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List of Abbreviations

| Abbreviations | Definition |
|---------------|---|
| CAT | Convention Against Torture |
| CEDRE | Conférence Économique pour le Développement, par les Réformes et avec les Entreprises |
| CSO | Civil Society Organisation |
| EU | European Union |
| FPM | Free Patriotic Movement |
| GSO | General Directorate of General Security |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Political Rights |
| IRO | International Refugee Organisation |
| ISF | Internal Security Forces |
| LAF | Lebanese Armed Forces |
| MoU | Memorandum of Understanding |
| NGO | Non Governmental Organisation |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| PM | Prime Minister |
| RSD | Refugee Status Determination |
| SDGs | Sustainable Development Goals |
| SGBV | Sexual and Gender Based Violence |
| TPR | Temporary Protection Regime |
| UDHR | Universal Declaration of Human Rights |
| UNHCR | United Nations High Commissioner for Refugees |
| UK | United Kingdom |
| USAID | United States Agency for International Development |
| WASH | Water, Sanitation, and Hygiene |

About the project

RESPOND is a Horizon 2020 project which aims at studying the multilevel governance of migration in Europe and beyond. The consortium is formed of **14 partners from 11 source, transit and destination countries and is coordinated by Uppsala University in Sweden.** The main aim of this Europe-wide project is to provide an **in-depth understanding of the governance of recent mass migration** at macro, meso and micro levels through cross-country comparative research and to critically analyse governance practices with the aim of enhancing the migration governance capacity and policy coherence of the EU, its member states and third countries.

RESPOND will study migration governance through a narrative which is constructed along five thematic fields: (1) Border management and security, (2) Refugee protection regimes, (3) Reception policies, (4) Integration policies, and (5) Conflicting Europeanization. Each thematic field is reflecting a juncture in the migration journey of refugees and designed to provide a holistic view of policies, their impacts and responses given by affected actors within.

In order to better focus on these themes, we divided our research question into work packages (WPs). The present report is concerned with the findings related to WP3, which focuses specifically on asylum procedures and refugee protection.

Executive Summary/Abstract

This report provides a contextual analysis of the provision of refugee protection in Lebanon. It highlights the absence of a comprehensive refugee protection legal framework, in favor of a set of formal and informal *ad hoc* policies, which are limited in scope and inclusivity. While the Lebanese polity is a signatory of international conventions¹ calling for non-discriminatory protection, and non-refoulement, it falls short in practice with direct and indirect measures, breaching those very principles. The mass influx of Syrian refugees in 2011 highlighted the embryonic nature of the national protection framework, mainly implemented by Lebanon's General Security, prone to prioritise national security over the provision of protection. Through this report, we uncover narratives of scapegoating propelled in public discourse, correlating the presence of Syrian refugees with acute economic burdens, and negatively impacting prevailing scarce resources. These constructed perceptions have worsened socio-economic conditions, already exacerbated by obstacles faced in renewing residencies, and in the acquisition of refugee status.

¹ Such as the International Convention on Civil and Political Rights (ICCPR), the International Convention on Economic, Social and Cultural Rights (ICESCR), the Convention Against Torture (CAT), and the Universal Declaration of Human Rights (UDHR).

1. Introduction

For the purpose of this report, we adopt the broad definition of protection encompassing “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law” (IASC, 2011, p.5), notably human rights law, international humanitarian law and refugee law. The activities in question may be: (a) responsive with a goal of preventing, or putting an end to, on-going violations, (b) remedial, aiming to provide redress for prior violations, or (c) environment-building, focusing on designing the necessary legal and institutional framework, as well as the capacity and awareness necessary, to promote respect for human rights, and prevent future violations (Ibid). Protection is not only an aggregation of activities, but also an objective, a legal responsibility, and a multi-sector activity (GPC, 2016, p.2)

The belief that the international community, rather than individual governments, has a duty to provide to refugees, particularly with international protection and durable solutions to their problems, initiated with the League of Nations in 1921 (Ibid). In 1947, the United Nations’ International Refugee Organisation (IRO) was conceived to alleviate the problems of refugees in Europe in the aftermath of World War II (Feller 2000). It is the IRO’s successor, the United Nations High Commissioner for Refugees (UNHCR), its 1951 United Nations Geneva Convention, as well as its 1967 Protocol, which set milestones in international refugee law, and international protection.

Following the eruption of the Syrian crisis in 2011, Lebanon the ‘land of refuge’² (Lebanon Support, 2018, p.7), owing to its title the continuous historical circulation of persons within its territory, became host to more refugees per capita than any other host state worldwide (UNHCR, 2019a, p.2). Not having ratified the 1951 Geneva Convention, or its 1967 Protocol, the Lebanese polity relied on a 2003 bilateral cooperative Memorandum of Understanding (MoU) with the UNHCR, not only defining respective obligations, but also reiterated that Lebanon is a country of transit, not of asylum (Fakhoury, 2017, p.685; Lebanon Support, 2018, p.18-22). Constitutionally, Lebanon is bound by the provisions outlined in the 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country, most notably that of non-refoulement of political refugees (Lebanon Support, 2018, p.20).

The mass influx of Syrian refugees highlighted the embryonic and fragmented nature of Lebanon’s domestic legal framework for refugees, asylum seekers as well as migrants (Ibid). A three year period of apathy (2011-2014) was succeeded by restrictive policies in October 2014, with an aim of ‘reducing the numbers’. However, these policies had the counter effect of leading to increased informality, illegality, and worsened livelihoods (Ibid, p.32). Indeed, 78% of Syrian refugees and asylum seekers are without legal residency, hindering their freedom of movement, and rendering them vulnerable at checkpoints, and during raids (UNHCR, 2019b, p.10). Concomitantly, the prevalence of narratives portraying Syrian refugees as threats to national security has normalized arbitrary arrest, detention, deportations, and forcible returns deemed “voluntary” by government officials, and further

² Lebanon has a long history of hosting persecuted peoples, and minorities. Recently, a place of refuge for Syrians fleeing the war, it has in the past hosted a diverse group of refugees including Iraqis, Palestinians, Armenians, among others.

undermined the notion of non-refoulement (Lebanon Support, 2019, pp.38-45). What is happening more often than not, is the prioritisation of state security over the provision of basic human rights (Lebanon Support, 2018, p.7).

2. Methodology

The report relied on a substantial review of the literature, in addition to in-depth fieldwork. Desk research included, notably, the examination of policy documents, newspaper articles, (I)NGO³ reports, and academic literature on the provision of refugee protection in Lebanon, at the macro-level. The fieldwork consisted of 75 interviews, conducted at both the micro (60) and meso-level (15), with the aim of gathering first-hand insight about practices, perceptions and narratives, and in order to complement prevailing macro-level insights from the desk research. All interviews followed semi-structured interview guidelines. An Information letter explaining the purpose of the project was read to all interlocutors, who then provided oral or written consent to participate. Interlocutors were assured that their identity would remain anonymous during all phases of the research, unless they explicitly agreed to the public use of their name. All interviews took place in person. At the micro-level, 60 interviews were conducted with Syrian (55), Kurdish (1) and Palestinian Syrian (4) refugees arriving to Lebanon after the eruption of the Syrian crisis in 2011. Our interlocutors consisted of 28 male and 32 female interviewees, all between the ages of 20 and 65. At the meso-level, 15 interviews were conducted with (4) female and (11) male interlocutors. The interviews targeted members of civil society, municipality and Internal Security Forces (ISF) officers, among others. Interviews took place in rural and urban areas and were conducted in Arabic.

