



# Drivers of Premature Return

## Syrians' Reflections on Displacement in Lebanon

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With the support of:





## Disclaimer

Basmeh & Zeitoneh made all possible efforts to represent only accurate data, crosscheck all the information in this report, and translate all Arabic data obtained during the research phase into English as carefully as possible. This does not rule out the possibility of inaccuracies or oversights, for which the team hereby expresses its regrets.

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## Executive Summary

At the eve of a third Brussels Conference on the Future of Syria and the Region, this report voices the concerns and reflections of 180 Syrians residing in Lebanon with regard to their displacement, the role of UNHCR and return actors, and the main obstacles for safe and sustainable return to Syria. It demonstrates how several concerning developments are endangering the ‘voluntariness’ of current and future returns from Lebanon, and that increased international support is urgently needed to counter these developments. Moreover, it stresses the responsibility of the humanitarian community to inform Syrians in Lebanon about the risks associated with returning at this stage, and the fact that there currently does not exist any proper post-return monitoring mechanism.

The majority of protection gaps reported by the study’s participants, and how these render their living conditions extremely challenging and are drivers of premature return to Syria, correspond to challenges that have been identified previously. They include an overwhelming lack of legal residency, economic vulnerabilities, barriers to education for Syrian children and youth, and the Government of Lebanon and host communities’ anti-refugee policy and practice. By leaving these push factors unaddressed, the crucial ‘voluntariness’ of return cannot be guaranteed given that voluntary returns should be based on a meaningful balance between push and pull factors and not be predominantly motivated by negative push factors. However, the protection space in Lebanon is shrinking rather than expanding, which has led to the premature return of some Syrians.

Moreover, this study identifies some other, less well-known elements that Syrians in Lebanon consider significant push factors for return, or even direct pressure tools or part of a larger plan to compel Syrians to leave Lebanon. Two perceptions that were echoed by the majority of participants are: UNHCR is reducing its assistance to Syrians in Lebanon and is deregistering refugees, and aid is distributed in an unfair, often random, and inefficient manner. The decrease in aid assistance was often perceived either a direct or an indirect way of pressuring Syrians into returning, and sometimes even as part of a larger strategic plan to remove Syrians from Lebanon. These views are fueled by recent humanitarian aid cuts announced through text message and continuous underfunding of the Lebanon appeal of the 3RP plan, the fact that UNHCR has not registered new refugees after 2015, the fragmented and opaque aid landscape in Lebanon, and the fact that UNHCR is present at returns facilitated by the Lebanese General Security. In addition, the reported more aggressive and insistent enforcement of the ban to work and increasing numbers of Syrian businesses that are shut down by the GoL are also considered a precursor of large-scale return. The large majority of respondents increasingly fear being forced to return to Syria before they can do so voluntarily, and in safety and dignity.

As is demonstrated by this study, push factors in Lebanon are insufficiently addressed, and should be tackled by a stronger material and immaterial commitment by the EU and the international community at large.

The reasons for which the majority of Syrians fled remain unchanged and continue to pose high risks on the lives of Syrians. Returnees from exile are even at higher risk of persecution by the Government of Syria, especially those associated with the ‘opposition’. Without genuine safety guarantees for civilians in place, abolition of compulsory military service, an end to structural human rights violations, and a functioning economy with sufficient livelihood opportunities and access to services, Syrians are not able to return in a safe and dignified way, despite the fact that the majority strongly wishes to repatriate one day. Many of the participants of this study have doubts whether the right conditions will ever be achieved, but sincerely hope so.

Moreover, Syrians in exile lack reliable and comprehensive information about the conditions in Syria, as impartial and independent humanitarian actors are neither able to conduct all-encompassing needs assessments and post-return monitoring inside Syria, nor reach all populations in need of assistance. Unfettered access for the UN and other agencies to the whole territory and all populations of Syria, including returnees, is an essential precondition for voluntary and safe repatriation of Syrians. UNHCR and other NGO actors have the responsibility to raise awareness among Syrians in Lebanon with regard to the risks associated with returning at this stage, and should highlight that there currently does not exist any proper post-return monitoring mechanism.

At the eve of the third Brussels Conference on the Future of Syria and the Region (12-14 March 2019), this report calls upon donor countries to increase their support to Syrians living in Lebanon, in order to ensure their right to a safe, voluntary and dignified return. As such the report proposes a set of 14 recommendations, including:

- Push back consistently and with one voice against donor fatigue, which can lead to premature returns, and insist on commitments to multiyear, flexible and transparent funding to local humanitarian and civil society actors as much as possible, in line with Grand Bargain commitments.
- Support and pressure the GoL to remove restrictions to accessing legal residency, allowing Syrians to enter the formal labor market and access services. This includes waiving the USD 200 renewal fee for all Syrians, and the GoL should be held accountable for implementing the fee waiver consistently on the ground.
- Allocate more resources for social stability programs that reduce tensions between host communities and refugees.
- Pressure the GoL and the GoS to allow UNHCR to play a more transparent and accountable role in preventing unsafe and involuntary return and to establish a robust and accountable mechanism to monitor and protect returnees. Insist on full and unfettered UN access to returnees before and after return and on unimpeded UN monitoring capacity in all areas of return.
- Support further research efforts on post-return conditions and speak out about any return or return movement that is understood to be involuntary.
- Remain fully committed to achieving UNHCR's Protection Thresholds before moving to, or endorsing facilitated returns. Inform relevant partners and organizations about progress made in operationalizing the thresholds, and involve them actively in identifying the indicators to measure progress in the achievement of the thresholds.

# 1. INTRODUCTION

With 5,4 million refugees displaced across the region, and 6 million internally displaced, the war in Syria has caused the largest displacement crisis in the world.<sup>(1)</sup> Lebanon hosts the highest number of Syrian refugees per capita worldwide: one out of five inhabitants is now a Syrian.

This study aims to capture the main reflections and concerns of Syrians with regard to being displaced to Lebanon, what they consider the largest obstacles to return to their home country, Syria, and their access to information about and views on the question of return. As debates on the long-term displacement of Syrians and the quest for ‘durable solutions’ are mostly held in high-level political and humanitarian circles, there is an urgent necessity to include the voices of Syrians affected by the displacement themselves into these debates, especially those living in marginalized areas that larger agencies and research institutes have limited access to and that are therefore under researched. Basmeh & Zeitooneh’s continued presence and acceptance by local communities in Shatila, Nabaa, Bar Elias, and Tripoli allowed us to reach 180 Syrians who were willing to participate in this study.

While Syrian refugees in Lebanon have been surveyed about their living situation, attitudes to displacement and attitudes to return,<sup>(2)</sup> there is a data deficit with regard to the level of return-related information accessible to Syrians, the ways in which they view the role of humanitarian actors such as UNHCR, and the conditions they deem most important to be in place before safe and sustainable repatriation can take place. Finding answers to these questions will enhance our understanding of which protection gaps in Lebanon should be prioritized in order to prevent premature returns, how humanitarian actors can better inform Syrians with regard to their displacement and the risks associated with returning, and what other evidence-based recommendations for policy planning related to long-term displacement should be made. Above all, this study will dictate further research endeavors.

After providing some background information to the Syrian displacement crisis, the methodology of the study is expounded in detail. The findings of this study are divided into four main sections. After a short section on the profiles of the participants of the study (4.1), section 4.2 deals with the main challenges and pressures that Syrians in Lebanon experience, which amount to push factors for premature return. Section 4.3 describes the major obstacles to safe, dignified and sustainable repatriation that the majority of respondents reported, and how these concerns have affected other Syrians that did return. The final section, 4.4, spells out Syrians’ main reflections on the question of return, the knowledge they have about the different return pathways, their access to return related assistance and the conditions that the respondents would like to see materialized before they can consider returning.

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(1) World Vision, “Syrian Refugee Crisis: Facts, FAQs, and How to Help”. Available at: <https://www.worldvision.org/refugees-news-stories/syrian-refugee-crisis-facts> [last accessed 20 February 2019].

(2) See for instance: UNHCR Lebanon, “Intentions and Perceptions of Syrian Refugees in Lebanon About Their Future”, 25 April 2018, <https://data2.unhcr.org/en/documents/download/63310>, and Oxfam, “Pushing Back on Push Factors”, February/March 2018.

# 2. BACKGROUND

## Scale and Impact of The Syrian Refugee Crisis

Lebanon is host to an estimated one-and-a-half million Syrian refugees. The Government of Lebanon (hereafter: GoL) has not ratified the 1951 Convention relating to the Status of Refugees, or its 1967 Protocol, and, even though it is home to the highest number of refugees per capita in the world, has not established a national legal or policy framework for the treatment of refugees. This protection vacuum leaves Syrian refugees vulnerable to exploitation and violation or denial of their basic human rights.<sup>(3)</sup> The latter is exacerbated by the fact that UNHCR has not registered new arrivals since May 2015.<sup>(4)</sup> As a result of the lack of UNHCR registration, 73 percent of Syrians do not have legal residency<sup>(5)</sup> and 69 percent of Syrian households in Lebanon live beneath the Lebanese poverty line.<sup>(6)</sup> The lack of legal documents also increases other protection risks, such as exposure to abuse and violence on the street and at the workplace.

## Return to Syria

The debate around refugee return on a wider scale is a deeply controversial topic, increasingly used by governments and politicians as a tool to push forward a specific political agenda.<sup>(7)</sup> While it is certain that the number of Syrians returning from Lebanon to Syria is small relative to the number of displaced individuals that have remained in Lebanon, reliable data on the number of returnees are hard to come by and may be either inflated or deflated depending on the actor citing them.<sup>(8)</sup> The different stakeholders and decision-makers involved in the Syrian crisis - the GoL, the Government of Syria (hereafter: GoS), Russia, Turkey, UNHCR, civil society organizations - have rather diverging and politically motivated views on when conditions in Syria will be conducive to refugee return and the preferred pace, timeline and modality of the return of Syrians to their home country.<sup>(9)</sup>

In the highly afragmented Lebanese political system, there is consensus among political actors that the repatriation of Syrians is the key solution to the current humanitarian crisis and that this process should be encouraged and facilitated, but the manner and pace in which this should happen is unclear. Equally, the general public opinion in Lebanon seems to be in favor of the return of Syrians to their homeland, but this also differs from locality to locality.<sup>(10)</sup>

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(3) Sami Atallah and Dima Mahdi, "Law and Politics of 'Safe Zones' and Forced Return to Syria: Refugee Politics in Lebanon", *The Lebanese Center for Policy Studies*, October 2017.

(4) After the Government of Lebanon (GoL) has formally requested the suspension of registration.

(5) UNICEF, UNHCR, WFP, "VASyR 2018: Vulnerability Assessment of Syrian Refugees in Lebanon", 2018, <https://www.unhcr.org/lb/wp-content/uploads/sites/16/2018/12/VASyR-2018.pdf>, p. 25.

(6) *Ibid.*, 60.

(7) Roshan de Stone and David Suber, "Syrian return: A matter of politics or humanitarianism?", *The New Arab*, 26 December 2018. Available at: <https://www.alaraby.co.uk/english/indepth/2018/12/26/syrian-return-a-matter-of-politics-or-humanitarianism> [last accessed 20 February 2019].

(8) UNHCR recorded that during 2018, 14,496 individuals returned to Syria from Lebanon, constituting roughly 1% of the number of Syrians refugees in Lebanon. The Lebanese General Security directorate claims that 87,670 Syrian refugees returned to Syria between July and December 2018. The real number is likely to be somewhere in between, but closer to UNHCR's number.

(9) See for instance: Anton Mardasov, "Lebanon embraces Russia's refugee initiative for Syria", *Al Monitor*, 21 August 2018. Available at: <https://www.al-monitor.com/pulse/originals/2018/08/russia-lebanon-syria-refugees.html> [last accessed 20 February 2019].

(10) Sami Atallah and Dima Mahdi, "Law and Politics of 'Safe Zones' and Forced Return to Syria: Refugee Politics in Lebanon", *The Lebanese Center for Policy Studies*, October 2017.

