Prioritized Response' (2017) <<https://reporting.unhcr.org/node/17288>>

¹⁸⁵ Interview with UNHCR officials, 15 April 2019, Beirut.

¹⁸⁶ Janmyr and Mourad, 548.

¹⁸⁷ Ibid, 548.

¹⁸⁸ UNHCR, 'Q&A on the data sharing agreement between Government of Lebanon and UNHCR on basic information about Syrian Refugees' (2015) <<https://www.refugees-lebanon.org/en/news/44/qa-on-the-data-sharing-agreement-between-government-of-lebanon-and-unhcr-on-basic-information-about-syrian-refugees>>

¹⁸⁹ Ibid.

¹⁹⁰ Information received from UNHCR HQ by email, 11 August 2021.

question regarding what happens when the applicant does not provide his/her consent for data sharing with implementing partners and/or with the General Security has remained unanswered. A former UNHCR staff member who worked in registration said that Syrian refugees were asked to sign a consent form and otherwise their application would not be processed.¹⁹¹ This statement points to a potentially problematic practice. It is still not clear to us whether applicants who are concerned about data sharing practices (among UNHCR, NGOs, the Lebanese state and/or home states) are able to access the asylum system.

Moreover, during registration UNHCR collects applicants' biometrics, that is their photographs, fingerprints and iris scans. According to the UNHCR Beirut office, iris scans are undertaken to determine whether the person is registered somewhere else, prevent double registration, and identify fraud cases.¹⁹² In our fieldwork, we asked our individual interviewees about their experiences and perceptions of UNHCR's collection of their biometrics. Most participants told us that they considered this practice a normal part of the process and were not disturbed by it. For instance, a Sudanese refugee recounted his experience as the following:

They took my iris scan and my fingerprints during both in the first and the second interview. I wasn't annoyed with it. I think that this is a normal process that UNHCR is implementing in order to prevent potential forgeries. They also have video-recorded both interviews. They inform you of the recording issue during the beginning of the interview, and they reassure you about the confidentiality of the process. They told me that the only data they will share is my phone number and my address. This information will be shared with the GSO.¹⁹³

Other refugees told us that they accepted giving their biometrics because they simply thought they did not have any other option. For instance, another Sudanese refugee stated, *'I don't have any idea about biometrics, and I cannot refuse to give my biometrics as UNHCR requires it, so I cannot but comply with what they are asking for.'*¹⁹⁴ Some claimed that UNHCR was taking biometrics in order to prevent fraud and double registration, and others said they simply did not know the reasons. Some Syrians expressed their concerns about data protection in general, which in some cases seem to have led them not to register with UNHCR. This issue will be explained further in the sub-section below.

Some Syrians' choice not to register with UNHCR

In our fieldwork, we found out that some Syrian refugees opted not to register with UNHCR, even before 2015 when they could register. We found three main reasons for this choice.¹⁹⁵ The first reason reported to us was related to concerns over access to humanitarian assistance. In the absence of published information about UNHCR's distribution criteria for humanitarian aid, many Syrian refugees we interviewed had drawn their own conclusions about UNHCR's distribution of humanitarian aid. They thought UNHCR provided financial assistance mostly for female-headed households, families where there was no man of working age, and families with multiple children or families with children with disabilities. In our research with asylum seekers and refugees, we found that some families had chosen not to register the male members of working age with UNHCR because they perceived that doing so would reduce their family's chance of receiving financial assistance. For instance, a Syrian couple explained to us that they had decided to tell UNHCR that they were separated, although they continued to live together.

¹⁹¹ Interview with a former UNHCR staff, 10 November 2020, online interview.

¹⁹² Interview with UNHCR officials, 15 April 2019, Beirut.

¹⁹³ Interview with a Sudanese rejected asylum seeker, 8 August 2019, Bchamoun, Mount Lebanon.

¹⁹⁴ Interview with a Sudanese asylum seeker, 8 August 2019, Bchamoun, Mount Lebanon.

¹⁹⁵ For more details see, Derya Ozkul, 'Refugee recognition: not always attainable, not always sought' (2020) 65 *Forced Migration Review*).

Our interviewees often took these decisions based on information they received from their relatives and friends. Some of the information they received was incorrect. For example, a Syrian family explained to us that they did not register because after consulting with their friends they concluded that eligibility for registration with UNHCR depended on qualifying for humanitarian assistance:

‘We came to Lebanon in 2012 but did not register until 2014. We thought that they [UNHCR] would not register us because we were not in need. When we first came, I met many people here who said that families with one or two children were not accepted, so we thought we would not be able to qualify.’¹⁹⁶

Other information could be true, but it was still not certain because UNHCR was not giving detailed information about how they made their selection to distribute humanitarian aid. For example, another Syrian refugee in Bar Elias recounted:

“My parents registered with UNHCR. My brothers and I did not register, because we started to hear people saying if we do register, UNHCR will suspend [the aid for] my parents. My parents were in dire need of assistance, so we did not want to put them at risk.”¹⁹⁷

In this case, indeed when the interviewee’s brother tried to register as an additional family member eight months later (because he hoped that he and his wife could access resettlement opportunities), his father received a message the following day saying the family’s access to aid was being suspended. A direct link between these events cannot be confirmed, but it is clear that concerns about accessing humanitarian assistance have led some refugees not to register at all.

The second reason reported to us was related to some refugees’ fears about data sharing with the Syrian government. For example, one recounted:

“We did not register as soon as we arrived [because we heard] UNHCR will share your name with the Syrian regime, and you would not be allowed to go back to Syria. The Syrian regime will automatically think of a refugee as someone supporting the opposition.”¹⁹⁸

Despite the Lebanese government’s agreement with UNHCR not to share personal data with third parties, including the Syrian authorities,¹⁹⁹ some refugees we interviewed were concerned about the possibility of their personal information being shared. As another Syrian, who was not registered with UNHCR, added, “*I think the Lebanese state is still part of the Syrian government anyway. So, it’s all risky*”.²⁰⁰ Such concerns about data security could be justifiable given the notoriously low degree of the rule of law in Lebanon and the continuing close relations between the Assad regime in Syria and some Lebanese parties like Hezbollah.

A final reason that was reported to us was related to the fear of being unable to visit Syria. A number of our interviewees stated that they chose not to register, or to register only some members of their family because they had heard that if they registered with UNHCR, they would not be able to visit Syria. However, neither in law nor in practice do brief visits to a home country end refugee status. The confusion may have been caused because of UNHCR’s practice of ‘inactivation’. This practice seems to have been referred to by different terms in some of UNHCR’s statements in the media, which may have rightly created confusion. This issue will be explained further below.

¹⁹⁶ Interview with a Syrian refugee, 7 August 2019, Beirut.

¹⁹⁷ Interview with a Syrian refugee, 14 August 2019, Bar Elias.

¹⁹⁸ Interview with a Syrian refugee, 4 August 2019, Beqaa.

¹⁹⁹ UNHCR, ‘Q&A on the data sharing agreement between Government of Lebanon and UNHCR on basic information about Syrian Refugees’.

²⁰⁰ Interview with a Syrian refugee, 28 July 2019, Beqaa.

UNHCR's practice of deregistration and inactivation/deactivation

In media reports and some UNHCR publications or UNHCR officers' published materials, there seems to be a confusion about the terms 'deregistration', 'inactivation' or 'deactivation', especially in relation to refugees travelling to Syria. For instance, according to UNHCR's own reporting in 2011, starting from the early days of displacement in 2011, UNHCR in North Lebanon is said to have 'deregistered' Syrian refugees who were found to travel elsewhere. This statement was made when it was still the initial days of the uprisings in Syria, and as UNHCR reported at the time, circular movement between the two countries was ordinary.

'Identification and registration occur on a daily basis by outreach teams. The situation is a fluid one, with people also returning to Syria. That is why each month UNHCR and the HRC [High Relief Commission] verify the numbers during the monthly distribution of food/non-food items. Persons found no longer to be in the area are de-registered. Many of these are known to have returned to Syria'.²⁰¹

Fluidity between the two countries was curtailed when the Lebanese government brought in restrictions over arrivals from Syria in 2014 and 2015 (see Section VIII, Security of Residence), but some Syrians occasionally still had to travel to Syria to arrange their paperwork, access healthcare, continue their trade between Lebanon and Syria, or look after their elderly and remaining relatives. For example, one family we interviewed had to take the risk to visit Syria in order to arrange the paperwork for their newly born son. Another family chose their 25-year-old daughter to travel back and forth on a tourist visa to take care of all family-related tasks in Syria. In other words, being able to visit Syria was a necessity for many.

Therefore, UNHCR's practice of verifying whether a Syrian refugee is in Lebanon is vital for refugees who need to travel to Syria. According to a news report published in the Executive, in the case of files that are not verified to be active, UNHCR 'deactivates' registered refugees' files. Reportedly, this practice can be done due to several reasons, including death, or loss of communication with UNHCR (that is not responding to UNHCR's SMSs or not renewing UNHCR's registration documents within two months after their expiry).²⁰² According to the Executive, in 2013, 36,000 such files are reported to have been 'deactivated'.²⁰³ In 2014, this number almost tripled to 107,250.²⁰⁴ UNHCR's then Public Information Officer, Dana Sleiman, stated that this policy is explained to refugees at the registration stage.²⁰⁵ According to Dana Sleiman, one should not have registered with UNHCR if one were to travel/return to Syria. She stated:

'It boils down to the fear of return. If there's no fear of return, then a Syrian national should not be registered with UNHCR [...] There is no mathematical equation to figure this out.'²⁰⁶

According to this source, if a person's file is 'deactivated', they can still approach UNHCR to request an interview where s/he would be asked to explain the reasons for not responding to UNHCR's requests for communication. Yet, it is not clear how many meetings someone has to miss or how many trips to Syria would warrant an interview with UNHCR before having their files deactivated. According to Sleiman, deactivation occurs 'based on the reasons for return and duration of their stay in Syria'.²⁰⁷ Reasons that are considered acceptable include visiting a sick relative, checking on property and 'go-and-see visits' where one checks the conditions in Syria to assess whether it is safe enough to return.

²⁰¹ UNHCR, *Lebanon Update: Situation in North Lebanon, 7-14 October 2011* (2011) <<https://www.unhcr.org/uk/news/updates/2011/10/4e9e9b3b9/unhcr-lebanon-update-situation-north-lebanon-7-14-october-2011.html+&cd=1&hl=en&ct=clnk&gl=uk>>.

²⁰² Maya Gebeily, *Deregistration: A refugee on paper* (The Executive 2015).

²⁰³ Ibid.

²⁰⁴ Ibid.

²⁰⁵ Ibid.

²⁰⁶ Ibid.

²⁰⁷ Ibid.

However, yet again, it is not clear what the threshold is for the duration and frequency of such visits. It seems that each applicant is considered on a case-by-case basis, potentially leaving the decision to the caseworker's discretion.

Another source of confusion is the following quote from the former UNHCR country representative, Ninette Kelley who reportedly said in a media interview that UNHCR 'deregistered' some Syrians:

'We have deregistered people for whom their going back to Syria has shown that they aren't in need of international protection or assistance, and that's something that we have done willingly with the government, recognising that refugee status is for persons who have a well-founded fear of persecution and are fleeing civil unrest inside Syria'.²⁰⁸

According to this source, between June and October 2014 alone, UNHCR 'deregistered' 68,000 Syrians, including those 'who failed to keep in touch with the agency'.²⁰⁹ It is reported that during 2013 and 2014, at least 137,000 Syrian refugees lost their active refugee status with UNHCR—either due to death, travel to Syria or failing to respond to UNHCR's requests as part of the verification process.²¹⁰ In 2015, this figure increased to 166,063.²¹¹ Yet again, it is not clear to us whether the process was in fact 'inactivation' and not 'deregistration' and whether the confusion stems from the media sources' incorrect use of these terms.

During fieldwork in 2019, an informant from an NGO indicated that if UNHCR finds out that the person has travelled to Syria, the family's file would be 'deactivated' and their financial assistance would be terminated. A former UNHCR staff member also indicated that this process was called 'deactivation' and not 'deregistration', 'because technically, UNHCR staff [did] not delete any person's details from ProGres (Profile Global Registration System),²¹² but simply put a red mark with an explanation on the case'.²¹³ According to information we received from UNHCR in August 2021, 'deregistration is not the same as inactivation', and '[d]eregistration is only applied in case of erroneous registration with UNHCR, and may relate to duplicate registration and/or identity fraud, registration of asylum country nationals, or the erroneous registration of non-civilians.'²¹⁴ Therefore, it seems that the confusion between these terms was caused by the mistaken use of the terms in media news.

UNHCR may have adopted the practice of 'deactivation' because of Lebanese governments' pressure over UNHCR. In June 2014 the then Minister of Interior, Nouhad Machnouk, demanded that any Syrian who went back to Syria would have their refugee status revoked. It appears that due to the Lebanese government's growing pressures on UNHCR 'to withdraw the refugee status of Syrians who return to Syria without a legitimate reason', according to another news report, in 2014 UNHCR had to 'deregister' some more recognised refugees.²¹⁵ However, it is not clear to us whether the term 'deregistration' is used mistakenly in this news report, and whether it was in fact 'deactivation' or 'inactivation'.

It seems that over the years, Lebanese authorities continued exerting pressure over UNHCR in order for the latter to deactivate files. According to UNHCR's reporting, the Lebanese Government provided data on Syrians' 1.5 million cross border movements between June and July 2014 and requested UNHCR to cross check their personal data. As a result, UNHCR identified 36,000 cases, and

²⁰⁸ Samya Kullab, 'Borders still open to refugees, UNHCR says' (Beirut, 23 October).

²⁰⁹ Ibid.

²¹⁰ Gebeily.

²¹¹ UNHCR, '2015 Year End Reporting, Lebanon, Registration and Profiling'.

²¹² In 2002, UNHCR developed an IT case management tool called ProGres (Profile Global Registration System). The ProGres is still the main repository in UNHCR offices for storing applicants' data.

²¹³ Interview with a former UNHCR staff, 10 November 2020, online interview.

²¹⁴ Information received from UNHCR HQ by email, 11 August 2021.

²¹⁵ Elise Knutsen, 'Syrian refugees cut as part of deregistration, verification program' *The Daily Star Lebanon* (Beirut, 8 July).

‘inactivated’ 16,000 of these.²¹⁶ The process reportedly included the following steps: first, the General Security provided UNHCR with the names of all Syrians who exited from the borders to travel to Syria. Then, UNHCR cross-checked the names of those registered Syrian refugees and asked them to have an interview to find out the reasons for their travel to Syria.²¹⁷ As explained above, it is not clear to us how UNHCR assesses each case.

According to a former UNHCR staff member, UNHCR’s verification exercises were not only to assess whether the refugee had travelled elsewhere but also to provide protection for emerging needs, and therefore they were of vital importance for refugees:

‘Usually you are asked to come to conduct a verification and renewal of certificate exercise with UNHCR every six months.²¹⁸ This exercise verifies whether there are any updates to the file or if there are changes in the family, such as marriage, divorce, or all family members are still in Lebanon; and most importantly to check if there are any new protection issues. Sometimes you’d find that the family or certain family members moved back to Syria. It’s not deregistration, it’s called deactivation. Technically, if the family or individuals show up and if they fit the criteria, for example, they did not return to bear arms or take part of any military or para-military activities, they can have another interview and verify what happened. This is also an opportunity to check if the individual faced any protection issues, or was further persecuted, upon their return or stay in Syria. So if they return back in Lebanon and stay in Lebanon, they can be activated again.

One outcome of these interviews supports UNHCR to know who is in Lebanon and who is not in order to properly provide assistance. For example, if a woman’s husband passes away in Lebanon or Syria, or he returns to Syria and she doesn’t hear from him for any reason, or he informs her that he’s married there again to someone else and does not wish to return (all of these cases are usually confirmed by UNHCR); then this woman might become a woman-at-risk, if she’s alone with no other family members in Lebanon and would require specific or further assistance. You know these interviews are made genuinely to see if there are key updates or changes in the file. They are very important as they provide regular updates and information both for registered families and individuals; which in turn assist in providing a targeted approach to assist refugees and specific vulnerable profiles.’²¹⁹

Yet possibly due to UNHCR’s assessment of each case on its own, refugees we interviewed were rightly confused about UNHCR’s verification exercises and they did not know well enough whether and how their travel to Syria would affect their registration with UNHCR.

Box 2: Impact of Covid-19 pandemic on registration

From mid-January 2020 onwards, UNHCR stopped meeting with refugees without appointment at the Reception Centres, and only those who had appointments were admitted to the building.²²⁰ On 16 March 2020, UNHCR temporarily suspended its in-person Reception Centre activities, due to the COVID-19

²¹⁶ UNHCR, *Syrian Refugees in Lebanon, Government Policy and Protection Concerns, March 2015* (2015) <https://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/94_restrictedbriefingnote_94_restrictedbriefingnote_en.pdf>, 3.

²¹⁷ Knutsen,

²¹⁸ Note that this practice of renewals every six months was in 2013, ‘while the situation was still an emergency and not protracted’. In 2015 onwards, refugees were asked to approach UNHCR every year. Email communication with the same interviewee, 12 April 2021.

²¹⁹ Interview with a former UNHCR staff, 10 November 2020, online interview.

²²⁰ UNHCR, 2021, Q&A on Resumption of Activities at the UNHCR Reception Centres, <https://www.refugees-lebanon.org/uploads/poster/poster_159196771771.pdf?>.

related restrictions.²²¹ Outside of lockdown dates, UNHCR has gradually resumed its registration activities by accepting those who were granted appointments by UNHCR in advance.

Overall, frequent nationwide lockdowns since 2020 in Lebanon seem to have restricted asylum seekers and refugees' access to UNHCR registration services and have enabled UNHCR to pilot new processing methodologies. According to the information we received from UNHCR in August 2021, '[d]uring nationwide lockdowns, the Reception Centre has continued to be open for emergency cases' and throughout the Covid-19 lockdowns, 'UNHCR sought to maximise face-to-face interviews whenever the Reception Centre was open. They also piloted remote processing methodologies in line with applicable standards, including remote interview subject to, among others, the applicants' consent.'²²²

ii. Accuracy

It is a very challenging task to explore the accuracy of UNHCR's decision-making within the limits of this research (due to lack of possibility of attending interviews and/or assessing anonymised casefiles). The decision making for those who go through an individualised assessment depends on a case-by-case basis and Eligibility Officers' and RSD officers' individual decisions. Therefore, it is very challenging to assess the accuracy of their risk assessment externally. However, we can look for problematic signs, such as anomalously low recognition rates especially for those groups widely accepted as refugees around the world, high overturning rates on appeals, or how exclusion from refugee status is assessed. In the following paragraphs we show that recognition and overturning rates do fluctuate to varying degrees for different nationalities and it is very difficult to assess UNHCR's decision making.

Recognition and overturning rates

As explained above in Section VI, most Syrians and Iraqis who are considered for recognition are subject to the merged RSD/RST procedure. Among these, Syrians had a high rate of recognition in 2012 (87%) and of full recognition rates between 2013-2015 (see Table 4 in the Appendix). It is not clear to us why in 2017 and 2018, no Syrian was recognised. A reason for this may be that UNHCR had already a high number of Syrians who were recognised and considered for resettlement and there were no other available resettlement places remaining. What is concerning is that among those few Syrian applicants who appealed or whose files were re-opened since 2012, all were recognised. This may point to inaccurate decision making in the first instance. Between 2006 and 2011, Syrian applicants had relatively low rates of recognition (ranging from 28% to 68%), though because of our methodology, it is not possible to assess the accuracy of these decisions.

Recognition rates for Iraqi applicants, on the other hand, have fluctuated more compared with Syrians (see Table 5 in the Appendix). For instance, between 2003 and 2010, recognition rates were very low. This may be because these applicants who were considered for individualised RSD may have come from Northern governorates or were excluded from refugee status; though due to our methodology we cannot make any claims why recognition rates in this period were low. Recognition rates seem to have increased since 2011 to 2019 (ranging from 63% to 95%), but these rates still fluctuate to a great extent. Similarly, overturning rates for Iraqis also do fluctuate to a great extent (from 12% to 100%) and it is not possible to make any conclusions.

Recognition rates for Sudanese applicants have been relatively much lower compared with Syrians and Iraqis (ranging from 0% to 50% between 2000 and 2019, see Table 6 in the Appendix). The record 50% in 2015 was the highest rate and seems to be an exception compared to other years. Appeal rates were even lower (ranging from 0% to 19%). According to available statistics, some files were repeated/reopened during 2010-2012, but none of them was recognised. Though it is not possible to

²²¹ UNHCR, 2021, Q&A on Resumption of Activities at the UNHCR Reception Centres, <https://www.refugees-lebanon.org/uploads/poster/poster_159196771771.pdf>.

²²² Information received from UNHCR HQ by email, 11 August 2021.

assess the accuracy of these applications, an NGO representative we interviewed informed us that UNHCR rejected most applicants with no clear reasoning, and when challenged by applicants and civil society members, files dating to as old as the 1990s were reopened and applicants were recognised (see the sub-section on Fairness below). This practice alone raises concerns about UNHCR's decision making accuracy for Sudanese applicants.