3. National legal and institutional framework regarding “asylum procedure and refugee protection”

The Lebanese legal framework pertaining to asylum procedure and refugee protection, is a combination of diverse provisions designated in the constitution, international treaties, immigration legislations, decrees, as well as policies, which provide asylum access, basic temporary protection for refugees, and prohibits refoulement (Lebanon Support, 2018, p.18). In reality, migration flows in Lebanon are governed by a set of policies, both formal and informal, formulated on an *ad hoc* basis, and differentiating among nationalities (Ibid, p.27). The absence of comprehensive refugee legislation hinders efforts towards the provision of protection.

3.1 International instruments

3.1.1 ICCPR, ICESCR and non-discriminatory protection

Although Lebanon is not a signatory of the 1951 United Nations Convention Relating to the Status of Refugees, or its 1967 Protocol, it is alternatively bound by the 1948 Universal Declaration of Human Rights, and its provisions regarding the universality of the

³ Non Governmental Organisation.

right to seek and enjoy asylum by persons with fears of persecution (Ibid, p.18). Additional binding international instruments encouraging the lawful provision of protection to all, without discrimination, include the International Covenant on Civil and Political Rights, (ICCPR, 1966, art.26), as well as International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966, art.2.2), both ratified in 1972. Both covenants advance that the provision and protection of economic, social, civil, political, and cultural rights, shall be granted similarly to nationals, and non-nationals⁴ regardless of their legal status and documentation (ICCPR, 1966, art.26; ICESCR, 1966, art.2.2).

3.1.2 CAT and non-refoulement

Lebanon is also bound by the provisions of the Convention Against Torture (CAT), ratified in 2000, as well as its optional Protocol, ratified later on in 2008. The CAT upholds the principle of non-refoulement, meaning that "no state party shall expel, return or extradite a person to another state when there are substantial grounds for believing that they would be in danger of being subjected to torture" (CAT, 1984, art.3.1). The principle of non-refoulement is an essential provision of protection under international human rights, refugee, humanitarian and customary law (OHCHR, n.d.). This principle is not only binding by the CAT, but also by article 6 of the ICCPR (1966), advocating the "right to life".

3.2 Lebanese laws and decrees

3.2.1 Constitutional provisions

Section B of the Preamble of the Lebanese Constitution (1990) clearly states that Lebanon is a "founding and active member of the United Nations Organisation and abides by its covenants and by the UDHR"; furthermore, "the Government shall embody these principles in all fields and areas without exception". Specifically, this would include abiding by Article 14 of the UDHR, pertaining to the right to seek asylum. While in theory international human rights conventions should take precedence over national law provisions, in practice it has been widely observed that this principle is rarely exercised in domestic courts (Janmyr, 2016b, p.10).

3.2.2 Domestic legislation

The domestic legislation governing the status of foreign nationals on Lebanese territory is the 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country. Chapter VII includes 6 articles regarding asylum (see Box 1), mainly on political grounds, and specifies that: "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" (Order No.319, Article26, 1962). Articles 27 of the aforementioned law, designates the members of the committees to grant political asylum, and Article 28 dictates the provision of a card identifying the recipient (Order No.319, 1962). Albeit, it fails to cover the specifics of the application procedure, the comprehensive list of actors involved, and their respective shared responsibilities (Lebanon Support, 2018, p.20). In regards to the notion of non-refoulement, article 31 of chapter VII mentions its restricted application to political

⁴ Such as refugees, migrant workers, as well as asylum-seekers.

refugees (Ibid). The relevant procedures of this domestic legislation are under-developed, and seem to be non functioning. The relevant provisions are not able to absorb refugees or asylum seekers, moreover they are often considered as irregular migrants (Ibid). Subsequently, the illegal entry, residency, and exit of foreigners are penalized, subjecting refugees and migrants alike to criminal incarceration, and administrative detention (Lebanon Support, 2019, p.36). Another shortcoming of this law is its failure to take into account that individuals seeking refuge are motivated by a variety of reasons, and that they may alter overtime, ergo its scope is not comprehensive and non-evolving.

Box 1: Chapter VII of the Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country

The 6 articles of Chapter VII are as follows:

Article 26: 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. The definition of political crime contained in articles 196 and 197 of the Penal Code shall be taken into consideration. The provisions of articles 30 to 36 of the Penal Code respecting extradition shall remain applicable.

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 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.

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.

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

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.

3.2.3 Domestic labor provisions for Syrian migrant workers

According to the Lebanese labour law, decree no. 17561, migrant workers needed to acquire a work permit within 10 days of entry, which as a result would provide them with access to social security, right to a minimum wage, as well as security protections (Bou Khater, 2017). Following the outbreak of the Syrian crisis, the legislative and policy environment pertaining to labour issues changed with an increased reliance on *ad hoc* policies (Ibid). In December 2014, the Ministry of Labor limited the sectors open to Syrians to that of construction, agriculture, and cleaning (Lebanon Support, 2018, p.25), with the latter category replaced by the term "environment sectors" in December 2015 (Battistin and Leape, 2015, p.18). Subsequent directives followed, requiring employers to present proof that they initially, but unsuccessfully, sought to hire a suitable Lebanese employee during a period of 3 months, and that they are committed to maintaining a ratio of less than 10:1 of

Lebanese workers to foreign workers (Ibid). The directives also required that Syrians seek a Lebanese sponsor, generally an employer, who would sign a “pledge of responsibility” (Lebanon Support, 2016a, p.13). Furthermore, refugees registered with the UNHCR, and pursuing the renewal of their registration, are ineligible to enter the labour market in Lebanon on grounds of their access to humanitarian assistance (Ibid, p.14).

3.2.4 The 2003 MoU with UNHCR

With the absence of a national refugee law, a Memorandum of Understanding (MoU) was signed by the General Directorate of General Security (GSO), and the UNHCR in September 2003, developed in light of the Iraqi refugee crisis (Lebanon Support, 2018, p.22). Regarded as a first step towards the formal recognition and regulation of refugee presence in Lebanon, it explicitly recognises the right to asylum for individuals with a well-grounded fear of returning to their country (Ibid). Responsibilities of both the UNHCR and the Lebanese government, were clearly stated and acknowledged regarding the inherent rights of asylum seekers, Refugee Status Determination (RSD), as well as finding durable solutions (Ibid). The MoU had clearly defined Lebanon as a transit country, with the definition of asylum seeker implicating the search for a third host country.

It is worth mentioning that, 5 months prior to signing the MoU, the UNHCR had declared a temporary protection regime⁵ (TPR), for Iraqis refugees in Lebanon and the region (Human Rights Watch, 2007, p.18). Yet, it was implemented in the absence of any formal agreement with the Lebanese government (Ibid, p.19); Furthermore, UNHCR asylum seeker certificates were not recognized by the Lebanese authorities, thus refugees were regarded as illegal migrants, prone to arrest and detention (Ibid, p.20). This situation contributed to a ‘state of limbo’ for Iraqi refugees, and further underlined the divergence of efforts between the UNHCR and the Lebanese governing authorities (Frangieh and Trad, 2007, p.35).

