

Precurity in Exile: The Legal Status of Syrian Refugees in Lebanon

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ABSTRACT

Lebanon has had an ambiguous approach to the more than one million Syrians seeking protection in the country since 2011. The country is neither party to the 1951 Convention relating to the Status of Refugees, nor does it have any national legislation dealing with refugees. In October 2014, Lebanon's Council of Ministers adopted the first comprehensive policy on Syrian displacement, one explicit goal of which is to decrease the number of Syrians in Lebanon by reducing access to territory and encouraging return to Syria. This ambition is currently being implemented through the December 2014 General Security Office new set of entry requirements for Syrians and new rules for Syrian nationals already in Lebanon applying for and renewing their residency permits. Building on 10 months of fieldwork in Lebanon, this article explores the legal status of Syrian refugees in Lebanon in light of the recent regulatory changes. It argues that these leave many refugees in a deeply precarious legal position, with an overwhelming majority of Syrian refugees present in Lebanon without legal status. In essence, this article argues that Syrians in Lebanon are left with two options: they either leave the country or stay and accept exploitation.

KEYWORDS: Syrian refugees, Lebanon, non-refoulement, asylum, UNHCR

I. INTRODUCTION

The commencement of the Syrian conflict in 2011 brought about substantial refugee flows into Syria's neighbouring countries, i.e. Lebanon, Jordan, Turkey, and Iraq. One of the heaviest burdens is borne by Lebanon, currently hosting more than one million registered refugees, in addition to between 300,000 and 500,000 unregistered

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refugees throughout Lebanon.¹ Added to these numbers are also an approximate 45,000 Palestinian refugees from Syria.²

Lebanon, a country with an already fragile governance system and sub-standard infrastructure,³ has had an ambiguous approach to Syrians seeking protection in the country. The country is currently experiencing deep political deadlock, having been without a President since May 2014 and due to the two-time postponement of parliamentary elections scheduled for 2013. Thirty years of Syrian military presence has moreover influenced Government policies towards refugees from Syria, as has the country's long-term Palestinian refugee presence.

The country is neither party to the 1951 Convention relating to the Status of Refugees,⁴ nor does it have any national legislation dealing with refugees. Syrian refugees have thus no status other than that afforded to Syrian nationals in general. They are furthermore not referred to by Government authorities as "refugees" but as "displaced" persons, a less historically- and legally loaded term.

Only in October 2014 did Lebanon's Council of Ministers adopt a comprehensive policy on Syrian displacement, one explicit goal of which is to decrease the number of Syrians in Lebanon by reducing access to territory and encouraging return to Syria. This ambition is currently being implemented through the issuance of the General Security Office's (GSO) new set of entry requirements for Syrians and new rules for Syrian nationals already in Lebanon applying for and renewing residency permits in December 2014.⁵ For the first time since its establishment, the Lebanese State now imposes restrictive measures on the entry of Syrian nationals into the country.⁶

This article seeks to explore the legal status of Syrian refugees in Lebanon in light of these recent regulatory changes. It is based on 10 months of field research in Lebanon in 2015 and 2016, including approximately 50 semi-structured interviews with Syrian refugees across the country as well as with Government authorities, lawyers, judges, and United Nations (UN)/non-governmental organisation (NGO) workers in Beirut. The article begins with a general overview of the Lebanese Government's refugee response since the beginning of the Syrian conflict in 2011, and continues with an elaboration of Lebanon's relationship with the international refugee law regime and the United Nations High Commissioner for Refugees

1 UNHCR, *Syria Regional Refugee Response: Lebanon*, Inter-agency Information Sharing Portal, undated, available at: <http://data.unhcr.org/syrianrefugees/country.php?id=122> (last visited 1 Oct. 2016); Norwegian Refugee Council & International Rescue Committee, *Legal Status of Refugees from Syria: Challenges and Consequences of Maintaining Legal Stay in Beirut and Mount Lebanon*, Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC), Jun. 2015, available at: <http://www.refworld.org/docid/56cab8c4.html> (last visited 1 Oct. 2016).

2 Inter-agency Coordination Lebanon, *Minutes of Inter-sectoral Meeting: Beirut, 12 June 2015*, 2015, available at: <https://data.unhcr.org/syrianrefugees/download.php?id=9033> (last visited 1 Oct. 2016).

3 N. Yassin, T. Osseiran, R. Rassi & M. Boustani, *No Place to Stay? Reflections on the Syrian Refugee Shelter Policy in Lebanon*, Beirut, Issam Fares Institute (AUB) & UN-Habitat, 2015.

4 Convention relating to the Status of Refugees, 189 UNTS 150, 28 Jul. 1951 (entry into force: 22 Apr. 1954).

5 Most of these documents have not been published on the GSO website. Some on file with author.

6 G. Frangieh, "Lebanon Places Discriminatory Entry Restrictions on Syrians", *Legal Agenda*, 2015, available at: <http://english.legal-agenda.com/article.php?id=679&folder=articles&lang=en> (last visited 1 Oct. 2016).

(UNHCR). It thereafter describes the national legislation applicable to Syrians prior to 2015, before exploring the regulatory changes that emerged in 2015. Following this, the article highlights the particularly perilous situation of Palestinian refugees from Syria and explains how the 2015 changes leave many refugees in a deeply precarious legal position.

2. OVERVIEW OF SYRIAN REFUGEE RESPONSE IN LEBANON

In the early stages of Syrian displacement, Lebanon won significant praise from human rights groups and UNHCR for its open borders and non-encampment policy.⁷ Closer scrutiny nevertheless suggests that these policies were not the result of any particular, intentional Government approach to Syrian refugees, but are rather symptomatic of the current political stalemate. This impasse within constitutional institutions has paralysed public policy on Syrian displacement, and in fact led to the Government having no strategy at all to respond to the influx of refugees in the early stages of Syrian displacement. This, in turn, initiated varying and sometimes contradictory responses within Government agencies and municipalities alike.⁸

The refugee issue is highly politicised in Lebanon, and the Government's stance towards Syrian refugees can be explained on the one hand by Lebanon's previous refugee experience with Palestinians, and, on the other, by the major antagonistic political parties' conflicting attitudes towards the conflict in Syria.⁹ The diverging approach to refugees was particularly evident in the recurrent debate on the establishment of refugee camps, which has been favoured by one political front and strenuously opposed by another.¹⁰

The ambiguity of the Government response was exacerbated with the coming into power of the then caretaker Prime Minister Naguib Miqati, who in mid-2012 established a policy of neutrality towards the events in Syria under the label of the "disassociation policy".¹¹ The policy aimed to preserve the delicate political balance between the various sectarian forces which, as political factions, were unable to come to agreement. However, as Meier argues, "Pretending to be neutral, this policy in fact adopted the point of view of the most powerful – the Syrian government – and was referring to traditional links between main political components of the Lebanese government with the Asad regime."¹²

7 L. Turner, "Explaining the (Non-)Encampment of Syrian Refugees: Security, Class and the Labour Market in Lebanon and Jordan", *Mediterranean Politics*, 20(3), 2015, 1–19; B. Frelick, *Fleeing Syria: Insights on Lebanon's Open Border*, New York, Human Rights Watch, 2013; J. Dettmer, "It's About Time: United Nations Plans Refugee Camps for Syrians in Lebanon", *Daily Beast*, 12 Jun. 2013, available at <http://www.thedailybeast.com/articles/2013/06/12/it-s-about-time-united-nations-plans-refugee-camps-for-syrians-in-lebanon.html> (last visited 1 Oct. 2016).