Box 3: UNHCR's calculation of recognition rates

UNHCR calculates recognition rates with the following formulas.²²³

Refugee status recognition rate:

Recognised divided by the total of Recognised, Other positive and Rejected * 100%.

Total recognition rate:

Recognised plus Other positive divided by total of Recognised, Other positive and Rejected * 100%.

It is important to note that although these formulas provide an easy way to calculate recognition rates, they dismiss the impact of pending decisions and closed files. Firstly, the published figures for recognised/rejected applications only show the decisions taken in that specific year and not on the application itself. That may cause a mismatch between actual applications and decisions in a specific year. Secondly, these formulas do not take into account the factor of what UNHCR notes as 'otherwise closed files'. However, recognition rates calculated through these formulas still provide valuable information to assess fluctuations.

The assessment of accuracy in individualised RSD is extremely complex and needs a thorough overview of the whole process, including how applicants presented their case, how caseworkers worked with applicants to reveal their story and how caseworkers made a decision as a result of this process. It is not possible to understand these dynamics without observing the process. Moreover, the assessment of exclusion from refugee status is even more difficult, which we explore further below.

Assessment of exclusion from refugee status

Assessment of exclusion from refugee status is a complicated process, which requires a careful legal analysis. Exclusion triggers may be identified at any stage of the recognition process – from registration to resettlement interview. According to UNHCR's Procedural Standards for RSD, once a UNHCR Office makes an exclusion decision, the decision should be submitted to the Regional Bureau and where applicable to HQ for review.²²⁴ According to a UNHCR official we interviewed in the MENA Regional Bureau, all exclusion decisions by Country Offices, including Lebanon, go through the Regional Bureau's and HQ's review. The final exclusion decision comes out from the HQ.

There can be various reasons for profiles to be triggered for exclusion assessments. For example, among Syrian applicants, the top exclusion grounds include having had military service attached to units or battalions where there is information that they were involved in human rights violations; having served in a sensitive location like a prison where there is information that torture happened; having had military service after the start of the war; being involved in the punishment of other soldiers during military service (where there is a history of brutal punishments); or having been employed in the regular police force (except where one was only engaged in clerical or menial duties), or in security or intelligence agencies in Syria.²²⁵

²²³ See, UNHCR, *Statistical Yearbook 2015* (2017) <<https://www.unhcr.org/uk/statistics/country/5a8ee0387/unhcr-statistical-yearbook-2016-16th-edition.html>>, 60.

²²⁴ UNHCR RSD Procedural Standards Unit 4.7: The Application of the Exclusion Clauses in Article 1F, 26 August 2020.

²²⁵ Interview with a UNHCR official, 5 February 2021, online interview.

The evidence that is used for exclusion assessments includes the Country of Origin Information (COI) and applicants' testimony.²²⁶ COI consists of the information published at Refworld and material collected by caseworkers who also receive regular inter-unit trainings in the Beirut office. There is also a facility to make COI requests to the Regional Bureau.²²⁷ Additionally, applicants may bring their own sources, such as published newspapers, and reports, and caseworkers usually interview applicants with maps exploring the narrative's credibility.²²⁸ In such cases, it is not clear to us whether applicants' map reading skills impact the assessment.

UNHCR asks about male applicants' military books, but some people may not have them with them in the country of asylum, or they may have had their military service a long time ago and did not bring them because they may have thought they would not need them. In such cases, UNHCR reportedly accepts applicants' statements, 'assuming that they can credibly establish it'.²²⁹

Applicants may not know what UNHCR considers to be an exclusion trigger. They may learn from previous asylum seekers about how their interviews went with UNHCR and whether they were subject to an assessment of exclusion from refugee status. According to UNHCR, such shared information may lead them not to disclose some important information, such as being in senior roles in the Ba'ath party. Nonetheless, UNHCR must assess an applicant according to their statements.²³⁰

According to a UNHCR officer we interviewed, if an applicant indicates that they have committed a crime, then UNHCR would give notice that there is information that might mean that they would be excluded, and then the applicant would respond to UNHCR on that basis.²³¹ If the person does not respond to UNHCR officers' questions in a detailed manner, then their claim can be rejected based on credibility. For example, if a person indicates that they were in a senior position in the Ba'ath party but would not give specific details on their party activities, and state that they were having only regular meetings, then UNHCR would reject the person. The rejection in such cases would be 'on the grounds that they have not discharged their part of the burden in terms of giving a full account of their life'.²³² If a person is decided to be excluded from refugee status, they are issued a detailed letter explaining the reasoned decision, the reasons and information to appeal. This letter is at least several pages. The applicant can then appeal the decision, but in practice most applicants would not appeal.²³³

In our fieldwork we found that UNHCR has been extremely careful with exclusion assessments, but this caution seems to be at the risk of long waiting periods for applicants. Once the Country Office finds an exclusion trigger, the Country Office must ask the Regional Bureau how best to proceed. The Regional Bureau can either decide to exclude the person (which happens in 0.1% of cases), to deprioritise the file (which happens in 0.9% of cases) or to clear the file (which happens in 99% of cases). This means that most cases where the Country Office identifies exclusion triggers are ultimately cleared. Long waiting times may be caused by the inadequate number of staff. For example, once the Regional Bureau reviews a file, the file is then sent to HQ for a final decision. In the MENA Regional Office, there are three officers headed by a Senior RSD Officer to review exclusion cases. At the HQ Office, there are only two staff members who review all exclusion decisions, and the time that they may require to finalise a case may vary from 3 days to 3 months or a year.²³⁴ Needless to say, the entire process not only takes a very long time, but it also consumes efforts by UNHCR staff members in various levels and offices. Most importantly, lengthy waiting times may be risky or at best challenging

²²⁶ Interview with a UNHCR official, 5 February 2021, online interview.

²²⁷ Interview with UNHCR officials, UNHCR Beirut Office, 4 September 2019.

²²⁸ Interview with UNHCR officials, UNHCR Beirut Office, 4 September 2019.

²²⁹ Interview with a UNHCR official, 5 February 2021, online interview.

²³⁰ Interview with a UNHCR official, 5 February 2021, online interview.

²³¹ Interview with a UNHCR official, 5 February 2021, online interview.

²³² Interview with a UNHCR official, 5 February 2021, online interview.

²³³ Interview with a UNHCR official, 5 February 2021, online interview.

²³⁴ Interview with a UNHCR official, 5 February 2021, online interview.

for applicants who live in a precarious situation in the country and who cannot be resettled until the process of recognition is finalised. Efficiency in general terms is discussed below.

iii. Efficiency

In this section, we assess efficiency in terms of waiting times for applicants throughout all the stages of recognition. While assessing efficiency, it is important to remember that with the arrival of Syrian refugees, Lebanon has become the world's highest per capita refugee hosting country in a relatively short amount of time. It is therefore not surprising that when we asked UNHCR officials in Beirut office about the most challenging aspects of the refugee recognition regime in Lebanon, they pointed to 'maintaining efficiency in case processing with high numbers of asylum seekers'.²³⁵

Considering the increasing number of arrivals, UNHCR attempted to adapt to the growing workload, first, by increasing staff numbers. For example, in 2018, the RSD Unit consisted of 20 staff at its highest number. This number included three international staff,²³⁶ national staff and admin personnel, including three staff members in the filing unit. In 2019, the number of Eligibility Officers (also referred to as caseworkers) was six.²³⁷

Second, UNHCR started new methods of processing registrations. For example, in 2011 UNHCR introduced accelerated processing for applicants from Syria. When the numbers increased further, UNHCR also started conducting emergency registrations. The form in this type of registration included fewer questions and therefore UNHCR staff could register the highest number of Syrians as possible. With the help of emergency registrations, at times, the number of registrations could go up to 1,000 a day across the country.²³⁸

Waiting times for registration

In 2010, the average time from the first contact with UNHCR to the actual registration was 3 months for Iraqi applicants and one month for non-Iraqis.²³⁹ In April 2013, the waiting time for an appointment for registration 'ranged between 16-30 days throughout the country, except in the South where the waiting period [was] longer than normal because the registration centre [was] only recently opened.'²⁴⁰ According to UNHCR statistics, the average number of days from approaching UNHCR to individual registration was 31.2 in 2014; 22 in 2015 and 2016.²⁴¹

At the time of our fieldwork in 2019, those who registered with UNHCR, or renewed their registration with UNHCR reported that waiting time during the day of registration and/or renewal of their certificates was too long and challenging. Some Syrian interviewees reported that they had to wait for the whole day, due to high numbers of applicants waiting in the registration site, despite the fact that their appointment was in the morning hours.

'I tried to register at UNHCR. I only went once in 2016, and I left because of how crowded it was. I waited for 8 hours, so I took my papers and left. I went again last year in 2018, and I registered. First, I had to make an appointment, I called, and they gave me an appointment after three months. I went after three months. I had to wait again for 8 hours

²³⁵ Interview with UNHCR officials, UNHCR Beirut office, 4 September 2019.

²³⁶ Three international staff included one staff at P3 level and two staff at P2 level.

²³⁷ Eligibility Officers who conducted the first instance interviews and assessments were all national staff at G5 or G6 level. Staff members in G7, P2 and P3 grades also conducted interviews occasionally. Interview with UNHCR officials, UNHCR Beirut office, 4 September 2019.

²³⁸ Interview with a former UNHCR staff, 10 November 2020, online interview.

²³⁹ UNHCR, *The Global Report 2010* (2011) <<https://www.unhcr.org/4dfdbf500.html>>, 184.

²⁴⁰ Syria Needs Analysis Project

<https://reliefweb.int/sites/reliefweb.int/files/resources/legal_status_of_individuals_fleeing_syria.pdf>, 5.

²⁴¹ UNHCR, *Reporting, Lebanon, Registration and profiling* (2020) <<https://reporting.unhcr.org/node/2520>> see the stats for 2014, 2015 and 2016.

before my turn came up. I remember I left UNHCR offices at 5:00 pm that day. They interviewed me for 15-20 minutes.²⁴²

‘The UNHCR staff are respectable. The problem is mainly related to long waiting hours. For example, when renewing the file, they tell you [over the phone] that your appointment is at 10:00 am, but sometimes you have to wait until 5:00 pm to have the interview. One time, we had to wait until 6:00 pm, and we were fasting as it was Ramadan.’²⁴³

In the words of an interviewee, the waiting time was so long that the process for him was humiliating:

‘The experience was very bad. They line people on the ground floor in the sun like animals. They insult them; they humiliate them. You go there, and a man gives you a number, 500, for example, 500! You would have to wait for 499 people in front of you to get your turn. This is what happened to me. They called and told me, “you have an appointment at 7:00 am” and gave me the number 6311! I still remember the number until now. I went at 7:00 am and waited until 11:00 am, and my turn was not up yet, so I left and came back here. After a week, an employee at UNHCR called me again; she said, “you had an appointment last week, but you didn’t show up, why?”. I told her, “you are treating people like animals, and this is not acceptable. If you gave me an appointment at 7:00 am, I expect to be received at 7:00 am and not give me a number and ask me to wait without any clear explanation.”’²⁴⁴

In this example, the number that the applicant received probably does not necessarily show the number of persons waiting in front of him, but most refugees we spoke with confirmed that registration or renewal of registration certificates often took very long hours. This waiting time was reported to cause difficulties for refugees, because some of them had to take time off from their often-casual jobs and that some of them arrived with their families, including young children.

Some Syrian respondents also indicated that while in the first years of their arrivals, registration was relatively straightforward, lately in 2019 requests for appointments to register or to renew existing registration certificates were extended and they could take up to 12-18 months. Also, the waiting times seem to change according to UNHCR offices. For instance, our Iraqi respondents in south Lebanon all stated that they did not have to wait for more than three hours. This difference suggests that waiting times change according to the office’s capabilities. Finally, the Covid-19 pandemic seems to have caused delays in new registrations and renewals of existing registrations (see the Box 2 in the section on Accessibility).

Waiting times for RSD decision

As explained in Section VI, all non-Syrians and non-Iraqis have been subject to regular RSD, and therefore the waiting period from registration to decision for them is crucial. In 2019, UNHCR staff informed us that for regular RSD and for a straightforward case, on average, the period from registration to decision took around six months.²⁴⁵ A news report of 2012 noted that average waiting time for Sudanese applicants was 8 months.²⁴⁶ In our fieldwork in 2019, Sudanese respondents reported that it was relatively quick to receive the first registration interview (in some cases as fast as one week). But they also stated the overall process of individualised RSD was a lengthy one, in some cases, reportedly up to three years with multiple interviews and long waiting times in between. In one interview, the appeal process was also reported to be slow considering the appeal interview and the final decision:

²⁴² Interview with a Syrian refugee, 21 August 2019, Beirut.

²⁴³ Interview with a Syrian refugee, 24 August 2021, Abu Samra, North Lebanon.

²⁴⁴ Interview with a Syrian refugee, 21 August 2021, Beirut.

²⁴⁵ Interview with UNHCR officials, UNHCR Beirut office, 4 September 2019.

²⁴⁶ Matt Nash, ‘Sudanese strike for their rights’ *Now Lebanon* (15 July 2012) <https://now.mmedia.me/lb/en/reports/features/sudanese_strike_for_their_rights>

‘I appealed the decision and waited for around seven months to know their decision. After seven months, they called me and told me that my appeal was accepted and asked me to sit for a new interview. During this interview [the appeal interview], I provided them with papers showing my involvement in political activism here in Lebanon. This interview took place around one year and a half ago, and I still did not hear from them.’²⁴⁷

Overall, UNHCR’s efficiency for registrations seems to have depended on time, the number of new arrivals in Lebanon, registration offices’ capacity, and other external circumstances such as the Covid-19 pandemic. Because different nationalities were subject to different case modalities, for Sudanese the most important process in recognition is the RSD decision making. Such differences point to the fact that waiting periods for UNHCR’s processing also depended on nationality.

iv. Fairness

In this study, we assess fairness in terms of procedural fairness, including the possibility to understand the procedures, to be treated with respect, to be heard and to challenge adverse decisions. During our meeting with officers from UNHCR Beirut office in 2019 and follow-up communications in 2020 and 2021, we were informed about their good practices in recognising refugees. In this section, we first outline these practices reported to us by UNHCR. Because we cannot assess whether and how these practices are implemented, we then compare and complement them with our findings from our interviews with NGOs and asylum seekers and refugees. Overall, we find that civil society was concerned about UNHCR’s practices particularly in the late 1990s and early 2000s. Some concerns about provision of detailed reasoning in rejection letters seem to continue. We also show that among asylum seekers and refugees, fairness was understood not only in terms of procedural fairness but also distributive fairness.

Let us first start by explaining UNHCR’s current practices in decision making reported to us. Reportedly, UNHCR informs all applicants about the RSD process at the time of the registration, including the fact that they have the right to appeal.²⁴⁸ During interviews, according to Beirut’s RSD officer, a good practice that they have implemented is that caseworkers are advised ‘to periodically summarise the applicant’s testimony and confirm it during the interview’.²⁴⁹ For all interviews, a transcript and audio recording are taken. All interviews are also recorded by video. We were informed that the purpose of video recording is to ensure the safety of the caseworker and the applicant. According to UNHCR Beirut office, video recording is also a fraud prevention measure.²⁵⁰

Applicants can write their application (and later if needed appeal forms) in their own language. They can also request interpretation during all interviews. In the case of Lebanon, currently most applicants (Syrians, Iraqis, Sudanese and some Ethiopians) speak Arabic, and therefore we were informed that there was generally no need for interpreters.²⁵¹ We were informed that some Ethiopians might need interpretation to Amharic, which is the most commonly used additional language, followed by Farsi. For such cases, UNHCR Lebanon works with interpreters who are reportedly mostly freelancers. UNHCR trains them about its Code of Conduct in-house. UNHCR also tends to work with the same interpreters for a long time.²⁵² Interpreters sign a declaration stating they will adhere with UNHCR’s Code of Conduct and a confidentiality agreement.²⁵³

After the interview, the assessment is drafted by the Eligibility Officer, and then reviewed and signed off by a more senior staff member, usually at P2 or P3 level. This full assessment is not shared with the Applicant. Nor is the Applicant given a copy of their interview transcript or a summary of their

²⁴⁷ Interview with a Sudanese asylum seeker, 25 August 2019, Beirut.

²⁴⁸ Interview with UNHCR officials, UNHCR Beirut office, 4 September 2019.

²⁴⁹ Interview with UNHCR officials, UNHCR Beirut office, 4 September 2019.

²⁵⁰ Ibid. and online communication via email with a UNHCR official, UNHCR Beirut office, 11 May 2021.

²⁵¹ Ibid.

²⁵² Ibid.

²⁵³ Online communication via email with a UNHCR official, UNHCR Beirut office, 11 May 2021.

statement. However, if the decision is negative at first instance, applicants are given the Notice of Rejection Decision, which is initialled by the reviewer before being issued. The Notice of Rejection Decision includes ‘a summary of the Applicant’s claim, the evidence provided, the aspects of the claim that were accepted and rejected, and information on the appeal process.’²⁵⁴

According to Beirut’s RSD Officer, ‘[u]nsuccessful asylum seekers are scheduled an appointment at the office where they are given a copy of the Notice of Rejection Decision in English and Arabic (for Arabic speakers) and English (for non-Arabic speakers). They are also given an appeal form if they wish to lodge an appeal, which they can do immediately or within one month. They are also counselled on the decision in order to ensure they understand fully. If the Applicant does not understand Arabic or English an interpreter is present.’²⁵⁵ In case of rejection after appeal, no further reasons are given.²⁵⁶

The deadline to appeal (for all applicants) is one month; however, UNHCR Lebanon office informed us that they rarely limit this period to one month. That is because they understand that applicants may be working and may not be able to take the time to appeal, or the UNHCR office may be too busy at that time, and applicants may not be able to wait in the queue. In some cases, the applicant may leave Lebanon or lose contact with the UNHCR, for example if they change their phone numbers, and may come back to UNHCR later, and then make an appeal. UNHCR officers reportedly decide on these cases according to the applicant’s circumstances on a case-by-case basis.²⁵⁷ Where an appeal application is submitted after the RSD file has been closed, the appeal application is considered as a request to re-open the RSD file. The RSD file will be referred to re-opening procedures in order to assess whether the established criteria for re-opening the file are met and, if so, whether the case should be referred to first instance or appeal procedure.²⁵⁸

Reasons for appeals need to be fresh evidence or possible flaws in the decision-making. According to UNHCR Lebanon, appeal cases are always examined by more than one officer: an Eligibility Officer and then reviewed by another. Both officers working at appeal are different from those who assessed the case at first instance. The Eligibility Officer who takes the decision at appeal has equivalent or, when possible, greater experience with RSD than the Eligibility Officer who decided the claim at first instance.²⁵⁹ In appeals, negative RSD decisions given at first instance are re-examined ‘to assess whether [they were] based on a reasonable finding of fact and a correct application of the eligibility criteria as well as to consider any new information relevant to the claim, including information relating to a change in the applicant’s personal circumstances or a change in the situation in their country of origin.’²⁶⁰ According to a UNHCR official, applications for appeals in Lebanon are generally those re-instating his/her claim.²⁶¹

Applicants can have a legal representative in all the stages of the RSD process (in practice, legal representatives happen to act mostly at appeal),²⁶² yet for this UNHCR must confirm whether they are qualified under terms of UNHCR RSD Procedural Standards, Chapter Unit 2.7.²⁶³ For instance, currently in Lebanon, only a few organisations (such as IRAP, CLDH and Frontiers Ruwad) can provide legal representation. Considering the very large numbers of applicants, and the interview process takes a long time, NGOs’ help in legal representation can only be limited. During our fieldwork we met with one lawyer who was providing asylum seekers with pro bono legal aid and representation in Lebanese courts and who was very keen to provide representation for applications before UNHCR. This lawyer

²⁵⁴ Online communication via email with a UNHCR official, UNHCR Beirut office, 11 May 2021.

²⁵⁵ Online communication via email with a UNHCR official, UNHCR Beirut office, 11 May 2021.

²⁵⁶ Interview with UNHCR officials, UNHCR Beirut office, 4 September 2019.

²⁵⁷ Interview with UNHCR officials, UNHCR Beirut office, 4 September 2019.

²⁵⁸ Online communication via email with a UNHCR official, UNHCR Beirut office, 11 May 2021.

²⁵⁹ Online communication via email with a UNHCR official, UNHCR Beirut office, 11 May 2021.

²⁶⁰ Online communication via email with a UNHCR official, UNHCR Beirut office, 11 May 2021.

²⁶¹ Interview with UNHCR officials, UNHCR Beirut office, 4 September 2019.

²⁶² Interview with UNHCR officials, UNHCR Beirut office, 4 September 2019.

²⁶³ Online communication via email with a UNHCR official, UNHCR Beirut office, 11 May 2021. See UN High Commissioner for Refugees (UNHCR), UNHCR RSD Procedural Standards Unit 2.7: Legal Representation in UNHCR RSD Procedures, 26 August 2020, available at: <https://www.refworld.org/docid/5f3114a74.html>.

informed us that UNHCR did not permit them to represent clients, and they were not sure about the reasons.