As it stemmed from the particular circumstances in 2003, asylum seekers were narrowly defined in Article 1 of the MoU, only to include those registered with UNHCR following 2003, within a timeframe of two months after illegally entering, and who apply to RSD within two months of their arrival (UNHCR, 2004, pp.1-3). An initial shortcoming of this definition is that it excludes asylum seekers who have entered Lebanon legally, prior to 2003, and those either unregistered or rejected (Lebanon Support, 2018, p.22).

Under the MoU, the UNHCR is tasked by the GSO with the issuing of temporary circulation permits, normally valid up to three months, allowing UNHCR to perform RSD (UNHCR, 2004, p.1). Following formal recognition, the circulation permit may be extended for a period of six to nine months by the GSO (Ibid, p.2). Still, the MoU has been met with vast criticism, as these legal status deliberations are not per definition formally recognised by the Lebanese authorities⁶. Neither the *prima facie status*⁷ granted to Iraqis in 2007, by the

⁵ Temporary protection’ refers to arrangements developed by the international community, offering protection of a temporary nature in response to large-scale displacement, and includes those who do not meet the refugee definition, or fall outside the 1951 Convention (UNHCR, 2018, p.30).

⁶ And this does not result in the granting of formal legal status to refugees.

⁷ Prima facie status is used during mass displacements, as it legalises the status of a group of refugees fleeing under the same circumstances, also granting international protection in accordance

UNHCR, or the TPR status, were acknowledged by Lebanese authorities (Lebanon Support, 2018, p.24). Ultimately, the MoU does not explicitly guarantee the principle of non-refoulement.

The MoU was not tailored to adapt to the mass influx of Syrian refugees in 2011, who had entered lawfully following the open border policy constituted by bilateral agreements between Syria and Lebanon (Janmyr, 2016a, pp.64-65). In the case of the Syrian crisis, UNHCR did not formally declare a *prima facie status*, nor did it establish a Temporary Protection Regime (TPR) for Syrian refugees, it only appeared to apply a *de facto prima facie*⁸ RSD (Janmyr, 2018, p.400).

In light of the above, Syrian refugees were unable to regularise and legalise their stay through the MoU which pushed the UNHCR to attempt to renegotiate it to address key exclusionary protection gaps⁹, although unsuccessful (Lebanon Support, 2018, p.23). Moreover, refugees and asylum seekers are not assured entry, or protection against refoulement. The reluctance of the Lebanese polity to sign the 1951 Geneva Convention, and to provide comprehensive refugee protection, both stem from the fear of having to grant refugees citizenship in Lebanon (Frangieh and Saghieh, 2014). Towards this end, government officials have preferred using the term “*nazihin*” (i.e. displaced people), to the use of “*laji'in*” (i.e. refugees). The lack of comprehensive domestic refugee legislation has created a regulatory vacuum which the UNHCR has attempted to fill. Indeed, it has taken up an active role of pooled responsibility with the state, although it is regularly circumscribed by it as well (Lebanon support, 2018, p.27). Notably, in 2015 the protection space for asylum seekers and refugees was highly compromised, as the Lebanese government requested the UNHCR to suspend registrations, and to deregister those who had returned to Syria¹⁰ (UNHCR, 2017b, p.2).

3.2.5 Important Developments since 2011: Laissez faire (2011-2014) and ad hoc policies (2014)

Three years following the eruption of the Syrian crisis in 2011 witnessed a ‘laissez faire’ dissociative policy by the Lebanese government, and the use of ‘displaced persons’ and ‘guests’ instead of refugees. Short-lived due to alleged mounting strains on Lebanon’s economy and infrastructure, it was followed by the Council of Ministers’ restrictive October policies introduced in 2014, aimed at reducing numbers, and implemented by the GSO, notably with minimal political or judicial oversight, and in accordance with the 1962 law of Entry and Exit (Lebanon Support, 2018, p.30). Violating the open door policy dictated by bilateral agreements between Lebanon and Syria, new visa categories¹¹ were introduced, in

with the 1951 Refugee Convention; that is the way in which it differs from the temporary protection regime (TPR).

⁸ Syrian presence is regarded as a ‘refugee movement’, considering that they are seeking international protection, and will likely meet the refugee definition’. This includes persons displaced from Syria, Syrian nationals registered – or those seeking registration – as refugees by UNHCR, and Syrian de facto refugees.

⁹ The MoU in its current state discriminates against Syrians and Palestinians

¹⁰ For reasons such as seeking medical aid in Syria, which is inaccessible in Lebanon, or even to vote.

¹¹ “Category 1: for tourism, shopping, business, landlords, and tenants; Category 2: for studying; Category 3: for transiting to a third country; Category 4: for those displaced; Category 5: for medical

an effort to regulate Syrian entry into Lebanon (Ibid). A ‘humanitarian exception’¹² was introduced, while a refugee category was still lacking (Ibid, p.31). New residency rules, and regulations, meant a significant change for Syrian presence in Lebanon (Lebanon Support, 2016a, p.13). Subsequent challenges encountered by Syrian refugees, following the October policies, vary and include those concerning “legal status, limited possibilities to comply with the requirements for the current entry and renewal categories, the concurrent deprivation of fundamental rights, the lack of legal redress, and the exposure to different kinds of exploitation” (Ibid, p.27).

4. Key narratives regarding international protection (asylum procedure and refugee protection)

4.1 Mapping of actors

The period following the eruption of the Syrian crisis and the mass influx of refugees, witnessed growing concerns over the spillover that may arise due to the change in regional dynamics. Furthermore, this translated into the ‘assemblage’ of a hybrid system consisting of formal and informal actors, taking on various roles in the provision of protection to refugees. Seeing as the response of the Lebanese government, in regards to the crisis, entailed the advancement of dissociative or temporary ad hoc policies, and no agenda to formulate a durable refugee legislation, a web of pooled responsibility became the *modus operandi*.

4.1.1 General Directorate of General Security (GSO)

On the state level, the GSO is the main security enforcer and intelligence actor, formally mandated with regulating the entry, exit, and residency of foreigners in Lebanon (Frangieh and Saghieh, 2018). The latter is accomplished through administrative initiatives, in line with the 1962 law of Entry and Exit, and with very little political or judicial supervision (Ibid). Most notable are the policies advanced in October 2014 by the GSO imposing a series of entry requirements for Syrian nationals, as well as new regulations for those already on Lebanese territory, pertaining to residency applications and their renewal (Janmyr, 2016a, p.66). The previously discussed visa categories, and relevant requirements introduced, were deemed in violation of Lebanon’s open door policy, which guaranteed in the bilateral agreements with Syria (Lebanon Support, 2018, p.30). As part of the GSO’s general functions, they are expected to ‘fight against anything that can jeopardise security’ (General Security, n.d.). This statement of purpose is being used to justify the arrest, detention, and deportation of Syrian refugees.

treatment; Category 6: for an embassy appointment; Category 7: for those entering with a pledge of responsibility (from a Lebanese sponsor). All require specific documents in order to meet the requirements, and have their visa approved by the Ministry of Social Affairs, and the Ministry of Interior, before being allowed entry into Lebanon. The majority of these categories also allow entry into Lebanon for a defined period of time, ranging from 24 hours to 1 month for a temporary business visa” (Janmyr, 2016b, p. 13).