8 Yassin et al., *No Place to Stay?*.

9 O. Dahi, "The Refugee Crisis in Lebanon and Jordan: The Need for Economic Development Spending", *Forced Migration Review*, 47, Sep. 2014, 11–13; D. Meier, "Lebanon: The Refugee Issue and the Threat of a Sectarian Confrontation", *Oriente moderno*, 94(2), 2014, 382–401.

10 Yassin et al., *No Place to Stay?*.

11 Permanent Mission of Lebanon to the UN, *Baabda Declaration Issued by the National Dialogue Committee on 11 June 2012*, New York, UN Security Council, 2012.

12 Meier, "Lebanon".

One strand of this disassociation policy was the enforcement by Miqati of the use of “displaced persons” (“nazihoun” in Arabic) as a legitimate terminology rather than “refugees” (“lajjioun”). The Government rejects, in principle, the integration of refugees and does not consider itself a country of asylum, but rather one of transit.¹³ One explanation for this lies in the strong association of “refugee” with Palestinian; “displaced” then appears suggestive of a less permanent status.¹⁴ But the usage of this term may also be seen as an attempt to circumvent any obligations and privileges owed to these individuals by virtue of their refugeehood.¹⁵ As one Government official explained to me, “From the Government’s perspective, the refugee is more difficult because he has rights. Displaced have less rights.”¹⁶ Statements such as these suggest, despite Lebanon not being a party to the main refugee protection instruments, an uneasy and complicated relationship between Lebanon and the international refugee regime. However, as this article intends to show, the Lebanese Government considers the growing number of Syrian refugees in the country to be a serious threat to the security, political, economic, and social stability and has enacted laws and policies that treat Syrian refugees as undesirable foreigners.

Due to the political stalemate and lack of national policy for the management of the Syrian refugee influx at central Government level, Lebanese municipalities, who have long borne the *de facto* authoritative capability of responding to emerging problems, were left with managing the increasing flow.¹⁷ One of the clearest examples of this municipality autonomy is the curfews imposed on Syrian refugees, restricting freedom of movement.¹⁸ From August 2014, at least 45 municipalities across Lebanon have put in place such curfews, which are enforced by municipality police but also allegedly by local vigilante groups.¹⁹

In March 2013, Prime Minister Miqati resigned, and in February 2014, a new Government was formed. Not long after, this new Government closed 18 unofficial

13 TRANSTEC, *Beyond Humanitarian Assistance? UNHCR and the Response to Syrian Refugees in Jordan and Lebanon January 2013 – April 2014*, Brussels, TRANSTEC, 2015.

14 D. Stevens, “Shifting Conceptions of Refugee Identity and Protection: European and Middle Eastern Approaches”, in S. Kneebone, D. Stevens & L. Baldassar (eds.), *Refugee Protection and the Role of Law: Conflicting Identities*, New York, Routledge, 2014, 73–97.

15 Y. Al-Saadi, *Restrictions, Perceptions, and Possibilities of Syrian Refugees’ Self-Agency in Lebanon*, Beirut, Civil Society Knowledge Center, Lebanon Support, Feb. 2015, available at: <http://cskc.daleel-madani.org/content/restrictions-perceptions-and-possibilities-syrian-refugees-self-agency-lebanon> (last visited 1 Oct. 2016).

16 Confidential interview, Government official, Beirut, 18 Apr. 2016.

17 M. El Helou, “Refugees under Curfew: The War of Lebanese Municipalities against the Poor”, *Legal Agenda*, 22 Dec. 2014, available at <http://english.legal-agenda.com/article.php?id=674&folder=articles&lang=en> (last visited 1 Oct. 2016).

18 Amnesty International, *Pushed to the Edge: Syrian Refugees Face Increased Restrictions in Lebanon*, London, Amnesty International, 2015, available at <https://www.amnesty.org/en/documents/mde24/1785/2015/en/> (last visited 1 Oct. 2016).

19 Human Rights Watch, *Lebanon: At Least 45 Local Curfews Imposed on Syrian Refugees*, New York, Human Rights Watch, 2014, available at <https://www.hrw.org/news/2014/10/03/lebanon-least-45-local-curfews-imposed-syrian-refugees> (last visited 1 Oct. 2016); Lebanese Center for Human Rights, *Conclusions and Recommendations on the National Conference for the Rights of the Refugees from Syria, Including the Most Vulnerable Groups*, Beirut, Lebanese Center for Human Rights, 2014, available at: http://www.rightsobserver.org/files/Conclusions_and_recommendations_of_the_conference_EN.pdf (last visited 1 Oct. 2016).

border crossing points that had previously been tolerated,²⁰ and in October that same year, it took two important steps. The first was the decision to cooperate with the UN in the development of a Lebanon Crisis Response Plan, which has three main strategic priorities: (i) ensuring humanitarian protection and assistance primarily to Syrian *de facto* refugees and the poorest Lebanese; (ii) strengthening the capacity of national and local public delivery systems to accommodate the basic needs of the aforementioned peoples; and (iii) supporting Lebanon's economic, social, institutional and environmental stability."²¹

The second key step was when the Council of Ministers approved a "Policy Paper on Syrian Refugee Displacement." This document sets out three express goals regarding "displaced" Syrians in Lebanon: (i) reducing the numbers of Syrian refugees in the country by reducing access to territory and encouraging Syrian nationals to return to Syria; (ii) ensuring security by *inter alia* increasing regulation of the Syrian population in Lebanon, providing additional support for municipality police and requiring municipalities to undertake regular statistical surveys; and (iii) easing the burdens on the infrastructure.²² A number of more specific steps were provided in the Policy Paper, including strictly enforcing laws governing displaced persons and foreigners to protect Lebanese employment and employment generally.

3. LEBANON AND THE INTERNATIONAL REFUGEE LAW REGIME

The protracted Palestinian issue is often cited as a reason for a continued refusal of many States in the Middle East to sign the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.²³ Many countries in the region are anxious to ensure that Palestinian refugees retain their special status and not be subjected to the prevailing norm of resettlement. Lebanon is no exception in this regard, and the country is not a party to the UN Refugee Convention. By way of customary international law, however, Lebanon is *inter alia* bound by leading principles of refugee protection, not the least the principle of *non-refoulement*. This principle is generally considered to be the cornerstone of international refugee law in that it prohibits refugees from being returned or expelled to places where their lives or freedoms could be threatened.

Additionally, Lebanon has ratified the major international human rights instruments,²⁴ and the principles of international human rights law are also embedded in the Lebanese Constitution. The Preamble of the Lebanese Constitution of 1926 (as amended in 1990) explicitly states that "Lebanon is [...] a founding and active

20 M.A. Nayel, "On the Struggle of Syrian Refugees in Lebanon", *Jadaliyya*, 17 Apr. 2014, available at: <http://www.jadaliyya.com/pages/index/17306/on-the-struggle-of-syrian-refugees-in-lebanon> (last visited 1 Oct. 2016).

21 Yassin et al., *No Place to Stay?*

22 Norwegian Refugee Council & International Rescue Committee, *Legal Status of Refugees from Syria*.

23 Stevens, "Shifting Conceptions of Refugee Identity and Protection".

24 For example, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1465 UNTS 85, 10 Dec. 1984 (entry into force: 26 Jun. 1987); International Covenant on Civil and Political Rights, 999 UNTS 171, 16 Dec. 1966 (entry into force: 23 Mar. 1976); International Covenant on Economic, Social and Cultural Rights, 993 UNTS 3, 16 Dec. 1966 (entry into force: 3 Jan. 1976). For a list of ratifications see: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=96&Lang=EN (last visited 1 Oct. 2016).

member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights”. It moreover asserts that “the Government shall embody these principles in all fields and areas without exception”. Of particular interest here, this would include Article 14, Universal Declaration of Human Rights and the right to seek asylum. While international human rights conventions constitutionally also take precedence over national law, it has been observed that this principle is seldom practiced in domestic courts.²⁵

UNHCR and United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) are the two main agencies dealing with refugees from Syria and Palestinian refugees, respectively. Lebanon has long been reliant on UNHCR to conduct registration, documentation and refugee status determination (RSD), and to provide assistance and seek durable solutions for all non-Palestinian refugees. UNHCR has signed a 2003 Memorandum of Understanding (MoU) with Lebanon permitting it to register asylum seekers and conduct refugee status determination in specific cases.²⁶ Although subject to considerable disagreements about its interpretation,²⁷ this MoU affirms that “Lebanon does not consider itself an asylum country”, and specifies that an “asylum seeker” means a “person seeking asylum in a country other than Lebanon”.