Lebanese factions have been deeply divided over the question whether ties with the GoS should be normalized. Saad El-Hariri, prime minister and head of the leading Sunni Future Movement party, has reportedly resisted calls to normalize ties with Damascus before a political solution to the conflict is reached, warned for risks for returning Syrian refugees and stressed the need for returns to be voluntary. The formation of a new government in Lebanon the by the end of January 2019, after a nine-month deadlock, could affect Lebanon's policy with regard to the return of Syrians. Hezbollah, which supports the GoS, is in favor of normalization of relations with Syria and has already started facilitating the return of Syrian refugees, has emerged considerably stronger in the new government.<sup>(11)</sup> The recent appointment of a new minister of refugee affairs, Saleh Gharib, that is known to be an outspoken supporter of the GoS was seen as a clear sign of a potential rapprochement with Damascus. Shortly after his appointment the minister met with a Syrian official in charge of returns and stated that "Lebanon would work to secure the return of refugees to Syria" – without mentioning the word 'voluntary'.<sup>(12)</sup> The realities of the new cabinet in Lebanon are yet to be seen, although it is worth noting that even under the previous government, organized returns were already a reality throughout 2018.

The officially reported pathways for return for Syrian refugees from Lebanon can be categorized into three: Lebanon's General Security directorate has begun facilitating the return of hundreds of Syrians, Hezbollah has opened centers to organize refugee return in coordination with the GoS, and there are plans for a US-Russia led process that would facilitate the return of a sizable number of refugees without direct negotiation between the Lebanese government and the Assad regime.<sup>(13)</sup> However, there is no comprehensive and coherent information available on return pathways and practices by the involved parties, but there are serious doubts about whether the returns are in line with international law standards.

## Back in Syria

The conflict in Syria is still ongoing, and a comprehensive political settlement, which ends the war, includes guarantees for the safety of civilians, and brings peace and stability is unlikely to be reached in the short term. A number of issues evoke great concern for returnees. The GoS has promulgated a series of laws and decrees since the beginning of the war that seem to serve the purpose of punishing those in opposition to the government, and enriching regime loyalists.<sup>(14)</sup>

Impartial and independent humanitarian actors, including UNHCR, UN-OCHA, UNICEF, ICRC and other agencies, do not have free and unimpeded access to Syria, including to areas that people return to, which obstructs their ability to monitor people's safety and security after return. They are also prevented from conducting all-encompassing needs assessments and reaching all populations in

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(11) Sarah El Deeb, "Lebanon Announces The Formation of a New Government After 9-Month Deadlock", *Time*, 31 January 2019. Available at: <https://www.nytimes.com/2019/01/31/world/middleeast/lebanon-new-government-hezbollah.html> [last accessed 20 February 2019].

(12) Leila Molana-Allen, "Lebanese minister visits Damascus to discuss repatriation of refugees", *The Telegraph*, 20 February 2019. Available at: <https://www.telegraph.co.uk/news/2019/02/20/lebanese-minister-visits-damascus-discuss-repatriation-refugees/> [last accessed 20 February 2019].

(13) Carmen Geha and Joumana Talhouk, "Politics and the Plight of Syrian Refugees in Lebanon: Political Brief on the Return of Syrian Refugees", August 2018, p.2. Available at: <https://www.aub.edu.lb/Documents/Politics-and-the-Plight-of-Syrian-Refugees-in-Lebanon.pdf> [last accessed 20 February 2019].

(14) These laws include the Counterterrorism Law (2012), decrees 63 and 66 (2012) and Law No. 10 (2018). See also Maha Yahya, "The Politics of Dispossession", *Carnegie Middle East Center*, 9 May 2018. Available at: <https://carnege-mec.org/diwan/76290> [last accessed 20 February 2019].

need of assistance.<sup>(15)</sup> Moreover, NNGOs and agencies that are not registered with the GoS face high security risks when monitoring return movements, collecting data or in any other way ‘interfering’ with the GoS’ affairs, and have not been able to publish research that offers comprehensive insights on the prospects and living conditions of returnees, or on the conditions in their communities of origin. The limited amount of data that are available show bleak prospects for displaced Syrians and returnees.<sup>(16)</sup>

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(15) “... returns have been mainly self-organized, and self-assisted, but not subject to necessary detailed monitoring”. UN OCHA, “Humanitarian Response Plan 2018”, p. 5. Available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/2018\\_2018\\_hrp\\_syria.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/2018_2018_hrp_syria.pdf) [last accessed 20 February 2019].

(16) See for instance Middle Eastern Consulting Solutions, “Durable Solutions for Internally Displaced Persons in Syria”, May 2018. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/mecs-durable-solutions-for-internally-displaced-persons-in-syria.pdf> [last accessed 20 February 2019]; and Durable Solutions Platform, “Syrian Perspectives on Durable Solutions: Reflections on roundtable discussions with Syrians in Jordan, Lebanon and Turkey”, July 2017.

# 3. METHODOLOGY

The data collection was conducted in November and December 2018, and January 2019. Basmeh & Zeitooneh organized 15 focus group discussions with Syrians living in areas that are under researched, considered neglected and impoverished, and that are home to a high concentration of Syrian people.

## Research Objectives

The main research questions are:

- How do Syrians residing in different areas of Lebanon perceive return to Syria in general? Do they fear premature or forcible return to Syria or is that not among their main concerns?
- What are the main challenges facing Syrians in Lebanon, and how do these challenges influence Syrians' decision-making process with regard to return?
- What are Syrians' main concerns with regard to the situation in Syria, and what conditions do they consider important or necessary for returning?
- What kind of information and assistance with regard to return do Syrians in Lebanon have access to and knowledge of?
- What stories and experiences have Syrians in Lebanon heard from people who returned, and how do these stories influence their own decision-making process?

The above questions were adapted and sensitized for usage in focus group discussions and were phrased to minimize the risk of influencing the respondents' answers. The discussions lasted on average one hour and a half.

## Focus Group Discussions

Basmeh & Zeitooneh organized a total of 15 focus group discussions with Syrian women and men in B&Z community centers in Shatila (Beirut), Nabaa (Beirut), Bar Elias (Bekaa Valley) and El Qebbeh (Tripoli).

All the participants who were asked to take part in the focus groups are previous or current participants of Basmeh & Zeitooneh's protection programs. This ensured an environment of trust between the participants and the facilitators, who are part of B&Z staff, which is essential for open and constructive conversations to take place about a topic that is considered sensitive and which may invoke strong sentiments among the participants. Basmeh & Zeitooneh provided aftercare to the participants where needed.

Other than being (previous) beneficiaries of B&Z, the participants were randomly selected and consisted of women and men of all ages (however over 18), originated from different geographical areas in Syria, and had differences in legal and marital status. B&Z aimed at having approximately as many female as male research subjects, but due to the fact that the women were easier to reach by telephone or face-to face and more willing to partake in the focus groups, there was a significant imbalance between female (133 participants, who made up 74% of the total research sample) and male participants (47, making up 26% of the total research sample).

The number of participants per focus group discussion varied from 5 to 25, depending on whether the participants were already used to discussing issues together in a larger group or not, and the number of participants committing to and showing up for each session. All sessions were either female or male only except for one mixed focus group discussion held in Tripoli.

Area within Lebanon	Number of FGD	Total number of participants (women and men)	Period in which FGD were held
Shatila (Beirut)	3	37	November and December 2018
Nabaa (Beirut)	2	15	December 2018
Bar Elias (Bekaa)	7	102	November and December 2018
El Qebbeh (Tripoli)	3	26	November and December 2018, January 2019
Total	15	180	

## Geographical Areas of Research

Shatila refugee camp, covering less than a square mile on the southern borders of Beirut, was established in 1949 to accommodate 3000 Palestinians. The same limited space occupies around 40,000 residents to date, of which an estimated 50 per cent is Syrian. Syrian refugees predominantly settled in Shatila because they faced significant obstacles in obtaining residence documents and the Lebanese security forces and police do not enter the camps, and because they have few alternatives to the comparatively low rent in the camp. The population suffers from poor water and sanitation, chronic power shortages, substandard infrastructure, highly limited access to basic services, overcrowdedness and security issues.

The Nabaa neighbourhood is located near the eastern gate of the centre of Beirut. While the area is well structured, it is considered a poor residential area characterised by deteriorated infrastructure and inadequate access to basic urban services offering poor living conditions to its residents. It is estimated that the total population of 14,760 consist for almost two-thirds of Syrian refugees. Combined with the limited capacity of the local authorities and service providers, (I)NGOs are particularly active in the area, but sometimes lack coordination between one another.<sup>(17)</sup>

Bar Elias is a town located in the Bekaa Valley, the main agricultural area in Lebanon. Bar Elias, with a current population of 100,000 inhabitants, has seen an increase of 50% of its population since the offset of the Syrian crisis. According to UNHCR Lebanon Interagency Coordination Sector, Bar Elias is one of the most vulnerable localities in Lebanon due to the high presence of refugees and the general lack of access to basic needs and livelihoods opportunities. Syrian refugees (and a number of Palestinian ones) are living in makeshift tents as well as in permanent structures. There is a relatively high number of (I)NGOs active in the area.<sup>(18)</sup>

El Qebbeh is a predominantly residential neighbourhood in eastern Tripoli, on the east banks of Abu Ali River. The core neighborhood of El Qebbeh is a low-income area, exhibiting a relative weakness in terms of public basic urban services and social services provision, limited livelihood opportunities, and a fragile security situation affected by historically rooted tensions. The majority of residents (84.4 percent) are Lebanese, and most of the non-Lebanese residents are Syrian (14.5 percent of the total population). A household survey sample shows that of the non-Lebanese households, more than three

(17) UN Habitat, "Nabaa Neighborhood Profile & Strategy", March 2017. Available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/UN-Habitat\\_2017.05.08\\_NPS\\_Nabaa\\_web.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/UN-Habitat_2017.05.08_NPS_Nabaa_web.pdf) [last accessed 20 February 2019].

(18) The Bartlett Development Planning Unit, "Bar Elias, Beqaa, Lebanon - Public realm and spaces of refuge", September 2018. Available at: <https://www.ucl.ac.uk/bartlett/development/bar-elias-beqaa-lebanon-public-realm-and-spaces-refuge> [last accessed 20 February 2019].

quarters arrived in Lebanon from 2011 to 2017, suggesting the extent to which the Syrian refugee crisis, which started in 2011, has contributed to recent demographic changes.<sup>(19)</sup>

## Data Limitations

This study relies primarily on self-reported data. All data gathered for this report are obtained from focus group discussions, where a group of individuals have a restricted amount of time to express themselves, so it is unavoidable that some individuals speak more than others. It is also inevitable that individuals influence each other's thoughts and remarks, which can be considered both a disadvantage and an advantage of holding focus group discussions, as lively conversations often erupt, allowing participants to express the issues that matter most to them.

Future research should also include quantitative methods to gauge the role of variables that may affect participants' perception of their living situation in Lebanon, their concerns about Syria and their thoughts about return, such as demographic characteristics, UNHCR registration, the possession of legal documents and the phase of displacement. The method of data collection for this particular research did not allow for consistent consideration of these variables.

## Ethical Considerations

We obtained oral consent from all participants in the focus groups discussions that the data will be used in a publicly available research report. All participants in the study were informed that they have the right not to answer a question or to withdraw from the research at any point without repercussions on their access to B&Z services, their stay in Lebanon or in any other manner. The facilitator of each focus group clarified that neither B&Z nor its backing donors are involved in the return of Syrians from Lebanon to Syria and that this research is being conducted on our own initiative. Participants were free to refrain from giving their first and last name, and could choose a pseudonym to ensure their anonymity. To facilitate complaints and questions, all participants were provided with the phone number of the relevant protection coordinator or center manager.

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(19) UN Habitat, "El-Qebbeh Neighborhood Profile 2018 (Tripoli, Lebanon)", 2018. Available at: <https://unhabitat.org/el-qobbeh-neighborhood-profile-2018-tripoli-lebanon/> [last accessed 20 February 2019].