In our interviews with legal aid organisations, we found that UNHCR's practices in Lebanon have changed over the years. For example, according to Frontiers Ruwad Association – an NGO that has been actively working on refugee-related issues in Lebanon since 1999 – UNHCR's RSD practices have improved slightly throughout the 2000s. When they started working in the early 2000s, for instance, applicants were not accompanied by a legal representative at any stage.²⁶⁴ Reasons for rejection were given in very short sentences without details. Without knowing the details, refugees were not able to challenge UNHCR's decision making in a meaningful way. Frontiers Ruwad worked actively throughout the early 2000s by mediating on this issue, communicating with the UNHCR HQ Office, as well as other NGOs in the MENA region, such as with AMERA International. With their efforts, in the early to mid-2000s, they started representing applicants. Between around 2003 and 2008, they managed to have access to the files, including UNHCR's detailed reasoning, for those who were appealing negative decisions. This practice was later terminated upon UNHCR's request. However, UNHCR then decided that asylum seekers instead should have access to detailed reasoning in their rejection files. According to Frontiers Ruwad, UNHCR Beirut office indeed did give very detailed reasons in rejection letters after this incident but stopped doing so again in around 2012. Reportedly rejection letters have since been relatively shorter with fewer details.²⁶⁵

One important incident that Frontiers Ruwad Association helped with the re-opening of files of some Sudanese applicants who were rejected by UNHCR with no clear reasoning. Sudanese rejected asylum seekers were reportedly active during the early 2010s requesting UNHCR to re-consider their files. Frontiers Ruwad also pressured UNHCR to review these files – some of them dating to as early as late 1990s. Following pressures from the Sudanese community and human rights organisations like Frontiers Ruwad Association, UNHCR accepted to re-open and consider some previously rejected Sudanese applicants in the early 2010s.²⁶⁶ This incident may have contributed to increasing recognition rates for Sudanese applicants (see Table 6 in the Appendix). However, it is worrisome that UNHCR needed this kind of pressure from refugee communities and civil society members to revise its decision making.

Procedural fairness in relation to having access to information

Our interviews with asylum seekers and refugees revealed important findings for assessing procedural justice. Overall, lack of information about decision making seems to be an important concern for those subjected to RSD interviews. For instance, a Sudanese man we interviewed argued that the process was unclear to him and that he needed further explanations from UNHCR.

'We really need someone to explain to us the basis on which UNHCR accept or reject someone. Some of my friends were accepted, others were rejected, and others were accepted but have been waiting for more than 3 years to be resettled without receiving any sort of aid. My brother is married and has one child. He was rejected. He is now undergoing the process of re-opening his file with the UNHCR. He goes to their centre every now and then, and they always tell him that they are still studying his case.'²⁶⁷

For Syrians who were not subject to RSD, what was concerning was the lack of information about UNHCR's aid distribution. For instance, when asked about her thoughts about fairness, a Syrian refugee woman we interviewed said, '*How can we talk about fairness? Many people don't know on what basis they were registered with UNHCR. On what basis they are receiving aid or not. We don't know anything.*'²⁶⁸ In both examples, it seems that lack of information about UNHCR's decision-making was

²⁶⁴ Legal representation in RSD cases was not possible in Lebanon until 2005.

²⁶⁵ Interview with Frontiers Ruwad, 1 November 2020.

²⁶⁶ Interview with Frontiers Ruwad, 1 November 2020.

²⁶⁷ Interview with a Sudanese rejected asylum seeker, 8 August 2019, Mount Lebanon.

²⁶⁸ Interview with a Syrian refugee, 1 August 2019, Beirut.

problematic. The former point – lack of information about RSD decision-making – is even more vital, as for this person not having the refugee status could bring grave consequences such as being deported.

Our approach to assess fairness in UNHCR’s practices was based on principles of procedural justice (such as the possibility to have information about procedures, to be heard vis-à-vis decision makers and to challenge adverse decisions). However, when asked about fairness, some asylum seekers and refugees revealed other important aspects of fairness. Among these one was distributive fairness, in other words fairness understood as how they were treated in relation to other applicants. This issue was discussed in reference to UNHCR’s selective distribution of humanitarian aid and resettlement.

Distributive fairness in relation to humanitarian aid

Some of our interviewees complained about UNHCR’s distribution of humanitarian aid by either comparing themselves with other nationalities or comparing themselves with other fellow applicants of the same nationality. For example, Iraqi applicants thought that Syrian applicants had more access to humanitarian aid than themselves. Two Iraqis we interviewed stated that they sensed that UNHCR treated Syrian refugees more favourably compared with Iraqi refugees in Lebanon. Another Iraqi man who lived in Nabatiyeh, South Lebanon shared his frustration towards UNHCR as the following: *‘Syrian refugees received a much better treatment than Iraqi refugees ever since they arrived in Lebanon. [...] All in all, UNHCR is not fair at all. If they were fair, they would’ve distributed the aid they have among everyone equally not just among Syrians. For example, instead of giving one person 100 USD, they could give 4 people 25 USD’.*²⁶⁹ The other Iraqi man who was also settled in Nabatiyeh also complained that not only UNHCR but also NGOs favoured Syrians and that since their arrival, Iraqis’ access to aid had severely decreased:

‘Syrian refugees had a completely different experience in Lebanon. Since the influx of Syrian refugees in 2011, all aid for Iraqi refugees stopped and was shifted to Syrian refugees. Now, when I go to Caritas to ask about assistance, they say that they don’t have anything available now. I even tried calling their education sector. I wanted to ask if they can provide my kids with tutoring to enhance their education level at school, the guy who answered the phone asked me about my nationality. When I said that I am Iraqi, he said that we don’t have any education programs for Iraqis, the only programs we have now are for Syrian refugees. [...]

In general, the process was very good for the people who were lucky and got resettled. However, for others who were not supported, the process was not fair. Someone who just escaped their country, whether for a political or a humanitarian reason, and arrived at a new country and didn’t receive any support or help would get lost. *This became even worse when Syrian refugees came to Lebanon. Everything stopped for Iraqis.*²⁷⁰

These concerns are related to a widespread concern in the distribution of humanitarian aid. Some donors earmark their funding for specific nationalities that they find are important, and this situation leaves asylum seekers and refugees from other nationalities neglected.²⁷¹

Some Syrian respondents on the other hand were concerned about humanitarian aid distribution among fellow Syrians. For instance, some Syrians complained about the fact that some other Syrians who arrived in Lebanon earlier received aid, while they did not. Other Syrians complained about those living in more impoverished districts or informal tented settlements receiving more aid than others who lived in private accommodation but still in very difficult conditions. In all cases, it was not clear to them how UNHCR undertook its decision-making regarding humanitarian aid. One Syrian participant summarised

²⁶⁹ Interview with an Iraqi refugee, 10 August 2019, Nabatiyeh.

²⁷⁰ Interview with an Iraqi refugee, 10 August 2019, Nabatiyeh. Italics added.

²⁷¹ See for a critique of this approach in Janmyr, ‘Sudanese Refugees and the “Syrian Refugee Response” in Lebanon: Racialised Hierarchies, Processes of Invisibilisation, and Resistance’, 9-10.

this as the following: *‘There’s no fairness in this system. There is no equality in treating refugees. Some areas get aid; others don’t. Especially we don’t receive any winter aid, but it gets very cold in this house. They don’t tell us on what basis they pay some people, and they don’t pay others.’*²⁷²

Overall, only Syrians and Iraqis complained about fairness in relation to accessing humanitarian aid. None of the three Sudanese refugees we interviewed discussed fairness in relation to this theme, possibly because they never received regular aid from UNHCR.

Distributive fairness in relation to resettlement

Some of our Syrian and Iraqi participants discussed fairness in relation to discrimination in resettlement. For example, one female Syrian respondent who lived in the Beqaa area explained that some families were offered the option of resettlement, although they did not want to be resettled, while others who desperately wanted to be resettled were not being offered the opportunity to be resettled. The reasons for this selection were unclear to this respondent.

‘In terms of UNHCR, I think there is injustice when it comes to resettlement. For example, if they offered a family a resettlement opportunity and the family refused, they will keep calling this family and insisting on them to sit for the interview. This has happened with my friend she refused a resettlement opportunity, because she has a divorced daughter. Her daughter’s ex is refusing to give them permission to resettle his son. Consequently, my friend refused to travel because she cannot leave her daughter; a single mother, alone in Lebanon. On the other hand, there are a lot of families who wish to travel, but UNHCR refuses to provide them with this opportunity.’²⁷³

Iraqis brought up the discriminatory but also arbitrary nature of resettlement, when debating fairness in general. One male Iraqi respondent in Nabatiyeh said, *‘the process was very good for the people who were lucky and got resettled. However, for others who were not supported, the process was not fair.’*²⁷⁴ Another Iraqi man who lived in Baouchriyeh, Beirut added:

‘In general, the process of resettlement is unfair, and we believe that resettlement is mainly a matter of luck. [...] I have been living in Lebanon for five years, X [referring to his friend] has been living here for six years, and we are still waiting for resettlement. Other families were resettled after staying in Lebanon for one year and a half.’²⁷⁵

Deservingness in relation to refugee recognition

Apart from respondents who questioned UNHCR’s distributive fairness, some of those who were subject to RSD questioned the reasoning in RSD decision making. For instance, a Sudanese man we interviewed discussed fairness in the context of who deserves to be recognised as a refugee. In the case of this male applicant, UNHCR had rejected his claim based on the fact that he lived outside of Darfur for around five years with no threat to his life. However, in this applicant’s view, there was no way he could go back to that area and sustain himself:

Interviewee: ‘Do you perceive their [UNCHR’s] decision as being fair?’

Applicant: ‘No, it is unfair. Even if I was able to live safely in X for around five years, this does not give them the right to reject me. I do not have anything back in Sudan and I will not be able to do anything if I go back. My parents live in an agricultural area, but we do

²⁷² Interview with a Syrian refugee, 7 August 2019, Beirut.

²⁷³ Interview with a Syrian refugee, 4 August 2019, Ghazze, Beqaa.

²⁷⁴ Interview with an Iraqi refugee, 10 August 2019, Nabatieh.

²⁷⁵ Interview with an Iraqi registered asylum seeker, 1 September 2019, Baouchriyeh, Beirut.

not own any land there. This means that in case I go back, I have to work as an agricultural worker, and this is extremely challenging.²⁷⁶

Indeed, in this case, since his rejection, he continued living in Lebanon, and with no residency permit his life was at risk.

Finally, an Iraqi man we interviewed, a recognised refugee by UNHCR, questioned the value of refugee status in Lebanon. In this person's opinion, even though he acquired refugee status, the status did not give him any substantial benefits that refugees deserved, and that it was only good for protection from *refoulement*.

'The process with UNHCR was not fair at all. They only gave us this paper (refugee certificate). They don't provide you with anything (support or aid) and they don't even help you settle down or find a job. This paper is good for nothing. I just keep it in my pocket when I go out. It's for protection mainly, so that they don't send me back to Iraq.'²⁷⁷

This complaint revealed a more fundamental question that is related to UNHCR's place in Lebanon and the value of its RSD activities unless the organisation brings long-term benefits to recognised refugees. Concerns about lack of resettlement opportunities, long waiting times and the overall perception of the process as being unfair can also be observed in many frequent protests in front of UNHCR's building in Beirut.

Protests by asylum seekers and refugees

Over the years, UNHCR Lebanon's Beirut office has witnessed numerous protests by Sudanese, Ethiopian, Iraqi and Syrian applicants. Although UNHCR gives information regarding its procedures during registration, interview and counselling at rejection and appeal stages, some applicants whose applications were pending or rejected still seemed to be confused about the recognition process. Over the years, Sudanese applicants who suffered the recognition process have been vocal in their concerns. These include UNHCR's lengthy process of decision-making, lack of understanding about why UNHCR rejects some applicants, concerns regarding the General Security's arbitrary detention, difficulties in accessing education, lack of resettlement spots, and the perceived discrimination from humanitarian organisations vis-à-vis other nationals, such as Syrians. UNHCR, on the other hand, cites the lack of funding for humanitarian assistance as a contributing factor to demonstrations.²⁷⁸

So far, protests have taken place mostly in front of UNHCR Beirut office in the form of sit-ins, or at times even hunger strikes. For instance, after three sit-ins in front of UNHCR office in Beirut in 2011, on 11 June 2012, 21 Sudanese nationals started a hunger strike in front of the UNHCR premises in Beirut. It has been reported that this strike took place simultaneously with a parallel hunger strike by the Sudanese detained in Lebanese prisons.²⁷⁹ The protestors in this case raised nine demands from the UNHCR. These included that UNHCR: 1) speed up the RSD process, 2) start the resettlement process as soon as possible, 3) allow detained asylum seekers to be legally represented during the RSD process carried out in detention, 4) assign a lawyer for all asylum seekers and refugees arrested on the grounds of illegal entry/stay or violation of a deportation order, 5) hold itself accountable for registered applicants and refugees, and finally, 6) assist asylum seekers and refugees in their protection needs in Lebanon.²⁸⁰ It was reported that right after the start of the hunger strike, a police patrol arrived, detained

²⁷⁶ Interview with a Sudanese rejected asylum seeker, 8 August 2019, Mount Lebanon. The place of residence (X) is redacted for confidentiality reasons.

²⁷⁷ Interview with an Iraqi refugee, 10 August 2019, Nabatieh.

²⁷⁸ UNHCR, *Global Report 2011, Lebanon* (2012) <<https://www.unhcr.org/4fc880afe.pdf>>, 192.

²⁷⁹ ARM Lebanon, 'Action Alert: Petition to UNHCR' (*Anti-Racism Movement*, 2012) <<https://www.armlebanon.org/node/763>>. Also see, Nour Samaha, 'Lebanon's forgotten refugees' *Al Jazeera* (31 July) <<https://www.aljazeera.com/indepth/features/2012/07/201272714143849106.html>>

²⁸⁰ ARM Lebanon.

all protestors for six hours in Ramleh El Bayda police station.²⁸¹ This securitised approach is seen in other protests in Beirut. In other cases, it seems that instead of negotiating with refugees, UNHCR seems to have clearly rejected protestors.²⁸²

At the time of fieldwork in 2019, there were also regular sit-ins taking place in front of the UNHCR office in Beirut. These sit-ins increased later in the year with especially Sudanese and Ethiopian refugees camping outside of UNHCR's office in Beirut for more than four months, seeking answers for their asylum applications.²⁸³ It was reported that protestors claimed UNHCR threatened to close their files, and five protestors stated that UNHCR stopped their cash assistance because of their involvement in protests – these allegations were denied by UNHCR.²⁸⁴ In relation to asylum seekers and refugees' demands from UNHCR, Zeina Ammar, Anti-Racism Movement's advocacy and communications manager, states:

'[UNHCR] can and should do a better job at counselling people on their cases through communicating in their native language in an accessible way and ensuring greater transparency in their decision-making processes, including their eligibility criteria.'²⁸⁵

In response to UNHCR's response to protestors – that refugee status is determined on an individual basis and that resettlement is a lengthy process, subject to availability of quotas – Ammar adds:

'UNHCR uses the technicalities of refugee status determination and resettlement processes to discredit the demands of the protestors. In reality, UNHCR has a big role to play in shaping that system through advocacy with the Lebanese government and resettlement countries.'²⁸⁶

Protests by Iraqis included concerns regarding the lack of resettlement spots or lengthy resettlement processes.²⁸⁷ Some Iraqi interviewees also mentioned their fear of UNHCR. Their understanding of the process was that their files could be closed down if they protested about their situation or lack of resettlement options. The following quotes from an interview with an Iraqi refugee summarise these fears.

'Our relationship with UNHCR is tricky. We can't complain a lot or voice our concerns because if we do they might close our files or take away our refugee certificate. Many Iraqi guys who got involved in protests to voice their concerns and talk about their hard living situation in Lebanon got dismissed from UNHCR. One time an Iraqi guy went on live television to ask for donations because his kid needed an operation, he got dismissed by UNHCR and they closed his file. We don't know the actual reason behind this, so we just remain quiet. We prefer not to risk being dismissed or have our files closed or our refugee certificate taken from us.

Three years ago, I went once to UNHCR to renew my refugee certificate and I met a few guys while waiting there. They told me that they were accepted for resettlement by the embassy of Canada and the embassy of the US. However, UNHCR were delaying the process and the finalization of the needed forms so they protested in front of the UNHCR office in Beirut. After that, they were told by UNHCR when they went back for follow up that their files were closed and they are dismissed from UNHCR. Many others who voiced

²⁸¹ Ibid.

²⁸² Janmyr, 'Sudanese Refugees and the "Syrian Refugee Response" in Lebanon: Racialised Hierarchies, Processes of Invisibilisation, and Resistance', 23.

²⁸³ Yazan Al-Saadi, "Where are my rights?" *African refugees vs. UNHCR in Lebanon* (2020) <<https://www.opendemocracy.net/en/north-africa-west-asia/where-are-my-rights-african-refugees-vs-unhcr-in-lebanon/>>.

²⁸⁴ Abby Sewell, "We want help": African asylum seekers denounce UNHCR inaction in Lebanon' *Middle East Eye* (Beirut) <<https://www.middleeasteye.net/news/we-want-help-african-asylum-seekers-denounce-unhcr-inaction-lebanon>>

²⁸⁵ Cited in *ibid.*

²⁸⁶ Ibid.

²⁸⁷ World Watch Monitor, *Iraqi Christian refugees protest against UNHCR resettlement delays* (2017) <<https://www.worldwatchmonitor.org/2017/02/iraqi-christian-refugees-protest-against-unhcr-resettlement-delays/>>.

their concerns and said that UNHCR is not being fair and that there were unexplained preferences in the process of resettlement and aid distribution faced the same fate. They got their names crossed off and their files were dismissed from UNHCR. UNHCR doesn't provide exact reasons why they did this. When they go to renew their certificates or follow up on something, UNHCR says that your file is closed.²⁸⁸

In this interview, it was not clear to us what the interviewee meant by UNHCR's 'closing' of their files. It could be that there was no resettlement spot available at that particular time and their refugee status was still valid, but the interviewee may have perceived this case as their files being closed. Or it could be that their refugee status was indeed cancelled or revoked. In our interview in September 2019, UNHCR officers have refuted these allegations that refugees' files were closed down if they protested and expressed that everyone had the right to protest.²⁸⁹ They also confirmed with us that cancellation or revocation of refugee status has to follow the Procedural Standards and also be referred to the Regional Bureau.²⁹⁰ Although we cannot triangulate this interviewee's account, and whether there was another reason for UNHCR to 'close' this family's file, or reject their application in this particular case, it is clear that the lack of information about the recognition and resettlement processes have led to these interpretations.

Recently, UNHCR has reported that protests have increased in early 2020 with the worsening economic situation in Lebanon. The country representative, Mireille Girard, states:

'We fully understand the fears and frustrations expressed by the persons protesting by our office, many of whom are refugees badly hit by the deteriorating economic situation in Lebanon. Since the start of the protests, our teams have been engaging with the refugees in groups and individually to work together on how best to address the situation. Obviously, refugees have the right to express their grievances peacefully, but we are advising them not to expose themselves outside the boundaries of the law.'²⁹¹

Protests continued throughout 2020 particularly with some Syrian refugees complaining about their lack of access to humanitarian aid. Similar to what we found during our fieldwork, Syrian refugees in these protests complained about unfairness in the distribution of humanitarian aid, and overall quality protection,²⁹² an issue we explore further in the following section.

VIII. Quality of Protection

In this section, we use a simplified set of indicators – protection against *refoulement*, the security of residence freedom of movement, and access to work, education and health – in order to assess the quality of protection in Lebanon. This section briefly lists the rights associated with refugee status in Lebanon and examines the practices. This information is then complemented by asylum seekers' and refugees' lived experiences.

i. Security of Residence

Security of residence is a complicated policy area in Lebanon, leaving many refugees in an irregular situation. UNHCR's practices of recognising refugees do not automatically translate into a residency permit. In theory, the MOU of 2003 signed between the UNHCR and General Security states that asylum seekers would be issued temporary residence permits, valid for three months, during which time

²⁸⁸ Interview with an Iraqi refugee, 10 August 2019, Nabatieh.

²⁸⁹ Interview with UNHCR officials, UNHCR Beirut office, 4 September 2019.

²⁹⁰ Online communication via email with a UNHCR official, UNHCR Beirut office, 11 May 2021.

²⁹¹ UNHCR, *UNHCR concerned at growing anxiety and challenges of refugees in Lebanon* (2020) <<https://www.unhcr.org/lb/12791-unhcr-concerned-at-growing-anxiety-and-challenges-of-refugees-in-lebanon.html>>.

²⁹² Leen Alfaisal, 'UNHCR in Lebanon under fire for not addressing Syrian refugees demands' *Al Arabiya* (10 February 2020) <<https://english.alarabiya.net/en/features/2020/02/10/UNHCR-in-Lebanon-under-fire-for-not-addressing-Syrian-refugees-demands>>

the UNHCR ought to decide on the applicant's case.²⁹³ Upon recognising the refugee status, the applicant's residency permit is extended for 6 to 9 months.²⁹⁴ During this time, UNHCR must find a durable solution for the refugee in concern. However, these provisions are not applied. Asylum seekers and refugees need to apply to the General Security to obtain residency permits for their lawful stay in the country. As it will be shown in this section, practices vary by nationality and Syrian refugees may have greater access to regularise their status. High costs involved in obtaining a residency permit, procedural difficulties, and/or difficulties in finding a suitable sponsor have led many asylum seekers and refugees to live in the country with no valid residency permit. In 2019, it was found that only 22% of Syrian refugees,²⁹⁵ 38% of Iraqi refugees and only 23% of non-Syrian and non-Iraqi refugees²⁹⁶ had valid residency permits in Lebanon.