The MoU furthermore accepts UNHCR’s protection role against the expectation that refugees recognised by UNHCR be resettled within a six-month period (which can be extended once by three months). It thus allows registered refugees to obtain a temporary “circulation permit” for up to 12 months, when UNHCR is supposed to resettle the individual. While a 2006 Ministry of Justice advisory note generally affirmed that the Government should not forcibly return refugees recognised by UNHCR, it has occurred that Lebanese authorities have refused to give any significance to UNHCR’s refugee status determination decisions, detaining and deporting hundreds of refugees and asylum-seekers.²⁸

The 2003 MoU has moreover been fiercely condemned on several points by Lebanese human rights organisations,²⁹ as well as criticised internally within the Organisation. One UN staff refers to the MoU as a “mistake”³⁰ in that UNHCR obligates itself to resettle a specific category of refugees within a certain time frame, which, considering UNHCR’s dependency on resettlement States, is a promise UNHCR hardly should or could make. Another goes further in this criticism to claim that the MoU itself “is so objectionable to the consciousness of UNHCR today”,³¹

25 Alef, *Two Years On: Syrian Refugees in Lebanon*, Beirut, Alef – Act for Human Rights, 2013, available at: <https://eu.boell.org/sites/default/files/uploads/2014/02/alef-presentation-26nov20132.pdf> (last visited 1 Oct. 2016).

26 UNHCR, *The Memorandum of Understanding between the Directorate of the General Security (Republic of Lebanon) and the Regional Office of the UN High Commissioner for Refugees, Concerning the Processing of Cases of Asylum-seekers Applying for Refugee Status with the UNHCR Office*, Geneva, UNHCR, 9 Sep. 2003.

27 Confidential interview, UN official, Beirut, 13 Apr. 2016.

28 M. Kagan, “The UN ‘Surrogate State’ and the Foundation of Refugee Policy in the Middle East”, *University of California Davis Journal of International Law and Policy*, 18, 2012, 307–342.

29 Frontiers Association, *Lebanon-UNHCR Memorandum of Understanding*, Beirut, Frontiers Association, 2003.

30 Confidential interview, UN official, Beirut, 17 May 2016.

31 Confidential interview, UN official, Beirut, 13 Apr. 2016.

suggesting that the agreement fails to fulfill the standard normally required by UNHCR when negotiating such agreements. While negotiations for a new MoU that would more directly address concerns facing refugees in Lebanon today started at about the same time as the influx of Syrians to Lebanon in 2011,³² this document remains pending at the Council of Ministers and appears unlikely to materialise in the near future. As one UN staff commented, “There was a brief window to make it happen; you have a window of about 12 months to get this thing done.”³³ UNHCR has since toned down both its requests that Lebanon signs the 1951 Refugee Convention, and its attempts to negotiate a MoU with the Government, concentrating more on issues of legal stay.

The lack of an updated MoU pertaining to the Syrian refugee influx is currently problematic as the Lebanese Government does not generally give legal effect to the UNHCR’s recognition of refugee status and treats most Syrian refugees as illegal immigrants liable to arrest.³⁴ Unlike the arrangement for Iraqis, who generally fall under the 2003 MoU, the Lebanese Government has never agreed for UNHCR to grant asylum status for Syrians.³⁵ There is thus no *prima facie* refugee status for Syrians in Lebanon.

UNHCR is furthermore not permitted to freely register Syrian refugees without interference from the Lebanese Government. In April 2015, the Ministry of Social Affairs requested that UNHCR de-register over 1,400 Syrian refugees who had arrived in Lebanon after 5 January 2015.³⁶ With the exception of humanitarian cases approved by the Ministry, in May 2015, Lebanese authorities even instructed UNHCR to temporarily suspend registration of Syrian refugees, including individuals already in the country and new arrivals. The reason given for this new ban was that a new mechanism for registration of refugees was to be established,³⁷ but as of mid-2016 this new instrument has yet to materialise. While there have been negotiations about a joint UNHCR-Government registration apparatus, amid the Government aim of reducing the number of refugees in the country, some remain sceptical of the political will to actually re-start registration.³⁸ In the meantime, UNHCR has resorted to “recording” rather than “registering” individual refugees for the purpose of both assistance and protection, including resettlement abroad.

32 UNHCR, *UNHCR Global Appeal 2013 Update: Lebanon*, Geneva, UNHCR, 2013, available at: <http://www.unhcr.org/publications/fundraising/50a9f82824/unhcr-global-appeal-2013-update-lebanon.html> (last visited 1 Oct. 2016).

33 Confidential interview, UN official, Beirut, 13 Apr. 2016.

34 J. Chabaan, K. Seyfert, N. I. Salti & G. S. Makkaoui, “Poverty and Livelihoods among UNHCR Registered Refugees in Lebanon”, *Refugee Survey Quarterly*, 32(1), 2013, 24–49.

35 Lebanon Humanitarian INGO Forum, *Background Paper on Unregistered Syrian Refugees in Lebanon*, Beirut, Lebanon Humanitarian INGO Forum, 15 Jul. 2014, available at: [http://lhif.org/uploaded/News/d92fe3a1b1dd46f2a281254fa551bd09LHIF%20Background%20Paper%20on%20Unregistered%20Syrian%20Refugees%20\(FINAL\).pdf](http://lhif.org/uploaded/News/d92fe3a1b1dd46f2a281254fa551bd09LHIF%20Background%20Paper%20on%20Unregistered%20Syrian%20Refugees%20(FINAL).pdf) (last visited 1 Oct. 2016).

36 Inter-agency Coordination Lebanon, *Protection Monthly Dashboard April 2015*, Beirut, Inter-agency Coordination Lebanon, Apr. 2015, available at: <http://data.unhcr.org/syrianrefugees/download.php?id=8889> (last visited 1 Oct. 2016); Daily Star, “UNHCR to Cross Off 5,500 Syrian Refugees: Derbas”, *Daily Star*, 29 Apr. 2015, available at: <http://www.dailystar.com.lb/News/Lebanon-News/2015/Apr-29/296164-unhcr-to-cross-off-5500-syrian-refugees-derbas.ashx> (last visited 1 Oct. 2016).

37 Amnesty International, *Pushed to the Edge*.

38 Confidential interview, NGO staff, Beirut, 5 Mar. 2016.

4. NATIONAL LEGISLATION AND LEGAL STATUS OF SYRIANS PRIOR TO 2015

As many other States in the region, Lebanon does not have a formal domestic refugee legislation in place. Rather, asylum issues are attended to through immigration laws, which monitor entry and exit of all, and includes a reference to refugees.³⁹ The 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country (Law of Entry and Exit)⁴⁰ provides six articles relating to asylum. Article 26 states that “Every foreigner who is persecuted or sentenced for a political crime outside Lebanon, or whose life or liberty is threatened on account of political activity, may apply for asylum in Lebanon.”