¹² This refers to ‘unaccompanied and/or separated children with a parent already registered in Lebanon, persons living with disabilities with a relative already registered in Lebanon, persons with urgent medical needs for whom treatment in Syria is unavailable, and persons who will be resettled in third countries’.

4.1.2 The State Council

The State Council, Lebanon's High Administrative Court, plays an important role in the Lebanese judicial framework, and embodies an effective jurisdiction whereby citizens can seek to uphold their human rights (ICJ, 2018, p.2). In February 2018, the Council issued a ruling declaring that it is not in the GSO's jurisdiction to amend the conditions of Syrians' entry, or residence in Lebanon (Frangieh and Saghieh, 2018). Furthermore, the relevant law restricts this privilege to the Council of Ministers. Accordingly, the GSO's policies issued in 2014, which had blocked numerous Syrian nationals from entering Lebanon, all the while preventing others from obtaining or renewing legal residence permits, was annulled (Ibid). The decision was welcomed, and viewed as a constructive step towards ensuring the rights of all citizens – may they be local, foreign, refugee, migrant, or 'expat' – on Lebanese territories (Lebanon Support, 2018, p.35). Notably, it outlined and re-affirmed the role of the Council of Ministers as the only suitable and liable organ to alter policies, moreover, the General Security was overstepping its power (Frangieh and Saghieh, 2018; Ibid). However, little progress has been accomplished since then; Neither did General Security declare the annulment of decision, nor did the Council of Ministers issue an appropriate one regulating the conditions of Syrians' entry and residence in Lebanon (Lebanon Support, 2018, p.35).

4.1.3 UNHCR

Lebanon has long been relying on the UNHCR to manage the registration, documentation, as well as RSD, in addition to providing assistance, and seeking lasting solutions for all non-Palestinian refugees (Janmyr, 2016a, p.63). This notion of shared responsibility was outlined in the 2003 MoU agreed upon by the UNHCR and the General Security Office. With the mass influx of Syrian refugees in 2011 onwards, the UNHCR's role has strengthened with its position as the prime provider for the country's refugees' needs (Janmyr, 2018, p. 394). In reality, the UNHCR's mandate, and its effectiveness in the provision of protection, has been interrupted and countered by the Lebanese government's initiatives, of which we state the October policies of 2014. Theoretically, the UNHCR does have a larger mandate than any other agency dealing with refugees in Lebanon, but it comes with limited prerogatives as discussed on section 3.2.4. Human rights defenders however have been denouncing the complacent role of the UNHCR regarding deportations (Male, Beirut, informal discussion, 10 December 2019)

4.1.4 NGOs

Lebanon's non-governmental sector is responsive, dynamic, and diversified. Figures from Daleel Madani, point to a recurring peak in NGO creation following each humanitarian crisis that the country had witnessed (AbiYaghi, Jagarnathsingh, and Yammine, 2019). Such instances were documented following the 2006 Israeli War on Lebanon, and the conflict in Syria in 2011, when the associative sector saw a rapid increase of new initiatives, campaigns, and organisations (Ibid). Historically, NGOs have been at the forefront of aiding Syrian refugees in various sectors including livelihoods, basic assistance, WASH, shelter, health, food security, education, SGBV, child protection, as well as social cohesion (Karam, 2018, p.5). When it comes to refugee issues, their funding mostly comes from the UNHCR, the United States Agency for International Development (USAID), the European Union (EU), or other international bodies (Ibid). Not limited solely to narrowing the service provision gap, some NGOs also engage in other activities, such as awareness raising, capacity building, advocacy and lobbying, monitoring and observation, protection of marginalised populations,

as well as providing effective representation concerns at the local and national level (Beyond Reform & Development, 2015, p.50). Indeed, since the onset of the Syrian war in 2011, grass-root civil society collectives and organisations, both Lebanese and Syrian, have been joining efforts in their attempt to fight against refugee injustices (Lebanon Support, 2015a). Some of their mobilisations include forming committees for targeted action, initiating forums for discussions, and acting as intermediaries between refugees and practitioners (Ibid). The latter efforts are focused on addressing the socio-economic situation, increasing access to legal redress, and actively denouncing discriminatory policies and practices, such as the work of a group of civil society actors, human rights activists, and researchers working on access to socio-economic rights in Lebanon¹³.

4.2 The impact of constructed narratives and perceptions

4.2.1 A “warm” welcome with lingering worries

At the onset of the Syrian crisis, refugees were hospitably welcomed in certain bordering villages (Hourani and Van Vliet, 2014). Political parties such as the Future Movement, and Hezbollah, stressed on the importance of humanitarian solidarity (The Daily Star ,2012; Barnard, Hauser, and Saad, 2013). Hezbollah and their allies, supporters of the Assad regime, had called on Lebanese nationals to consider them as ‘guests’, as they are ‘Syrian citizens fleeing from unrest’ (Zambarakji, 2012), distancing themselves from the usage of the term refugee. Additionally, resonating worries of a “new form of naturalisation” were voiced by the Lebanese Phalangist Party, calling on the Lebanese government to continuously follow up on the inflow of refugees, and the speedy formation of a crisis committee that would assess possible repercussions (Naharnet Newsdesk, 2012).

4.2.2 Narratives of scapegoating

1. Fears of spillovers

With the Syrian crisis exponentially worsening at the onset of 2013, hopes of safe returns were not forthcoming. Following counterterrorism clashes with Syrian militant groups in Aarsal (2014), the Lebanese Army conducted security raids on refugee settlements arresting those without legal status, as part of a wave of retaliatory measures (Lebanon Support, 2018, p.33). The rather neutral and distanced language previously used in public discourse, pertaining to the protection of refugees, was replaced by a more hawkish discourse, with the increased usage of displacement as a securitised national burden (Fakhoury, 2017, p.686). Mounting fears of a spillover were voiced in the context of a conspiracy plot “to drag Lebanon into the Syrian war” (Fisk, 2013). Ahead of the 2014 Berlin conference, former Prime Minister, Tammam Salam, described the presence of Syrian refugees in Lebanon as “the most dangerous problem facing Lebanon” (The Daily Star, 2014a). This period witnessed aggravated tensions between refugees and less affluent host communities, as a generalised understanding was formulated concerning the overstretching of Lebanon’s capacity and resources (Fakhoury, 2017, p.686).

¹³ See the full statement here: <https://www.daleel-madani.org/node/169765>

2. Economic burden

Government discourse has also framed Syrian refugee presence as an economic burden. Arguments evoked by government officials tend to center around the infrastructure costs associated with hosting the Syrian refugees. Former Lebanese Social Affairs Minister, Rashid Derbas, had stated in 2014 that “Lebanon’s economic losses resulting from the Syrian crisis had reached USD 20 billion” (The Daily Star, 2014b). The main issue here is the confusion made between the by-products of the Syrian crisis, as a whole, on the Lebanese economy, and the distinct impact caused by the presence of the refugees (Jalkh, 2019). Such discourse of economic losses has contributed to fueling the frustration of host communities, and the construction of negative perceptions and narratives. Most recently, during the 74th session of the United Nations General Assembly, Lebanese President Michel Aoun stated that their presence “...has posed a serious threat to the achievement of the Sustainable Development Goals (SDGs) agenda in Lebanon and led to the aggravation of its economic crisis” (UN News, 2019).