Among all refugees in Lebanon, Syrians have been subject to different rules in accessing a residency permit. The Bilateral Agreement for Economic and Social Cooperation and Coordination, which was signed between Lebanon and Syria in 1993, provided freedom of movement between the two countries, and 'freedom to stay, work, employ and practice economic activity in conformity with the laws and regulations in force in each country' (Article 1).²⁹⁷ When the conflicts started in Syria, those who entered Lebanon through an official border crossing were granted an entry card, free of charge, valid for six months, which could be renewed for another six months for free.²⁹⁸ After this date, Syrian nationals were required to obtain a residency permit for LBP 300,000 or USD 200 per person per year for every person who is 15 years old and above. Previously at the end of this one year, Syrians had to exit Lebanon in order to return. Considering that it was difficult for Syrians to enter Syria because of ongoing conflicts and risks, the General Security revised its procedures on 3 June 2013, and allowed for the renewal of entry coupons in-country.²⁹⁹

To cross through official borders, Syrian nationals need to show their official identification documents – either their Syrian passport or their national ID document. Palestinian refugees had to have prior authorization from the Department for Immigration and Passports in Damascus in order to leave Syria. Until August 2013, the Syrian authorities issued those Palestinian refugees an 'entry card' including an 'entry stamp' (which acted as a transit visa) valid for one week. The fee for this card was LBP 25,000 or USD 17. At the end of this one week, Palestinian refugees could change the entry card with a residency permit, valid for three months, renewable up to four times free of charge at the General Security in Lebanon. After one year of residency, they also had to pay LBP 300,000 or USD 200 to renew their residency in Lebanon.³⁰⁰ However, according to UNRWA reports, General Security offices throughout the country did not consistently implement this practice. Also, many Palestinian refugees

²⁹³ UNHCR, *UNHCR Country Operations Plan, Lebanon, Planning Year 2004* <<https://www.refworld.org/docid/3fd9c6a14.html>>, 1.

²⁹⁴ *Ibid.*, 1. Other sources state that the MOU provides a 'circulation permit' for refugees, valid for up to a year, but in practice, the General Security has not systematically issued this permit. Frangieh, 'Relations between UNHCR and Arab Governments: Memoranda of Understanding in Lebanon and Jordan'.

²⁹⁵ UNHCR and WFP UNICEF, *Vulnerability Assessment of Syrian Refugees in Lebanon 2019* (2019) <<https://reliefweb.int/sites/reliefweb.int/files/resources/73118.pdf>>, 10.

²⁹⁶ UNHCR, *Vulnerability Assessment of Refugees of Other Nationalities in Lebanon (2019)* (2019) <<https://reliefweb.int/sites/reliefweb.int/files/resources/VARON%202019%20V014%20DIGITAL%20%28002%29.pdf>>, 13.

²⁹⁷ 'Agreement for Economic and Social Cooperation and Coordination between the Lebanese Republic and the Syrian Arab Republic', Available at http://www.syrleb.org/SD08/msf/1507751474_.pdf.

²⁹⁸ Official borders include land borders (AlMasnaa, Alboqayaa, Alqaeh, Alareeda, Alaboudieh, AlNaqoura), water borders (Beirut, Jounieh, Tripoli, Aljeh, Alzahrani, Sidon, Tyre Ports) and aerial borders (Rafic Al Hariri International Airport). NRC, *Norwegian Refugee Council, ICLA Lebanon, The Consequences of Limited Legal Status for Syrian Refugees in Lebanon* (2014) <<https://www.nrc.no/globalassets/pdf/reports/the-consequences-of-limited-legal-status-for-syrian-refugees-in-lebanon.pdf>>, 12.

²⁹⁹ See the circular issued by the General Security Office on 3 June 2013, Available at http://www.generalsecurity.gov.lb/news_det.aspx?d=75, cited in *ibid.*, 12.

³⁰⁰ AI, *Denied Refuge: Palestinians from Syria, Seeking Safety in Lebanon* (2014) <<https://www.amnesty.org/download/Documents/8000/mde180022014en.pdf>>, 10.

did not go to the General Security offices for fear of arrest and deportation, and therefore many lacked residency permits.³⁰¹

Some refugees had to enter Lebanon through unofficial border crossings because of either the chaotic situation of displacement or fear of arrest at Syrian border checkpoints (for reasons related to military conscription or personal characteristics, such as opposition to the Syrian regime, or allegations regarding the person's name, place of origin, and so on).³⁰² Those who entered the country through unofficial border crossings could not obtain an entry card. To regularise their residency in Lebanon, they had to apply for a plea of mercy (*Talab Istirham*) at the General Security. However, this petition has not been administered by law, and the result of the application depends on the General Security officer's discretion. In 2014, to regularise their status, applicants had to pay a fine of LBP 950,000 or USD 633 for every person who is 15 years old and above, if their application was successful.³⁰³

Lebanon's relatively free movement policy towards Syrians changed gradually starting from late 2013. In August 2013, some Palestinian refugees from Syria (PRS) were denied entry to Lebanon.³⁰⁴ The border officials started requiring Palestinian refugees to provide one of the following documents: a valid visa that required an application made by a sponsor (*kafeel*) in Lebanon, a valid visa and ticket to another country, or a scheduled medical or embassy appointment, or a copy of valid residency permit of a family member who lived in Lebanon. This document was in addition to the authorisation Palestinian refugees needed to obtain in Syria.³⁰⁵ Amnesty International reports that these practices were implemented arbitrarily depending on the General Security officer's discretion.³⁰⁶

Moreover, starting from May 2014, more Palestinian refugees from Syria were denied entry to Lebanon.³⁰⁷ On 4 May 2014, around 40 PRS were forcibly returned to Syria.³⁰⁸ On 8 May 2014, the then Interior Minister, Nouhad Machnouk, issued stricter requirements for PRS entering Lebanon. The new rules required PRS to show one of the following documents to enter Lebanon: an entry permit approved by the General Security, a residency of one to three years, an exit and return permit or a transit permit valid for 24 hours for those who wish to travel to a third country via Beirut's airport. However, it was difficult for PRS to obtain these documents, and the procedure to apply for them was not straightforward.³⁰⁹

On 2 June 2014, the then Minister of Social Affairs, Rashid Derbas, stated that the Ministerial Committee made the following decisions to reduce Syrians' displacement to Lebanon. 1) Only those Syrians who were coming from areas where there was fighting near the Lebanese border would be admitted to Lebanon. 2) Those who travel from Lebanon to Syria would cease to be considered to be

³⁰¹ UNRWA, *UNRWA's response and services to Palestine refugees from Syria (PRS) in Lebanon, 01 January – 28 February 2015* (2015) <https://reliefweb.int/sites/reliefweb.int/files/resources/prs_update_issue_42_01_jan_28_feb.pdf>, 1.

³⁰² See the findings of NRC's research NRC <<https://www.nrc.no/globalassets/pdf/reports/the-consequences-of-limited-legal-status-for-syrian-refugees-in-lebanon.pdf>>, 12.

³⁰³ *Ibid*, 7.

³⁰⁴ UNRWA, *UNRWA's response and services to Palestine refugees from Syria (PRS) in Lebanon, 10 February 2014* (2014) <<https://reliefweb.int/sites/reliefweb.int/files/resources/PRUpdate-Issue30-19January-10February2014%5B1%5D.pdf>>, 2.

³⁰⁵ AI <<https://www.amnesty.org/download/Documents/8000/mde180022014en.pdf>>, 11.

³⁰⁶ *Ibid*, 11.

³⁰⁷ UNRWA, *UNRWA's response and services to Palestine refugees from Syria (PRS) in Lebanon, 01 January – 28 February 2015* <https://reliefweb.int/sites/reliefweb.int/files/resources/prs_update_issue_42_01_jan_28_feb.pdf>, 1.

³⁰⁸ HRW, *Lebanon: Palestinians Barred, Sent to Syria; Reverse Blanket Rejection of Refugees* (2014) <[https://www.amnesty.org/download/Documents/8000/mde180022014en.pdf](https://www.hrw.org/news/2014/05/05/lebanon-palestinians-barred-sent-syria#:~:text=(Beirut)%20%E2%80%93%20The%20Lebanese%20government,putting%20them%20at%20grave%20risk.&ext=The%20Lebanese%20government%20should%20urgently,Lebanon%2C%20Human%20Rights%20Watch%20said;> AI <, 13-14.

³⁰⁹ The Daily Star, *Machnouk: New entry rule for Palestinians from Syria* (2014) <<http://www.dailystar.com.lb/News/Lebanon-News/2014/May-09/255811-machnouk-new-entry-rules-for-palestinians-from-syria.ashx#ixzz350oAkLbP>>.

‘displaced’. 3) The Committee would work to secure the necessary conditions in order to establish camps inside Syria or a buffer zone between Lebanon and Syria.³¹⁰

On 23 October 2014, the Lebanese Government laid out a comprehensive policy paper with three main objectives.³¹¹ First, under the heading of ‘Reducing Numbers’, the Cabinet members agreed to limit entry at the borders except for exceptional humanitarian reasons and to request UNHCR to stop registering displaced people except after the approval of the Ministry of Social Affairs. They also agreed to encourage displaced Syrians to return to Syria or other countries and to remove the ‘displaced’ status from anyone who goes to Syria and anyone who violates Lebanese laws and entry conditions. They also agreed on the Lebanese state obtaining all information about the registered displaced people from international organisations to evaluate their conditions with the aim ‘to reduce their numbers in accordance with legal standards and secure the needs of the *deserving displaced*’.³¹² Under the heading of ‘Providing Security’, the Cabinet Members agreed to implement measures to control the security situation, assign municipalities to conduct regular statistical surveys of displaced persons, and provide the municipal police with the necessary means to maintain security. Finally, under the heading of ‘Reducing the Burden’, the members agreed to implement the strict application of Lebanese laws to protect the Lebanese in the area of employment and balance the humanitarian aid between displaced and host communities among others.

The period between August and December 2014 had mixed consequences for Syrian refugees. During this period, the Lebanese Government allowed all Syrian nationals whose residency permit had expired to renew their permit in-country free of charge. It is estimated that around 27,000 Syrians benefited from this scheme.³¹³ However, at the same time, border admissions became increasingly more difficult. On 31 December 2014, the Lebanese government issued new guidelines, which came into effect on 5 January 2015, regarding Syrians’ entry and residency in Lebanon.³¹⁴

The new rules severely limited Syrians’ entry conditions and the period they can stay in Lebanon. According to these rules, Syrians can enter Lebanon only for specific purposes, such as tourism, business, shopping, study, medical treatment, Embassy appointment, or transit to a third country. Or they must be a property owner or a tenant, or they have a ‘pledge of responsibility’ from a Lebanese sponsor (*kafeel*). The last category is for those who have exceptional humanitarian reasons, according to the criteria set out by the Ministry of Social Affairs. The requirements for exceptional cases refer to four categories: unaccompanied/separate children (under 16 years old) whose parents or legal custodians were confirmed to be displaced in Lebanon; persons with disabilities dependent on their families/relatives who are confirmed to be displaced in Lebanon; persons who need lifesaving medical treatment that is not available in Syria; and persons who are resettling to a third country with proof of onward travel.³¹⁵ In practice, this category excludes many Syrians fleeing conflict and persecution in Syria. As for those who do not fall in these categories, they were denied access to Lebanon as of early 2015.

The new rules of 5 January 2015 also limited Syrians’ acquisition and renewal of residency permits in Lebanon and divided them into two categories: those who were registered with UNHCR and those who were not. First, Syrians registered with UNHCR could now renew their residency permit for six months

³¹⁰ Al Monitor, *Lebanon adopts policy to deal with Syrian refugees* (2014) <<https://www.al-monitor.com/pulse/security/2014/06/lebanon-adopts-policy-syria-displaced.html#ixzz6jILUSKFm>>.

³¹¹ Lebanese Council of Ministers, *23 October 2014 Session of the Lebanese Council of Ministers (in Arabic)* (2014) <<http://www.pcm.gov.lb/arabic/subpg.aspx?pageid=6118>>.

³¹² Ibid. Italics added by the author.

³¹³ UNHCR, *Entry, Residency Renewal and Regularization of Syrians in Lebanon, Updated on 10 March 2015* (2015) <https://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/95_finalbriefingkit/95_finalbriefingkit_en.pdf>, 10.

³¹⁴ AI, *Pushed to the Edge: Syrian Refugees Face Increased Restrictions in Lebanon* (2015) <<https://www.refworld.org/pdfid/56405c274.pdf>>, 10.

³¹⁵ UNHCR, *Syrian Refugees in Lebanon, Government Policy and Protection Concerns, March 2015* <https://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/94_restrictedbriefingnote/94_restrictedbriefingnote_en.pdf>.

in Lebanon, if they paid USD 200 per person for every person who is 15 years old and above and present their UNHCR registration certification (which should be valid for at least three months). They must also submit a housing attestation signed by their landlord, or endorsed by their *Mukhtar*, and sign a pledge not to work in Lebanon. In some cases, registered Syrian refugees were also asked to sign a pledge to leave Lebanon at the end of their residency permit or when requested by the Lebanese authorities.³¹⁶ According to media reports, some General Security offices required Syrian nationals to sign various pledges, such as the pledge not to marry a Lebanese³¹⁷, restricting their long-term residency in Lebanon.

Yet international community pressure on Lebanese authorities brought about significant changes for Syrians' access to residency in Lebanon. Following the Donors' Conference for Supporting Syria and the Region in London in February 2016, the General Security made some changes to facilitate Syrians' access to a residency permit. In September 2016, the General Security changed the requirement to bring a housing attestation. Previously the housing attestation needed to be signed by their landlord; after this change Syrians could bring a housing attestation that was issued by UNHCR free of charge.³¹⁸ Moreover, on 10 February and 6 March 2017, the General Security also announced that Syrian refugees registered with UNHCR before 1 January 2015 were no longer required to pay a USD 200 residency renewal fee and overstay fees. Those who entered Lebanon via unofficial border crossings were also now eligible to apply for a residency permit, as long as they were not involved in any form of labour, except for daily jobs and work in construction and agriculture. These registered refugees could now obtain a six-month residency permit free of charge, which could be renewed several times free of charge. However, Syrians who were previously granted residency permits based on sponsorship or other means (such as tourism, tenancy, and so on) and those who were not registered with UNHCR before 2015 could not benefit from this decision.³¹⁹

Syrians who are not registered with UNHCR, but whose details are only recorded with UNHCR, cannot obtain a residency permit from the General Security through UNHCR. The only viable option for them to regularise their status in Lebanon is to have a 'pledge of responsibility' signed by a Lebanese sponsor to renew their residency permit. They also must pay an annual residency fee of USD 200.³²⁰ A sponsor can be a Lebanese national or a registered entity that hires a number of Syrian nationals. The sponsor is required to be present at the General Security when the Syrian national renews his/her residency. Sponsors are responsible for possible misdemeanours by Syrian nationals, as well as their work, housing and other costs.³²¹ Due to difficulties in obtaining residency permits (the lengthy and costly process and the requirement to sign a pledge not to work), sponsorship has become the only viable option for Syrian nationals to live and work in Lebanon.

However, this route is not an ideal or an easy option, as not all refugees can find sponsors, and sponsorship ties the worker into one employer with possible exploitation risks. Moreover, sponsorship has become a business on its own. According to published reports, potential sponsors wait around the border area between Lebanon and Syria and at Beirut airport 'to sell sponsorships' to newly arriving Syrians.³²² Sponsors can also ask for additional payments. According to a Human Rights Watch report,

³¹⁶ Ibid.

³¹⁷ Anan Tello, 'Syrian student forced to promise not to marry a Lebanese woman' *Arab News* (21 February) <<http://www.arabnews.com/node/1250921/offbeat>>

³¹⁸ UNHCR, *Global Compact on Refugees Lebanon's Good Practices, December 2019* (2019) <https://www.unhcr.org/lb/wp-content/uploads/sites/16/2019/12/GCR_Lebanon-Good-Practices_Dec19.pdf>.

³¹⁹ See the details of the new rules and the General Security's exact announcement at UNHCR, *Q&A for Syrian refugees on requirements for residency renewal in Lebanon based on UNHCR Certificate, February 2020* (2020) <https://www.refugees-lebanon.org/uploads/poster/poster_148957049554.pdf>, 1 and 5. Also see, HRW, *Lebanon: New Refugee Policy a Step Forward, Open the Door to Legal Status for All Syrian Refugees* (2017) <<https://www.hrw.org/news/2017/02/14/lebanon-new-refugee-policy-step-forward>>.

³²⁰ UNHCR, *Syrian Refugees in Lebanon, Government Policy and Protection Concerns, March 2015* <https://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/94_restrictedbriefingnote_94_restrictedbriefingnote_en.pdf>.

³²¹ AI, *Pushed to the Edge: Syrian Refugees Face Increased Restrictions in Lebanon* <<https://www.refworld.org/pdfid/56405c274.pdf>>, 14-15.

³²² HRW, *Lebanon: Residency Rules Put Syrians at Risk* (2016) <<https://www.hrw.org/news/2016/01/12/lebanon-residency-rules-put-syrians-risk>>.

potential sponsors can ask for up to USD 1,000 per person to sponsor Syrian nationals. Applicants can become tied to sponsors due to the difficulty of finding a new one, and sponsors can in time increase the price for their sponsorship. Also, it has been reported that some potential sponsors may deceive applicants by taking their money but never initiating their paperwork.³²³ A Syrian refugee we interviewed expressed the injustice of the sponsorship system as the following:

We, as Syrians, wish that the Lebanese government would deal directly with Syrian citizens and issue a visa, not to have a sponsorship system or pledge of responsibility. I wouldn't have a problem – I would pay \$1,000 to the Lebanese government or \$1,500 because I would know that my agreement is with the Lebanese state, not with someone who might blackmail me or scam me or something else.³²⁴

Iraqis and Sudanese (and other nationalities) also depend on sponsorship to obtain a residency permit in Lebanon. Unlike Syrians, the route of regularising their status through UNHCR registration certificates is not available to them. Yet finding a sponsor is not an easy task, and indeed, respondents in the survey for the Vulnerability Assessment of Refugees of Other Nationalities (VARON) Iraqis and Sudanese also depend on sponsorship to obtain a residency permit in Lebanon. The route of regularising their status through UNHCR registration certificates is not available to them. Yet finding a sponsor is not an easy task. Indeed, respondents in the survey for the Vulnerability Assessment of Refugees of Other Nationalities (VARON) stated that their main reason for their lack of valid residency permit in Lebanon was their inability to find a sponsor (61%) and the high costs involved to obtain or renew residency permits (16%).³²⁵

Moreover, Iraqis and Sudanese (and other nationalities) have not received the same attention from UNHCR and the international community to facilitate obtaining security of residence in Lebanon. Despite refugee communities' long lasting pressure over UNHCR, their problems in regularising their status in the country were neglected. For instance, an active Iraqi we spoke with in Beirut complained to us that UNHCR was much more responsive to Syrians' problems in the country. Despite their efforts, they could not succeed in acquiring a residency permit free of charge.

“Syrians are the only one who can renew their residency via UNHCR. This is not an option for Iraqis. I discussed the issue of residency permits and work permits in my last meeting with UNHCR. I told them that the lack of residency and work permits among Iraqis is becoming a huge problem for us. I have been discussing this issue with the UNHCR for years, and I asked them to treat Iraqis similarly to Syrians by renewing our residency permits, but they were not responsive at all.”³²⁶

This example shows that quality of protection in Lebanon is not the same for all nationalities and each group may suffer from different degrees of visibility and invisibility.³²⁷

There are several other ways to regularise one's status in Lebanon, but these are not accessible for most asylum seekers and refugees. For instance, highly skilled professionals and migrant labourers can obtain a residency permit based on their work permit to be employed in the formal sector. Wealthy migrants can also deposit around USD 70,000 in a Lebanese bank account, which is blocked during their stay in Lebanon. Iraqi men can obtain a residency permit in decorum, valid for three years and renewable after

³²³ Note that as of 2020, the General Security no longer admits or extends residency to the female spouse based on sponsorship. Therefore, the female spouse must apply for another category to enter Lebanon and separately apply for residency. See, UNHCR, 'Entry procedures for Syrians in Lebanon, Updated in February 2020' (2020) <https://www.refugees-lebanon.org/uploads/poster/poster_149865898340.pdf>

³²⁴ Quoted in Abby Sewell, 'Syrians' sponsorship is now a business' *The Daily Star* (8 April 2019) <<https://www.dailystar.com.lb/News/Lebanon-News/2019/Apr-08/480636-syrians-sponsorship-is-now-a-business.ashx>>

³²⁵ UNHCR, *Vulnerability Assessment of Refugees of Other Nationalities in Lebanon (2019)* <<https://reliefweb.int/sites/reliefweb.int/files/resources/VARON%202019%20V014%20DIGITAL%20%28002%29.pdf>>, 13.