Importantly, Article 31 of the Law of Entry and Exit also provides for the *non-refoulement* of a former political refugee. Even though the Law outlines a process for making asylum decisions, which *inter alia* includes the establishment of an asylum-granting Committee composed of the Minister of Interior, the Director-Generals of the Ministries of Justice, Foreign Affairs and General Security, asylum through this Committee has only be granted once.⁴¹ As Stevens notes, “the provisions on asylum are in reality redundant” and Lebanon has adopted alternative practices, which includes the previously mentioned RSD processes by UNHCR.⁴²

At the start of the conflict in Syria, Lebanon largely operated an “open door” policy towards Syrian nationals wishing to enter the country, and Syrians were generally subject to the same provisions in domestic law that applies to other foreigners. Beneficial to Syrians was nevertheless also a 1993 bilateral agreement for Economic and Social Cooperation and Coordination between Lebanon and Syria. This agreement set out principles of free movement of goods and people, and granted freedom of work, residence, and economic activity for nationals of both countries. Since the beginning of the Syrian conflict, it has also governed the entry of Syrian refugees into Lebanon via official border crossings.⁴³

Syrian refugees who entered Lebanon through an official border point with a valid national Syrian identity card or passport received an “entry coupon” and “entry stamp” that grants legal residency for an initial period of six months (for free), and could be renewed free of charge for an additional six months.⁴⁴ After one year Syrian refugees were obliged to renew their residency at a cost of USD 200 per person/per year for everyone 15 and above. While those present in Lebanon in violation of the Law of Entry and Exit, for example through unofficial entry or expiry of legal stay, would be subject to arrest, prosecution, and deportation, those who entered

39 Stevens, “Shifting Conceptions of Refugee Identity and Protection”.

40 Liban: Loi du 1962 réglementant l'entrée et le séjour des étrangers au Liban ainsi que leur sortie de ce pays, *Bulletin de Législation Libanaise (Journal Officiel)*, No. 28-1962, 10 Jul. 1962, available at: <http://www.refworld.org/docid/3ae6b4f30.html> (last visited 1 Oct. 2016).

41 Lebanese Center for Human Rights, *Asylum Seekers and Refugees: Languishing in Injustice*, Beirut, Lebanese Center for Human Rights, 2011; Frontiers Ruwad Association, *Legality vs Legitimacy: Detention of Refugees and Asylum Seekers in Lebanon*, Beirut, Frontiers Ruwad Association, 2006, available at: <https://ohchr.tind.io/record/10985?ln=en> (last visited 1 Oct. 2016).

42 Stevens, “Shifting Conceptions of Refugee Identity and Protection”.

43 Lebanon Humanitarian INGO Forum, *Background Paper on Unregistered Syrian Refugees*.

44 *Ibid.*; TRANSTEC, *Beyond Humanitarian Assistance?*

Lebanon irregularly could in principle also regularise their presence through the payment of a high fee.⁴⁵

These regulations have been problematic in many different ways, not the least because the associated costs are unaffordable for a large number of refugees. And even for refugees who have an entry coupon, being at the discretion of General Security, renewals could be denied despite the refugees having all of the required documentation and funds.⁴⁶ This practice has been aggravated by the fact that the Lebanese Government has declared the Syrian refugee crisis not to be governed by law, but by governmental decisions.⁴⁷ As one Lebanese lawyer more precisely confirms, “the Syrian situation is not governed by law, but by security policy”.⁴⁸ As such, national law and bilateral agreements have been continuously sidestepped.

Since 2013, authorities have begun to impose restrictions on those seeking to enter Lebanon from Syria. Beginning with restrictions on entry for Palestinian refugees from Syria in 2013, in June 2014 Lebanese authorities announced that only Syrians from areas bordering Lebanon where there was fighting would be allowed to enter the country.⁴⁹ As this next section will show, in 2015, these regulations were tightened further.

5. CHANGES IN REGULATIONS 2015

In December 2014, Lebanon’s GSO issued a new set of entry requirements for Syrians and rules for Syrian nationals already in Lebanon applying for and renewing residency permits (Palestinian refugees from Syria are not included). These are being implemented as of 5 January 2015, and on 13 January, 3 and 23 February 2015, the GSO issued further regulations concerning entry, residency renewal and regularisation. These new regulations are an implementation of the first provision in the “Policy on Syrian Displacement” adopted in October 2014 to dissuade and prevent Syria’s refugees from seeking protection in Lebanon. The new measures are noteworthy for a number of reasons, not the least because they entail restrictive conditions that are *only* applicable to Syrian nationals, and hence are discriminatory in comparison to other foreigners.⁵⁰

5.1. Entry requirements

Admission to Lebanon for Syrians is today restricted to those who can produce valid identity documents and proof that their stay in Lebanon fits into one of the approved entry categories. A list of categories for which admission would be granted includes the following: category one for tourism, shopping, business, landlords, and tenants;

45 Lebanon Humanitarian INGO Forum, *Background Paper on Unregistered Syrian Refugees*.

46 *Ibid.*

47 Oxfam, *Lebanon: Looking Ahead in Times of Crisis*, Oxfam Discussion Papers, Oxford, Oxfam, 2015, available at: <https://www.oxfam.org/en/research/lebanon-looking-ahead-times-crisis> (last visited 1 Oct. 2016).

48 Confidential interview, NGO staff, Beirut, 11 Mar. 2016.

49 Amnesty International, *Pushed to the Edge*. NOW Media, “Lebanon Imposes Entry Restrictions on Syrians”, *NOW Media*, 24 Jul. 2013, available at <https://now.mmedia.me/lb/en/lebanonnews/lebanon-imposes-entry-restrictions-on-syrians> (last visited 1 Oct. 2016).

50 Frangieh, “Lebanon Places Discriminatory Entry Restrictions on Syrians”.

category two for studying; category three for transiting to a third country; category four for those displaced; category five for medical treatment; category six for an embassy appointment; and category seven for those entering with a pledge of responsibility (a Lebanese sponsor). All require specified documents to meet the requirements and have their visa approved by the Ministry of Social Affairs and the Ministry of Interior before being allowed entry into Lebanon. The majority of these categories also allow entry into Lebanon for a defined period of time, ranging from 24 hours to one month for a temporary business visa. In some cases the entry permit can be extended, for example, for medical cases and for embassy appointments.⁵¹

Not only is the potential of exploitation of Syrians increased due to the application of the sponsorship system in entry category seven, Syrian refugees are being treated differently depending on their financial situation. As has been observed by Frangieh, the list of reasons stipulated by the Government “aims to deny entry to poorer Syrians, while keeping the borders open to those who enjoy good financial standing”.⁵² Entrants must, for example, show proof of hotel reservations and possession of a sum of a thousand dollars for a tourist visa, or proof of ownership of real estate in Lebanon. As I will show in a forthcoming section, this differentiation between Syrians with or without good finances, continues in the residency renewal procedure.

However, these new regulations have also led to a fully-fledged black market in which, as one Lebanese lawyer has observed, “Guys are renting out money at the border for 100 USD. And not only on the border, they are also available on all General Security points for entry and renewal. Businessmen are taking advantage of this and exploiting any deficiency in the legal system.”⁵³ As my interlocutor Ghassan, from Latakia, similarly has experienced:

When the Syrian comes in he has some options, most of them have a hotel booking, and 1000 USD. But from where can they get the 1000 USD? So some people they sit at the borders renting the 1000 USD with 50 USD. They give it to you, to show it to the officer and when you come out you give it back. Even the hotel booking, there are agencies that are open which make fake bookings. The people in this region have the capability of violating any laws.⁵⁴

Even then, this option of using the black market is also limited to those with sufficient financial means.