3. Proudly nationalistic and bordering on xenophobia

Gebran Bassil, former Minister of Foreign Affairs and Emigrants, and current leader of the Free Patriotic Movement (FPM), is very outspoken with his populist and discriminatory rhetoric, continuously reiterating that, “Syrian citizens have only one route, which is the route that leads to their homeland” (Naharnet Newsdesk, 2017). In defense of his xenophobic rhetoric he states the following: “...Yes, we are racist Lebanese and at the same time we are open to the world and no one has the right to lecture us about being humanitarian” (Ibid). Bassil’s government coalition allies began enforcing laws that were formerly rarely executed, such as shutting down shops owned by, or employing, Syrians without permits, as well as ordering the destruction of anything resembling semi-permanent shelters in Syrian refugee camps (Human Rights Watch, 2019a; The Daily Star, 2019a). We have also witnessed the propagation of slogans such as “Lebanon above all”, and still are advised to stay wary of the “international conspiracy” to resettle Syrians in Lebanon (Ibid). In line with previous statements, upon assuming office in 2019, former Minister of State for Refugee Affairs, Saleh Gharib, stated that his priority is to facilitate the return of Syrian refugees, rather than their resettlement and integration in host communities (The Daily Star, 2019b).

4.2.2 The evolution of discourse

It is important to note that political discourses are circumstantial and do evolve depending on the context. At international donor conferences, Lebanese delegates have a habit of making commitments to improve the provision of protection to refugees, yet mostly void subsequent tangible results. At the London donor conference in 2016, Lebanon committed to a “review of existing regulatory frameworks related to residency conditions and work authorisations”. Three years later, an estimated 74% of refugees lack legal status and 76% live in poverty. Former Prime Minister Saad Hariri, in April 2018, represented Lebanon at CEDRE and Brussels II, both international donor conferences, where he reiterated the state’s commitment to the international community, and the continuous provision of accommodation of Syrian refugees (Geha and Talhouk, 2018, p.2). Additionally, during his speech in the Brussels III conference in March 2019, former PM Hariri urged allies of the Syrian regime to pressure it into facilitating the return of displaced Syrians in order to end their “suffering” (Naharnet Newsdesk, 2019a), and that despite Syrian refugees becoming a “huge burden on the state”, the Lebanese government has uninterruptedly carried out its “humanitarian duty” (Ibid).

5. Asylum Procedure and Refugee Protection: Practices, Experiences and Perceptions

This section is based on insights gathered from interviews with practitioners and refugees. The meso-level interviews brought together 15 participants (4 women and 11 men) from various backgrounds, and locations spanning from Beirut, Majdal Anjar, Mount Lebanon, Tripoli, Zahle, who interact directly with Syrian refugees. The micro-level interviews involved 60 participants (28 men and 32 women), the majority of which are of Syrian origin (55), in addition to (4) Palestinians, and (1) Kurdish national. Participants' locations included Akkar, Beirut, Bourj Hammoud, Majdal Anjar, Mount Lebanon, Ouzai, Saida, Sin el Fil, Tripoli, Tyre and Zahle.

5.1 Perceptions on the provision of protection

Meso-level participants' answers pertaining to the provision of protection to Syrian refugees, ranged from: "there are no provisions for refugee protection" (Journalist, Interview, Tripoli, 14 November 2018), to: "If as a Lebanese national one cannot find their own protection in their country, then how would a Syrian displaced person or refugee, who does not have an ID or has entered legally but overstayed his visa or who has entered illegally find protection" (Municipality Security Force, Majdal Anjar, Interview, 12 December 2018), and the following: "refugees are more protected than Lebanese" (ISF, Zahle, Interview, 23 October 2018).

Answers on opposite ends of the spectrum were more varied, stating that refugees are either over protected or under protected, thus demonstrating the uneven dissemination of knowledge and empirical findings, pertaining to the provision of protection to refugees, across participants.

As discussed previously, available policy frameworks addressing the provision of protection to refugees, and asylum seekers in Lebanon, are still in their nascent stages. This has resonated in the discourse of those stating either its complete absence, or its insufficiency at a time when even Lebanese nationals still face hurdles in their accession to comprehensive social protection.

Indeed the views of our micro-level interlocutors will be discussed further in the following sections, as they shed light on the provision of protection, which starts at the border, flows through internal dynamics within Lebanon, and finally rests with their return.

5.2 Access at the borders

When discussing access to asylum with our meso-level interlocutors, there was widespread mention of instances of class-based discrimination and selection: a humanitarian lawyer stated that "low-income people will most likely be denied entry. I usually advise my clients to wear a suit for example when they are trying to cross the border, and I am worried that they will be denied entry" (Beirut, Interview, 29 October 2018). Arbitrary treatment also varied among refugees, based on their personal socio-economic characteristics (Lebanon Support, 2019, p. 34)

A broker we were able to interview stressed that access has become more restrictive and that “you need to pay bribes to get past the borders” (Beirut, Interview, 4 December 2018). Following the 2014 October policies, increased formalities at the borders have, counterproductively, led to an increase in irregular entries with smugglers via illegal crossings (Community focal point, Majdal Anjar, Interview, 12 December 2018). The information pertaining to this category was uniform and coherent among participants. Indeed, the inability of Syrians to legally enter or stay in Lebanon has exacerbated irregular migration, which was prevalent long before the eruption of the Syrian crisis in 2011 (Lebanon Support, 2019, p.28)

Overall, on the micro-level, in the period spanning 2011 to 2014, out of 60 refugee participants approximately 17% crossed the Lebanese borders illegally via smugglers through mountains, with the majority entering legally without any problems at the border. A woman refugee comments on the entry process at the time, stating that: “They just asked us why we were coming to Lebanon and where we were coming from[...] Then, they let us” (Tripoli, Interview, 5 May 2018). The percentage of illegal crossings is more concentrated in the period following 2014¹⁴, those who wanted to cross legally were advised to have a hotel reservation to ease the process (Female, Beirut, Interview, 16 November 2018). For that reason, the mountainous journey guided by smugglers was a preferred alternative, as it was less costly than the legal route (Male, Akkar, Interview, 4 November 2018).

Instances of profiling at the borders were narrated by a woman Syrian refugee whose cousin had difficulty crossing legally: “when she got to the border, they told her she wasn’t going to a hotel reservation because she was wearing a hijab” (Beirut, Interview, 16 November 2018).

Indeed, incidents of harassment and profiling at the border by Lebanese authorities, and extending to internal dynamics, are an example of the reach of populist discourse stressing on “strong leadership”, “war on terror”, calling for “strong border control” (Majed, 2017, p.8). Moreover, racism and profiling are forms of identity politics discriminating against certain societal strands based on a “hierarchy of identities” (Ibid).

5.3 Aid assessment

5.3.1 UNHCR performance

Widespread throughout these interviews was the blatant discontent with the UNHCR’s provision of services. From delays regarding registration, aid reception and administration, to one-off financial assistance, unresolved complaints submitted by refugees, perceptions of unfair treatment and neglect, the list of grievances regarding the UNHCR’s performance goes on.