# 4. FINDINGS

## 4.1 Profile of Participants

All participants in this study are Syrians that have been residing in Lebanon for between under a year and nine years. The participants originate from Damascus, Damascus Suburbs, Eastern Ghouta, Dar'a, Hama, Hama Suburbs, Homs, Aleppo, Aleppo Suburbs, Idlib, Deir ez-Zor, Raqqa, Al Tabaqah and Qamishli. Not all participants provided information about their legal status; the majority of participants who did, indicated that they have UNHCR registration, but that they do not have a valid residence permit. Both married and unmarried individuals participated. Although not directly asked about these issues, it became clear from the focus group discussions that the participants have diverse educational backgrounds and contrasting religious, political and cultural beliefs.

## 4.2 Realities of Displacement in Lebanon

All 180 respondents experienced difficulties specific to their displacement and being non-Lebanese residing in Lebanon. This section first discusses the challenges that were most frequently reported across the focus groups held in different geographic areas of Lebanon (sub-sections 4.2.1 to 4.2.5), followed by a sub-section (4.2.6) that describes the increasing pressure to leave Lebanon that Syrians experience.

### 4.2.1 Legal Status

The participants reported to feel threatened rather than protected by Lebanese legislation and policy, as they consider these unpredictable and subject to sudden change. They fear that any day either a new decree or decision may be enacted that further restricts their mobility or limits their rights, or that even compels them to leave Lebanon. The majority of participants expressed a sense of defenseless as a result of the lack of the possibility to seek legal redress, for instance when they do not get paid after completing their job, are evicted by their landlord despite paying rent or after their relatives or loved ones get arrested during security raids or at checkpoints.

*A young man from Deir ez-Zor, residing in Shatila: "Our destiny depends on our status in Lebanon and whether we will be permitted to stay. Every day we hear about new decisions that threaten our stay in Lebanon."*

*A woman residing in Shatila: "Every Saturday, a Lebanese person passes by our houses and takes 5000 L.L. from us".*

The GoL has not developed a comprehensive refugee legislation framework and has adopted a variety of terms ('displaced persons', 'guests') in the context of the Syrian crisis to refer to those who, under international law, would be classified as refugees. Consequently, in the absence of a domestic legal framework that is able to absorb refugees and asylum seekers, the majority of Syrian refugees are subjected to the 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country,<sup>(20)</sup> which lacks functioning provisions pertaining to the concept of asylum and penalizes illegal entry in Lebanon and lack of proof of legal presence. Indeed, Syrian refugees are in practice often treated as irregular migrants facing arrest and (arbitrary) detention based on illegal entry or residency.<sup>(21)</sup>

(20) "Lebanon: Order No. 319 of 1962 regulating the status of foreign nationals in Lebanon", 2 August 1962. Available at <https://www.refworld.org/docid/4c3c630f2.html> [last accessed 20 February 2019].

(21) Amreasha Jagarnathsingh, "Lebanon - Country Report: Legal & Policy Framework of Migration Governance", May 2018,

The large majority of respondents reported severe difficulties with obtaining or renewing their residence permits, the most frequently provided reasons being: illegal entry into Lebanon renders it challenging to obtain official papers, fear of going to the General Directory of General Security for the renewal process, the unaffordable fees for obtaining or maintaining legal documentation, and the lack of possession of any official documentation papers such as ID cards. The consequences of not having a residence permit that the participants experience are wide-ranging: their children cannot be enrolled in schools, finding adequate housing is more difficult and their mobility is heavily impacted as they are forced to avoid passing any checkpoints in order to avoid being arrested. The latter also strongly impacts their ability to find employment. Not only adults are at risk of being detained: one participant expressed that her 17-year-old son living in Tripoli was detained by the GoL twice because of personal official documents issues. In Lebanon, anyone of 15 years old and above is required to possess proof of identity and proof of legal stay. In addition, Syrians face harassment at checkpoints, regardless of whether they hold the correct documents.

*A Syrian woman residing in Nabaa: "My husband was jailed because he has to pay \$1200 to renew his expired residence permit".*

*A Syrian woman from Homs, living in Tripoli: "I can't take my son to the embassy to get him a passport; I feel worried. We badly suffered from the GoS."*

*A woman living in Tripoli: "We are accused of being terrorists because we fled Syria".*

Syrian nationals are primarily left with two options to obtain legal residency: either sponsorship by a Lebanese national or employer, or reliance on a UNHCR registration certificate. A sponsor exercises considerable control over the legal status, freedom of movement, and employment opportunities of the individual it sponsors, as it has to sign a "pledge of responsibility" for the sponsorship to be enacted.<sup>(22)</sup> Besides, sponsors are at liberty to charge Syrians in desperate need of sponsorship large sums of money, thereby exploiting refugees' legal and economic vulnerabilities.<sup>(23)</sup> A UNHCR registration certificate with at least six months validity remaining and a housing attestation issued by UNHCR should also enable Syrians to obtain legal residency, but given that one-third of Syrian refugees in Lebanon do not have UNHCR registration, and a large proportion of Syrians cannot afford the required USD 200 visa fee, this option is largely unattainable. The General Security temporarily waived the USD 200 fee in 2017 but a significant number of the Syrians in Lebanon cannot benefit from this waiver as it is only applicable when very specific conditions are met,<sup>(24)</sup> and in practice it is applied inconsistently, even to those who are entitled to benefit from it.<sup>(25)</sup>

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pp. 20-22. Available at: <https://civilsociety-centre.org/resource/legal-and-policy-framework-migration-governance> [last accessed 20 February 2019].

(22) Kafa (enough) Violence & Exploitation, "Reforming the "Sponsorship System" for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon", p. 11. Available at: <http://www.kafa.org.lb/studiespublicationpdf/prpdf47.pdf> [last accessed 20 February 2019].

(23) Yahya, Maha, Jean Kassir, and Khalil El-Hariri, "Unheard Voices: What Syrian Refugees Need to Return Home", *Carnegie Middle East Center*, April 2018. Available at: <https://carnegie-mec.org/2018/04/16/policy-framework-for-refugees-in-lebanon-and-jordan-pub-76058> [last accessed 20 February 2019].

(24) In order to benefit from this waiver individuals require UNHCR registration prior to 1 January 2015. Those who have previously renewed their residency on tourism, sponsorship, property owner, or tenant grounds, in 2015 or 2016, regardless of whether or not this context is still applicable to them, are excluded from the waiver.

(25) Amreesh Jagarnathsingh, "Lebanon - Country Report: Legal & Policy Framework of Migration Governance", May 2018, p. 33.

The lack of legal status affects every aspect of life as it increases the risk of statelessness for newborns<sup>(26)</sup>, translates into a complete lack of formal security and further restricts access to aid, housing, work, education, and medical services.<sup>(27)</sup> However, important agreements such as the EU-Lebanon Partnership Priorities and Compact, which outlines concrete commitments, on the part of the EU and Lebanon, towards progress in the four partnership priorities areas<sup>(28)</sup> in the period between 2016 and 2020, does not include concrete and specific commitments to improve legal protection of Syrian refugees in Lebanon.<sup>(29)</sup> This should be viewed in the context of a decrease in the EU's ability to demand meaningful policy change in Lebanon as anti-refugee rhetoric in Europe itself has undermined the normative and political credibility of European countries pushing for a "protection in the region" agenda.<sup>(30)</sup>

#### 4.2.2 Economic Vulnerabilities

Nearly all respondents are negatively impacted by a lack of livelihood opportunities. Rather than addressing the livelihoods and employment needs of Syrian refugees and Lebanese host communities alike, the GoL has restricted Syrians' access to the Lebanese job market and has banned Syrians from working in any sector other than agriculture, construction and 'environment'<sup>(31)</sup>, per a December 2014 decree by the Ministry of Labour. An observation that was echoed across the focus groups was that businesses owned by Syrians are increasingly shut down, often by local authorities retrieving residence permits from the owners, in the participants' perception potentially a precursor of larger-scale forced or organized return of Syrians. Other respondents expressed that while previously they had been able to earn some cash by offering their services as for instance a handyman, municipalities have increasingly prevented them from doing so over the past months. The participants thus perceived stronger enforcement of the ban to work and decreasing opportunities to gain an income in a dignified way. These trends are mirrored in the findings of a study recently conducted by SAWA for Development and Aid, in which increasingly more aggressive enforcement of the ban to work is reported by the research participants.<sup>(32)</sup> In the same period, crackdowns on businesses owned or run by Syrians in southern Lebanon by General Security forces were reported. Usually it is the municipalities who carry out such operations, and hence the involvement of General Security was considered a concerning development that indicates the looming, forceful repatriation of Syrians from Lebanon.<sup>(33)</sup>

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(26) Norwegian Refugee Council, "Syrian Refugees' Right to Legal Identity: Implications for Return", January 2017. Available at: <https://www.nrc.no/globalassets/pdf/briefing-notes/icla/final-syrian-refugees-civil-documentation-briefing-note-21-12-2016.pdf> [last accessed 20 February 2019].

(27) See also: Norwegian Refugee Council Lebanon, "The Consequences of Limited Legal Status for Syrian Refugees in Lebanon: NRC Lebanon Field Assessment Part Two: North, Bekaa and South", March 2014. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/NRC%20Consequences%20of%20Limited%20Legal%20Status%20for%20Syrian%20Refugees%20in%20Lebanon%20April%202014.pdf> [last accessed 20 February 2019].

(28) The priority areas are security and counter-terrorism, governance and rule of law, fostering growth and job opportunities, and migration and mobility.

(29) "Decision No 1/2016 of the EU-Lebanon Association Council agreeing on EU-Lebanon Partnership Priorities", 11 November 2016. Available at: <https://www.consilium.europa.eu/media/24224/st03001en16docx.pdf> [last accessed 20 February 2019].

(30) 11.11.11, "Long Road to Return: Towards a Durable Solutions Deal for Syrian Refugees in Lebanon", November 2018, pp. 22-23. Available at: <https://www.11.be/en/news/item/long-road-to-return> [last accessed 20 February 2019].

(31) Environment is generally understood to include cleaning and maintenance services.

(32) SAWA, "Unpacking Return: Syrian Refugees' Conditions and Concerns", p. 11. Available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/SAWA\\_Unpacking%20Return%20Report.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/SAWA_Unpacking%20Return%20Report.pdf) [last accessed 20 February 2019].

(33) <https://www.alaraby.co.uk/english/indepth/2018/11/21/Lebanese-security-forces-crackdown-on-Syrian-refugees>.

As a result of the challenges related to obtain a work permit, the accompanying high fees and the reluctance Syrians often face on the part of the Lebanese government due to fears of competition with nationals, 92% of economically active refugees are forced to find work in the informal sector where they do not receive social protections and usually earn less than minimum wage.<sup>(34)</sup> Working without a contract renders individuals particularly vulnerable to labor abuse, workplace violations and wages below minimum wage.<sup>(35)</sup> On average, only one in four employed Syrian refugees have regular work, while those who have work frequently have more than one job,<sup>(36)</sup> indicating that one job does not suffice to provide required stability.<sup>(37)</sup> Informal debt (52%), followed by World Food Programme assistance (32%), continued to be the key sources of income for households, indicating the impossibility for Syrian refugees to cover their expenses through employment.<sup>(38)</sup>

This should be viewed in the context of Lebanon's stagnant economy, where 40% of the workforce is informal and where a major mismatch between labor supply and demand has been resulting in high unemployment rates, especially among youth. While the Syrian Crisis has undoubtedly strained Lebanon's public finances, service delivery, and the environment, and it is estimated that it has pushed some 200,000 additional Lebanese citizens into poverty, and contributed to the unemployment of 250,000 to 300,000 Lebanese citizens, mostly unskilled youth,<sup>(39)</sup> there is a tendency among the Lebanese population to blame all economic stagnation and a lack of sustainable jobs on the presence of the Syrians. However, continuous political infighting on the part of Lebanese politicians and the failure to tackle corruption and drainage of the state's resources, the lack of structural reforms and the inability to attract foreign direct investments are certainly contributing to fueling levels of economic dissatisfaction.<sup>(40)</sup>

Receiving an insufficient income coupled with expenses that are considerably higher than the monthly expenses the participants had prior to their flight, feed into their financial hardships and the lack of access to basic services. Participants across the different geographic areas emphasized the unaffordable cost of medical treatment, medicine and house rent. Especially medical care is considered more affordable in Syria to the extent that people are willing to consider returning for it, if they are assured they can come back to Lebanon after. One of the respondents needed a surgery which reportedly cost USD 1,200 in Lebanon, while he could perform it for USD 60 in Syria. If temporarily returning is not an option, necessary or desirable medical treatments are, forcibly, forgone. The high cost of electricity bills and school stationery are equally considered problematic, especially given that some Syrians still have to pay for utilities in Syria as well, despite not making use of them, and thus

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(34) Asylum Access, "Refugee Work Rights Report: the Syrian Crisis and Refugee Access to Lawful Work in Greece, Jordan, Lebanon and Turkey", August 2017, pp. 19-20. Available at: <http://asylumaccess.org/wp-content/uploads/2017/09/Middle-East-Refugee-Work-Rights-Syrian-Crisis.pdf> [last accessed 20 February 2019].