As is furthermore clear in the new regulations, there are no categories for those fleeing armed conflict, violence, or persecution and seeking safety in Lebanon; the category for “displaced” persons in fact requires compliance with one of the other categories, or with the Government’s “humanitarian exceptions criteria”.⁵⁵ The criteria for this last requirement were disclosed first in April 2015 to specifically apply to

51 Amnesty International, *Pushed to the Edge*.

52 Frangieh, “Lebanon Places Discriminatory Entry Restrictions on Syrians”.

53 Confidential interview, NGO staff, Beirut, 11 Mar. 2016.

54 Ghassan, Beirut Governorate, 23 Feb. 2016. To preserve anonymity, all names of Syrian refugees have been changed in this article.

55 Norwegian Refugee Council & International Rescue Committee, *Legal Status of Refugees from Syria*.

“Unaccompanied and/or separated children with a parent already registered in Lebanon; persons living with disabilities with a relative already registered in Lebanon; persons with urgent medical needs for whom treatment in Syria is unavailable; persons who will be resettled to third countries.”⁵⁶

As such, the category for the “displaced” does not include most of those fleeing the Syrian conflict, in contravention of Lebanon’s obligations under the customary law principle of *non-refoulement*. As Frangieh has argued, this criteria is rather “clearly aimed at maintaining selectivity and nebulosity in terms of determining its applicability to new entries”.⁵⁷ Seen together, then, the new entry requirements have entailed that many people attempting to flee the conflict in Syria cannot reach safety in Lebanon. Many refugees are forced to resort to hazardous irregular border crossings, with frequent media reports surfacing on mass arrests for irregular entry.⁵⁸

5.2. Renewing and maintaining residency

On top of preliminary entry requirements, Syrian refugees are confronted with serious obstacles to maintaining their legal status in Lebanon. As explained above, until 2014, Lebanon employed regulations that requested Syrian refugees to renew their residency after one year in Lebanon at a cost of USD 200, and these renewals were at the discretion of General Security. The new General Security regulations retain the requirement of residency renewal every six months for a USD 200 fee. However, new criteria are now applied for Syrian nationals wishing to renew their residency or otherwise regularise their immigration status in Lebanon.

For those Syrian nationals who apply to renew their residency permits, Lebanese authorities divide them into two categories: those registered with UNHCR and those who are not. Both categories are required to pay a fee of USD 200 and in addition provide: a housing commitment (certified copies of a lease agreement or real estate deed);⁵⁹ certified attestation from a *mukhtar* (village leader) that the landlord owns the property; and show valid ID or passport, as well as entry slip and return card.

The process of obtaining a housing pledge is a tedious one, not only entailing the signature of a landlord or a tenant (subletting to the Syrian refugee in question) confirming that he or she is hosting a Syrian household and committing to notify the local GSO when the occupancy ends, but also the demonstration by the landlord or tenant of his/her rights to the property by either presenting a certified copy of the property deed, or a lease agreement.⁶⁰ For Syrian nationals living in informal tented

56 Inter-agency Coordination Lebanon, *Protection Monthly Dashboard April 2015*; Amnesty International, *New Entry Requirements for Syrians Likely to Block Would-be Refugees*, London, public statement, Amnesty International, 2015, available at: http://www.amnesty.eu/content/assets/public_statements/Lebanon_New_entry_requirements_for_Syrians_likely_to_block_would-be_refugees.pdf (last visited 1 Oct. 2016).

57 Frangieh, “Lebanon Places Discriminatory Entry Restrictions on Syrians”.

58 Daily Star, “Over 50 Arrested across Lebanon for Illegal Entry”, *Daily Star*, 4 May, 2016, available at: <http://www.dailystar.com.lb/News/Lebanon-News/2016/May-04/350521-army-arrests-50-in-east-leba-non-over-illegal-entry.ashx> (last visited 1 Oct. 2016).

59 In the summer of 2016, negotiations between the humanitarian community and the Lebanese Government led to a Government acceptance of a UNHCR attestation in lieu of a housing commitment when refugees come to renewing their residency. Discussions are on-going as to the implementation of these procedural changes.

60 Amnesty International, *Pushed to the Edge*.

settlements, there is a requirement to provide a residency statement from the local municipality stating this.

Syrians who are registered with UNHCR must additionally provide: a pledge not to work, signed in the presence of a notary, which states that they will not work in Lebanon;⁶¹ UNHCR registration certificate; and proof of their financial means such as bank statements, documents showing money transfers or proof of charitable or UN support, such as World Food Programme prepaid cards.⁶² According to UNHCR, some refugees are also asked to sign a notarised pledge that they will return to Syria when their permit expires or when requested by the Government.

For refugees not registered with UNHCR, an additional requirement includes a “pledge of responsibility”. This pledge can either be a sponsorship for an individual work permit by a Lebanese individual, or a group pledge of responsibility provided by a registered entity that hires a number of Syrian nationals.⁶³ Syrians in Lebanon are currently only permitted to work in three sectors: agriculture, construction, and environment (formerly referred to as “cleaning”). When asked about these limitations, one Government representative explained how, “These are the chosen fields because Lebanon sees the necessity of these fields and because Syrians are experts in these fields.”⁶⁴ This classist idea of who a “Syrian” is and what work he or she can do can in part be explained by Lebanon’s long reliance on the presence of a large, low-wage Syrian labour force.⁶⁵ Indeed, although exact figures do not exist, estimates for the early 2000s claimed that Syrians constituted between 20 and 40 per cent of Lebanon’s labour force.⁶⁶

The sponsorship system, which previously only applied to third-country migrants and domestic workers, entails that employers take full responsibility for the concerned individual. The sponsor is as such not only responsible for the Syrian national’s living costs and liable for his/her misdemeanours, but is also required to be present at the General Security Office for any renewals of the Syrian national’s residency permit. Several Syrians interviewed in the process of this research expressed difficulties in securing a sponsor. As Ziad, a day-labourer in eastern Beqqa, experienced:

There are around more than 2 million Syrian refugees in Lebanon, it’s impossible to find a sponsor for every person here in Lebanon. I’m renting a place here in Lebanon and I don’t know any Lebanese, it’s impossible for the landlord to sponsor me because there are difficult conditions. They have to secure food, drink and home.⁶⁷

61 In the summer of 2016, the Lebanese Government agreed to replace the pledge not to work with with a commitment to abide by Lebanese law. Discussions are on-going as to the implementation of these procedural changes.

62 UNHCR, *Syrian Refugees in Lebanon. Quarterly Snapshot January–March 2015*, Lebanon, UNHCR, 2015, available at: <https://data.unhcr.org/syrianrefugees/download.php?id=8804> (last visited 1 Oct. 2016); Amnesty International, *Pushed to the Edge*.

63 Amnesty International, *Pushed to the Edge*.

64 Confidential interview, Government official, Beirut, 18 Apr. 2016.

65 J. Chalcraft, *The Invisible Cage: Syrian Migrant Workers in Lebanon*, London, Stanford University Press, 2009.

66 *Ibid.*

67 Ziad, Zahle Governorate, 25 Mar. 2016.

The new procedures for renewal of residency permits are, moreover, so onerous and expensive that many people are unable to renew their permits. Kamil, a journalist from Suweida, had legal residency in Lebanon until the new regulations were put in place. Having secured work at a foreign news agency Kamil had a better financial standing than most. But even then, at the time of our interview, he had been working for six months to renew his residency “but the conditions imposed by the Lebanese government are very difficult”.⁶⁸ Kamil was markedly uncomfortable and stressed about being “illegal” in Lebanon:

Before they imposed the residency [new regulations] I was very cautious to renew my papers legally. By nature I like to be the law [doing everything legally], and I like to give everything its right, and legally. But when they imposed the sponsorship, that was difficult for us and we couldn't achieve it and despite that I'm trying to do it, because I like to abide by the law.