A woman Syrian refugee explains: “It’s been two years they are studying my file. All they did was give me a barcode number, the registration number and that’s all. I want the UN to come see our situation, no one has ever visited our home” (Beirut, Interview, 16 November 2018).

¹⁴ As a result of the restrictive policies promulgated in October 2014.

Within this context, another participant adds: “They gave me assistance for one winter and they never gave me assistance again” (Female, Tripoli, Interview, 5 December 2018).

Many have stated their discontent with aid follow-up: “The UN just throws a tent at you and leaves you alone” (Male, Beirut, interview, 3 December 2018).

Indeed, and most recently, the funding gap of USD 4.1 billion encountered by the UNHCR in 2018, translated into difficulties in coping with the needs of the most vulnerable refugees (Cherri and Hariri, 2018). UNHCR representative, Mireille Girard, also highlighted that even prior to this funding gap, the available resources had failed to keep track of the pauperisation of Syrian refugees: “...we should be helping 76% of the population, but we are helping only a portion of the 58% below the extreme poverty line... their vulnerabilities are increasing and we are barely maintaining the level of assistance we had the previous year.” (Ibid)

In terms of filed complaints, our respondents have voiced their disappointment with UNHCR responsiveness.

A female refugee goes on to summarise that: “You go to their window to complain all they do is give you a paper. You fill the paper and you give it to them.. I’ve filed many complaints and never received any help.. I’ve probably filed a 1000 complaints and they probably threw them all away like they probably did my medical papers.. They only help the rich or the people who don’t need the help ” (Beirut, Interview, 23 November 2018)

Interlocutors have also communicated the lengthy, unassured, and arduous UNHCR procedure related to resettlement.

One of our female respondents describes her experience with resettlement as follows: “In 2016, they called us and told us we were chosen to travel [to Canada]... They first asked us to come for an interview, and then we took an appointment for a medical check-up. At the medical check-up they told us everything went well and that we were to pack our things because at the end of the year we were to travel.. We sold everything that we owned and we waited. We are still waiting until today” (Tripoli, Interview, 5 December 2018).

Additionally, the unresponsiveness on the part of the UNHCR concerning requests for resettlement have been stated (Female, Tripoli, Interview, 5 December 2018). Also, the lack of trust in the UNHCR among beneficiaries, stemming from its performance in aid provision, have discouraged them from applying for resettlement (Female, Tyre, Interview, 29 November 2018). Furthermore, the issue of arbitrariness in the selection process was a topic of concern for our respondents.

A male interlocutor conveyed his perceived unfairness of the resettlement process: “It depends on your luck. The UN chooses its preference. It depends on the computer.. they press a button on their computer and then the messages get sent ” (Akkar, Interview, 3 November 2018).

5.3.3 Management of funds

In regard to the management of funds dedicated to Syrian refugees, a WASH volunteer summarises the situation as follows: “ there are lots of NGOs that are taking action to meet Syrian refugees’ needs. Even though there is a good amount of funding coming into the country, unfortunately most of the funding is not going to the right places” (Tripoli, interview, 14 November 2018).

Put differently by an Art teacher who works with Syrian refugees in Beirut, Choueifat and Bekaa: “not all of the funds are going towards the basic needs... some of the things are delayed” (Beirut, Interview, 18 November 2018). The lack of funding is hindering access to proper housing, education and health care.

Based on the information we have gathered pertaining to UNHCR performance, its responsiveness, in addition to the perceptions of our respondents, perhaps we could deduce that the funding available is being overvalued in terms of the evolving needs of the expanding refugee population.

5.4 Exclusionary and discriminatory policies and practices on the ground

As a result of constructed securitised perception, we can document the implementation of unlawful and discriminatory policies, and regulations, at both the local and national levels (Saghir, 2019, p.6) .

5.4.1 Local repercussions at the municipal level

Human Rights Watch (2014) communicated that at least 45 municipalities nationwide have implemented curfews explicitly directed at Syrians implemented by groups of citizens, vigilante groups, with the clout of local political parties (Lebanon Support, 2016b, p.5). By imposing discriminatory curfews, solely directed towards Syrian refugees, indirectly branding them as security threats, this is conducive to local level scapegoating.

In terms of the laws authorising the establishment of curfews, a state of emergency or marshal law can only be initiated by the Council of Ministers, and the implementation of these curfews can only be overseen by the High Military Command (Al-Saadi, 2014). Yet, recent curfews, reflect the anomaly of local coping strategies, as the High Military Command has yet to be involved, and a state of emergency has yet to be declared by the Council of Ministers (Ibid). By restricting the freedom of movement of Syrian refugees, Lebanese municipalities are not only violating the bilateral treaties with Syria, but also the articles of international treaties it adheres to (Ibid).

The broad ignorance pertaining to municipality laws, coupled with a public discourse fuelled by xenophobic rhetoric, have paved the way for the acceptance of such discriminatory practices. Additionally, it has been previously stated that, these curfews are specifically against the working-class refugees, perceived as an economic burden and a threat to national security (Majed, 2017, p.8).

Certain municipalities, aided by the Lebanese Armed Forces (LAF), have also engaged in campaigns of mass evictions, in an environment of harassment and discrimination (Human Rights Watch, 2018; UNHCR, 2017a). Indeed, in 2016, 13 municipalities evicted over 3,600 Syrian refugees, with another 42,000 reported as still risk of such practices (Yahya, 2019).

5.4.2 National repercussions and securitisation measures

At the national level, GSO's 2014 restrictive October policies, have additionally opened the door to practises such as temporary arrest, arbitrary detention, deportation (CLDH, 2016, p.22-23-40), and organising "voluntary" returns, condemned by UNHCR and the international community (Amnesty International, 2019, p.1-3; Yusof, 2018). The discourse of securitisation propagated by political parties mostly advancing non-encampment, favouring "safe returns" and establishing safe zones, is also in line with the policies' logic of 'reducing the numbers' (The Daily Star, 2017; Dabrouk, 2014; Sputnik News, 2017) .

1. Irregular residency

Ongoing issues regarding the issuance and renewal of a residency have been voiced clearly throughout all 60 of the micro level interviews conducted. Following the 2014 October policies, the GSO's restrictive measures and increased legislative formality has led to an increase in irregular migration. Indeed, a study conducted by the political science institute at USJ, highlighted that 70% of Syrian refugees in Lebanon were without legal residency, while 79% are registered with the UNHCR, the percentage has been increasing yearly, and has reached 78% in 2019 (AlSharabati and Nammour, 2015; UNHCR, 2019b, p.10).

One participant explains that "only GSO will stop us and ask us why we have overstayed our visas. I cannot renew because it is too difficult... I have to renew my Visa or else they will detain me" (Male, Majdal Anjar, Interview, 10 December 2018), another refugee adds: "as men without a legal status, we try to stay away from areas with checkpoints" (Male, Beirut, Interview, 4 December 2018).

Furthermore, a basic assistance employee at the UNHCR states: "the GSO is very strict when it comes to residency permits, this has affected refugees mobility, those who did not get their residency permit renewed are afraid of moving around in Lebanon"(Basic Assistance UNHCR, Zahle, Interview, 23 October 2018).