³²⁶ Interview with an Iraqi refugee, 1 September 2019, Sad Al Bouchrieh, Mount Lebanon.

³²⁷ Also see, Janmyr, 'Sudanese Refugees and the "Syrian Refugee Response" in Lebanon: Racialised Hierarchies, Processes of Invisibilisation, and Resistance'.

that if they marry a Lebanese woman. Clearly, these options are not viable for most asylum seekers and refugees. In practice, most refugees in Lebanon can only regularise their status in two ways. First, if the applicant has a child enrolled at school, the child, other siblings and one parent can obtain a residency permit (by paying LBP 250,000 or USD 167 for children under 18 years old and LBP 300,000 or USD 200 for the parent on an annual basis). Second, if someone is employed in the formal sector and obtains a work permit, he/she can obtain a residency permit for himself and all dependents.³²⁸ Considering that finding a job in the formal sector is very difficult for many refugees in Lebanon, these rules leave many without a valid residency permit.

Due to recent COVID-19 related restrictions, residency renewals were interrupted for all foreigners in the country. On 16 March 2020, the General Security announced that all foreigners whose residency permits expired before 11 March 2020 could renew their permits exceptionally free of charge without having to pay the overdue fees.³²⁹ As of 14 March 2020, some applications, such as renewal of the entry visa, could be done online through the Ministry of State for Administrative Development's website. On 31 March 2020, the General Security announced that applications in local offices were temporarily suspended and that they would be processed at the General Security's Beirut office and through Liban Post centres. However, Syrians who were renewing their residency permit based on their UNHCR registration could not do so through Liban Post,³³⁰ making it difficult for them to renew their permits. In the next sub-section, we will explore one of the main risks of not having a valid residency permit in Lebanon: detention and deportation.

ii. Detention and Protection against *Refoulement*

Although Lebanon is arguably bound by the customary law principle of non-*refoulement*, in practice deportation remains a significant risk for asylum seekers and refugees. In this section, we first provide a historical overview of practices, and then examine how practices may differ according to various factors, such as nationality, gender and race.

Detention and *refoulement* of asylum seekers and refugees were significant problems in the late 1990s and resulted in UNHCR's negotiations and signing of the MOU in 2003 (see Section V). However, detention continued to be a problem even after the signing of the MOU. For example, Iraqi refugees were at constant risk of arrests and detention.³³¹ In 2008, UNHCR managed to negotiate with the General Security to implement an amnesty policy for detainees.³³² This policy was later re-issued every year until 2011.³³³ With the provision of this amnesty, the General Security released the arrested Iraqis from detention, on the basis that they regularised their status. Still, at least until 2010, life in Lebanon for asylum seekers and refugees continued to be 'characterised by constant fear of arrest, prolonged detention and deportation'.³³⁴

In September 2010, the Council of Ministers issued a decree allowing registered refugees with UNHCR to reside in Lebanon for up to a year. This decree stated that recognised refugees were to be provided with an exceptional residence permit for three months, which could be renewed every three months for up to a maximum of one year. The decree also stated that deportation of asylum seekers would be suspended for a maximum of two months after their application and that all rejected asylum seekers would be deported. Finally, the decree reinstated that Lebanon was not 'a country of temporary or

³²⁸ Caritas Lebanon Migrant Center, *Left Behind: A Needs Assessment of Iraqi Refugees Present in Lebanon* (2014) <<https://reliefweb.int/sites/reliefweb.int/files/resources/Left-Behind-inside-book.pdf>>, 26-27.

³²⁹ Note that the validity of the renewed visa would start from the expiry date of the previous one.

³³⁰ Official Decisions to confront COVID-19 https://www.refugees-lebanon.org/uploads/poster/poster_158617279469.pdf, 1.

³³¹ Nizar Saghieh, *Manufacturing Vulnerability in Lebanon: Legal Policies as Efficient Tools of Discrimination* (2015) <<https://english.legal-agenda.com/manufacturing-vulnerability-in-lebanon-legal-policies-as-efficient-tools-of-discrimination/>> Nizar Saghieh, *Ping Pong with the State Security: Towards Ending Arbitrary Detention in Lebanon* (al-Akhbar 2010).

³³² UNHCR, *The Global Report 2008* (2009) <<https://www.unhcr.org/uk/publications/fundraising/4a2d26e02/unhcr-global-report-2008-iraq-situation.html?query=Global%20Reports>>, 149.

³³³ Center <<https://reliefweb.int/sites/reliefweb.int/files/resources/Left-Behind-inside-book.pdf>>, 26.

³³⁴ UNHCR, *The Global Report 2010* <<https://www.unhcr.org/4dfdbf500.html>>, 183.

permanent asylum'.³³⁵ The issuing of the decree is a significant development, as it allows refugees to stay in Lebanon for up to one year. However, refugees who are not resettled by the end of this period (or cannot find any other ways to obtain residency permit) are still subject to arrests, detention and deportation.³³⁶

Most evidently, practices seem to differ by nationality. For example, at least until 2015, the Lebanese authorities were ostensibly respectful towards the non-*refoulement* of Syrians. Although Syrians with no valid residency permit are given deportation orders, the Lebanese authorities have refrained from deporting them in practice.³³⁷ Until 2015, there were only few exceptions to this.^{338,339} Otherwise, often those who were arrested were released after a few days in detention. A problematic practice was that the General Security issued deportation orders against Syrians who allegedly committed a crime, regardless of the evidence against the accused and the possible outcome of a trial.³⁴⁰ In response to critiques, the General Security argued that the practice of issuing deportation slips falls outside of *refoulement*.

'Refoulement would mean handing them [Syrian refugees] over directly to Syrian security services. Asking them to leave means that they would leave through the Lebanese-Syrian border in a normal way.'³⁴¹

This practice of respecting the principle of non-*refoulement* for Syrians has recently changed considerably, since the General Security issued a circular on 13 May 2019. According to the new rules, any Syrian who enters Lebanon irregularly after 24 April 2019 (caught at the border or inside the country) would be deported and handed over to the Syrian authorities.³⁴² This new rule applies to Syrians who entered Lebanon irregularly before 24 April 2019, unless they can demonstrate that they entered the country before that date. To demonstrate that they entered Lebanon before this date, Syrian refugees could show one of the following documents: copies of their exit slip from Syria, UNHCR certificate (for those Syrians who were registered before 2015), UNHCR appointment slip, residency permit (even if it is expired), rental agreement, electricity or hospital bills, or education certificates. According to media reports, based on this policy, the General Security deported some 2,731 Syrians between 21 May and 27 August 2019.³⁴³

These deportations should be understood in the context of Lebanese authorities' broader growing pressure to return Syrians to Syria. Especially since 2018, when Bashar Al Assad regained power, the topic of refugee returns has become hotly debated in Lebanon. While human rights organisations have

³³⁵ Ibid, 184.

³³⁶ HRW, *World Report 2011 - Lebanon* (New York, 2011) <<https://www.refworld.org/docid/4d3e801f27.html>>.

³³⁷ UNHCR, *Syrian Refugees in Lebanon, Government Policy and Protection Concerns, March 2015* <https://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/94_restrictedbriefingnote_94_restrictedbriefingnote_en.pdf>, 6.

³³⁸ One exception to this was in May 2011 when three injured Syrian army soldiers – who allegedly refused to serve in the Syrian military and were shot by the Syrian army – were sent back to Syria. In this case, the Lebanese army claimed that these soldiers sought refuge from Lebanon when they were injured in a battle between the Syrian army and the rebels. See Frangieh, 'Forced Departure: How Lebanon Evades the International Principle of Non-Refoulement'.

³³⁹ Another exception was in August 2012 when 14 Syrians, were deported to Syria. This incident received strong reactions from human rights groups. See HRW, *Letter to Lebanese Officials Regarding Deportation of Syrians* (2012) <<https://www.hrw.org/news/2012/08/04/letter-lebanese-officials-regarding-deportation-syrians>>.

³⁴⁰ Frangieh, 'Forced Departure: How Lebanon Evades the International Principle of Non-Refoulement'.

³⁴¹ Quoted in Ghida Frangieh, *Forced Departure: How Lebanon Evades the International Principle of Non-Refoulement* (2014) <<https://english.legal-agenda.com/forced-departure-how-lebanon-evades-the-international-principle-of-non-refoulement/>>.

³⁴² UNHCR, *Q&A on consequences of irregular (re-)entry to Lebanon based on recent government decisions, July 2019* (2019) <https://www.refugees-lebanon.org/uploads/poster/poster_156284772978.pdf>.

See General Directorate of General Security, *The expulsion from Lebanon* (2020) <<https://www.general-security.gov.lb/en/operations/details/147>>.

³⁴³ The Daily Star, *More than 2,700 Syrians deported from Lebanon under new rule* (2019) <<http://www.dailystar.com.lb/News/Lebanon-News/2019/Aug-27/490475-more-than-2700-syrians-deported-from-lebanon-under-new-rule.ashx>>.

long showed that conditions in Syria were not safe enough for Syrian refugees to return,³⁴⁴ the General Security and some Lebanese political parties started organising returns. For example, in July 2018 Hezbollah established a return programme in contact points across the country where they explain how Syrians could return. In 2018, the Free Patriotic Movement also started informing Syrians about return pathways.³⁴⁵ It was in this context that in May 2019, the General Security issued a circular that Syrians who entered Lebanon irregularly would be deported to Syria.

The second stage of our fieldwork in 2019 occurred right after this circular, and we found its immediate impact on refugee communities not only of Syrian nationality but all nationalities. For instance, we found that the risk of arrests and deportation severely limited refugees' freedom of movement around the country. This was not a concern only for Syrians but also for other nationalities. Restrictive policies against Syrians also seemed to have adverse consequences for refugees of other nationalities. There are numerous checkpoints throughout Lebanon, some of which are located in Beirut's internal roads or across villages on connecting points to larger cities. Refugees are at risk if they cannot show a residency permit when requested. Checkpoints may also cause distress because they arise in unpredictable places for unknown periods. During our fieldwork period, raids in workplaces (to inspect those with no work permits) were also more commonplace than before.

Moreover, we found that security officers' practices are far from unified. For example, an Iraqi refugee explained to us that some Iraqi men were arrested at checkpoints for not having residency permits while others were stopped but not detained. Only one interviewee, however, reported having been beaten by officers. Others were released with no explanation or after officers realised they worked for 'important employers'—in one case, the Bar Elias Municipality—or rented an apartment or land from property owners known to the officers.³⁴⁶ In other cases, some officers chose not to act and showed an understanding of the situation.

Security officers' reactions to official documentation were also reportedly different. For example, a Syrian interviewee stated that a person could still be stopped at a checkpoint even if he had a valid residency permit.³⁴⁷ Iraqi interviewees reported that officers at checkpoints could have a different reaction towards various documents, such as the church registration cards carried by most Christian Iraqis.³⁴⁸ Christian Iraqis we interviewed explained to us that they showed these cards if they were stopped at checkpoints, although they understood that some officers might accept them while others may not.³⁴⁹ Similar practices were reported in the case of UNHCR registration certificates. For example, a Sudanese interviewee told us he was allowed to pass when he showed his registration certificate. In contrast, an Iraqi interviewee said that his UNHCR certificate was of no use at checkpoints.³⁵⁰ All Syrian interviewees told us that the same was the case for them; one commented that if he showed his certificate, the security forces might throw it away.³⁵¹ According to the participants in our research, officers' responses seemed unpredictable. Whether or not they would be arrested depended only on security officers' goodwill.

Because of the possible risks of being detained, a common strategy among refugees was to avoid the roads on which checkpoints were likely to be erected. Those who lived in Lebanon for more than two years were relatively more versed in navigating their mobility in the country. As one Sudanese interviewee stated, *'I'm not concerned about my mobility. I've been living in Lebanon for ten years. I*

³⁴⁴ HRW, *Syrians Deported by Lebanon Arrested at Home: New Policy Forcibly Returns Thousands, No Due Process* (2019) <<https://www.hrw.org/news/2019/09/02/syrians-deported-lebanon-arrested-home>>.

³⁴⁵ Tamirace Fakhoury and Derya Ozkul, 'Syrian refugees' return from Lebanon' 62 *Forced Migration Review* 26.

³⁴⁶ Interview with a Syrian refugee, 14 August 2019, Bar Elias.

³⁴⁷ Interview with a Syrian refugee, 21 August 2019, Beirut.

³⁴⁸ Iraqis who arrived in Lebanon following the fall of Mosul in 2014 were mostly Christians from different sects, such as Chaldean and Assyrian. Upon arrival, they were registered with their churches in Lebanon and were provided with a (church) ID card, which they could also use to access church aid. Note that these ID cards do not carry a legal basis to stay in Lebanon. Interview with a non-governmental organisation, 27 August 2019, Beirut.

³⁴⁹ Interview with an Iraqi refugee, 1 September 2019, Baouchriyeh, Beirut.

³⁵⁰ Interview with an Iraqi refugee, 10 August 2019, Nabatieh.

³⁵¹ Interview with a Syrian refugee, 14 August 2019, Bar Elias.

was only stopped once, but I avoid going to certain areas such as Dahyeh, as there are many checkpoints there.’³⁵² Sudanese participants told us that those living in Beirut often used the highways to travel, as checkpoints were usually put up on internal routes. Others who lacked a social network from which to learn about checkpoints’ locations avoided going outside as much as possible. For instance, a recently arrived Iraqi interviewee explained to us that he was not leaving his neighbourhood out of his fear of arrest: *‘I am not registered with General Security. I don’t have a legal residency paper. I came to Lebanon illegally three times [in 2014 and 2016]. I’ve never been stopped at a checkpoint because I remain in the same area. I never go far from here.’*³⁵³ A Sudanese interviewee, who had only arrived in Lebanon a year ago, also expressed his concern about moving around Lebanon: *‘I am worried about mobility because even if I’m detained only for a month, this will negatively affect my children. That’s why I don’t even go out on my day-off.’*³⁵⁴

Participants from all three nationalities (Syrian, Iraqi, Sudanese) expressed their concern when it came to arrests, detention and deportation; however, it is important to note that race plays a vital role in these inspections. Due to their skin colour, Sudanese are more ‘visible’ to security officers, while Syrians and Iraqis can be ‘taken as Lebanese’. Widespread racist attitudes can also render them more vulnerable to frequent inspections. It is therefore even more important to work for protection needs for Sudanese asylum seekers and refugees, yet UNHCR and resettlement states seldom seem to prioritise their protection needs.³⁵⁵

Finally, gender also plays a vital role in navigating checkpoints in Lebanon. In our fieldwork we found that men were more likely than women to express mobility-related concerns. Nevertheless, albeit to a lesser extent, some women were also concerned about moving around without a residency permit, as they heard stories of women being detained at the General Security (especially after the General Security’s above-mentioned circular of 13 May 2019). As a Syrian woman stated, *‘More recently, I understood they also started stopping women at checkpoints, but I was never stopped because these days I rarely leave the house.’* Such concerns seemed to escalate following news of an increase in mobility restrictions. As another Syrian woman explained, *‘I’m not that affected [by not having a residency permit], as I do not go out of the house. I used to take my kids to Sanayeh Park, but we have not left the house for one and a half months since the recent restrictions [referring to the restrictions of 2019, explained above].’*³⁵⁶ Increasingly restrictive policies towards particularly Syrian refugees seem to have led some to remain indoors to avoid being detained or deported. Nonetheless, men in general continued being more at risk of being inspected.

Recently, due to Covid-related restrictions, on 20 March 2020, the Ministry of Justice issued a memo addressed to the General Prosecutor, stating that arrests should be limited and executed only if they are indispensable and have an impact on the public order, in order to reduce overcrowding in detention.³⁵⁷ Covid-related restrictions have also impacted Syrian refugees’ ability to return to Syria. On 17 March 2020, the General Security announced that all foreigners whose visas or residency permits had expired before 11 March 2020 could exit from Lebanon, without paying the overdue fees and without being subject to any administrative measures.³⁵⁸ However, on 22 March 2020, the Syrian government closed its borders with Lebanon.³⁵⁹ On 29 March 2020, the Syrian Ministry of Interior announced that all Syrian nationals who attempted to cross the border to Syria through unofficial border crossings would be investigated and taken to court.³⁶⁰ Indeed, some of those who tried to cross the border illegally were

³⁵² Interview with a rejected Sudanese asylum seeker, 25 August 2019, Beirut.

³⁵³ Interview with an Iraqi asylum seeker, 10 August 2019, Nabatieh.

³⁵⁴ Interview with a Sudanese asylum seeker, 8 August 2019, Mount Lebanon.

³⁵⁵ Janmyr, ‘Sudanese Refugees and the “Syrian Refugee Response” in Lebanon: Racialised Hierarchies, Processes of Invisibilisation, and Resistance’.

³⁵⁶ Interview with a Syrian refugee, 24 August 2019, Tripoli.

³⁵⁷ Memo No 1123/2. Official Decisions to confront COVID-19, https://www.refugees-lebanon.org/uploads/poster/poster_158617279469.pdf, 2.

³⁵⁸ Official Decisions to confront COVID-19 https://www.refugees-lebanon.org/uploads/poster/poster_158617279469.pdf, 1.

³⁵⁹ Syrian Arab News Agency, ‘Interior Ministry: All crossing points closed for arrivals from Lebanon except cargo trucks’ (22 March 2020) <<https://www.sana.sy/en/?p=188685>>

³⁶⁰ Official Decisions to confront COVID-19 https://www.refugees-lebanon.org/uploads/poster/poster_158617279469.pdf, 1.

reportedly stuck around the border area.³⁶¹ Those who wanted to travel via official crossings needed a negative Covid test and permission from Beirut's Syrian Embassy. Those who applied to the Embassy reportedly had to wait, leaving them in a distressing situation in Lebanon.³⁶² The next sub-sections will explore the quality of protection in the areas of accessing work, education and health.

iii. The Right to Work

Refugees' right to work is a complex policy area in Lebanon. Asylum seekers and refugees do not have the right to work, but few of them who can regularise their legal status through sponsorship can work as 'migrant workers'. All foreign employment in Lebanon is regulated by Decree No 17561 of 18 October 1964 and its amendments, which require all foreigners to obtain a work permit from the Ministry of Labour. According to Article 14 of this Decree (as amended by Decree No 14268 of 4 March 2005), the work permit may be granted or renewed for a maximum period of three years.³⁶³ All foreigners can work in Lebanon as long as they respect the provisions of Decree No 17561 of 18 October 1964 and its amendments. According to the Decision of 41/1, issued by the Ministry of Labour on 31 January 2017, the employer must demonstrate that he/she could not find a Lebanese national suitable for the job after three months of searching and can prove this with a statement issued by the National Employment Office (Article 3).³⁶⁴

Iraqi and Sudanese asylum seekers and refugees often work in the informal sector, and due to lack of social protection, exploitation is common. Wages they receive are lower than Lebanese workers, and in some cases, employers may deny paying them altogether. According to an earlier report by Human Right Watch on Iraqi refugees, some employers were offering regularising workers' legal status in Lebanon in return of a \$1,000 fee.³⁶⁵ Under such conditions, many Iraqis and Sudanese have been working in Lebanon informally unless they can regularise their status through sponsorship. Formal work is available to very few of them.

Syrian nationals were able to work in Lebanon under the Bilateral Agreement for Economic and Social Cooperation of 1993. Decision No 19 of 2 February 2013, issued by the Ministry of Labour, authorised Syrians to work in the sectors of construction and about a dozen semi-skilled jobs.³⁶⁶ Following the increasingly restrictive policies, in December 2014, the Ministry of Labour issued the Resolution No 1/197 and restricted Syrian workers' access to work solely to agriculture, construction and cleaning sectors. Decision No 1/218, issued by the Ministry of Labour on 19 December 2015, changed the list of sectors to agriculture, construction and environment (instead of cleaning).³⁶⁷ To obtain work permits in these sectors, Syrians can pay a reduced fee, compared with other nationalities; however, they are still bound by the requirement to have a valid residency permit. Nonetheless, these sectors are often characterised by a high level of informality, and Syrian workers have traditionally worked informally in these sectors with no social protection.³⁶⁸

³⁶¹ Abby Sewell, 'Caught in between: Syrians seeking to return from Lebanon stuck in buffer zone' *Al Arabiya* (29 May 2020) <<https://english.alarabiya.net/en/features/2020/05/29/Caught-in-between-Syrians-seeking-to-return-from-Lebanon-stuck-in-buffer-zone>>

³⁶² Ibid.

³⁶³ Decree No 17561 of 18 October 1964, <https://www.ilo.org/dyn/natlex/docs/SERIAL/39241/97116/F1805533883/LBN-39241.pdf>.

³⁶⁴ Decision of 41/1, issued by the Ministry of Labour on 31 January 2017, <https://reliefweb.int/sites/reliefweb.int/files/resources/SoStQ%26AonRecentLabourProtests-final.pdf>, 9.

³⁶⁵ HRW, *Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon* (2007) <<https://www.hrw.org/report/2007/12/03/rot-here-or-die-there/bleak-choices-iraqi-refugees-lebanon#>>.