Paying the costs associated with the new regulations is an insurmountable struggle in itself and one that only very few Syrian refugees can afford.⁶⁹ Apart from the half-yearly USD 200 residency renewal fee, all of the pledges and documents required for this renewal must be signed by a notary public, which again requires an additional payment to the notary office. In addition, it is clear that most refugees will be unable to meet the requirements.

Many Syrian refugees cannot produce the documents required by the new regulations. Most do not have formal lease agreements or ways of demonstrating that they have financial means to live in Lebanon.⁷⁰ In many cases, municipal councils decided to refrain from registering any lease agreements concluded by Syrians.⁷¹ Although a study conducted in 2014, before the most recent regulatory changes, found that almost all rental agreements for Syrian refugees in Mount Lebanon and Beirut Governorates were informal agreements that did not involve any form of contract,⁷² a more recent study found that as many as 82 per cent of those Syrian refugees that pay rent do not have written lease agreements with their landlords, especially in the low-cost housing markets.⁷³ And for those who may be able to provide all the necessary documents and pay the required fees their request to renew their residency permits can be denied by General Security, for reasons that are often unclear.

68 Kamil, Mount Lebanon Governorate, 4 May 2016.

69 UNHCR, *Syrian Refugees in Lebanon. Quarterly Snapshot January–March 2015*.

70 *Ibid.*

71 Lebanese Institute for Democracy and Human Rights (LIFE), *Unprotected Refugees: The Legal Report on the Situation of Syrian Refugees in Lebanon*, Beirut, LIFE, 2015, available at: <http://lifeinstitute.me/uploads/The%20legal%20report%20on%20the%20situation%20of%20Syrian%20refugees%20in%20Lebanon%20-%20eng.pdf> (last visited 1 Oct. 2016).

72 Norwegian Refugee Council & Save the Children, *Evictions in Beirut and Mount Lebanon: Rates and Reasons*, Beirut, Norwegian Refugee Council & Save the Children, 2014, available at: http://www.nrc.no/arch/img.aspx?file_id=9195046&ext=.pdf (last visited 1 Oct. 2016).

73 Amnesty International, *Pushed to the Edge*.

5.3. Palestinian Refugees from Syria

While Lebanon largely applied an open-door policy to most Syrians in the early years of the Syrian conflict, Palestinian refugees fleeing Syria have been subjected to a separate policy. In line with Lebanon's longstanding attempts to reduce the size of the country's Palestinian population,⁷⁴ the country has placed increasing restrictions on Palestinians wishing to enter from Syria. These changes in entry and stay regulations for Palestinian refugees from Syria began already in the summer of 2013, with the need for a valid pre-approved visa which required an application made by a guarantor in Lebanon.⁷⁵

In May 2014, the Lebanese Government implemented new entry requirements effectively closing the border to all Palestinian refugees from Syria.⁷⁶ The new, stricter conditions entail that Palestinian refugees from Syria can enter only if they have an embassy appointment, are transiting to a third country (with proof of airline tickets and a visa to the third country) or with a pledge of responsibility. Unlike other refugees from Syria, they cannot benefit from the humanitarian exceptions clause.⁷⁷ This has entailed that, for the Palestinian refugee community from Syria, accessing safety in Lebanon is very difficult if not impossible, leaving many in a precarious situation.⁷⁸

6. CONSEQUENCES OF 2015 REGULATIONS OF LEGAL STATUS

The 2015 Policy on Syrian Displacement has been criticised by leading human rights lawyers for its focus on "manufacturing vulnerability", meaning that the policy aims to strip various groups of their fundamental rights in order to reject their presence and facilitate their exploitation.⁷⁹ Under the new Policy, Syrians are thus left with two options: they either leave Lebanon or stay and accept exploitation, which in some cases even may amount to forced labour and human trafficking.

6.1. Rejection of presence

The difficulties associated with renewing residency permits have entailed a drastic increase in the number of Syrian refugees who lack valid legal status in Lebanon. One study suggests that the percentage of Syrian households without valid residency has steadily risen from 9 per cent in January 2015 to over 61 per cent at the end of July 2015.⁸⁰ Another study estimated that in 2015, 70 per cent of Syrian refugees in

74 M. Dumper, "Palestinian Refugees", in G. Loescher, J. Milner, E. Newman & G. Troeller (eds.), *Protracted Refugee Situations: Political, Human Rights and Security Implications*, Tokyo & New York, United Nations University Press, 2008, 189–213; J. M. Peteet, *Landscape of Hope and Despair: Palestinian Refugee Camps*, Philadelphia, University of Pennsylvania Press, 2005.

75 Norwegian Refugee Council & International Rescue Committee, *Legal Status of Refugees from Syria*; Amnesty International, *New Entry Requirements for Syrians Likely to Block Would-be Refugees*.

76 Amnesty International, *Pushed to the Edge*.

77 Oxfam, *Lebanon: Looking Ahead in Times of Crisis*.

78 Inter-agency Coordination Lebanon, *Minutes of Inter-sectoral Meeting: Beirut, 12 June 2015*.

79 N. Saghieh, "Manufacturing Vulnerability in Lebanon: Legal Policies as Efficient Tools of Discrimination", *Legal Agenda*, 19 Mar. 2015, available at: <http://english.legal-agenda.com/article.php?id=690&folder=articles&lang=en> (last visited 1 Oct. 2016).

80 Inter-agency Coordination Lebanon, *Protection Monthly Dashboard July 2015*, Beirut, Inter-agency Coordination Lebanon, Jul. 2015.

Lebanon did not have valid legal stay in the country.⁸¹ The situation for Palestinian refugees from Syria is much worse, with 90 per cent lacking valid residency documents in September 2015.⁸² Without a valid residency permit, refugees are considered to be in breach of Lebanese law, and may, in accordance with the Law on Entry and Exit, be detained by security and be forcibly returned to Syria.

The lack of legal stay has already taken its toll on refugees in the country, some describing it as having to live through another siege. As Kamil from Suweida explains:

The least that could be done, as long as we are offering this country all of our duties, as if you come here as a guest there are certain duties towards you, and as long as we are fulfilling these duties the least that could be done is having our residency. This is causing psychological instability, and we as Syrians are like under a siege, the countries hosting us are so few now. So we don't have any choices now, this is all of course affecting us and affecting our psychological status. We feel like we are under siege in the countries hosting refugees.⁸³

The lack of valid residency permits brings on a growing sense of insecurity in refugee communities, where many, given their irregular status in the country, are fearful of arrest or detention, or feeling increasingly vulnerable to abuse.⁸⁴ Indeed, as Frangieh has noted, refugees become less likely to turn to the Lebanese State for protection, and are as such “not only rendered outlaws, but outside the protection of the law”.⁸⁵ While Lebanon publically adheres to the principle of *non-refoulement*, Frangieh has argued that the country in fact evades the principle by engaging in what she calls a practice of “legal deportation”, consisting of the issuance of deportation orders and informing refugees that they must leave Lebanon.⁸⁶ Saeed, a 25-year old former engineering student now living in a mountain village in Lebanon's northern region, experienced this when he was arrested for irregular entry in 2014:

I stayed [imprisoned] 45 days, with interrogations and information and then I was released, and they gave me a card for exiting Lebanon. To leave Lebanon immediately, it was valid for just 10 days [leave Lebanon in 10 days]. And until now it's the same thing, I have no papers or anything.⁸⁷

This practice has been explained by a Government official to be a middle ground:

Sometimes compromises have to be done: one example is the issuance of deportation orders for illegal residency – the CAT [Convention against Torture]

81 C. Alsharabati & J. Nammour, *Survey on Perceptions of Syrian Refugees in Lebanon: Full Report*, Beirut, Université de Saint Joseph, 2015, available at: <https://data.unhcr.org/syrianrefugees/download.php?id=9335> (last visited 1 Oct. 2016).