The gender dimension is important to note in this regard, while lack of residency has greatly affected the mobility of male refugees, fieldwork shows that GSO has been more lenient towards female refugees that lacked official papers. Indeed, none of our women participants has been reprimanded for not regularising her stay, nor threatened with detention: "I haven't renewed my visa in 4 years, but no one has ever stopped me." (Female, Ouzai, Interview, 16 November 2018). Another woman refugee highlights: "Every 6 months I renew my residency. However my father and my brothers find it difficult... They make it difficult on them and that's why their mobility is restricted" (Mjadal Anjar, Interview, 10 December 2018).

2. Temporary arrest

Syrian refugees are most commonly arrested at checkpoints, on the basis of either lacking legal residency permit, or the lack of personal identification documents, and usually lasts for a few hours (CLDH, 2016, p.22). Such incidents are frequent, a constant source of harassment affecting both male and female Syrian refugees (Ibid, p.23). Reports of threats and exchanges of bribe for releases have been reported (Ibid). For these reasons, Syrian refugees aim to sidestep security state institutions out of an inherent fear of being arrested (Lebanon Support, 2016a, p.24).

The fears associated with checkpoints not only lie in the procedure of temporary arrest, but also in subsequent worries of mistreatment, harassment, and threats by officers. In addition, it was also reported that it is easier for women to cross checkpoints, and that the overall treatment with both genders ultimately varies with the officer on duty (NRC Lebanon, 2014, p. 16-17). This fear has not only affected their freedom of movement, but also their access to services linked to their fundamental human rights.

Checkpoints are an integral part of Syrian refugees' daily lives. One study documented that while 37% of participants mentioned inherent problems at checkpoints in 2015, this number rose to 58% in 2016, thus indicating an increasing vulnerability to assault (Alsharabati, Nammour and Younas, 2017, p.17).

3. Raids

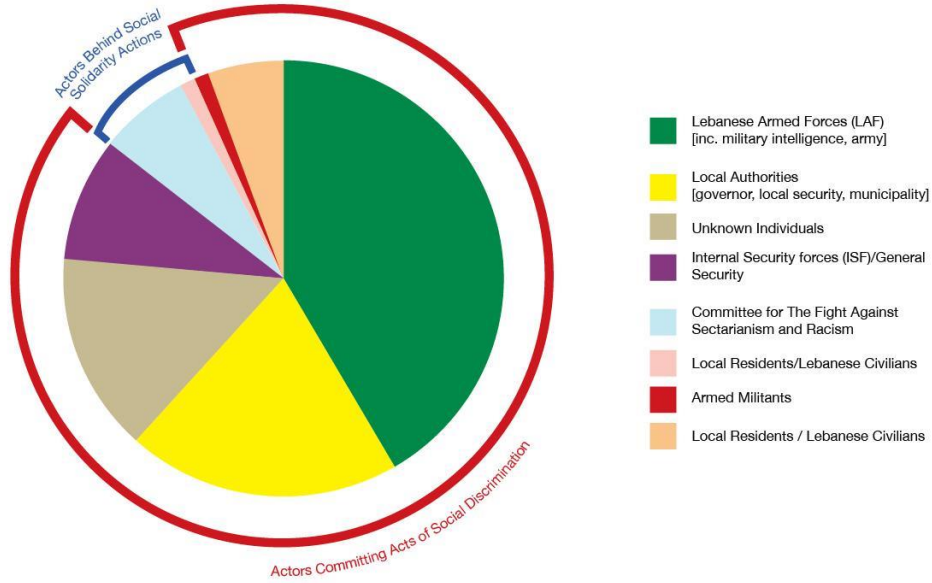
Often times, preceding temporary arrest, and more importantly arbitrary detention, are raids which “come at random times, they might come in the middle of the night, or the morning “as one of our interviewed practitioner highlights (Land owner, Majdal Anjar, Interview, 10 December 2018).

For example the below illustration, is based on data gathered from July 2014 to May 2015, and shows the locations targeted by raids as well as the actors undertaking these raids (Lebanon Support, 2015b).

ACTORS AND RAIDS IN CONFLICTS OF SOCIAL DISCRIMINATION

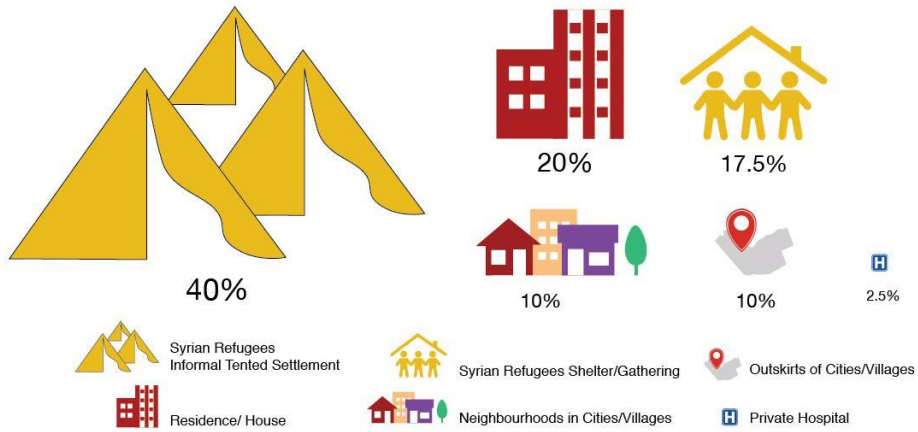
Who is committing social discrimination or social solidarity acts?

This chart shows all actors behind acts of social solidarity or social discrimination, between July 2014 and May 2015. These acts could involve or target any minority, but based on the types of locations targeted by raids, it is clear that Syrian refugees are the main victims of social discrimination reported in the media and mapped on our conflict map.



Types of locations targeted by raids

Raids can be committed by Lebanese Armed Forces, Internal Security Forces, or even local authorities, or armed militants.



(Boustani, 2015)

One of the coping mechanisms adopted by refugees, specifically men, is hiding at the mosques: “There is something particular about the young men who are living in informal settlements, they always wake up for the early morning prayers... Not for religious reasons, but so they can escape the police raids taking place during that time” (Female, Majdal Anjar, Interview, 10 November 2018).

Raids have also been used as a tool to crack down on, what is referred to as informal tented settlements, aligned with a national stance of non-encampment, leading to their demolition by the Lebanese army (Human Rights Watch, 2019a). Also resulting from xenophobic and discriminatory rhetoric, raids have been evoked as a measure of counterterrorism. Reports on these operations, cite violence and the mistreatment of Syrian refugees, with clear evidence of torture and fatalities in some cases (Human Rights Watch, 2017).

4. Arbitrary detention

Lack of legal status and legal redress makes Syrian refugees prone to different types of abuse, such as arbitrary detention (Lebanon Support, 2016, p.18), that are possibly accompanied by physical and psychological torture (CLDH, 2016, p.22).

A humanitarian lawyer highlighted that the duration of the detention of Syrian refugees spans from a few hours to up to 10 days, after which they are released and asked to find a sponsor (Beirut, Interview, 29 October 2018). Detention is used as a means to pressure Syrian refugees into leaving the country (Ibid)

In regards to finding a sponsor within the first few days following the release of the detainees, a refugee from Akkar notes that “it is as if they are telling you to make magic. It is really not realistic. They know it is not easy to get one” (Interview, 3 November 2018).