³⁶⁶ ICG, *Easing Syrian Refugees' Plight in Lebanon, Middle East Report N°211* (2020) <<https://www.justice.gov/eoir/page/file/1248836/download>>, 10.

³⁶⁷ ILO, *Towards the right to work: A guidebook for designing innovative Public Employment Programmes, Background & Experiences from the Syrian Refugee Crisis in Lebanon* (2017) <https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_559668.pdf>, 17-18.

³⁶⁸ Inter-Agency Coordination Lebanon, *Questions & Answers for LCRP Partners: Recent Demonstrations and Municipal Restrictions against Syrian Refugees Labour Competition and Businesses* (2017) <<https://reliefweb.int/sites/reliefweb.int/files/resources/SoStQ%26AonRecentLabourProtests-final.pdf>>, 2.

Since the restrictions in 2015, a significant change that impacted Syrian refugees' right to work in Lebanon was the requirement to sign a pledge not to work in Lebanon in General Security offices. On 23 February 2015, the General Security announced that Syrians wishing to renew their residency permit based on their UNHCR registration certificate had to sign a notarised pledge not to work in Lebanon.³⁶⁹ This practice has not been consistent throughout the country with some General Security offices interpreting the requirement differently and using different templates. Some General Security offices required refugees to sign pledges stating that they did not work in Lebanon in the past. Others demanded them to write the source of their income; other offices asked registered refugees to have a Lebanese sponsor, even if they signed the pledge not to work.³⁷⁰

At the Donors' Conference of February 2016, Lebanon stated that it would revise some of its regulations, including a periodical waiver of residency fees and the requirement for the pledge not to work.³⁷¹ Indeed, after this conference, in June 2016, Lebanon replaced its requirement to pledge not to work in Lebanon with a pledge to abide by Lebanese laws. This new pledge could be signed free of charge at General Security offices during the residency renewal.³⁷² However, human rights organisations have since found that some General Security offices continued requiring the notarised pledge not to work document even after this change.³⁷³ The most critical impact of the 'pledge not to work' was to push some Syrian refugees to find sponsors (*kafeel*) to obtain or renew their residency permit. As explained above, this has not been an ideal route to obtain a residency permit.

Despite this improvement, which acknowledged the fact that Syrian refugees needed to work in Lebanon, later restrictions were brought to target those who did not have valid work permits. On 3 June 2019, Camille Abu Suleiman, the Minister of Labour, launched an action plan to combat migrant workers who did not have work permits in Lebanon. According to his statement, only 1,733 Syrian nationals had a valid work permit, which was in his words 'a drop in the ocean'.³⁷⁴ Abu Suleiman stated that beginning from 10 June 2019, employers should have to comply with the labour law provisions and that this policy is not a racist one but supporting migrant workers' rights in Lebanon.³⁷⁵ Following this plan, throughout the summer of 2019, inspectors from the Ministry of Labour conducted raids on factories, workshops and shops that likely employed migrant workers.³⁷⁶

During our fieldwork, some refugees informed us that the requirement to have a work permit and the newly increasing raids had adversely impacted them. Adverse impacts were not only for Syrian refugees but also all other asylum seekers and refugees. For example, a Sudanese participant told us many of his friends who worked at factories were dismissed following the raids during summer 2019.³⁷⁷ An Iraqi refugee mother told us that her daughter was working at a shop in Beirut. Following the raids, her employer demanded that she obtain a work permit to keep her as an employee. While she was trying to

³⁶⁹ Lorenza Errighi and Jörn Griesse, *The Syrian Refugee Crisis: Labour Market Implications in Jordan and Lebanon, Discussion Paper 029, May 2016* (2016) <https://ec.europa.eu/info/sites/info/files/dp029_en.pdf>, 11.

³⁷⁰ UNHCR, *Syrian Refugees in Lebanon, Government Policy and Protection Concerns, March 2015* <https://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/94_restrictedbriefingnote_/94_restrictedbriefingnote_en.pdf>, 12.

³⁷¹ Final: Supporting Syria & The Region, London 2016, 4 February London Conference, Lebanon Statement of Intent Presented by the Republic of Lebanon, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/498026/Supporting_Syria_the_Region_London_2016_-_Lebanon_Statement.pdf, 2.

³⁷² UNHCR, *Global Compact on Refugees Lebanon's Good Practices, December 2019* <https://www.unhcr.org/lb/wp-content/uploads/sites/16/2019/12/GCR_Lebanon-Good-Practices_Dec19.pdf>.

³⁷³ HRW, *Lebanon: New Refugee Policy a Step Forward, Open the Door to Legal Status for All Syrian Refugees* <<https://www.hrw.org/news/2017/02/14/lebanon-new-refugee-policy-step-forward>>. Anchal Vohra, 'Syrian refugees panic as threat of deportation rises in Lebanon' *Al Jazeera* (Beirut, 25 July 2019) <<https://www.aljazeera.com/features/2019/7/25/syrian-refugees-panic-as-threat-of-deportation-rises-in-lebanon>> .

³⁷⁴ Sertan Sanderson, *Lebanese authorities launch campaign to stamp out illegal work by Syrian refugees, 2 August 2019* (2019) <<https://www.infomigrants.net/en/post/18573/lebanese-authorities-launch-campaign-to-stamp-out-illegal-work-by-syrian-refugees>>

³⁷⁵ Ibid.

³⁷⁶ Sanderson <<https://www.infomigrants.net/en/post/18573/lebanese-authorities-launch-campaign-to-stamp-out-illegal-work-by-syrian-refugees>>.

³⁷⁷ Interview with a Sudanese rejected asylum seeker, 8 August 2019, Mount Lebanon.

understand how to regularise her status and obtain a residency permit (a condition to obtain a work permit) at the General Security, officers issued her a deportation order.³⁷⁸ A Palestinian refugee from Syria explained to us that her husband used to work for a painting company outside of the Bourj al Brajneh camp and that due to growing raids in Beirut his employer decided to fire him. This situation seems to have worsened his work conditions even more:

[Now] this means that the only opportunity for him is to work for a contractor [who hires several painters for painting a specific building/house], which means that he will be at high risk of exploitation. My husband has previously worked with many contractors, and they refused to pay him back.³⁷⁹

In addition to increasing surveillance in workplaces, the requirement to obtain work permits may have decreased asylum seekers and refugees' salaries. For instance, in our fieldwork, two Syrian women explained to us that since the raids of 2019, their husbands' employers deducted USD 300 from their salary in order to arrange their work permit. Previously, they were paid only USD 600 a month, so this reduction has severely impacted them; however, this still seemed to be the only option for them to continue working. Eventually, due to the change in their salary, and their decreased income, they had to rent one of their rooms to another relative.³⁸⁰ These examples show that at least in the short term the requirement to have a work permit may work against refugees either through losing their jobs or having to accept lower salaries.

Overall, the difficulties in obtaining a work permit in Lebanon (and the difficulties in obtaining a residency permit) continue to leave many asylum seekers and refugees forced to work informally in exploitative working conditions. Those who may have regularised their residency permit can apply for a work permit through their employer yet the fees for work permits are also very high. Moreover, the higher the skill group, the more expensive work permit fees become. Therefore, even those who work in skilled jobs, such as project management, may obtain work permits for lower skilled jobs. What is important is that these arrangements allow asylum seekers and refugees to work in Lebanon not as asylum seekers/refugees but as migrant workers. Even so, the vast majority of asylum seekers and refugees are obliged to continue working informally because they cannot have valid residency permits.

iv. The Right to Education

All non-Lebanese children have the right to education in Lebanon, and enrolment at public schools is free for all non-Lebanese children.³⁸¹ Although the Ministry of Education and Higher Education (MEHE) does not specifically list asylum seekers and refugees, because this group is also among the non-Lebanese, asylum seekers and refugees from all nationalities have the right to education. Enrolment at schools does not require one to have a valid residency permit. Asylum seekers and refugees can enrol in Basic Education (Prep-Year 9) and at secondary schools (i.e., Year 10-12) with an ID document, for which they can show their UNHCR registration certificate.³⁸² Nonetheless, they face various challenges in accessing schools. In this section, we outline the attempts to provide schooling for all migrants and the challenges that children are facing.

To meet the increasing need for school places after the arrival of large numbers of Syrian refugees, in May 2014, the Ministry of Education and Higher Education (MEHE) launched the three-year Reaching

³⁷⁸ Interview with an Iraqi refugee, 1 September 2019, Baouchriyeh, Beirut.

³⁷⁹ Interview with a Palestinian refugee from Syria, 2 September 2019, Bourj al Brajneh.

³⁸⁰ Interview with two Syrian refugees, 7 August 2019, Hamra, Beirut.

³⁸¹ UNHCR UNICEF UNESCO, *Q&A for the 2020-2021 School Year* (2020) <http://refugees-lebanon.org/uploads/poster/poster_160743034663.pdf>.

³⁸² Parents or guardians must bring the following documents to enrol children at a Lebanese public school providing basic education (i.e. until Year 9): an ID document (for this they can show the UNHCR certificate), a photo, vaccination card and the health certificate, certificate or transcript for the past two years (if not available, students take a mandatory placement test, provided by the school), and only if available birth registration certificates for children between 5 and 10 years old.

All Children with Education (RACE I) strategy.³⁸³ The RACE strategy is largely funded by the international community and targets increasing schooling among non-Lebanese students.^{384,385} In January 2015, the MEHE started a second shift in selected public schools (also referred to as afternoon schools).³⁸⁶ The first shift schools educate children of all nationalities with a priority for Lebanese students, while the second shift schools educate non-Lebanese students. Those who cannot enrol their children at a nearby school (or in the first shift) due to availability can demand to be on the waiting list; however, the priority for the first shift is Lebanese students and then non-Lebanese. Students who enrol in school for the first time must complete and pass the Accelerated Learning Programme (ALP) and then be placed in a grade according to their assessment results.³⁸⁷ Those who graduate from the second shift schools receive the same curriculum and the same official certification from the MEHE.³⁸⁸

Despite these attempts, asylum seeker and refugee children face various obstacles to access education. In 2019, it was found that almost half of compulsory school aged Syrian children (between 6 and 14-year-old) were out of school and 36% of them were out of any type of learning, such as informal education centres.³⁸⁹ According to VASyR of 2019, among Syrians who were interviewed, 69% of compulsory school aged refugee children were enrolled in school.³⁹⁰ Enrolment rates differed by region with children in Bekaa (55%) and Baalbek (57%) having the lowest rates.³⁹¹ VASyR finds that the main problems in accessing schools are costs of transportation to school, costs of education materials, attending informal education centres, rejection by school administration, not being in the right age group for school, and not attending due to work. Human rights organisations' reports also suggest that other common problems include school officials refusing enrolments or arbitrarily asking for various documents and payment (none of which are required by the MEHE).³⁹² According to VARON of 2019, 60% of non-Syrian compulsory school aged refugee children (between 6 and 14 years old) were enrolled in school.³⁹³ Similarly, constraints for non-Syrians included costs of education materials (33%), transportation costs (28%), not being in the right age group for school (16%) and due to work (10%).

³⁸³ UNHCR, 2014, Reporting, Needs and Response, Results, <https://reporting.unhcr.org/node/2520?y=2014#year>. RACE I Strategy covered the three years between 2014 and 2016 and was followed by RACE II (2017-2021).

³⁸⁴ Buckner, Spencer and Cha, 453. Human rights organisations report that the exact allocation of international funding is not clear. See, HRW, *Following the Money: Lack of Transparency in Donor Funding for Syrian Refugee Education* (2017) <<https://www.hrw.org/report/2017/09/14/following-money/lack-transparency-donor-funding-syrian-refugee-education>>.

³⁸⁵ For Basic Education (until Year 9), UNICEF pays most fees. Transport remains the parents' responsibility. Those who go to the second shift schools may be eligible for transportation costs (through UNICEF's Reaching School Program). For Secondary Schools (Year 10-12), UNESCO covers the registration fees, and parents are responsible for paying for textbooks, transport, uniform and other fees. See, UNHCR UNICEF UNESCO <http://refugees-lebanon.org/uploads/poster/poster_160743034663.pdf>.

³⁸⁶ UNHCR, *UNHCR Lebanon Education Update, December 2014* (2014) <<https://reliefweb.int/sites/reliefweb.int/files/resources/CombinedmonthlyupdatesonUNHCRimplementationDecember2014.pdf>>, 15. See the list of public schools authorized to teach non-Lebanese students in second shifts for the academic year 2018/2019, https://www.refugees-lebanon.org/uploads/poster/poster_153907829322.pdf. The Ministry of Education and Higher Education reviews and extends the decision to provide second shift schools on an annual basis. See the latest Decision No 223 regarding the extension of registration work in public schools and high schools approved for teaching non-Lebanese afternoon shift, issued in November 2020, <https://www.mehe.gov.lb/ar/LegislationsRegulations/All/Details?LegislationRegulationId=1072>.

³⁸⁷ UNHCR UNICEF UNESCO <http://refugees-lebanon.org/uploads/poster/poster_160743034663.pdf>.

³⁸⁸ Ibid.

³⁸⁹ LCRP, *Education Sector, End of Year 2019 Dashboard* (2019) <<https://reliefweb.int/sites/reliefweb.int/files/resources/Lebanon%20-%20Education%20-%20End%20of%20Year%202019%20Dashboard.pdf>>, 3.

³⁹⁰ UNICEF <<https://reliefweb.int/sites/reliefweb.int/files/resources/73118.pdf>>, 65.

³⁹¹ Ibid.

³⁹² HRW, *Lebanon: Stalled Effort to Get Syrian Children in School. Donors, Education Ministry Should Fulfill Promises* (2018) <<https://www.hrw.org/news/2018/12/13/lebanon-stalled-effort-get-syrian-children-school>>; HRW, *“Growing Up Without an Education”: Barriers to Education for Syrian Refugee Children in Lebanon* (2016) <https://www.hrw.org/sites/default/files/report_pdf/lebanon0716web_1.pdf>.

³⁹³ UNHCR, *Vulnerability Assessment of Refugees of Other Nationalities in Lebanon* (2019) <<https://reliefweb.int/sites/reliefweb.int/files/resources/VARON%202019%20V014%20DIGITAL%20%28002%29.pdf>>, 23.

In our fieldwork, we found similar reasons for those who could not access education. Some Syrian families in the Bekaa region also indicated that lack of availability in schools was a widespread problem. Those families who could not enrol their children at state schools had enrolled them either in informal education centres or in private schools where they did not have to pay a large amount of money, or kept them at home until they could find a place in a public school. Informal education centres are run either by NGOs, civil society organisations or individuals who volunteer (or ask for a small amount of money) in informal tented settlements or private apartments. Such centres are widespread in Lebanon but do not provide children with official certification. That means that without official certification, they cannot proceed to higher education. Another challenge that was reported to us was the cost of transportation; and therefore, most families we spoke to preferred enrolling their children in nearby schools. Another challenge that was reported by a Syrian family was the experience of racism and bullying in schools. In this one case, experience of racism was so unbearable for the child that this family eventually had to look for another school. Finally, another challenge was the early drop out from schools due to the struggle to earn a living. In the words of an Iraqi refugee, child labour was inevitable for many refugees.

We could not survive here in Lebanon, if we did not send our children to work. I am aware that this is a social problem called child labour, but what could we do? Education is something sacred for Iraqis, but how can we survive here in Lebanon if we send our children to school?³⁹⁴

In our fieldwork, we did not find any refugee families who were not able to register their children at schools due to their lack of residency permit. Only one Syrian family told us that their school insisted on them having a valid residency permit and accepted them only after long negotiations. However, other reports show that school officials arbitrarily asked many families to have a valid residency permit and used it as a reason not to enrol their children.³⁹⁵

Some families who could enrol their children in second shift schools raised concerns about the quality of education in these schools. One major complaint was that teachers did not give enough attention to students and did not follow up with them satisfactorily. Due to the perceived quality of education and the difficulties of going to school in the afternoon (especially in winter months when it is dark), many families tried to enrol their children in morning shift schools. For example, one family we interviewed had moved their neighbourhood in order for their children to be able to go to morning shift in an available school. Others were not able to do so and continued in second shift schools.

Because our sample was too small to understand differences across refugees, we could not capture possibly varying challenges across Syrian, Iraqi and Sudanese children in accessing education. Neither NGO reports, nor VASyR or VARON compares these differences in detail. For example, it may be that experiences of racism may possibly impact enrolment and satisfaction with education in Lebanese schools in varying degrees. This topic would benefit from further research.

v. The Right to Healthcare

Asylum seekers and refugees do not have the right to healthcare in Lebanon, but UNHCR provides some limited support with preferential treatment for Syrian refugees. Lebanon has a largely privatised and fragmented health care system, and this situation leaves UNHCR under greater pressure in Lebanon, compared with countries like Jordan or Iraq.³⁹⁶ To access private hospitals, patients must have private

³⁹⁴ Interview with an Iraqi refugee, 1 September 2019, Baouchriyeh, Beirut.

³⁹⁵ HRW, *Lebanon: Stalled Effort to Get Syrian Children in School. Donors, Education Ministry Should Fulfill Promises* <<https://www.hrw.org/news/2018/12/13/lebanon-stalled-effort-get-syrian-children-school>>.

³⁹⁶ UNHCR, *UNHCR report shows health services for Syrian refugees increasingly overstretched* (2013) <<https://www.unhcr.org/news/briefing/2013/4/517a58af9/unhcr-report-shows-health-services-syrian-refugees-increasingly-overstretched.html?query=iraqi%20refugees>>. The arrival of Syrian refugees and the increasingly fragmented health care system in Lebanon have led some to suggest the adoption of universal health coverage in Lebanon. See, Karl Blanchet, Fouad

health insurance or pay in cash, leaving many refugees and poor Lebanese with limited access to healthcare. Therefore, for refugees, UNHCR's and international and local NGOs' provision of subsidised healthcare is vital.

All asylum seekers and refugees (both registered and 'recorded' Syrians, and non-Syrians) can go to selected primary health care centres and dispensaries supported by UNHCR and its partner organisations,³⁹⁷ but they must pay for at least some of the costs. Asylum seekers and refugees can receive primary medical consultation, prescription, laboratory tests if needed, immunisation, antenatal care and family planning services, and psychological support services.³⁹⁸ However, to seek a consultation, refugees must pay some of the fees involved, and UNHCR helps cover the remaining fees. All asylum seekers and refugees can go to selected hospitals but must pay for at least some of the costs.³⁹⁹ UNHCR supports on average 67% of the expenses for life-saving emergencies, emergencies that may lead to permanent disability, giving birth and care for newborn babies.⁴⁰⁰ The costs that refugees must pay change periodically in line with UNHCR's decisions and available funds. The remaining fees can still be too high for many refugees.

Existing research shows that Syrian refugees find it difficult to access healthcare, mainly due to expensive treatment costs that they are required to pay.⁴⁰¹ They are also reported to face travel costs and checkpoints around the country (for those who do not have valid residency permit).⁴⁰² Some Syrians reportedly had to go to Syria to undergo health treatment due to high costs in Lebanon.⁴⁰³ In our fieldwork, some of our participants also told us that some hospitals supported by UNHCR refused to admit refugee patients. Also, a Syrian refugee pointed out that there was a high degree of clientelism in hospitals. Overall, the most common complaint was the high costs of treatments and UNHCR's lack of support for chronic diseases. However, UNHCR's provision of limited support for emergencies was still vital for refugees. In some cases, support in healthcare even led Syrian refugees to register with UNHCR. As one of our Syrian participants recounted,

We applied to UNHCR in 2013 several months after our arrival. One of our kids [their son] has asthma, so that's why we decided to register with UNHCR, and we thought we could go to the hospital for him. Otherwise, we didn't want to register because we thought we wouldn't need the aid.⁴⁰⁴

According to the VASyR of 2019, obstacles for Syrian refugees' access to healthcare were related mainly to high costs of doctor visits (75%), high costs of drugs, tests and treatment (57%), and transportation costs (28%).⁴⁰⁵ Non-Syrians also reported difficulties accessing healthcare. VARON of 2019 found that problems for non-Syrian refugees⁴⁰⁶ included high costs of doctor visits (84%), high costs of drugs, tests or treatment (60%), transportation costs (21%), rejection by health care centres

M. Fouad and Tejendra Pherali, 'Syrian refugees in Lebanon: the search for universal health coverage' (2016) 10 *Conflict and Health* 12.

³⁹⁷ See the latest list of hospitals and primary health care centres supported by UNHCR and its partner organisations. UNHCR, *Health* (2021) <<https://www.refugees-lebanon.org/en/section/4/health>>.

³⁹⁸ UNHCR, *Health Services for Refugees and Asylum Seekers in Lebanon 2019* (2019) <https://www.refugees-lebanon.org/uploads/poster/poster_152837840982.pdf>.

³⁹⁹ See the latest list of hospitals all asylum seekers and refugees can receive subsidised treatment, UNHCR, January 2021, https://www.refugees-lebanon.org/uploads/poster/poster_ar_161044392749.pdf.

⁴⁰⁰ UNHCR, *Lebanon Fact Sheet, October 2019* (2019) <<https://www.unhcr.org/lb/wp-content/uploads/sites/16/2019/11/UNHCR-Lebanon-Operational-Fact-sheet-October-2019.pdf>>, 5.