82 Oxfam, *Lebanon: Looking Ahead in Times of Crisis*.

83 Kamil, Mount Lebanon Governorate, 4 May 2016.

84 UNHCR, *Syrian Refugees in Lebanon. Quarterly Snapshot January–March 2015*.

85 Frangieh, “Lebanon Places Discriminatory Entry Restrictions on Syrians”.

86 *Ibid.*

87 Saeed, Tripoli Governorate, 28 Mar. 2016.

says we cannot deport, but our law requires it. So we do not deport but we issue deportation orders. This way we are respecting our own national laws but not breaching our international obligations.⁸⁸

Not all agree that this practice is not in breach of Lebanon's international obligations. As Frangieh argues, in the past, Lebanese authorities had used "prolonged arbitrary detention as a means to coerce refugees to 'agree' to be returned to their home country", but today, they are "using the method of refusing to grant residence permits to a number of Syrian refugees in Lebanon".⁸⁹ In other words, "such measures seem to circumvent the principle of *non-refoulement* by placing the Syrian refugees in a vulnerable position that would drive them to leave Lebanon whenever possible".⁹⁰ Thus, when the refugees' exercise of their right of protection from *refoulement* becomes a criminal offense, any return to their country of origin would amount to *refoulement*. If one were to accept this line of thought, hundreds of thousands of Syrian refugees without legal stay in Lebanon would be at immediate risk of *refoulement*.

For many Syrian refugees, remaining in Lebanon brings about a most precarious legal position. They are deprived of the rights enjoyed by legal residents in Lebanon, including enrolment in public schools, opening a bank account, and acquiring lawful employment. Obtaining civil documents such as birth certificates also requires valid legal status; according to a 2014 survey, 72 per cent of Syrian refugee new-borns in Lebanon did not have an official birth certificate due to bureaucratic requirements that the parents could not fulfil.⁹¹

Limited freedom of movement can be seen as the main consequence of limited legal status for Syrian refugees, resulting in lack of access to services, particularly healthcare and education and lack of accessing UNHCR registration. A 2015 survey found that as many as 67 per cent of interviewed Syrian refugees reported restrictions on freedom of movement as a main challenge with limited legal status.⁹² Fears include arrest and detention at both regular and *ad hoc* checkpoints operated by the Lebanese Armed Forces (LAF), GSO, Internal Security Forces and other security forces. In certain areas, political parties also act to limit movement, including the use of curfews.

These findings are mirrored in my interviews with Syrians in Lebanon, many of whom have set up their own mechanisms to cope. Walid from Al-Qusayr, fortunate enough to have access to a car, avoids highways and driving late in the evening, and has made a habit of using minor roads and checkpoints known to be "easy" and "friendly".⁹³ Or as Ziad from Zabadani, now living in a village in eastern Beqqa, explained to me:

When there are checkpoints on the road I don't take that route. We have a page on WhatsApp, for example a person here and a person in the end of

88 Confidential interview, Government official, Beirut, 18 Apr. 2016.

89 Frangieh, "Lebanon Places Discriminatory Entry Restrictions on Syrians".

90 *Ibid.*

91 Amnesty International, *Pushed to the Edge*.

92 Norwegian Refugee Council & International Rescue Committee, *Legal Status of Refugees from Syria*.

93 Walid, Tripoli Governorate, 21 Mar. 2016.

[village], and a person in another place: “Guys, take care there’s a checkpoint don’t pass through it,” we have like something very simple but to warn each other.⁹⁴

Many informants have also expressed a sentiment that considerably more men than women are subject to arrest and problems at checkpoints, and it is therefore not uncommon for men to stay at home while women and children move around to work or to do necessary chores.

The discretion of the Lebanese security apparatus is perhaps most visible in cases where Syrian refugees have not been able to secure an exit visa to leave Lebanon as this would require the regularisation of one’s stay in the country. In other words, in order to leave Lebanon through an official border, a Syrian refugee has to have a “clean slate” with the Government and not have any unpaid residency bills. As one Lebanese lawyer explains:

Today if you want to leave, some people can regularize their status at the airport and exit. But not everyone, you cannot know [whether you can leave or not]. Because it depends upon whether General Security has issued an internal warrant against you, not an external one, which means that it is a warrant that you can only find out about when you are at the General Security. You can’t even find it out at the Police station. It’s a very internal memo by the General Security: “This person is wanted by this department.” If wanted for not leaving [the country], nobody cares, it just means that you have to go through the bureaucracy and you cannot exit automatically at the airport. And this is a huge number of people.⁹⁵

The practice of withholding exit visas to those who haven’t paid their residency fees may seem peculiar for a Government who has an expressed wish to reduce the number of Syrian refugees on its territory, but there appears to be a certain, albeit twisted, logic to it. As the Lawyer continues:

At the same time, we want them to leave, we are encouraging them to leave, but when they want to leave we are returning them from the airport telling them “No, go get the permission to leave”, then we’re punishing them for not leaving when we told them to leave and getting them to wait for months to get the permission to leave. There is nothing more inefficient than that. But this is a clear policy – for the General Security, this is done on purpose, and the purpose is because we do not want them here, we cannot stabilize their situation here, otherwise nobody would take them.⁹⁶

For individuals being resettled through UNHCR, the cost of unpaid residency is usually taken by UNHCR, but this does not necessarily exempt those travelling from

94 Ziad, Zahle Governorate, 25 Mar. 2016.

95 Confidential interview, NGO staff, Beirut, 11 Mar. 2016.

96 Confidential interview, NGO staff, Beirut, 11 Mar. 2016.

having problems getting out of the country. Munir from Zabadani had been accepted for resettlement in a European country in the autumn of 2015, but had not managed to secure legal residency in Lebanon. As such, he was fearful even of travelling from his home in the Beqqa to the UN offices in Beirut in order to conduct the needed paperwork and to pick up his ticket to travel to Europe. As Munir explains:

I met a guy by chance who was going to Beirut to receive his plane ticket and I asked him to get me mine as well. So, I called the guy telling him it's okay to give him my plane tickets and the paper of my resettlement and I will receive them here in Beqaa. When the time comes to travel it won't be a problem on the road.

He continues:

Here is when it all started. The immigration department called me to tell me you can't travel. I asked him "what happened?" He told me "The Lebanese government disagreed [with] your travel, and you're banned from travelling" and it withdrew your papers that I have sent.

Munir did not manage to solve these issues before his travel date that autumn, and only managed to leave Lebanon five months later after considerable lobbying by influential Lebanese friends.⁹⁷

6.2. Facilitating exploitation

The pledge for UNHCR-registered refugees not to work entails that these are entirely reliant on aid assistance and increasingly at risk of being hindered from accessing work opportunities or pushed towards informal and exploitative labour.⁹⁸ Indeed, the pledge comes in addition to a general reluctance to grant work permits to Syrians—the total number of Syrians formally working in Lebanon was estimated at 1,568 at the end of 2014.⁹⁹ Research has furthermore confirmed that limited legal status for Syrian refugees increases the risk of abuse and exploitation, and decreases their ability to seek redress and access justice.¹⁰⁰

These same risks are arguably embedded in the sponsorship system for Syrian nationals, which seemingly builds upon Lebanon's system of sponsorship for other migrants. Under the pretext of sponsorship, Syrian refugees can thus be subject to Government-sanctioned exploitation. Characteristic of this *kefala* or sponsorship system is that the legal relationship between employer and employee "appears most

97 Munir, Zahle Governorate, 25 Jan. 2016.

98 Inter-agency Coordination Lebanon, *Livelihoods Sector: Mid-Year Dashboard: June 2015*, United Nations Development Programme, 30 Jun. 2015, available at: <http://reliefweb.int/report/lebanon/livelihoods-sector-mid-year-dashboard-inter-agency-coordination-lebanon-june-2015> (last visited 1 Oct. 2016).