GSO detention decisions regarding refugees, may be challenged before the Minister of Interior (Global detention project, 2018, p.14). Lawyers have further explained that registering the request for appeal with immigration authorities is arduous, and results are not guaranteed due to the lack of provisions to contest GSO decisions (Ibid). These precarious circumstances only provide one resort for refugees, which is to request mercy based on a general principle of administrative law, however this (Ibid). As with all administrative decisions, a GSO decision may be challenged before an administrative judge, within two months of the detainee being notified (Ibid). Nevertheless, judicial authorities rarely scrutinise or evaluate the legality of detention (Ibid). Regardless of the provision of such legal services, as refugees face a lack of access to legal counsel, their efforts to appeal detention decisions are complicated.

5. Deportation

In April 2019, the Lebanese Higher Defence Council endorsed a number of decisions concerning Syrian refugees in Lebanon, of which we state the need “to request the relevant ministries to take the necessary measures and procedures to control the smuggling of people and goods through land borders” (Legal Agenda et. al, 2019, p.1).

In response to these instructions, the GSO deported 2,731 Syrian refugees from Lebanon, between May 21 and August 28 2019, due to their illegal entry into Lebanon in the

period following April 24 (Human Rights Watch, 2019b). According to Human Rights Watch (2019b) at least three of the deported Syrians have been arrested and detained by Syrian authorities upon their arrival. Additionally, it has been reported that in at least three other cases, the GSO has deported Syrians who had arrived prior to April 24 (Ibid). Furthermore, instructions initially formulated for increased border control have been recurrently used to justify deportations. This policy is one of several government measures increasing pressure on Syrian refugees to return. Lebanese officials insist that these deportations are lawful, and that refugees are only being sent back to parts of Syria that are 'safe'.

Widespread fear of getting deported due to the lack of proper residency documents was voiced as follows: “we are afraid of even going to General Security to renew our residencies because they might place a deportation stamp on our travel documents. Now we are stuck in the camps” (Male, Bourj Hammoud, Interview, 14 December 2018).

6. “Voluntary” returns

Voluntary return to safe zones with dignity is a core tenet of the international refugee regime. Although the UNHCR has stated that it cannot promote or facilitate returns of refugees before it has confirmed safety conditions in Syria, GSO has been organising them since May 2018 (Human Rights Watch, 2019c). To date, it has been reported by the UNHCR that over 27,000 refugees had returned to Syria (Naharnet Newsdesk, 2019b).

Refugees stated that their returns are motivated by the harshness of policies, deteriorating livelihood and security conditions in Lebanon, not because they believe Syria is safe (Human Rights Watch, 2019c). International law condemns “constructive” refoulement, which occurs when local governments use indirect methods to coerce individuals to return to a place where they would be at real risk of serious human rights violations (Amnesty International, 2019, p.2) .

The contested nature of these returns have been voiced by participants during interviews. An EU diplomat described them as “more or less voluntary” (Beirut, Interview, 28 November 2018). The same concerns were voiced by a Humanitarian lawyer due to the fact the UNHCR has not been able to monitor these returns (Beirut, Interview, 29 October 2018).

A basic assistance employee at the UNHCR shared the latter concerns with the following statement : “sometimes the names [of Syrian refugees] don’t match with those who are registered. There are lots of people who return but never registered with the UNHCR. The issue that there is no control and monitoring over these ‘spontaneous’ returns” (Basic Assistance UNHCR, Zahle, Interview, 23 October 2018).

Limited coordination between government bodies and the UNHCR is apparent as the Ministry of Foreign Affairs and Emigrants accused the UNHCR of obstructing return initiatives, upon their request to interview the returnees beforehand (Humanitarian lawyer, Beirut, Interview, 29 October 2018). Participants hinted at the principle of constructive refoulement, while discussing these organised “voluntary” returns.

Indeed, it is important to note that refugees navigating return decisions lack vital information (SAWA for Development and Aid, 2019, p.20). From conditions inside Syria, in their area of intended return, to the status of their property, to risks of mandatory

conscripted, or even detention upon arrival, reliable and updated information is not available to them (Ibid). Moreover, if refugees do not have enough information to make informed decisions for themselves and their families, their returns cannot be considered voluntary (Ibid).

5.5 Perceived obstacles in the provision of adequate protection

5.5.1 UNHCR-related services

As previously discussed, the underwhelming impact of the medical aid provided by the UNHCR, in addition to the overall mismanagement of available funds (or lack thereof), were both recurrent statements of concern, voiced by more than 90% of the refugees interviewed. Our micro-level interlocutors explicitly communicated their discontent with, not only the management of funds, but also in regards to the selection process of beneficiaries, as they cast doubts on the vulnerability assessments conducted by the UNHCR. In regards to the provision of medical aid, there is an inherent need for an enhanced synchronised approach in UNHCR's efforts, in order to reduce the existing gaps in responding to the targeted health needs of Syrian refugees.

5.5.2 The UNHCR-GSO gap

A stagnant gap exists between the work that the GSO is focused on accomplishing, and that of the UNHCR. A Humanitarian lawyer explains that “the authority [UNHCR] which recognises you as one [a refugee] with a residency is separate than the authority [GSO] which grants you the residency, and that recognition does not automatically lead to a legal consequence of being recognized as a refugee with the general security for you to obtain a residency. So, if you are a refugee, you don't automatically get a legal status in the country” (Beirut, Interview, 29 October 2018). The latter statements reaffirms our previous understanding, that the UNHCR has the largest mandate, yet with limited prerogatives, constantly circumscribed by the GSO¹⁵.

6. Concluding remarks and recommendations

Although we were not able to identify “best practices” from our meso and micro level interviews, some of these conducive practices could be built upon accordingly: at a civil society level, CSOs have started a couple of joint advocacy and coordination initiatives notably regarding refugees; such initiatives fill a void notably in more effective campaigning and lobbying, and ought to be built on.

Moreover, and guided by our fieldwork interviews and findings below are some recommendations to policy makers:

1. The government of Lebanon should ratify the 1951 Convention Relating to the Status of Refugees, and its 1967 Protocol. Additionally, it should adhere to the existing international treaties it has ratified¹⁶.

¹⁵ See sections 3.2.4 and 4.1.3.

¹⁶ See section 3.1

2. An updated MoU, between the government of Lebanon and the UNHCR, should be drafted with a focus on the provision of comprehensive protection to refugees.
3. A participatory approach, along vertical and horizontal axes, should be adopted in the formulation of a National Strategy, able to respond to the specific needs of refugees, and the host communities. This action should see the participation of refugees, business owners, national and local government officials, donor agencies, civil society organisations and security agencies. This Strategy must be articulated around the currently discussed National Social Protection Strategy.
4. Aid providers and their donors should reassess the depth and breadth of their service provisions, in order to improve its reach to refugees, and host communities alike, adapting to their evolving needs.
5. It is important to promote empirical awareness in order to counter misinformation about refugees, and the impact of their presence, as it hinders social cohesion, and renders them prone to exclusionary acts of discrimination.

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