(35) Ibid., 22.

(36) UNICEF, UNHCR, WFP, "VASyR 2018: Vulnerability Assessment of Syrian Refugees in Lebanon", 2018, pp. 104-110. Available at: <https://www.unhcr.org/lb/wp-content/uploads/sites/16/2018/12/VASyR-2018.pdf> [last accessed 20 February 2019].

(37) International Labor Organization, "Assessment of the Impact of Syrian Refugees in Lebanon and Their Employment Profile", 2013, p. 9.

(38) UNICEF, UNHCR, WFP, "VASyR 2018: Vulnerability Assessment of Syrian Refugees in Lebanon", 2018, pp. 114. Available at: <https://www.unhcr.org/lb/wp-content/uploads/sites/16/2018/12/VASyR-2018.pdf> [last accessed 20 February 2019].

(39) The World Bank, "Lebanon Country Partnership Framework for FY17 - FY22". Available at: <https://www.worldbank.org/en/country/lebanon/overview#1> [accessed 13 February].

(40) Georgi Azar, "World Bank: Lebanon's Prospects Look Bleak", *An Nahar* 30 October 2018. Available at: <https://en.annahar.com/article/889837-world-bank-lebanons-economic-prospects-look-bleak> [last accessed 20 February 2019].

have double bills.<sup>(41)</sup> The cost of living in Syria is on average 56.30% lower than in Lebanon,<sup>(42)</sup> and rent in Syria is 79.10% lower than in Lebanon.<sup>(43)</sup>

*Syrian man residing in Bar Elias, Bekaa: “If one of our children gets sick, we can’t afford medical examination and medication costs.”*

A coping mechanism that participants frequently reported was borrowing large sums of money, for even the most basic necessities such as food and shelter. While they are already in debt and have no means of paying the amount of money back, many Syrians are left with few alternatives but to continue borrowing money. According to the 2018 Vulnerability Assessment of Syrian Refugees in Lebanon, nearly 9 out of 10 households acquired debt, demonstrating clearly that Syrian refugee households continued to lack enough resources to cover their essential needs. Debt reached an average total amount of US\$ 1,016 per household in 2018.<sup>(44)</sup>

### 4.2.3 Insufficient Level of Humanitarian/ UNHCR Assistance

The respondents of the study generally reported high levels of dissatisfaction with UNHCR, mainly because the limited amount of assistance and support provided by them is clearly insufficient to rely on. Other UN agencies such as UNICEF were mentioned occasionally, but the clear focus of the participants was on UNHCR, indicating that they consider UNHCR the agency that they would primarily rely on for legal, material and technical support during their placement. Two perceptions that were echoed across the focus groups are: UNHCR is reducing its assistance to Syrians in Lebanon and is de-registering refugees, and aid is distributed in an unfair, often random, and inefficient manner. The decrease in aid assistance was often perceived either a direct or an indirect way of pressuring Syrians into returning, and sometimes even as part of a larger strategic plan to remove Syrians from Lebanon.

What became evident from the focus group discussions is that there are plenty of unclarities and dissatisfactions about how UNHCR in Lebanon assesses who is eligible for assistance, and how roles are divided between the GoL on the one hand, and UNHCR - and other humanitarian actors - on the other. The aid landscape in Lebanon is fragmented, with a plethora of humanitarian, development, civil society and religious actors providing aid and assistance through different modalities, sometimes in cooperation with local or national authorities but often not, which renders the system rather opaque for people without prior knowledge of it. The following section sets forth the background of UNHCR’s role in Lebanon and some crucial developments, in order to contextualize the respondents’ reflections.

*Syrian woman residing in Nabaa: - “My husband was jailed for 15 days; at that time my children and I ate only bread and olives and nobody supported us”.*

*Syrian woman living in Tripoli: “My daughter lost her eye due to shelling injury, for which she is always bullied. I took her to different doctors but I could not afford a surgery because UNHCR doesn’t cover eye surgeries. It breaks my heart.”*

(41) Several participants reported this issue, but did not provide details around the issue, such as how they are paying from exile and what the repercussions of not doing so are.

(42) Aggregate data for all cities, rent is not taken into account.

(43) Numbeo, “Cost of Living in Syria”. Available at: [https://www.numbeo.com/cost-of-living/country\\_result.jsp?country=Syria](https://www.numbeo.com/cost-of-living/country_result.jsp?country=Syria) [last accessed 20 February 2019].

(44) UNICEF, UNHCR, WFP, “VASyR 2018: Vulnerability Assessment of Syrian Refugees in Lebanon”, 2018, pp. 99- 100. Available at: <https://www.unhcr.org/lb/wp-content/uploads/sites/16/2018/12/VASyR-2018.pdf> [last accessed 20 February 2019].

First, the interference of an unwilling government has rendered UNHCR's operations in Lebanon vulnerable, culminating in the Ministry of Social Affairs' formal request to suspend 'temporarily' the registration of any new individuals by May 2015, including individuals already in the country and new arrivals, and to deregister those who had returned to Syria – for example to receive medical aid that was unavailable or inaccessible in Lebanon.<sup>(45)</sup> In June 2018, the GoL froze the residency permits of a number of UNHCR staff, accusing them of "intimidating" refugees to prevent their return to Syria.<sup>(46)</sup> In order to still be able to keep track of numbers of vulnerable and aid eligible refugees in the country, UNHCR has therefore continue to 'record' - but not officially register - Syrians after May 2015. At the same time, some registered refugees disappeared from the system as they renewed their residency in Lebanon under the sponsorship system. Recorded individuals are also also eligible for resettlement abroad, but do not get a UNHCR certificate, which, as previously explained, has for many become essential for residency in Lebanon.<sup>(47)</sup>

Second, UNHCR has received several requests from the GoL to deregister certain individuals and groups, and it has fulfilled some of these requests, for which it has received criticism from legal scholars who considered UNHCR 'too casual' with regard to taking away refugee status from people. Normally UNHCR's Handbook for Registration notably specifies five, rather strict, conditions under which an asylum-seeker or refugee is no longer of concern and therefore can be de-registered. A temporary visit to the former home country, such as a 'go and see visit' or to visit a sick family member, does not constitute re-establishment and will not (or at least should not) involve loss of refugee status.<sup>(48)</sup> The number of Syrians registered with UNHCR in Lebanon has indeed consistently dropped over the past few years, yet while it is known that between 2011 and 2018, 74,720 Syrian nationals in Lebanon have been resettled to third countries,<sup>(49)</sup> it is impossible to retrieve the reasons for each deregistration and whether it happened rightfully. The political dynamics between the GoL and UNHCR, the nuances between being registered and recorded, and the complexities and lack of transparency around deregistration are hard to make sense of for people who consider UNHCR assistance essential to their wellbeing, especially in the total absence of recognition and support by the GoL. This may have contributed to Syrians' negative perceptions of UNHCR.

In 2017, 17% of the displaced Syrian population received multi-purpose cash assistance from UNHCR, though nearly 70% of those registered were eligible,<sup>(50)</sup> and only 55% of the Lebanon appeal of the UN's Syria Regional Refugee & Resilience Plan (3RP) was covered.<sup>(51)</sup> In 2018, the percentage of the Lebanon appeal that was covered plummeted to 43%.<sup>(52)</sup> In October 2018, the UNHCR and the

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(45) Maja Janmyr, "UNHCR and the Syrian refugee response: negotiating status and registration in Lebanon", *The International Journal of Human Rights* 22: 3, p. 410. Available at: <https://doi.org/10.1080/13642987.2017.1371140> [last accessed 20 February 2019].

(46) The Daily Star, "Bassil freezes UNHCR staff residency permits", 2 June 2018. Available at: <http://www.dailystar.com.lb/News/Lebanon-News/2018/Jun-08/452537-bassil-says-steps-to-be-taken-against-unhcr.ashx> [last accessed 20 February 2019].

(47) Maja Janmyr, "UNHCR and the Syrian refugee response: negotiating status and registration in Lebanon", *The International Journal of Human Rights* 22: 3, pp. 411 - 412.

(48) *Ibid.*, 408-409.

(49) UNHCR, "Resettlement Data Finder". Available at: <https://rsg.unhcr.org/en/#1zXo> [last accessed 20 February 2019].

(50) Francesca Grandi, Kholoud Mansour, and Kerrie Holloway, "Dignity and Displaced Syrians in Lebanon: There is No *Karama* Here", *Overseas Development Institute* November 2018, p. 1. Available at: <https://www.odi.org/sites/odi.org.uk/files/resource-documents/12532.pdf> [last accessed 20 February 2019].

(51) UN OCHA, "Financial Tracking Service 3RP 2017". Available at: <https://fts.org/appeals/552/project-locations> [last accessed 20 February 2019].

(52) UN OCHA, "Financial Tracking Service 3RP 2018". Available at: <https://fts.unocha.org/appeals/658/project-locations?f%5B0%5D=destinationProjectCustomLocationName%3A%22Lebanon%22> [last accessed 20 February 2019].

World Food Programme (WFP) suspended assistance to 220,000 Syrian refugees across Lebanon. All humanitarian sectors suffer from continuous underfunding, to differing degrees. The consequences of the lack of stable funding for humanitarian assistance and a lack of sufficient international support, both material and immaterial, are considered push factors that can force people into premature return to Syria.

A 2018 study by the Humanitarian Policy Group concludes that ‘much of what Syrians feel is undignified about the response stems from their perceptions of how aid decisions are made’. Indeed, dignity often has more to do with the intangibles of aid delivery than the tangible aid itself. The text message that was sent in fall 2018 to notify Syrians that they would no longer receive assistance, may have contributed to Syrians’ perceptions that aid is unfairly distributed and in an undignified manner.<sup>(53)</sup>

#### 4.2.4 Barriers to Education

Syrians experience severe difficulties enrolling their children in Lebanese public schools due to complicated and restrictive school enrolment procedures, which are sometimes explained by Syrians as a way to discourage Syrian children from enrolling at all. A study among 23 public schools in Beirut conducted by Basmeh & Zeitooneh in the fall of 2018- 2019 shows that the majority of public schools ask caregivers for documents that are not officially required for the enrollment of Syrian children.<sup>(54)</sup> These additional documents are hard to come by for Syrian people in Lebanon (such as residency certificates) and thus render the enrollment process unnecessarily complicated and discouraging. Participants frequently emphasized how much easier access to education is in Syria. While that may have been true pre-conflict, more than one out of three schools in Syria are currently either damaged or destroyed, and in some cases used as shelter rather than school buildings.<sup>(55)</sup>

In addition to discouraging procedures, a significant number of Syrian parents in Lebanon are forced to take their school-aged boys out of school to support the family. While usually being fully aware that they are depriving their children from accessing enhanced social and economic opportunities in the future, parents see themselves as forced to do so in order to meet the households’ basic needs.<sup>(56)</sup>

A significant number of respondents also reported physical and mental abuse by school teachers, or a lack of intervention by school teachers when their child is being bullied or abused by others. In some cases, this has also led parents to deregister their children from school. Although a 2001 memorandum from the Ministry of Education and Higher Education banned corporal punishment in Lebanese public schools, the practice remains widespread. Human Rights Watch interviewed several families whose children dropped out because of corporal punishment. Although corporal punishment affects both Lebanese and Syrian children, in most cases in which Syrian families interviewed described corporal punishment by teachers, the children were enrolled in all-Syrian second shifts.<sup>(57)</sup>

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(53) Francesca Grandi, Kholoud Mansour, and Kerrie Holloway, “Dignity and Displaced Syrians in Lebanon: There is No *Karama* Here”, *Overseas Development Institute* November 2018, pp. 25-26.