99 *Ibid.*

100 Norwegian Refugee Council, *The Consequences of Limited Legal Status for Syrian Refugees in Lebanon. NRC Field Assessment-North, Bekaa and South*, Beirut, Norwegian Refugee Council, 2014, available at: <https://www.nrc.no/resources/reports/the-consequences-of-limited-legal-status-for-syrian-refugees-in-lebanon/> (last visited 1 Oct. 2016).

analogous to a parent and child, or alternatively, master and slave or servant”.¹⁰¹ In some cases, workers are forced to endure very harsh work conditions due to fear of dismissal and subsequent deportation, and may even, as Saghieh has noted, have to pay large sums of money or relinquish their rights before the employer agrees to transfer their sponsorship to another person.¹⁰² Unsurprisingly, a black market has opened up also for the sale of sponsorships, as one Lebanese lawyer confirms: “You can buy a sponsorship today, for between 500 and 1000 USD. It’s very common.”¹⁰³ At the same time, many Lebanese nationals are cautious about becoming such sponsors, as this would to a greater or lesser extent put them under observation by the GSO, an inconvenience few Lebanese are willing to take.¹⁰⁴

While often enduring exploitative conditions, it nevertheless appears as if few refugees have been prosecuted for working illegally in the country. As one prosecutor in Mount Lebanon Governorate argued: “In six years here I have not seen a single case, I don’t think other districts are prosecuting these cases either. Most people are working openly [. . .] We couldn’t possibly prosecute everyone for this.”¹⁰⁵ The logic behind this non-prosecution was explained to me by another Government official:

The Lebanese government is turning a blind eye because the government knows it is necessary for them to work, in order to not commit crimes. They are left with two options: either work illegally, or commit crimes. Thus turning the blind eye is the better option.¹⁰⁶

That said, refugees in Lebanon seeking to renew their residency are frequently questioned about whether or not they have been working, and the extent of this work, probing some to, when faced with a rejected residency application, seek a sponsor instead. As Mariam, heading a local NGO and a school in the Beqqa, experienced:

[The] first year when they started issuing these [new] laws for Syrians, I made a rent contract, the second year I wanted to renew the same contract, they asked about me and they found out I work, it wasn’t even allowed to do volunteering jobs. So they asked about me and they found out I have a school, so I told them this is volunteering they told me it’s not even allowed. So they didn’t want to ratify the rent contract, so I had to resort to the sponsorship.¹⁰⁷

But as she continues, “The issue of sponsorship, it’s an insult here in Lebanon. They sponsor you as labourer, you would have very fancy degrees and at the end of the day you’re working as a doorman [. . .].” When Mariam received news that she was sponsored as a “helper,” she “stayed depressed for around a week.” Kamil from

101 Kagan, “The UN ‘Surrogate State’”.

102 Saghieh, “Manufacturing Vulnerability in Lebanon”.

103 Confidential interview, NGO staff, Beirut, 11 Mar. 2016.

104 Confidential interview, Government staff, 26 May 2016.

105 Confidential interview, Prosecutor, Mount Lebanon, 17 Mar. 2016.

106 Confidential interview, Government official, Beirut, 18 Apr. 2016.

107 Mariam, Zahle Governorate, 23 Mar. 2016.

Suweida expresses the same sentiment about needing to find a sponsor within the officially accepted fields of work: “Unfortunately, here they demand the sponsored to be a farmer or concierge, and I’m a journalist so maybe I’d have to have a sponsorship as an agricultural worker.”¹⁰⁸

Responding to pressure from UNHCR to exempt Syrian refugees from residency permits and to remove the pledge not to work, one Government official explains how:

They [UNHCR] ask us to remove the pledge not to work for Syrian refugees. But by law we cannot remove it, our labour law specifies three sectors of work. We cannot change that without a new legislative process. They also ask us to exempt Syrian refugees from residency permits. Again, this needs a change in law, and we cannot do this.¹⁰⁹

In March 2015, however, several leading Lebanese human rights lawyers submitted a lawsuit against the Government concerning the recent regulations, arguing among other things that “everybody knows that today there is a booming business in securing sponsorships, securing hotel reservations, fake documents and others” while “state is claiming that it is protecting refugees against exploitation”.¹¹⁰ A related issue that appears to soon be challenged in Lebanese courts is the very extension of the *kefala* system to Syrian nationals. Several lawyers have pointed out that the application of this system to Syrians is in fact a breach of domestic law as it, on the one hand, breaches the previously mentioned bilateral agreement with Syria, and, on the other, has no legal basis whatsoever.¹¹¹

7. CONCLUSIONS

This article has explored the legal status of Syrian refugees in Lebanon, particularly in light of recent regulatory changes. Lebanon has an ambiguous approach to the Syrian refugee influx, which is exacerbated by the current political deadlock, 30 years of Syrian military presence, and the country’s long-term Palestinian refugee presence. The country does not have any formal domestic refugee legislation in place, even though the 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country provides six articles relating to asylum. These provisions are nevertheless largely redundant, and the Lebanese government has continuously sidestepped other relevant national legislation—including the Lebanese Constitution—when attending to the country’s Syrian refugee presence.

While Lebanon is not a party to the UN Refugee Convention, by way of customary international law, the country is bound by leading principles of refugee protection, not the least the principle of *non-refoulement*. However, amid the lack of an updated Memorandum of Understanding, the Lebanese Government does not currently give legal effect to the UNHCR’s recognition of refugee status and treats most

108 Kamil, Mount Lebanon Governorate, 4 May 2016.

109 Confidential interview, Government official, Beirut, 18 Apr. 2016.

110 Confidential interview, NGO staff, Beirut, 11 Mar. 2016.

111 Confidential interviews, NGO staff, Beirut, 5 Mar. 2016; NGO staff, Beirut, 11 Mar. 2016.

Syrian refugees as illegal immigrants liable to arrest and deportation. This criminalisation of refugee presence may place Syrian refugees in such a vulnerable situation that it may *de facto* force some refugees to leave Lebanon, a scenario which may be in breach of Lebanon's international obligations.

In October 2014, Lebanon's Council of Ministers adopted a comprehensive policy on Syrian displacement, one explicit goal of which is to decrease the number of Syrians in Lebanon by reducing access to territory and encouraging return to Syria. This ambition is currently being implemented through the December 2014 GSO new set of entry requirements for Syrians and new rules for Syrian nationals already in Lebanon applying for and renewing residency permits, in force as of January 2015.

This article finds that the 2015 regulatory changes leave many refugees in a deeply precarious legal position. As Mariam expressed it: "There are challenges in everything, in everything we're living. In everything. I consider Lebanon as a piece of land [that] they told us 'there you go, stay in it, and figure it out on your own.' Honestly that's the description."¹¹² Indeed, the strict entry requirements entail that many people attempting to flee the conflict in Syria cannot reach safety in Lebanon, and the new criteria concerning the renewal or regularisation of legal stay are so onerous and expensive that most people are unable to renew their permits. As such, an overwhelming majority of Syrian refugees are present in Lebanon without legal stay. For the Palestinian refugee community from Syria, accessing safety in Lebanon has proven very difficult if not impossible. In essence, then, Syrians in Lebanon are left with two options: either they leave the country, if they at all can, or stay and accept exploitation and marginalisation.