⁴⁰¹ Lyles and others; Anne Gulland, 'Syrian refugees in Lebanon find it hard to access healthcare, says charity' (2013) 346 *British Medical Journal* f869.

⁴⁰² IRC Lebanon and NRC Lebanon, *Legal Status of Refugees from Syria: Challenges and Consequences of Maintaining Legal Stay in Beirut and Mount Lebanon* (2015) <http://www.nrc.no/arch/_img/9202281.pdf>, 26.

⁴⁰³ Anchal Vohra, *Lebanon Is Sick and Tired of Syrian Refugees* (2019) <<https://foreignpolicy.com/2019/07/31/lebanon-is-sick-and-tired-of-syrian-refugees/>>.

⁴⁰⁴ Interview with a Syrian refugee family, 1 August 2019, Hamra, Beirut.

⁴⁰⁵ UNICEF <<https://reliefweb.int/sites/reliefweb.int/files/resources/73118.pdf>>, 75.

⁴⁰⁶ In VARON, non-Syrians include Iraqis, Sudanese, Ethiopians, Egyptians, Eritreans among others.

(20%), and inadequate welcoming and/or treatment by health centre staff (15%).⁴⁰⁷ This shows that Syrians and non-Syrians experienced similar obstacles in accessing healthcare. However, non-Syrians reported additionally ‘inadequate welcoming by staff’. It is not clear what UNHCR interprets here as inadequate welcoming, but these can potentially include neglecting or racist behaviours. Moreover, it is important to note non-Syrians are at an even more disadvantageous position, compared with Syrian refugees, because some programs specifically target only Syrians.⁴⁰⁸

Since the Covid-19 outbreak in Lebanon, refugees are reported to be at even greater risk of lacking access to healthcare. In April 2020, UNHCR announced that it would cover the expenses for refugees who need Covid-19 treatment; however, it stated that patients first needed to be tested through the Ministry of Health’s hotline.⁴⁰⁹ The Covid-19 outbreak also seems to have exacerbated curfews and restrictions on mobility. Some municipalities have implemented discriminatory curfews targeting Syrian refugees alone, restricting their movement to only a few hours a day.⁴¹⁰ Other municipalities have reportedly forbidden Syrian refugees to leave their informal tented settlements and humanitarian aid workers to meet them.⁴¹¹ Several reports show that refugees do not seek healthcare due to fears of being arrested and deported, or being discriminated against in the community.⁴¹²

A recent positive development has been the launch of an inclusive Covid-19 vaccination programme in February 2021, which covers everyone regardless of nationality and availability of residency permit.⁴¹³ However, recent reports show that distribution of vaccines has been tainted by clientelism and that refugees continue facing difficulties in accessing it. Problems cited by refugees include the following: not knowing whether they were eligible to be vaccinated for free, not being able to afford the transportation costs, or fearing that the Lebanese authorities could arrest, detain or deport them for lacking a valid residency permit.⁴¹⁴

As this section shows, registration with UNHCR or being recognised as a refugee by UNHCR does not bring an automatic protection in Lebanon in accessing work, education and healthcare. Asylum seekers and refugees can have access to some limited humanitarian aid (such as cash-based assistance and medical aid), education and resettlement, but these are all limited. Benefits may differ by nationality, and may not always be available. Most crucially, registration with UNHCR or being recognised as a refugee does not bring an automatic right to stay in the country. Lack of a valid residency permit in Lebanon keeps an asylum seeker or a recognised refugee always at risk of being arrested and/or detained.

IX. Conclusion

This working paper has explored the various components of the refugee recognition regime in Lebanon, including the norms that shape the asylum system, institutions that are involved in refugee recognition and refugee protection (with an emphasis on the role of the UNHCR), and modes of recognition,

⁴⁰⁷ UNHCR, *Vulnerability Assessment of Refugees of Other Nationalities in Lebanon* (2019) <<https://reliefweb.int/sites/reliefweb.int/files/resources/VARON%202019%20V014%20DIGITAL%20%28002%29.pdf>>, 27.

⁴⁰⁸ For instance, in 2018 and 2019 UNHCR implemented a programme only for Syrian refugees. See more details in UNHCR’s reporting of health programs. UNHCR, *2018 (Year-End) Lebanon Syrian refugees and asylum-seekers: Health* (2019) <<https://reporting.unhcr.org/node/19789>>.

⁴⁰⁹ Minority Rights Group International, *Lebanon: For Syrian refugees, discrimination is the greatest barrier to accessing Covid-19 testing* (2020) <<https://minorityrights.org/trends2020/lebanon/>>.

⁴¹⁰ HRW, *Lebanon: Refugees at Risk in COVID-19 Response* <<https://www.hrw.org/news/2020/04/02/lebanon-refugees-risk-covid-19-response>>.

⁴¹¹ Kareem Chehayeb and Abby Sewell, *How COVID-19 is limiting healthcare access for refugees in Lebanon* (2020) <<https://www.thenewhumanitarian.org/feature/2020/04/21/Lebanon-coronavirus-refugee-healthcare>>.

⁴¹² HRW, *Lebanon: Refugees at Risk in COVID-19 Response* <<https://www.hrw.org/news/2020/04/02/lebanon-refugees-risk-covid-19-response>>; HRW, *Lebanon’s Refugee Restrictions Could Harm Everyone’s Health: Fears Hamper Self-Reporting for Coronavirus* (2020) <<https://www.hrw.org/news/2020/04/22/lebanons-refugee-restrictions-could-harm-everyones-health>>

⁴¹³ The World Bank, *Vaccinating Refugees: Lessons from the Inclusive Lebanon Vaccine Roll-Out Experience* (2021).

⁴¹⁴ HRW, *Lebanon: Refugees, Migrants Left Behind in Vaccine Rollout* (2021).

followed by an assessment of the quality of the recognition and protection processes. The study has explored the practices mainly for the top three cohorts in Lebanon, that is Syrians, Iraqis and Sudanese.

The findings indicate that asylum seekers and refugees' access to status and protection in Lebanon depend on various factors. First, because of the Lebanese state's reluctance to accept that it is a country of asylum, a complex interplay emerges between UNHCR and the Lebanese state. UNHCR continues operating in the country based on the government's goodwill and discretionary permission. UNHCR's precarious situation in the country came to the fore after the arrival of Syrian refugees, and particularly since 2018 when the Lebanese government advocated for their return. When UNHCR advocated for returns to start only when conditions were safe enough, they were met with stark criticism from the government. This complex interplay between the state (and various political parties' different stances) and UNHCR continue to leave refugees' future in the country in a precarious position.

Second, in this environment UNHCR's practices in recognising and resettling refugees become vital for asylum seekers and refugees. The ways in which UNHCR recognises an applicant may have a direct consequence on the applicant's chance to be protected and be resettled to a third country. UNHCR's possibly wrongful rejection of an applicant may have disastrous consequences, and therefore, UNHCR's decision making around refugee status would benefit from the establishment of an independent appeal mechanism and/or independent auditing. Third, the report highlights the importance of understanding how asylum seekers and refugees experience and perceive the recognition process. Our findings from the fieldwork research show that despite reported good practices by UNHCR, the recognition process remains largely opaque for applicants, as access to information about the assessment for recognition, resettlement or distribution of humanitarian aid remains limited. This perceived lack of information seems to feed into applicants' frustration and anger within the asylum system.

Fourth, in a country like Lebanon, which is not a party to the Refugee Convention, refugee recognition provides only limited protection. Registration with UNHCR and being recognised as a refugee bring protection against *refoulement* (though this is not always guaranteed) and some protection in accessing livelihoods, education and healthcare. Due to difficulties in accessing residency permits, most asylum seekers and refugees in the country are found to stay in Lebanon with no valid residency permits. Lack of valid residency permits can bring risks of being arrested, detained, or at times even being deported from the country. Fifth, practices for asylum seekers and refugees vary around the country. Most evidently, practices vary by nationality. For instance, some Syrian refugees benefit from accessing security of residence free of charge. Those who were registered with UNHCR before 2015 may access residency permits free of charge. However, other Syrians, and asylum seekers and refugees from other nationalities have to pay to obtain residency permits. Additionally, there is some evidence that gender plays an important role too for applicants to access protection in the country. For instance, women experience inspection by security officers to a lesser extent than men. Also, state officers' practices may vary around the country. Sixth, frequent changes of laws, policies and practices contribute to a politics of uncertainty about asylum seekers and refugees' presence and future in the country. Also, these frequent changes contribute to difficulties for refugees (but also possibly for all actors) to understand what up-to-date rules are for refugees.

Finally, these challenges have been exacerbated last year by the COVID-19 pandemic and Lebanon's political and economic crisis. Today, Lebanon is experiencing one of the biggest economic crises in its history. The deep wounds of the economic crisis and the fact that those responsible for the big explosion in Beirut Port in 2020 still have not been found and punished have led to numerous protests in different parts of the country. Today, the political system based on religion and sect in Lebanon is under a great threat because it cannot prevent problems such as nepotism that permeates many areas of the state and it cannot ensure the rule of law. In this environment, asylum seekers and refugees' future in Lebanon is far from clear. It is therefore vital to continue assessing UNHCR's practices in registering, recognising and resettling refugees. It is also crucial to understand how the international community approaches and prioritises asylum seekers and refugees in Lebanon.

X. Appendices

Table 4: Refugee status recognition rates for Syrian applicants in Lebanon (2006-2019)⁴¹⁵

First instance decisions:

Year	Recognized decisions	Complementary protection	Rejected decisions	Otherwise closed	Total decisions	Refugee status recognition rate (%)
2006	10	0	5	0	15	66.7
2007	18	5	34	5	62	31.6
2008	34	0	19	0	53	64.2
2009	22	0	41	5	68	34.9
2010	19	0	50	88	157	27.5
2011	60	0	44	51	155	57.7
2012	33	0	5	230	268	86.8
2013	408	0	0	0	408	100.0
2014	6733	0	0	0	6733	100.0
2015	9062	0	0	399	9461	100.0
2017	0	0	0	5	5	N/A
2018	0	0	0	5	5	N/A

Appeal (administrative review) decisions:

2006	0	0	12	0	12	0.0
2007	10	0	5	0	15	66.7
2008	0	0	5	0	5	0.0
2009	0	0	15	0	15	0.0
2010	0	0	38	5	43	0.0
2011	0	0	5	0	5	0.0
2012	5	0	0	0	5	100.0
2013	45	0	0	0	45	100.0
2015	5	0	0	0	5	100.0
2019	0	0	0	26	26	N/A

Repeat/Reopened application decisions:

2013	5	0	0	0	5	100
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⁴¹⁵ The statistics regarding recognized decisions, complementary protection, rejected decisions, otherwise closed and total decisions can be found at <https://www.unhcr.org/refugee-statistics/download/?url=d58Q>. Rates for refugee recognition, appeal decisions and repeat/reopened application decisions for Syrian applicants (Table 4), Iraqi applicants (Table 5) and Sudanese applicants (Table 6) are calculated by the author using the formula stated above in Box 3 in Section VII, Accuracy. Note that UNHCR publishes its statistics of RSD decisions under three categories: first instance decisions (FI), repeat/reopened application decisions (RA) and administrative review decisions (AR).

Table 5: Refugee status recognition rates for Iraqi applicants in Lebanon (2000-2019)

First instance decisions:

Year	Recognized decisions	Complementary protection	Rejected decisions	Otherwise closed	Total decisions	Refugee status recognition rate (%)
2000	463	0	543	69	1075	46.0
2001	443	0	981	439	1863	31.1
2002	133	0	1374	1605	3112	8.8
2003	5	0	27	40	72	15.6
2006	93	48	332	22	495	19.7
2007	23	2268	10	55	2356	1.0
2008	0	0	5	73	78	0.0
2009	5	0	14	0	19	26.3
2010	49	10	80	180	319	35.3
2011	419	0	98	135	652	81.0
2012	319	16	90	311	736	75.1
2013	759	0	200	249	1208	79.1
2014	1608	0	83	187	1878	95.1
2015	1465	0	17	1165	2647	98.9
2016	32	0	19	764	815	62.7
2017	149	0	10	16	175	93.7
2018	396	0	41	12	449	90.6
2019	35	0	15	5742	5792	70.0

Appeal (administrative review) decisions:

2006	12	0	85	0	97	12.4
2007	5	0	10	0	15	33.3
2009	0	0	5	59	64	0.0
2010	0	0	10	5	15	0.0
2011	5	0	17	0	22	22.7
2012	13	0	46	5	64	22.0
2013	15	0	40	5	60	27.3
2014	88	0	50	0	138	63.8
2015	24	0	0	5	29	100.0
2017	0	0	22	0	22	0.0
2018	0	0	5	5	10	0.0
2019	5	0	0	656	661	100.0

Repeat/Reopened application decisions:

2010	0	0	5	0	5	0.0
2011	0	0	0	18	18	N/A
2012	0	0	0	52	52	N/A
2013	0	0	71	0	71	0.0

Table 6: Refugee status recognition rates for Sudanese applicants in Lebanon (2000-2019)

First instance decisions:

Year	Recognized decisions	Complementary protection	Rejected decisions	Otherwise closed	Total decisions	Refugee status recognition rate (%)
2000	247	0	1173	70	1490	17.4
2001	192	0	1315	661	2168	12.7
2002	37	0	627	440	1104	5.6
2003	0	0	140	45	185	0.0
2006	0	5	89	16	110	0.0
2007	25	10	216	10	261	10.0
2008	12	0	128	12	152	8.6
2009	36	0	158	90	284	18.6
2010	45	0	203	89	337	18.1
2011	40	0	79	178	297	33.6
2012	73	0	286	97	456	20.3
2013	66	0	151	49	266	30.4
2014	195	0	330	60	585	37.1
2015	305	0	310	78	693	49.6
2016	176	0	519	335	1030	25.3
2017	65	0	299	226	590	17.9
2018	50	0	131	92	273	27.6
2019	41	0	97	180	318	29.7

Appeal (administrative review) decisions:

Year	Recognized decisions	Complementary protection	Rejected decisions	Otherwise closed	Total decisions	Refugee status recognition rate (%)
2006	0	0	29	0	29	0.0
2007	0	0	37	0	37	0.0
2008	5	0	88	0	93	5.4
2009	0	0	53	17	70	0.0
2010	10	0	103	26	139	8.8
2011	0	0	63	17	80	0.0
2012	14	0	140	10	164	9.1
2013	5	0	69	43	117	6.8

2014	21	0	97	0	118	17.8
2015	37	0	156	0	193	19.2
2016	23	0	250	98	371	8.4
2017	5	0	196	38	239	2.5
2018	5	0	85	11	101	5.6
2019	5	0	51	32	88	8.9

Repeat/Reopened application decisions:

Year	Recognized decisions	Complementary protection	Rejected decisions	Otherwise closed	Total decisions	Refugee status recognition rate (%)
2010	0	0	0	5	5	N/A
2011	0	0	5	5	10	0.0
2012	0	0	0	15	15	N/A

Table 7: List of international treaties signed by Lebanon

Treaty	Signature Date	Ratification Date, Accession Date (a)
CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment		05 Oct 2000 (a)
CAT-OP - Optional Protocol of the Convention against Torture		22 Dec 2008 (a)
CCPR - International Covenant on Civil and Political Rights		03 Nov 1972 (a)
CCPR-OP2-DP - Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty	-	-
CED - Convention for the Protection of All Persons from Enforced Disappearance	06 Feb 2007	-
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women		16 Apr 1997 (a)
CERD - International Convention on the Elimination of All Forms of Racial Discrimination		12 Nov 1971 (a)
CESCR - International Covenant on Economic, Social and Cultural Rights		03 Nov 1972 (a)
CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	-	-
CRC - Convention on the Rights of the Child	26 Jan 1990	14 May 1991

CRC-OP-AC - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	11 Feb 2002	-
CRC-OP-SC - Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	10 Oct 2001	08 Nov 2004
CRPD - Convention on the Rights of Persons with Disabilities	14 Jun 2007	-

Table 8: Refugee population (1996-2016)

Refugee population, excluding asylum-seekers and people in refugee-like situations, and changes by country/territory of asylum, 1996-2016											
Year	Population start of the year		Increases during the year			Decreases during the year				Population end of the year	
	Total	of which: UNHCR-assisted	Spont. Arrivals			Voluntary repatriation*		Resettlement		Total	of which: UNHCR-assisted
			Group/Prima facie	Temp. protection	Indiv. Recog.	Total	of which UNHCR-assisted	Total	of which UNHCR-assisted		
1996	2,208	1,658	729			69	1	86	86	2,408	1,858
1997	2,400	1,900	800			-	-	100	100	3,100	2,500
1998	n/a										
1999	3,700	3,100	-	-	600	-	-	170	170	4,200	3,600
2000	4,172	3,622	-	-	767	4	4	1,522	1,522	2,672	2,332
2001	2,672	2,332	-	-	725	5	5	904	904	2,815	2,139
2002	2,815	2,139	-	-	183	1	1	310	310	2,820	2,451
2003	2,820	2,450	-	-	7	31	31	480	480	2,522	1,887
2004	2,522	1,885	0	-	12	1,531	821	714	714	1,753	1,641
2005	1,753	1,448	0	-	23	432	1	566	566	1,078	1,073
2006	1,078	1,074	0	-	118	1	1	293	293	20,164	164
2007	20,164	725	9,615	-	102	132	132	450	450	50,266	10,083
2008	50,337	10,083	1,692	-	75	115	115	1,370	1,370	50,419	10,564
2009	50,419	10,564	2,623	-	88	321	79	2,626	2,626	50,413	10,800
2010	50,413	9,155	2,757	-	145	40	40	1,936	1,936	8,063	8,063
2011	8,063	8,063	1,996	-	542	560	114	818	818	8,990	8,990
2012	8,990	8,990	132,783	-	510	595	61	2,947	2,947	133,940	133,940
2013	133,941	133,941	627	737,423	1,722	237	63	3,325	3,325	856,546	856,546
2014	856,544	856,544	635	354,759	8,735	109	109	6,239	6,239	1,154,040	1,154,040

2015	1,154,040	1,154,040	407	45,291	11,020	51	51	7,154	7,154	1,070,854	1,070,854
2016	1,070,854	1,070,854	132	13,242	322	--	--	18,806	18,806	1,012,969	1,012,969

Source: compiled from UNHCR Statistical Yearbooks

Note 1: From 2012 downwards, UNHCR yearbooks have no column for temporary protection.

Note 2: Note that cessation and repatriation figures were not available in UNCHR Yearly Statistics between 1996 and 2006 – except 9 cases of cessation were reported in 2008.⁴¹⁶

⁴¹⁶ UNCHR Statistical Yearbook 2008. Available at: <https://www.unhcr.org/statistics/country/4bcc5bb79/unhcr-statistical-yearbook-2008.html>.

Table 9: Refugee population by nationality (2006-2016)

Refugees and people in a refugee-like situation, excluding asylum-seekers, and changes by origin and country of asylum													
Year	Origin	Population start of year		Major increases				Major decreases during year				Population end of year	
		Total	of whom UNHCR Assisted:	Spont. Arrivals			Other increases	Voluntary repatriation*		Resettlement		Total	of whom UNHCR assisted:
				Group /Prima facie recogn.	Temporary protection	Indiv. Recogn.		Total	of whom UNHCR assisted:	Total	of whom UNHCR assisted		
2006	Iraq	797	797	-	-	100	20,053	-	-	193	193	-	-
2007	Iraq	20,000	561	9,615	-	27	20,951	132	132	422	422	50,000	9,817
2008	Iraq	50,000	9,817	1,692	-	2	-	114	114	1,329	1,329	50,000	10,245
2009	Iraq	50,000	10,245	2,623	-	-	-	310	68	2,530	2,530	50,000	10,500
2010	Iraq	50,000	8,742	2,755	-	52	-	40	40	1,843	1,843	7,630	7,630
2011	Iraq	7,630	7,630	1,996	-	424	-	560	114	765	765	8,491	8,491
2012	Syria	124	124	131,888	-	38	-	155	-	62	62	126,939	126,939
	Iraq	8,504	8,504	895	-	348	-	598	61	2,776	2,776	6,516	6,516
2013	Syria	126,939	126,939	-	737,423	816	-	-	-	978	978	851,284	851,284
2014	Syria	851,284	851,284	-	354,759	6,732	-	-	-	4,903	4,903	1,147,494	1,147,494
	Iraq	4,944	4,944	625	-	1,696	-	109	109	1,250	1,250	5,986	5,986
2015	Syria	1,147,494	1,147,494	-	45,291	9,066	-	-	-	6,592	6,592	1,062,690	1,062,690
	Iraq	5,986	5,986	406	-	1,489	-	51	51	492	492	7,234	7,234
2016	Syria	1,062,690	1,062,690	-	13,242	-	-	-	-	17,681	17,681	1,005,503	1,005,503
	Iraq	7,234	7,234	131	--	32	-	-	-	910	910	6,454	6,454

Source: compiled from UNHCR Statistical Yearbooks

Note: From 2013 backwards, the refugee population is included in the table if it is 5000 or more, while from 2014 forwards the refugee population is added if the number is 1000 or more.