(54) Basmeh & Zeitooneh, “Implementing the Reaching All Children With Education Plan Beirut Case Study”, February 2019, p. 20.

(55) UN OCHA “Humanitarian Needs Overview 2018”. Available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/hno\\_2018\\_summary\\_171120\\_0.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2018_summary_171120_0.pdf) [last accessed 20 February 2019].

(56) Another study conducted by Basmeh & Zeitooneh in Shatila and Burj Al Barajneh Camps shows that 61% of 13 to 15 year-old boys are out of school, the main reason being their need to work to support themselves and their families. See Basmeh & Zeitooneh, “Barriers to Education for Female and Male Syrian Youth in Shatila and Burj Al Barajneh”, November 2017, p. 28.

(57) Human Rights Watch, ““Growing up without an education”. Barriers to Education for Syrian Refugee Children in

*Syrian woman from Aleppo, living in Tripoli: “My children left school two years ago because some people abused them and forced them to beg for money in coffee shops and give them what they earned from beggary. For this reason, they stopped going to Lebanese official school.”*

*Syrian woman residing in Nabaa: “My children’s future is devastated since I made them leave school to work and support us.”*

#### 4.2.5 Relations with Host Communities

The majority of Syrians participating in the study reported to have been exposed to some form of discrimination or ill treatment by Lebanese host communities. Abuse, racism and harassment were frequently expressed, the latter in particular by female participants. The respondents experience different ‘levels of intolerance’ around them and describe their hosting environment as ‘inconvenient’ and ‘disrespectful’.

The geographical areas researched in this study are low-income, overcrowded and impoverished urban areas where competition for jobs and access to services is extremely high. Additionally, there are historically rooted tensions in Shatila and El Qebbeh that date back prior to the arrival of large numbers of Syrian refugees.<sup>(58)</sup> These factors could exacerbate tensions between Syrians and Lebanese communities. It is also been widely documented that in certain localities in Lebanon, civilians have taken matters in their own hands and imposed curfews or other regulations on Syria refugees, largely based upon fear for disruption of the security situation and economic competition, xenophobia and pre-existing grievances related to the history of Syrian-Lebanese relations. Similarly, municipalities and security forces have in many cases imposed strict regulatory and discriminatory policies on refugees, for which no accountability mechanisms are enforced.<sup>(59)</sup> This accentuates the continuous need for social cohesion programming in Lebanon and raising awareness on reducing stigmas and discriminations against refugees among local authorities and host populations.

*Syrian woman residing in Nabaa: “Every time I get into a taxi I hear offenses and hatred cries like: go back to your country; you destroyed our country; you blocked the air.”*

*Syrian woman residing in Nabaa: “My son told me that he doesn’t want to make friends anymore, because every time he makes friends I move him to another school. My children blame me for frequently changing their schools.”*

#### 4.2.6 Fear of Forced Return

In 14 out of 15 focus group discussions, participants expressed the fear of being forcibly removed from Lebanon one day, or being compelled to return to Syria before the necessary conditions are in place. The reasons for this vary from direct pressure by the GoL and, to a lesser degree, host communities, to the poor living conditions and lived hardships in Lebanon such as those indicated in

Lebanon”, July 2016. Available at: <https://www.hrw.org/report/2016/07/19/growing-without-education/barriers-education-syrian-refugee-children-lebanon#> [last accessed 20 February 2019].

(58) David Brunetti, ““Permanent Temporality”: Shatila Refugee Camp, Beirut, Lebanon, 2014”, *MoMa*, 28 September 2016. Available at <https://medium.com/insecurities/permanent-temporality-shatila-refugee-camp-beirut-lebanon-2014-489a846c73eb> [last accessed 20 February 2019]; and UN Habitat, “El-Qebbeh Neighborhood Profile 2018 (Tripoli, Lebanon)”, 2018.

(59) Sami Atallah and Dima Mahdi, “Law and Politics of ‘Safe Zones’ and Forced Return to Syria: Refugee Politics in Lebanon”, The Lebanese Center for Policy Studies, October 2017.

previous sections. The participants indicated that factors providing impetus to leave Lebanon have become increasingly strong recently, and have indeed led some Syrians to return to Syria. None of the participants was physically forced, or was aware of other Syrians who had been physically forced to cross the border into Syria.

Although Syrians have been served with deportation orders, no cases of refoulement have been registered in Lebanon in the context of the Syrian crisis. In an interview with Lebanon Support in April 2018 however, a UNHCR representative confirms that ‘it could have happened many times’ that refugees wishing to enter or re-enter Lebanon may have been turned away as there is no refugee category or humanitarian category at the border. This would constitute a breach of the principle of non-refoulement under international law.<sup>(60)</sup> There is a lack of conclusive data on this matter.

The main result of this constant pressure as experienced by Syrians in Lebanon is a continuous feeling of insecurity - fear of security raids or deportation - and the inability to plan ahead for their lives given the lack of control they are able to exert over important personal issues. For the majority of respondents, any planning depends on how the situation in Syria unfolds, and thus more certainty about the situation there would make them to feel in control of their lives again. Only a small minority of respondents reported they are planning ahead for their personal lives regardless of what will happen in Syria.

*Lara, 36 years, from Homs, residing in Tripoli: “We cannot make plans, but we can also not think about returning to our country.”*

### 4.3 Obstacles to Safe And Sustainable Return

The majority of factors that compelled Syrians to flee to neighboring countries are still rendering return to their home country unsafe, and often simply impossible. While every individual has a multitude of concerns about the situation that are likely tied to their personal circumstances, demographic situation, political affiliation and a plethora of other factors, nearly all participants reported being concerned about the general lack of safety and stability and heightened threat of explosions, assassinations and abductions, in particular in Idlib, Deir ez-Zor and Dar’a. These areas are still facing ongoing conflict and regular attacks. Between March and December 2018, over 123,000 civilians died in battle-related deaths, constituting the majority of fatalities.<sup>(61)</sup> The level of explosive hazard contamination, in some cases even in the form of improvised mines placed by people’s homes, is particularly high in Deir ez-Zor and its surrounding areas.<sup>(62)</sup> 8,2 million people are exposed to explosive hazards.<sup>(63)</sup> However, there is an acute shortage of demining equipment, expertise and determination to address the issue.<sup>(64)</sup>

Four particular issues that are considered major obstacles to safe, dignified and sustainable

(60) Amreessa Jagarnathsingh, “Lebanon - Country Report: Legal & Policy Framework of Migration Governance”, May 2018, p. 31.

(61) Violations Documentation Center in Syria, “Monthly Statistical Report on Casualties in Syria: December 2018”. Available at: <http://vdc-sy.net/en/>. <https://vdc-sy.net/monthly-statistical-report-casualties-syria-december-2018/> [last accessed 20 February 2019].

(62) UN OCHA, “Syria Crisis: Northeast Syria. Situation Report No. 27 (15 July 2018 – 31 August 2018)”. Available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/north\\_east\\_syria\\_sit\\_rep\\_15\\_july\\_to\\_31august.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/north_east_syria_sit_rep_15_july_to_31august.pdf) [last accessed 20 February 2019].

(63) UN OCHA “Humanitarian Needs Overview 2018”.

(64) Human Rights Watch, “Syria: Landmines Kill, Injure Hundreds in Raqqa. More International Support Needed for Clearance”, 12 February 2018. Available at: <https://www.hrw.org/news/2018/02/12/syria-landmines-kill-injure-hundreds-raqqa> [last accessed 20 February 2019].

repatriation by the majority of respondents are described in sub-sections 4.3.1 until 4.3.4. Section 4.3.5 sets forth respondents' reflections on the impact of Law No. 10, the Absentee Property Law, about which a specific question was posed in the focus group discussions given its centrality to the debate on Housing, Land and Property (HLP) rights.

### 4.3.1 Compulsory Military Service

Strong fear of men being drafted into compulsory military (reserve) service was reported as the most imminent deterrent to return across all focus groups, with the majority of female and male respondents reporting that conscription was among their main concerns, if not the main reason for having fled Syria. Many of the Syrians that are unwilling to join an army that is accused of having committed actions that amount to war crimes<sup>(65)</sup> and crimes against humanity,<sup>(66)</sup> fear immediate arrest upon returning on grounds of dodging the draft. Both mothers and men participating in the research expressed the constant anxiety they experience, even in Lebanon, as military conscription is hanging over their heads like a sword of Damocles.

The Syrian police and security services have invested considerable resources in finding and arresting deserters and those who have evaded military service or reserve service, and also check those who travel in or out of the country through official border crossings. The penalties for evading military service are stipulated in the 1960 Military Criminal Code, but in practice, the law's provisions are not consistently followed, and different penalties, such as torture, forced disappearance and punishments by superiors inside the military have been reported. Similarly, rules for exemption and deferral are not always implemented consistently. Without close connections to the GoS and the money to pay bribes, it is nearly impossible to be exempted from compulsory military service. Local authorities such as intelligence officers, police officers and managers at checkpoints may also make decisions on arrests at their own discretion, with the purpose of filling quotas for recruitment to military service or to enrich themselves through bribery.<sup>(67)</sup>

The GoS issued legislative decree no. 18 on the 9th of October 2018, granting amnesty to certain individuals accused of deserting or avoiding military service. To qualify for this amnesty, fugitives must turn themselves in within four months if they are inside the country or within six months if they are abroad. Individuals who turn themselves in are granted amnesty for previous desertion or draft dodging, they will still be expected to complete their military conscription. The amnesty will not protect those who have fought against the GoS as they are considered 'terrorists' by the GoS. Additionally, the measure only covers the crimes of army desertion or avoidance of military service; meaning that individuals facing charges of army desertion, illegal protesting, and terrorism could turn themselves in and still have to answer for the illegal protesting and terrorism charges. Finally, in light of increasing reports that individuals who have been signing reconciliation agreements with the

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(65) Human Rights Council, "Report of the Independent International Commission of Inquiry on the Syrian Arab Republic", 9 August 2018, p. 12.

(66) UN Human Rights Council, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic", 15 March 2018. Available at: <https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf> [last accessed 20 February 2019]; and Independent International Commission of Inquiry on the Syrian Arab Republic, "The Siege and Recapture of Eastern Ghouta", Conference room paper 20 June 2018. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/AboutCol.aspx> [last accessed 20 February 2019].

(67) Landinfo (independent body within Norwegian Immigration Authorities), "Syria: Reactions against deserters and draft evaders", 3 January 2018, pp. 7-9. Available at: [https://www.cgira.be/sites/default/files/rapporten/landinfo\\_report\\_syria\\_reactions\\_against\\_deserters\\_and\\_draft\\_evaders.pdf](https://www.cgira.be/sites/default/files/rapporten/landinfo_report_syria_reactions_against_deserters_and_draft_evaders.pdf) [last accessed 20 February 2019].

GoS have been tortured, detained, or even killed despite their commitment to these agreements, it is very likely that many—particularly those who consider themselves dissidents may not trust the GoS to honor its promise of amnesty.<sup>(68)</sup> The participants in this study indicated to have little faith in the consistent implementation of this amnesty.

On the 9th of February, four months had passed since the amnesty to military deserters was granted. A few days before that, on the 1st of February, a military conscription amnesty that had been granted to 63,000 potential military recruits in both Dar‘a and Quneitra, ended. With these two legal restrictions removed, the GoS directly consolidated its conscription efforts in southern Syria, which was anticipated given the GoS’ need for increased manpower to strengthen its own position. The UK-based Syrian Observatory for Human Rights and local sources in Dar‘a and Quneitra reported that they called on deserters and young men to rejoin their units or join the army, and raided the homes of and arrested deserters and military-aged males required for conscription.<sup>(69)</sup> Close monitoring of how the end of the amnesty period continues to affect men of military age in southern Syria, and in other areas, is required throughout the coming period.

The fact that women and boys below the age of 18 are not enlisted for military service is also the reason that close to all respondents agreed that return to Syria is safer for women and children, and to some extent the elderly too, and that therefore most returnees are indeed women, children and elderly. Women and children returning by themselves however induces a series of other risks. Participants shared stories of male returnees that were drafted into military service upon return, one individual even without realizing he was enlisted.

On the 7th of February, media sources reported that the General Command of the Syrian Armed Forces issued an administrative directive demobilizing men born in 1981 and which ceases the conscription of individuals over this age not currently in service. This order will result in the demobilization of thousands of 38-year old men, starting February 15. The report also added that PhD holders will also be both demobilized and exempt from conscription.<sup>(70)</sup> The actual implementation of this directive, and potential effects on Syrian males in exile, remains to be seen and should be closely monitored.

*A Syrian woman in Tripoli: “I can’t pay the military service exemption fee for my son, and at the same time I can’t take him back to serve in the military after we have fled for five years.”*

### 4.3.2 Ongoing Human Rights Violations

After compulsory military service, the fear of being arbitrarily arrested, abducted, jailed, tortured or killed, or running the risk of having malicious reports filed against you, which puts you at heightened risk of all of the former violations, were reported most frequently as main obstacles to returning safely. While those associated with the opposition are particularly exposed to these risks, a significant number of respondents stressed that despite not being ‘wanted’ by the GoS, these threats still persist. Furthermore, ‘wanted’ people can easily be confused with people who are not as names get mixed

(68) The Tahrir Institute for Middle East Policy, “TIMEP Brief: Legislative Decree No. 18: Military Service Amnesty”, 12 June 2018. Available at: <https://timep.org/reports-briefings/timep-brief-legislative-decree-no-18-military-service-amnesty/> [last accessed 20 February 2019].

(69) Mercy Corps Humanitarian Access Team, “Weekly Report 24.1 - 30.1.2019”. Available at: <https://www.humanitarianaccesssteam.org/reports/weekly/weekly-report-0124-013019> [last accessed 20 February 2019].

(70) Mercy Corps Humanitarian Access Team, “Weekly Report 7.2 - 13.2.2019”. Available at: [https://www.humanitarianaccesssteam.org/sites/default/files/reports/Weekly%20Report%2002\\_07\\_19%20-%2002\\_13\\_19%20%281%29.pdf](https://www.humanitarianaccesssteam.org/sites/default/files/reports/Weekly%20Report%2002_07_19%20-%2002_13_19%20%281%29.pdf) [last accessed 20 February 2019].

up or lists are not up-to-date. Another commonly expressed observation was that sectarianism has managed to get a strong grip on Syria, resulting in increased harassment and sharper social divisions.

Syria has not ceased to be a police state and still has the same government and security apparatus in place, which is accused of thousands of politically motivated detentions. Detentions can be random, but overall those connected with anti-government protests face a more severe threat. Relatives of rebel sympathizers are also at heightened risk.<sup>(71)</sup> Provisions in the Counterterrorism Law (2012) have led to the detention, disappearance and torture of thousands of civilians involved in peaceful protests, the distribution of humanitarian aid and the documentation of human rights abuses under the pretext of ‘combating terrorism’.<sup>(72)</sup> 75,000 people have been subjected to enforced disappearance by the GoS since 2011,<sup>(73)</sup> and it is estimated that 17,723 people died in custody in Syria since the beginning of the crisis in March 2011 and August 2016.<sup>(74)</sup>

*A Syrian living in Tripoli: There is a checkpoint every 10 meters. Whoever participated in protests or spoke up are living in worries.”*

*A Syrian woman residing in Nabaa: “The security situation is scary, both ISIS and the regime are ruthless.”*

Several participants knew Syrians who had returned, but had suddenly stopped hearing from them after returning. In some of these cases it was expressed with certainty that these returnees suffered the fate of being detained or disappeared upon returning, some despite having cleared their status with the GoS before returning. In other cases the respondents could, logically, not provide with certainty what had happened to the returnee in question, but their prospects were esteemed bleak.

According to Mouin Merhebi, Minister of State for Refugees Affairs, at least 20 refugee returnees from Lebanon have been killed since June 2018. He also confirmed that he has received reports of Syrians being detained after returning to government-held parts of Syria from Lebanon.<sup>(75)</sup> The Syrian Observatory for Human Rights reported that in October 2018 more than 700 repatriates from Lebanon, Jordan, Turkey and other countries in the region had been arrested after returning to government-held parts of the country, of which 230 remain detained, while the rest released after brief detention.<sup>(76)</sup>

The respondents, and in particular those partaking in the focus groups held among women

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(71) Anchal Vohra, “A Deadly Welcome Awaits Syria’s Returning Refugees”, *Foreign Policy* 6 February 2019. Available at: <https://foreignpolicy.com/2019/02/06/a-deadly-welcome-awaits-syrias-returning-refugees/> [last accessed 20 February 2019].

(72) UN-OHCHR Syria Country Office Rule of Law Unit, “Counter-Terrorism Law”; and Human Rights Watch, “Syria: Counterterrorism Court Used to Stifle Dissent”, 25 June 2013. Available at: <https://www.hrw.org/news/2013/06/25/syria-counterterrorism-court-used-stifle-dissent> [last accessed 20 February 2019]; and Syrian Legal Forum, “Enforcing Human Rights in Counter-terrorism Laws in Syria”. Available at: <http://www.syrianlegalforum.net/publications/view/13> [last accessed 20 February 2019].

(73) Amnesty International, “Syria: Tens of Thousands of Disappeared Must Not be Forgotten”, 30 August 2017. Available at: <https://www.amnesty.org/en/latest/news/2017/08/syria-tens-of-thousands-of-disappeared-must-not-be-forgotten/> [last accessed 20 February 2019].

(74) Amnesty International, “Harrowing Accounts of Torture, Inhuman Conditions and Mass Deaths in Syria’s Prisons”, 18 August 2016. Available at: <https://www.amnesty.org/en/latest/news/2016/08/harrowing-accounts-of-torture-inhuman-conditions-and-mass-deaths-in-syrias-prisons> [last accessed 20 February 2019].

(75) Bassem Mroue, “Lebanon minister: Syrian abuses slow return of refugees”, *AP News* 27 November 2019. Available at: <https://www.apnews.com/371bba7948f146a38f25713e6d760ec6> [last accessed 20 February 2019].

(76) Hashem Osseiran, “Activists accuse Syrian government of arresting returnees”, *The National* 18 November 2018. Available at: <https://www.thenational.ae/world/mena/activists-accuse-syrian-government-of-arresting-returnees-1.793166> [last accessed 20 February 2019].

in Tripoli,<sup>(77)</sup> emphasized the difficulty of communicating properly and safely with anyone in Syria, whether the person recently returned or had never left. In telephone conversations, it is impossible to share details about the actual situation and prevailing living conditions on the ground, let alone political developments, due to security concerns for the individuals inside Syria. People are often compelled to use code language, even with their spouses. This causes obtaining sufficient and accurate information about the situation in specific areas of Syria to be challenging, rendering the role of UNHCR and other international protection and human rights organizations crucial in terms of information provision to Syrian refugees. However, since these lack unhindered access to Syria, and organizations that do have access face severe security risks in obtaining and verifying information on the fate of returnees and disclosing these data, it is crucial that Syrian refugees are aware that highly limited to no monitoring of their safety and well-being will occur upon their return. This awareness should be raised before individuals take the decision whether to return or not.

*A Syrian man residing in Shatila: "People are afraid of acts of revenge against each other, especially in the villages."*

*A Syrian residing in Tripoli: "Sectarianism has been badly implanted in Syria, and it is still prevailing. They don't want us to come back."*

### 4.3.3 Limited Livelihoods and Financial Pressures

The lack of livelihoods in Syria, in particular in rural areas, is considered an urgent source of concern by the majority of respondents. Many reported having been strongly advised against returning by relatives and close ones that had never left Syria or that had previously returned, due to the total lack of opportunities to generate an income and support a family. The anticipated lack of income, coupled with high expenses deter Syrians from returning, especially as going back means starting from scratch: rehabilitating and refurbishing - in case looting has taken place- their house, supporting themselves and their families until they have secured a job and getting re-established in their communities, all of which incur considerable cost. Most returnees the participants had been in touch with reported back that they could not afford their daily expenses as prices had risen significantly since the offset of the war. Household purchasing power has fallen significantly,<sup>(78)</sup> and many households have depleted their savings and accumulated debts during their time in exile.

It is evident that economic activity in Syria has been severely disrupted since the offset of war in 2011. The cumulative losses in gross domestic product (GDP) have been estimated at \$226 billion, about four times the Syrian GDP in 2010, and unemployment rates risen dramatically.<sup>(79)</sup> However, it is anticipated that losses due to disruption in economic organization, such as broken economic and social networks and supply chains, diminished economic connectivity, and reduced incentives to pursue productive activities, greatly exceed that of capital destruction. While capital can be rebuilt relatively rapidly, the decrease in investments resulting from disruption in economic organization lingers on much longer and restoration of economic institutions and networks requires a different approach than the replacement of capital stock.<sup>(80)</sup> Return is not a passive physical relocation that ends when refugees cross the border, but entails the sustainable reintegration of returnees, and their active role in peacebuilding and rebuilding of the social fabric of their country or area of origin.

(77) Focus group discussions in Tripoli held on the 18th of December 2018 and the 17th of January 2018.

(78) "2019 Index of Economic Freedom: Syria." Available at: <https://www.heritage.org/index/country/syria> [last accessed 20 February 2019].

(79) The World Bank, "The Toll of War: The Economic and Social Consequences of the Conflict in Syria", 10 July 2017, p. 70.

(80) Ibid., Key Findings.

#### 4.3.4 Lack of Basic Necessities and Services

The participants foresee a lack of access to basic necessities and essential services in Syria. They learnt from returnees and their relatives who stayed behind in Syria that water, fuel and electricity are only available in limited amounts, if at all. In the winter of 2018-2019 Syria has been plagued by persistent power cuts and a spike in the price of fuel oil, forcing Syrians to increasingly rely on gas to cook and heat their homes. This in turn has led to a heavily increased demand in gas, causing urgent gas shortages. With regard to water, up to 35% of the population is relying on unsafe water sources to meet daily water supply needs.<sup>(81)</sup>

Respondents also righteously anticipate the absence of adequate health services. Over 11 million people remain in need of health services, as health service delivery in particular has been critically undermined due to attacks on health facilities and aid workers.<sup>(82)</sup> At the same time, the availability of hospital care and the relative affordability of treatments offered inside Syria, especially in GoS-controlled areas, constitute a pull factor providing impetus to return - temporarily - among refugees displaced to Lebanon.

#### 4.3.5 Housing, Land and Property (HLP) Rights

Access to habitable housing was reported as an important variable in the decision-making process on whether to consider return or not. Knowing whether your house is fully habitable or only in need of minor rehabilitation, or knowing that you can stay with friends or relatives, render it significantly more likely for Syrians to consider returning. The option of renting is undesirable as rental costs are perceived unaffordable. Property entails more than housing alone, and questions such as: 'Will I be able to re-establish my business', or 'can I build a new house on my plot of land if my house is gone?' determine a great deal of individuals' future conditions, and are closely linked to peacemaking and post-war reconstruction. However, these questions remain largely unanswered for the majority of Syrians.

One recent piece of legislation that is among the most important points of discussion in relation to Syrians' access to HLP rights is Law No. 10, the Absentee Property Law enacted by the GoS in April 2018. Law No. 10 allows for creating redevelopment zones across Syria that will be designated for reconstruction, after which all owners automatically lose their sole ownership status, meaning they can no longer sell or build on the land. In order to become shareholders and thus have the chance to receive some compensation, property owners are required to return to their places of origin and register their property claims in person with government authorities within a time frame of one year.<sup>(83)</sup> After this window of one year, the GoS can legally expropriate all unclaimed property.<sup>(84)</sup>

As little is known about how Law No. 10 influences Syrians' decision-making process and what happens with people who decide to go register their properties, we posed a question to the participants about their interpretation of the law. The large majority of respondents were aware of the existence of such law. One respondent thought it was annulled, which could refer to the fact

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(81) UN OCHA, "Humanitarian Needs Overview 2018".