Table 10: Asylum applications and refugee status determination in Lebanon (1996-2016)

Asylum applications and refugee status determination by country/territory of asylum														
Year	Procedure		Pending start of the year	Applied during the year	Decisions during the year					Pending end of the year	Protection indicators			
	App.	Dec.			Total	Positive		Rejected	Other w. closed		Total	Recognition rates		O/w. closed rate
				Convention status	Complem. status						Ref. status	Total		
1996			1,219	1,852	643	n/a	718	730	2,091	980	30.8	30.8	n/a	n/a
1997	U	-	1,600	n/a	850	-	470	n/a	n/a	n/a	64.4	64.4	n/a	n/a
1998	U	-	1,038	2,882	727	-	772	215	1,714	2,206	42.4	42.4	n/a	n/a
1999	U	V	2,210	3,820	560	-	1,630	510	2,700	3,330	25.6	25.6	n/a	50.8
2000	U	-	4,996	4,112	767	-	1,917	401	3,085	6,023	25.0	25.0	13.0	21.0
2001	U	-	6,023	2,312	725	-	2,550	1,380	4,655	3,680	22.0	22.0	n/a	-39.0
2002	U	-	3,680	1,615	183	-	2,201	2,749	5,133	162	8.0	8.0	n/a	-96.0
2003	U	-	160	674	6	-	207	90	303	531	3.0	3.0	n/a	232.0
2004	U	FA	543	553	10	2	154	306	472	681	6.0	7.0	n/a	25.0
2005	U	FA	681	1,019	23	0	154	87	264	1,450	13.0	13.0	n/a	113.0
2006	U	AR	29	231	14	0	142	0	156	104	9.0	9.0	0.0	258.6
	U	FI	1,449	1,711	109	70	460	46	685	2,475	17.1	28.0	6.7	70.8
2007	U	FI	2,579	844	84	2,294	299	73	2,750	413	3.1	88.8	2.7	-83.3
	U	AR	104	156	18	-	73	-	91	169	19.8	19.8	0.0	62.5
2008	U	AR	169	118	8	-	118	-	126	161	6.3	6.3	0.0	-4.7
	U	FI	413	292	59	8	176	99	342	363	24.3	27.6	28.9	-12.1
2009	U	FI	363	532	83	-	235	105	423	472	26.1	26.1	24.8	30.0
	U	AR	161	140	5	-	78	83	166	135	6.0	6.0	50.0	-16.1
2010	U	FI	472	1,774	133	9	361	538	1,041	1,205	26.4	28.2	51.7	155.3
	U	RA	-	45	-	-	5	12	17	28	0.0	0.0	70.6	-

	U	AR	135	264	9	1	157	48	215	184	5.4	6.0	22.3	36.3
2011	U	FI	1,205	1,482	534	1	241	431	1,207	1,480	68.8	68.9	37.5	22.8
	U	AR	184	172	7	-	97	24	128	228	6.7	6.7	18.8	23.9
	U	RA	28	33	-	-	6	27	33	28	0.0	0.0	81.8	0.0
2012	U	FI	1,480	1,783	458	16	445	688	1,607	1,656	49.8	51.6	42.8	11.9
	U	AR	228	237	35	-	200	24	259	206	14.9	14.9	9.3	-9.6
	U	RA	28	93	-	-	-	71	71	50	-	-	100.0	78.6
2013	U	AR	206	283	71	-	162	53	286	203	30.5	30.5	18.5	-1.5
	U	FI	1,656	2,816	1,646	-	468	413	2,527	1,946	77.9	77.9	16.3	17.5
	U	RA	44	165	5	-	79	-	84	125	6.0	6.0	0.0	184.1
2014	U	AR	264	468	113	-	225	-	338	394	33.4	33.4	0.0	49.2
	U	FI	2,067	14,538	8,624	-	609	332	9,565	7,040	93.4	93.4	3.5	240.6
2015	U	AR	393	366	71	-	213	10	294	465	25.0	25.0	3.0	18.0
	U	FI	7,015	17,843	10,949	-	436	1,799	13,184	11,674	96.2	96.2	14.0	66.0
2016	U	AR	461	524	40	-	306	99	445	540	11.6	11.6	22.0	17.0
	U	FI	11,667	3,938	282	-	702	1,416	2,400	13,205	28.7	28.7	59.0	13.0

Source: compiled from UNHCR Statistical Yearbooks

Notes:

Type of application: N=New; R=Repeat/reopened; A=Appeal/administrative review; J=Court.

Data refers to the number of cases (C) or persons (P): App. = Applications; Dec. = Decisions taken during the year.

T=Type: G=Government; U=UNHCR; J=Government and UNHCR jointly.

L=Level: NA=New Applications; FI=First instance decisions; AR=Administrative Review decisions; RA=Repeat/reopened applications; BL=Backlog procedure

JR=Judicial Review; SP=Subsidiary protection; FA=First instance and appeal; TP=Temporary protection; TA=Temporary asylum.

Protection indicators (calculated by UNHCR):

Refugee status recognition rate: Recognised divided by the total of Recognised, Other positive and Rejected * 100%.

Total recognition rate: Recognised plus Other positive divided by the total of Recognised, Other positive and Rejected * 100%.

Otherwise closed rate: Otherwise closed divided by Total no. of decisions * 100%.

Change in pending cases: Cases pending as at 31 December minus Cases pending as at 1 January divided by Cases pending as at 1 January * 100%.

Table 11: Total registered Syrian refugees with UNHCR (31 August 2020)

Location name	% of Total Registered Syrian Refugees	Total Number of Registered Syrian Refugees
Bekaa	38.6%	339,473
North Lebanon	26.9%	236,736
Beirut	23.5%	206,628
South Lebanon	11.0%	96,761
Total	100%	879,598

Source: UNHCR, Syria Regional Refugee Response, Lebanon, 31 August 2020⁴¹⁷

Total registered Syrian refugees with UNHCR (8 February 2019)

Location name	% of Total Registered Syrian Refugees	Total Number of Registered Syrian Refugees
Bekaa	36.2%	342,265
North Lebanon	26.2%	248,013
Beirut	25.7%	243,434
South Lebanon	11.9%	112,579
Total	100%	946,291

Source: UNHCR, Syria Regional Refugee Response, Lebanon, 8 Feb 2019⁴¹⁸

Table 12: Resettlement from Lebanon via UNHCR, by nationality (2003-2020)⁴¹⁹

Year	Country of Origin	Persons
2003	Afghanistan (AFG)	4
	All others (All others)	20
	Iraq (IRQ)	317
	Sudan (SDN)	126
	Somalia (SOM)	8
2004	Somalia (SOM)	46
	Iran (Islamic Rep. of) (IRN)	3
	Afghanistan (AFG)	19
	Dem. Rep. of the Congo (COD)	1
	Iraq (IRQ)	245

⁴¹⁷ Available at: <<https://data2.unhcr.org/en/situations/syria/location/71>>, Last updated on 31 August 2020.

⁴¹⁸ See <https://data2.unhcr.org/en/situations/syria/location/71>.

⁴¹⁹ Available at: <<https://rsq.unhcr.org/en/#gMB5>>, Last updated on 20 September 2020.

	Sudan (SDN)	321
2005	Sudan (SDN)	188
	Somalia (SOM)	20
	Eritrea (ERI)	2
	Iran (Islamic Rep. of) (IRN)	7
	Afghanistan (AFG)	5
	Dem. Rep. of the Congo (COD)	7
	Iraq (IRQ)	309
2006	Iraq (IRQ)	193
	Sudan (SDN)	40
	Iraq (IRQ)	193
	Sudan (SDN)	40
	Syrian Arab Rep. (SYR)	3
2007	Sudan (SDN)	3
	Syrian Arab Rep. (SYR)	8
	Somalia (SOM)	11
	Afghanistan (AFG)	1
	Iraq (IRQ)	422
2008	Iraq (IRQ)	1,329
	Sudan (SDN)	15
	Iran (Islamic Rep. of) (IRN)	4
	Syrian Arab Rep. (SYR)	13
	Somalia (SOM)	1
2009	Iraq (IRQ)	2,530
	Sudan (SDN)	31
	Iran (Islamic Rep. of) (IRN)	7
	Syrian Arab Rep. (SYR)	22
	Somalia (SOM)	20
2010	Iraq (IRQ)	1,920
	Sudan (SDN)	24
	Sudan (SDN)	24
	Somalia (SOM)	6
	Syrian Arab Rep. (SYR)	43
2011	Syrian Arab Rep. (SYR)	12
	Iraq (IRQ)	777
	Iran (Islamic Rep. of) (IRN)	7
	Sudan (SDN)	7
	Afghanistan (AFG)	3
	Somalia (SOM)	5
2012	Somalia (SOM)	5
	Syrian Arab Rep. (SYR)	64
	Eritrea (ERI)	4
	Dem. Rep. of the Congo (COD)	1

	Iraq (IRQ)	2,807
	Iran (Islamic Rep. of) (IRN)	5
	Sudan (SDN)	83
2013	Iran (Islamic Rep. of) (IRN)	5
	Sudan (SDN)	76
	Somalia (SOM)	12
	Syrian Arab Rep. (SYR)	983
	Sudan (SDN)	76
	Iran (Islamic Rep. of) (IRN)	5
	Somalia (SOM)	12
2014	Eritrea (ERI)	1
	Syrian Arab Rep. (SYR)	4,903
	Dem. Rep. of the Congo (COD)	1
	Iraq (IRQ)	1,290
	Afghanistan (AFG)	1
	Sudan (SDN)	53
	Iran (Islamic Rep. of) (IRN)	4
	Somalia (SOM)	12
2015	Syrian Arab Rep. (SYR)	6,547
	Iraq (IRQ)	492
	Sudan (SDN)	46
	Somalia (SOM)	4
2016	Somalia (SOM)	3
	Eritrea (ERI)	8
	Dem. Rep. of the Congo (COD)	2
	Afghanistan (AFG)	4
	Syrian Arab Rep. (SYR)	18,279
	Iraq (IRQ)	976
	Sudan (SDN)	203
2017	Sudan (SDN)	74
	Syrian Arab Rep. (SYR)	12,095
	Eritrea (ERI)	9
	Iran (Islamic Rep. of) (IRN)	3
	Iraq (IRQ)	404
2018	Iraq (IRQ)	312
	Sudan (SDN)	68
	Syrian Arab Rep. (SYR)	9,372
	Eritrea (ERI)	3
	Dem. Rep. of the Congo (COD)	3
	Somalia (SOM)	1
	Afghanistan (AFG)	2
	Iran (Islamic Rep. of) (IRN)	5
2019	Iran (Islamic Rep. of) (IRN)	4

	Iraq (IRQ)	767
	Sudan (SDN)	80
	Syrian Arab Rep. (SYR)	7,442
	Eritrea (ERI)	2
	Somalia (SOM)	8
2020	Iraq (IRQ)	254
	Sudan (SDN)	20
	Syrian Arab Rep. (SYR)	1,719
Total		80,900

Table 13: Resettlement total departures of Syrian, Iraqi and Sudanese nationals from Lebanon, by country of resettlement (2003-2020)⁴²⁰

Year	Country of Origin	Country of Resettlement	Total departures (persons)
2003	Sudan	Canada	5
	Iraq	USA	62
	Sudan	Norway	31
	Iraq	Sweden	7
	Iraq	Canada	46
	Sudan	Australia	23
	Iraq	Denmark	8
	Iraq	Netherlands	1
	Sudan	Netherlands	1
	Iraq	Australia	193
	Sudan	USA	66
2004	Iraq	UK	1
	Sudan	Canada	36
	Iraq	USA	10
	Sudan	Norway	12
	Iraq	Sweden	4
	Iraq	New Zealand	1
	Iraq	Canada	15
	Sudan	Australia	91
	Sudan	Sweden	44
	Iraq	Netherlands	6
	Sudan	Finland	131
	Iraq	Australia	208
Sudan	USA	7	
2005	Iraq	Australia	133
	Sudan	USA	17
	Iraq	UK	2

⁴²⁰ UNHCR Resettlement Data Finder. Available at: <https://rsq.unhcr.org/en/#uCw8>, Last updated on 6 May 2021.

	Sudan	Canada	14
	Iraq	USA	109
	Iraq	Sweden	36
	Sudan	Finland	116
	Iraq	Canada	29
	Sudan	Australia	18
	Sudan	Sweden	23
2006	Iraq	Australia	39
	Sudan	USA	9
	Iraq	UK	1
	Sudan	Canada	19
	Iraq	USA	82
	Iraq	Sweden	49
	Iraq	Norway	4
	Iraq	Canada	18
	Sudan	Australia	9
	Syria	Netherlands	3
	Sudan	Sweden	3
2007	Sudan	Sweden	2
	Iraq	Australia	30
	Syria	Canada	4
	Sudan	Canada	1
	Syria	Norway	3
	Iraq	USA	186
	Syria	Sweden	1
	Iraq	Sweden	165
	Iraq	Canada	40
	Iraq	Norway	1
2008	Sudan	Sweden	1
	Sudan	USA	12
	Iraq	Australia	90
	Iraq	France	34
	Sudan	Canada	2
	Syria	USA	8
	Iraq	USA	1116
	Iraq	Denmark	17
	Syria	USA	5
	Iraq	Sweden	16
	Iraq	Canada	56
2009	Iraq	Canada	64
	Sudan	Sweden	3
	Sudan	USA	22
	Iraq	UK	3
	Iraq	Australia	158

	Syria	Norway	1
	Sudan	Canada	6
	Iraq	USA	2244
	Syria	Sweden	3
	Iraq	Denmark	8
	Syria	USA	18
	Iraq	Sweden	53
2010	Syria	USA	11
	Iraq	Sweden	14
	Iraq	Canada	93
	Syria	Canada	7
	Iraq	UK	1
	Iraq	Australia	116
	Sudan	USA	18
	Sudan	Canada	6
	Iraq	USA	1610
	Iraq	Netherlands	78
	Syria	Sweden	25
	Iraq	Denmark	1
	Iraq	Norway	7
2011	Iraq	Switzerland	14
	Syria	USA	2
	Iraq	Sweden	1
	Iraq	Canada	173
	Syria	Canada	2
	Iraq	UK	2
	Iraq	Australia	202
	Sudan	USA	5
	Sudan	Canada	2
	Iraq	USA	319
	Syria	Netherlands	1
	Iraq	Netherlands	66
	Syria	Sweden	7
2012	Iraq	Netherlands	64
	Syria	Sweden	3
	Syria	Switzerland	36
	Syria	USA	18
	Iraq	Sweden	2
	Sudan	Sweden	9
	Iraq	Canada	108
	Iraq	France	3
	Iraq	Finland	1
	Syria	Canada	6
	Syria	Norway	1

	Iraq	New Zealand	94
	Iraq	Australia	189
	Sudan	USA	70
	Sudan	Canada	4
	Iraq	USA	2346
2013	Syria	Netherlands	3
	Syria	Denmark	1
	Iraq	USA	1609
	Sudan	Sweden	7
	Iraq	Netherlands	1
	Syria	Sweden	155
	Syria	Switzerland	2
	Syria	USA	17
	Sudan	Norway	2
	Iraq	Sweden	3
	Iraq	Canada	229
	Syria	Germany	802
	Syria	Canada	1
	Syria	Norway	2
	Iraq	New Zealand	4
	Iraq	Australia	384
	Sudan	USA	56
	Sudan	France	4
	Sudan	Canada	7
	2014	Sudan	USA
Syria		Uruguay	42
Sudan		Canada	10
Syria		Ireland	23
Syria		Netherlands	128
Syria		Denmark	7
Syria		Hungary	4
Iraq		USA	898
Syria		Iceland	1
Iraq		Netherlands	3
Syria		Sweden	118
Syria		Switzerland	114
Syria		France	194
Syria		USA	88
Iraq		Canada	307
Iraq		France	2
Syria		Germany	3181
Iraq		UK	2
Syria		UK	45
Syria		Finland	232

	Syria	Canada	154
	Syria	Norway	299
	Iraq	Australia	78
	Syria	Australia	273
2015	Sudan	France	6
	Sudan	USA	29
	Sudan	Canada	11
	Syria	Ireland	132
	Syria	Netherlands	209
	Syria	Denmark	125
	Iraq	USA	198
	Iraq	Netherlands	3
	Syria	Sweden	173
	Syria	Switzerland	525
	Syria	Belarus	14
	Syria	New Zealand	6
	Syria	France	201
	Iraq	Sweden	3
	Syria	USA	123
	Syria	Austria	325
	Iraq	Canada	189
	Iraq	Finland	7
	Iraq	Ireland	31
	Syria	Germany	1330
	Syria	UK	760
	Syria	Finland	239
	Syria	Belgium	141
	Syria	Canada	985
	Iraq	New Zealand	2
	Syria	Italy	96
	Syria	Norway	1094
Iraq	Australia	59	
Syria	Australia	69	
2016	Iraq	Australia	287
	Syria	Australia	850
	Sudan	USA	142
	Sudan	Canada	57
	Sudan	Sweden	4
	Syria	Ireland	341
	Syria	Netherlands	116
	Syria	Denmark	220
	Iraq	USA	424
	Syria	Iceland	56
	Iraq	Netherlands	13

	Syria	Sweden	166
	Syria	Switzerland	573
	Syria	New Zealand	379
	Syria	France	481
	Iraq	Sweden	2
	Iraq	Czechia	22
	Syria	Monaco	6
	Syria	USA	479
	Syria	Austria	74
	Iraq	France	5
	Iraq	Canada	196
	Iraq	UK	8
	Iraq	Ireland	15
	Syria	Germany	150
	Syria	UK	2493
	Syria	Finland	402
	Syria	Belgium	298
	Syria	Canada	8014
	Iraq	New Zealand	4
	Syria	Spain	231
	Syria	Italy	385
	Syria	Norway	2565
2017	Syria	Finland	62
	Syria	Belgium	299
	Syria	Canada	1923
	Iraq	New Zealand	2
	Syria	Spain	704
	Syria	Italy	541
	Syria	Norway	1869
	Iraq	Australia	12
	Sudan	France	1
	Syria	Australia	118
	Sudan	UK	13
	Sudan	USA	54
	Sudan	New Zealand	2
	Sudan	Canada	3
	Iraq	Luxembourg	1
	Sudan	Sweden	1
	Syria	Ireland	261
	Syria	Netherlands	116
	Syria	Denmark	5
	Syria	Luxembourg	25
Iraq	USA	117	
Syria	Iceland	47	

	Syria	Chile	66
	Iraq	Monaco	23
	Iraq	Netherlands	6
	Syria	Sweden	985
	Syria	New Zealand	287
	Syria	Switzerland	388
	Syria	France	1172
	Iraq	Sweden	8
	Syria	USA	201
	Iraq	Finland	1
	Iraq	Italy	3
	Iraq	France	1
	Iraq	Canada	126
	Iraq	UK	92
	Iraq	Ireland	12
	Syria	Germany	22
	Syria	UK	3004
2018	Syria	UK	1582
	Syria	Belgium	343
	Syria	Canada	1297
	Syria	Spain	63
	Syria	Italy	56
	Syria	Norway	1190
	Iraq	Australia	9
	Sudan	France	5
	Syria	Australia	185
	Sudan	UK	30
	Sudan	USA	16
	Sudan	Sweden	1
	Sudan	Canada	16
	Syria	Ireland	333
	Syria	Netherlands	2
	Iraq	USA	3
	Syria	Argentina	3
	Syria	Sweden	1589
	Iraq	Canada	154
	Syria	New Zealand	214
	Syria	Switzerland	479
	Syria	France	2035
	Iraq	Belgium	1
	Syria	USA	1
	Iraq	France	1
	Iraq	UK	139
	Iraq	Ireland	5

2019	Iraq	UK	100
	Iraq	Ireland	5
	Iraq	Norway	1
	Syria	Finland	6
	Iraq	New Zealand	13
	Syria	UK	1572
	Syria	Belgium	9
	Syria	Canada	1556
	Syria	Italy	254
	Syria	Norway	564
	Iraq	Australia	468
	Syria	Australia	48
	Sudan	UK	16
	Iraq	Germany	3
	Sudan	USA	27
	Sudan	Canada	37
	Syria	Iceland	49
	Syria	Ireland	549
	Syria	Netherlands	176
	Iraq	USA	19
	Syria	Sweden	50
	Iraq	Canada	158
	Syria	New Zealand	74
	Syria	Switzerland	824
	Syria	France	886
	Syria	USA	62
Syria	Germany	763	
2020	Syria	Germany	179
	Iraq	UK	1
	Syria	Finland	3
	Iraq	New Zealand	9
	Syria	UK	193
	Syria	Spain	284
	Syria	Belgium	133
	Syria	Canada	958
	Syria	Norway	554
	Iraq	Australia	215
	Sudan	Sweden	7
	Sudan	USA	8
	Sudan	Canada	13
	Iraq	Netherlands	4
	Syria	Ireland	176
	Syria	Netherlands	144
Iraq	USA	22	

	Syria	Argentina	4
	Syria	Sweden	718
	Iraq	Canada	60
	Syria	New Zealand	59
	Syria	Switzerland	444
	Syria	France	379
	Syria	USA	56

Note: Country names have been abbreviated in this table by the author. Note their full names: Syria=Syrian Arab Rep.; UK=United Kingdom of Great Britain and Northern Ireland; USA=United States of America.

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