(82) Ibid.

(83) The timeframe was initially much shorter, but was extended in June 2018 to 12 months under considerable international pressure.

(84) Joseph Daher, "Militias and crony capitalism to hamper Syria reconstruction", *Nawa* 5 September 2017. Available at: <https://www.opendemocracy.net/north-africa-west-asia/joseph-daher/militias-and-crony-capitalism-to-hamper-syria-reconstruction> [last accessed 20 February 2019].

that the window for registration was prolonged, and a few had never heard of it. With regard to how it would influence the participants' likeliness to consider returning to enlist their properties, there were essentially two camps. Firstly, regardless of whether they consider it important to claim their properties or deem the law only a minor concern, the significant majority of participants does not consider returning for this law because of a well-founded fear for their lives. The reasons for fleeing Syria have not subsided, and the choice between securing one's property - given that the law would be consistently implemented - and guaranteeing the family's safety, was considered simple. A few participants mentioned other reasons for not considering to return to secure their property: they were already aware that they did not have the right property documents, or they knew their house had been destroyed anyway. Secondly, only a few participants indicated they were considering returning to prove ownership of their property. A significant number of participants however do know other Syrians who returned to Syria in order to register their properties.

*A woman residing in Nabaa: "Two of my siblings martyred, I wish my house would go and my siblings would have stayed alive, because unlike properties, humans can't be compensated."*

*A Syrian man from Deir ez-Zor, living in Shatila: "I can't return to claim my properties; I fled Syria to protect my life."*

*Syrian woman residing in El Qebbeh, Tripoli: "I don't care if we lose everything, our money and our properties; as long as we don't lose any of our children."*

The majority of participants consider Law No. 10 merely a 'suspicious' and 'unfair' tool of the Syrian authorities to pressure individuals, and in particular those wanted by them, into returning. Participants shared stories of people they know who returned because of the law but who have since disappeared, including a 60-year-old woman. Other respondents said people they knew had been told that they could only access their property if they came back with their children, even though the property was registered in the parent's name. A few respondents stressed that they will not let the law intimidate them, indicating that this is what they consider the law's real purpose: the intimidation of those subject to it rather than the genuine intention to reconstruct heavily damaged parts of the country.

Legal experts and human rights activists are concerned that Law No. 10 is laying the foundation for the seizure of property belonging to many of the six million Syrians living abroad and accused of having supported the opposition. There are clear indications that the GoS considers reconstruction as an opportunity to reward regime loyalists, punish opponents and preserve the social and demographic shifts that it has engineered since the beginning of the war, rather than as a means for social repair and economic recovery. Law No. 10 also provides for the GoS to attract capital from various countries that wish to profit from Syria's reconstruction drive.<sup>(85)</sup> Starting in 2011, the GoS has passed a number of laws (decrees 66 and 63 of 2012) that undermined the status of the displaced population, preventing many from claiming titles to land that was once theirs. It has used accusations of terrorism to confiscate property from displaced communities, and it has appropriated large areas of land to the advantage of its political supporters.<sup>(86)</sup> At several occasions, the GoS has publicly affirmed

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(85) Joseph Daher, "Militias and crony capitalism to hamper Syria reconstruction", *Nawa* 5 September 2017. Available at: <https://www.opendemocracy.net/north-africa-west-asia/joseph-daher/militias-and-crony-capitalism-to-hamper-syria-reconstruction> [last accessed 20 February 2019].

(86) Sune Haugbolle, "Law No. 10: Property, Lawfare, and New Social Order in Syria", *Syria Untold* 26 July 2018. Available at: <http://syriauntold.com/2018/07/law-no-10-property-lawfare-and-new-social-order-in-syria/> [last accessed 20 February 2019].

this intent, in statements such as “[Syria] lost its best youth and its infrastructure,” but has “won a healthier and more homogenous society”.<sup>(87)</sup>

Secondly, property ownership status in Syria depended on a variety of customs that often did not produce significant paper trail, in particular in the countryside. The state had only registered about 20 percent of its land, including state farms, leased agricultural land, and ‘commons’ such as forests and pasture land and had only shortly before the war began to digitize its records of transactions. On top of that, many of the paper-based property registers have perished in the conflict. This coupled with the fact that 70 percent of refugees lack basic identification documentation, renders making a valid and timely property claim extremely challenging, especially for those originating from semi-urban and rural areas. Women are even at larger disadvantage in this regard as they are far less likely than men to possess civil and property documents in the first place.<sup>(88)</sup>

A significant number of participants reported property confiscations that happened already, either by the GoS, the Kurds, or other militias. One participant said they were aware of plans to evacuate the residents of Baba Amr in Rural Homs, in order to start construction projects there. They also reported that in one of the near villages, people had already been forcibly removed. Some participants had taken action to prevent their properties from being expropriated or looted, for instance by having relatives move into them.

*A Syrian man residing in Bar Elias, Bekaa: “Sometimes looting properties takes place before our eyes and we can’t do anything about it.”*

## 4.4 The Question of Return

Little is known about what access Syrians living in Lebanon have to information regarding return modalities and the associated risks, as well as the conditions they deem necessary for safe and sustainable repatriation. Obtaining answers to these questions will be essential to adequately assist those who do wish to return, to be identify the gaps in awareness among Syrians in Lebanon with regard to the risks and consequences of returning at this stage. Evidently, an individual’s or family’s decision-making process with regard to returning is rather complex and involves variables that are not measured consistently here, such as the role of community ties or pressure from inside Syria. More in-depth research is required to gauge such variables.

### 4.4.1 The Desire to Repatriate

Nearly all participants reported that they frequently discuss their displacement and the possibility of returning to Syria with their relatives, close friends and communities. Talking about these topics was compared to discussing the meal of the day or the ‘daily bread’: it has become an integral part of the lives of Syrians in Lebanon. The majority of respondents reported a desire to return one day, but they also recognize their inability to do so safely.<sup>(89)</sup> They considered Lebanon, despite all hardships and insecurity, a better place to live than Syria at the current time. A significant number of participants

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(87) Steven Heydemann, “Rules for reconstruction in Syria”, *Brookings* 24 August 2017. Available at: <https://www.brookings.edu/blog/markaz/2017/08/24/rules-for-reconstruction-in-syria/> [last accessed 20 February 2019].

(88) Ibid.

(89) One woman residing in Nabaa indicated that she was “immensely oppressed” in Syria and therefore did not desire to return to Syria at all, but she constituted an exception.

were advised against return, either by relatives who stayed in Syria or by returnees (for reasons discussed in section 4.3). These findings are echoed in a number of other reports and intention surveys held among Syrians in Lebanon.<sup>(90)</sup> As resettlement options have even further declined since 2016, and the respondents did not have any other options to settle in a third country, resettlement or relocation out of Lebanon were hardly considered as viable options in the focus group discussions. 10% of Syrian refugees are in need of and meet resettlement criteria, but only 0.5% will be submitted for resettlement, despite pledges by the EU.<sup>(91)</sup>

*Thanaa, 41 years, from Homs, mother of five: "Your country is where your husband and children are, where you can live, where there is safety."*

*A Syrian woman living in Bar Elias, Bekaa: "Accessing services in Syria is even harder than in Lebanon."*

*A Syrian woman residing in Nabaa: "I'm tired of constant moving from one house to another. I wish my children and I would have a room to settle in."*

#### 4.4.2 Conditions for Safe and Sustainable Repatriation

When asked about the most important conditions for safe and sustainable return to Syria, nearly all participants agree that security should prevail. To them, this means primarily the cessation of shelling, airstrikes and fighting, but equally the termination of arbitrary arrests, killings and forced disappearances. There was a lack of consensus about whether regime-held or non-regime held areas were predominantly safer or less safe than the other.

Secondly, consistently implemented and monitored settlement of the forced conscription issue was reported as an essential condition. The amnesty decree issued by the GoS on the 9th of October 2018, as discussed in section 4.3.1, is considered a 'set-up to catch wanted individuals and not a sincere amnesty, similar to how any guarantees for safety given to returnees at this stage are deemed neither reliable nor consistently implemented.

Some of the respondents, unequivocally demand regime change as the only possibility for safe return. A higher number of participants across the focus groups expressed that regime change is not the most important, but that it is about prevalence of security in Syria, regardless of who is in power.

The availability of job opportunities and access to basic necessities such as electricity and water, and services such as health services and schools were reported as important conditions for people to consider returning. Several participants also stated that they would need housing aid or a cash grants as their houses have been (partially) destroyed and are in need of rehabilitation, which is considered especially challenging by households of which the breadwinner has passed away or resides elsewhere.

The ability to move around freely and to choose one's own place of residence were mentioned as being important features of a Syria where people could return to. Some respondents had heard of returnees that were unable to choose where they wanted to go, but they knew few details about it. 'Returnee displacement' is an increasingly common phenomenon. Experiences from Bosnia and Herzegovina, Iraq, and South Sudan demonstrate the likeliness of returnees to be subjected to

(90) See for instance: UNHCR Lebanon, "Intentions and Perceptions of Syrian Refugees in Lebanon About Their Future", 25 April 2018. Available at: <https://data2.unhcr.org/en/documents/download/63310> [last accessed 20 February 2019]; and, and Oxfam, "Pushing Back on Push Factors", February/ March 2018. Available at: [file:///C:/Users/Startklaar/Downloads/Oxfam%20report\\_pushing%20back\\_March2018.pdf](file:///C:/Users/Startklaar/Downloads/Oxfam%20report_pushing%20back_March2018.pdf) [last accessed 20 February 2019].

(91) UNHCR, "Durable Solutions for Syrian Refugees", August/ September 2018.

secondary displacement, rendering them more vulnerable rather than that it solves the question of displacement. This experience forecasts a potentially similar outcome for refugee return in Syria where not only ethnicity, but political orientation may play a role in repatriation patterns.<sup>(92)</sup> Freedom of speech was discussed in one of the focus groups held in Tripoli.<sup>(93)</sup> In two out of 15 focus groups, participants mentioned the need to obtain financial aid for the act of return itself, such as transportation costs.

### **Between hope and pessimism**

Across the focus groups, a negative outlook on whether the right conditions for return will be in place dominated over hope that in the future, the conditions will be met. Many Syrians expect the country to take years, if not decades to recover from the conflict, so there is little reason to be optimistic. A significant proportion of the respondents do not know what is going on in terms of peace negotiations and have no reason to assume that conditions for return will ever be achieved. Many Syrians have lost relatives and loved ones, which renders going back even harder. Those who deem regime change or some form of justice and accountability important factors for safe return, also had little hope in these actually materializing.

*A Syrian woman residing in Nabaa: "Those who passed away won't come back to life. Out of five siblings I still have only three; one of them is disabled, while the other two are wanted for compulsory military service."*

*A Syrian woman residing in Tripoli: "I prefer beggary to returning to Syria."*

*Thanaa, 41 years old, from Homs, mother of five: "If I could return, I would have never left."*

### **4.4.3 Access to Information and Assistance Related to Return**

Not much is known to what extent Syrians in Lebanon are aware of the existing return tracks - or other tracks that are less well documented - and the associated risks, who informs them about these and whom they would approach in case they considered returning.

None of the participants reported to have been approached directly by groups or organizations to offer them assistance, such as registering their names for return for them, offering them money if they would return or coercing them to return in any other way. However, participants may also have been scared to report such things out of fear of retaliation.

The Syrians participating in this study have diverging ideas about which actors to approach in case they consider returning. Women participating in a focus group discussion held in the Bekaa<sup>(94)</sup> contacted the Red Cross offices and reportedly were told that there are offices at Masnaa border crossing designated to facilitate return of Syrians. Other respondents were aware of the Hezbollah offices in Dahiyeh and Nabaa where Syrians can register their names for return. According to some, returning to Damascus through these offices would not cost you anything and does not require specific conditions, but it takes two to three months before one can return and Hezbollah denies any responsibility for the consequences of returning. Several participants were aware that one can return through General Security if you register your name and details with them and wait a maximum of 25

(92) The World Bank, "The Mobility of Displaced Syrians: An Economic and Social Analysis", 2019, p. 62. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/9781464814013.pdf> [last accessed 20 February 2019].

(93) Focus group discussion held among staff members of Basmeh & Zeitooneh (mixed gender) in Tripoli on the 29th of November 2019.

(94) Focus Group discussion (women) held in Bar Elias on the 19th of November.

days. You will then need security clearance by the Syrian authorities, meaning that someone who is 'wanted' by the GoS will not be allowed to return. None of the participants was aware of someone being physically prevented from entering Syria on the way to or at the Lebanese side of the border. Several people had heard about UNHCR offering return related assistance. UNHCR does not consider present conditions in Syria conducive for voluntary return in safety and dignity and therefore does not facilitate or organize return.<sup>(95)</sup> However, their presence at and limited monitoring activities of - at the Lebanese side of the border - return movements facilitated by the Lebanese General Security are often seen, both by Syrian refugees and Lebanese host communities, for taking an active part in the facilitation process.

### **Exit practices**

The Syrians participating in the study reported their confusion about exit and entry practices at the Lebanese-Syrian border. The majority has understood that Syrians are either temporarily (for five years) or permanently banned from re-entering Lebanon after returning to Syria if they entered Lebanon illegally or if they leave the country with an expired residence permit. This has deterred at least one Syrian woman residing in Shatila from returning to Syria, but potentially many more given the high number of Syrians in Lebanon without legal residency. Other Syrians had heard that returning costs 100,000 Syrian Pounds (around USD 200) per person.

The General Security issued a memorandum on exit fees, stating that Syrians who overstayed their residency permits are given two choices when crossing the border: either pay the overstay fee of USD 200 or receive a re-entry ban for a period of five years. However, although the General Security added categories of exemption, it is not clear who is exempted from these rules and how they are applied at the border.<sup>(96)</sup> It is essential that humanitarian and civil society actors inform Syrians in Lebanon about the actual exit formalities so that Syrians can take well-informed decisions about staying or returning.

### **In case of return**

In order to assess levels of trust in the different actors involved in, or associated with return, we posed the question: 'Who would you approach if you wanted to return to Syria?' A significant part of the respondents reported they would seek help from UNHCR, some of them would also ask UNHCR to pay for their return expenses and guarantee a safe return. Some respondents countered that UNHCR cannot be trusted due to their close cooperation with and support to the GoS. Other participants would seek help from the General Security. A number of Syrians would not ask for help, and 'return in the same way as they had come: by themselves'. If they were to ask for help, it would be from trusted sources such as relatives. A few Syrians would approach Hezbollah for assistance, but only depending on the (safety) guarantees that Hezbollah would be able to provide.

There is no tripartite agreement for voluntary repatriation between UNHCR, the host country and the country of origin as the conditions in Syria are unconducive to large-scale returns, but returns are already being promoted and facilitated by both state and non-state actors. The result is that UNHCR is being effectively sidelined, and lacks both full access to and control over the returns that are taking place.

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(95) UNHCR, "Comprehensive Protection and Solutions Strategy: Protection Thresholds and Parameters for Refugee Return to Syria", February 2018, p. 3.

(96) SAWA, "Unpacking Return: Syrian Refugees' Conditions and Concerns", p. 27. Available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/SAWA\\_Unpacking%20Return%20Report.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/SAWA_Unpacking%20Return%20Report.pdf) [last accessed 20 February 2019].

#### 4.4.4 Temporary Return

One of the female participants in Tripoli opened up about her temporary return to Syria in order to register her newborn, which she experienced as severely traumatic. She was ordered to remove her veil by the officer she was dealing with, after which he interrogated her aggressively about her disabled husband's identity, and attacked someone else in the room in front of her.

*Woman residing in Nabaa: "Last year I went to Syria for 45 days, I was planning to settle there but the continuous shelling scared me, so I decided to come back."*

Some returnees had also reported to respondents that they were happy or relieved to have returned, sometimes despite facing new hardships. This can be explained by the fact that people have been reunited with loved ones, are back in their own country where they no longer feel like strangers, no longer face some of the hardships specific to Lebanon such as high rental costs, and a plethora of other reasons. Respondents brought up that sometimes, people are returning just to escape living in Lebanon and that then they arrange to travel to another country, for example Turkey.<sup>(97)</sup>

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(97) Focus group discussion held among staff members of Basmeh & Zeitooneh (mixed gender) in Tripoli on the 29th of November 2019.

# 5. CONCLUSION

This report voices the reflections and main concerns of Syrians in Lebanon relating to their displacement and the question of safe and sustainable return to their home country, Syria, given the importance to include Syrians' own perspectives into research and policy debates about displacement and the durable solutions. The Syrians participating in this study have diverse educational, professional and social backgrounds and have resided in four different, vulnerable and under researched areas of Lebanon between less than six months and nine years.

The majority of protection gaps reported by the study's participants, and how these render their living conditions extremely challenging and are drivers of premature return to Syria, correspond to challenges that have been identified previously. They include an overwhelming lack of legal residency, economic vulnerabilities, barriers to education for Syrian children and youth, and the GoL's and host communities' anti-refugee policy and practice. By leaving these push factors unaddressed, the crucial 'voluntariness' of return cannot be guaranteed given that voluntary returns should be based on a fair balance between push and pull factors and not be predominantly motivated by negative push factors. However, the protection space in Lebanon is shrinking rather than expanding, which has led to the premature return of some Syrians.

Moreover, this study identifies some other, less well-known elements that Syrians in Lebanon consider significant push factors for return, or even direct pressure tools or part of a larger plan to compel Syrians to leave Lebanon. One of these factors is the insufficient level of UNHCR support that Syrians receive and the limited and often unclear role that UNHCR plays in supporting them. These views are fueled by recent humanitarian aid cuts -announced through text message- and constant underfunding of the Lebanon appeal of the 3RP plan, the fact that UNHCR has not registered new refugees after 2015, the fragmented and opaque aid landscape in Lebanon, and the fact that UNHCR is present at returns facilitated by the Lebanese General Security. The reported more aggressive and insistent enforcement of the ban to work was also considered a precursor of large-scale return. The large majority of respondents increasingly fear being forced to return to Syria before they can do so voluntarily, and in safety and dignity.

While nearly all Syrians participating in this study expressed the strong desire to repatriate one day, returning now or in the near future is not an option as the root causes of their flight have not been solved. Security concerns, compulsory military service for military-aged males and the risk of detention, forced disappearance or other severe human rights violations have not subsided. In addition, the absence of livelihood opportunities, a lack of access to basic necessities and services and a social fabric that is torn up form major obstacles to return. Returnees from exile are at heightened risk of persecution, in particular those that are associated with the opposition. Respondents reported not having heard back from some of the returnees they know, which is concerning as forced disappearance and detention pose serious threats to returnees.

The difficulty of obtaining reliable information from inside Syria, as people cannot speak openly about the situation for fear of retaliation, prevents Syrians in Lebanon from obtaining accurate and reliable information about their area of origin. Similarly, impartial and independent humanitarian organizations face severe access restrictions to Syria, including to areas that people return to. Therefore, it is crucial that Syrians in Lebanon are aware that in case they do return, there will be a lack of monitoring of their situation and well-being and a lack of assistance by any impartial (international) humanitarian agency.

Law No. 10, the Absentee Property Law - which requires people to register in person their properties with local authorities in order to get compensated when the area in which the property is located gets 'redeveloped' - is merely considered as an instrument by the GoS to pressure 'wanted' individuals into return. Only a small minority of participants would actually consider returning to claim their

properties, while the overwhelming majority would not for well-founded fear for their life. “Better lose your house than your children”, was the most frequent response in the focus group discussions.

The conditions that Syrians deem most important for safe and sustainable repatriation include the prevalence of security, the cessation of compulsory military conscription, the availability of job opportunities and access to basic necessities. Opinions differed on whether regime change is necessary to achieve these conditions, but those who did demand the departure of the GoS were also pessimistic on the chances of that actually materializing. Overall, participants were rather pessimistic about the achievement of the right conditions in Syria and anticipated that social and physical rebuilding will take decades.

The Syrians participating in the study reported that they are confused about exit and entry practices at the Lebanese-Syrian border. The return pathways and actors they are aware of are similar to the ones that are generally known, and none of the respondents had been approached directly for, or forced physically, to return. In case they would consider returning, the respondents would seek assistance from or approach either UNHCR, the Lebanese General Security, Hezbollah or their own relatives and close ones, or a combination of these. Some of the participants would request safety guarantees or financial return aid as well. It is crucial to keep mapping the return modalities and practices in order to assess the voluntariness of returns and detect high protection risks.

# 6. RECOMMENDATIONS

*To governments of the EU and Syrian refugee hosting countries, international donors, UN agencies and EU institutions:*

## **Push back against premature return**

- Commit to guaranteeing international protection, including improved access to legal residency, livelihoods, health services and education for Syrian refugees until a sustainable solution to the conflict in Syria has been reached, the UNHCR Protection Thresholds<sup>(98)</sup> have been achieved and the human rights of every citizen are fully warranted.
- Push back consistently and with one voice against donor fatigue, which can lead to premature returns, and insist on commitments to multi-year, flexible and transparent funding to local humanitarian and civil society actors as much as possible, in line with Grand Bargain commitments.
- Support and pressure the GoL to remove restrictions to accessing legal residency, allowing Syrians to enter the formal labor market and access services. This includes waiving the USD 200 renewal fee for all Syrians, and the GoL should be held accountable for implementing the fee waiver consistently on the ground.
- Allocate more resources for social stability programs that reduce tensions between host communities and refugees.
- Expand opportunities of resettlement in EU countries to ensure the resettlement of those Syrians that are eligible for it and are now left in limbo.
- Communicate clearly and unambiguously to Syrian refugee communities that the conditions in Syria are not ripe for safe and sustainable repatriation, and that no effective monitoring and assistance of returnees takes place. Also, inform refugee communities about the risks associated with the different return modalities.
- Further deconstruct the push and pull factors, as well as community dynamics and other, unknown variables that lead to premature return to Syria. This should happen through inclusive and formalized participation and feedback mechanisms for Syrians.

## **Ensure that all returns take place in safety, dignity and truly voluntarily**

- Pressure the GoL and the GoS to allow UNHCR to play a more transparent and accountable role in preventing unsafe and involuntary return and to establish a robust and accountable mechanism to monitor and protect returnees. Insist on full and unfettered UN access to returnees before and after return, in order to assess the voluntariness of their decision and to identify specific protection threats, and on unimpeded UN monitoring capacity in all areas of return.
- Gain understanding of, support, financially and technically, further research efforts on and speak out about any return or return movement that is understood to be involuntary and thus in violation of international standards, however small-scale they are, and regardless of whether they were facilitated or ‘spontaneous’.
- Remain fully committed to achieving UNHCR’s Protection Thresholds before moving to, or endorsing facilitated returns. Inform relevant partners and organizations about progress made in

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(98) UNHCR, “Comprehensive Protection and Solutions Strategy: Protection Thresholds and Parameters for Refugee Return to Syria”, February 2018.

operationalizing the thresholds, and involve them actively in identifying the indicators to measure progress in the achievement of the thresholds.

- Explore scenarios for increasing security and safety assurances for Syrian returnees, including the deployment of international observers.
- Ensure return movements and arrangements are not dependent upon national dynamics; but rather based on a principled and unified stance among humanitarian stakeholders and host governments in accordance with international law.
- Ensure that the Government of Syria and affiliated groups respect the Housing, Land and Property (HLP) rights of displaced Syrians. To this end, insist that Law No. 10, the Absentee Property Law is revoked, a fair and transparent Property Restitution Framework is created, and that displaced Syrians are allowed freedom of movement in returning to a specific area.
- Create the right conditions for IDP and refugee return by targeting the root causes of their displacement. These include arbitrary detention and arrest, forced disappearance, torture and extrajudicial killings, and forced military conscription.





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