



# Formal Informality, Brokering Mechanisms, and Illegality.

*The Impact of the Lebanese State's Policies on  
Syrian Refugees' Daily Lives*

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## ***Abstract***

This report seeks to provide an overview of Lebanon's current policy towards Syrian refugees, and to explore the new rules and regulations issued by General Security regarding the entry, residency, and departure of Syrian nationals. It also analyses the challenges pertaining to the current policy and its impact on the daily lives of Syrian refugees, with a special focus on their emerging illegality, their struggle for decent livelihood and working conditions, and increased informality and insecurity.

## ***Key words***

*Syria*

*Refugees*

*Displacement*

*Entry*

*Residency*

*General Security*

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1	Introduction	04
2	A refugee status for Syrians in Lebanon?	06
3	Syrians' movement in and out of Lebanon	07
3.1	<i>The Syrian conflict</i>	07
3.2	<i>New policy measures on Syrian displacement</i>	08
4	The challenges pertaining to the new policy	13
4.1	<i>Legislation and entry requirements</i>	13
4.2	<i>The everyday experience of Syrian refugees living in illegality</i>	16
4.3	<i>The struggle for decent working and livelihood conditions</i>	20
4.4	<i>Incoherence, informality, and insecurity</i>	21
5	Implications of the new policy	24
6	Conclusion	27

With an estimated number of 1.6 million registered refugees from Syria, Palestine, and Iraq, Lebanon – a country of 4.4 million inhabitants – has the highest per-capita concentration of refugees worldwide.<sup>1</sup> Among these are nearly 1.1 million Syrian refugees and 42,000 Palestinian refugees from Syria. This makes Lebanon one of the hardest hit neighbouring countries since the outbreak of the Syrian crisis in 2011. Despite having an open border policy, alleged mounting strain on Lebanon's economy and infrastructure moved the Council of Ministers to adopt a new policy on Syrian displacement in October 2014, which was implemented from January 2015 onwards. This policy was adopted in an attempt to halt the Syrian refugees' influx at the Lebanese-Syrian borders, to encourage Syrians who were already in Lebanon to return to Syria, and to formalise and control the presence of those who stayed. This report is the first of a series seeking to provide an analysis of this policy and its impact on Syrians refugees' daily lives, one year after its measures came into effect. Although not an assessment of the policy, this report seeks to highlight the windows of violation and abuse that Syrian refugees – both with and without legal status – have to face daily, as a consequence of the policy.

<sup>1</sup> See: [http://ec.europa.eu/echo/files/aid/countries/factsheets/lebanon\\_syrian\\_crisis\\_en.pdf](http://ec.europa.eu/echo/files/aid/countries/factsheets/lebanon_syrian_crisis_en.pdf) [last accessed 25.04.2016].

## *Methodology*

This report is based on desk research and fieldwork. The fieldwork consisted of a total of thirty-four interviews with Syrian refugees. The first round of interviews was conducted between June and August 2015, and the second between February and April 2016. Lebanon Support used its extensive network of workers and business owners, civil society activists, and humanitarian workers to identify who is affected by the new policy, and to what extent. All interviews followed a semi-structured interview guide and Lebanon Support did not provide incentives. All interlocutors provided oral informed consent to participate and were assured that their identity would remain anonymous, unless the interviewees explicitly agreed to the public use of their name. Most interviews took place in person in Beirut and other regions in Lebanon; others were conducted by telephone. Most interviews took place in private settings and were conducted in Arabic; occasionally, they were conducted in English. Our group of interlocutors

consisted of Syrian men and women aged between 18 and 60. Preliminary findings of this study have been discussed in a multi-stakeholder meeting in April 2016, and feedback has been incorporated into the analysis.

## 2 A refugee status for Syrians in Lebanon?

Lebanon, like many states in the Middle East, is not a signatory to the 1951 United Nations Convention relating to the Status of Refugees, nor its 1967 Protocol.<sup>2</sup> As a consequence, the absence of an official “refugee” status subjects asylum seekers to the prevailing rules for resettlement, as specified in immigration laws. However, qualification for entry and residency under a category other than “refugee” is impossible for most refugees, thus leading to the non-admission and denial of entry to any refugee who does not qualify.<sup>3</sup>

A motive for the ongoing refusal of an official refugee status can be traced back to the prolonged Palestinian displacement.<sup>4</sup> As a result, the Lebanese government nowadays executes a disassociation policy on refugee matters, speaking of “displaced people” instead of “refugees”, and focusing on Lebanon being a “country of transit, rather than asylum.”<sup>5</sup>

However, by international law and by the 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country (Law of Entry and Exit), Lebanon is committed to the protection of refugees.<sup>6</sup> Among these is the principle of *non-refoulement*, which prohibits returning people to places where they risk being persecuted, tortured, or exposed to inhuman or degrading treatment or punishment. In addition, article 26 states that “any foreign national who is the subject of a prosecution or a conviction by an authority that is not Lebanese for a political crime or whose life or freedom is threatened, also for political reasons, may request political asylum in Lebanon.”<sup>7</sup>

- 2 Human Rights Watch, “I just wanted to be treated as a person: how Lebanon’s residency rules facilitate abuse of Syrian refugees,” January 2016, p.9, available at [www.hrw.org/report/2016/01/12/i-just-wanted-be-treated-person/how-lebanons-residency-rules-facilitate-abuse](http://www.hrw.org/report/2016/01/12/i-just-wanted-be-treated-person/how-lebanons-residency-rules-facilitate-abuse) [last accessed 24.04.2016]; Maja Janmyr, “The legal status of Syrian refugees in Lebanon,” Issam Fares Institute for Public Policy and International Affairs (American University Beirut), March 2016, p. 8, available at [www.aub.edu.lb/ifi/publications/Documents/working\\_papers/20160331\\_Maja\\_Janmyr.pdf](http://www.aub.edu.lb/ifi/publications/Documents/working_papers/20160331_Maja_Janmyr.pdf) [last accessed 18.04.2016].
- 3 Lebanon Support, “The conflict context in Beirut; the social question, mobilisation cycles, and the city’s securitisation”, November 2015, p. 25, available at [cskc.daleel-madani.org/sites/default/files/resources/lb-car-nov2015-beirut\\_0.pdf](http://cskc.daleel-madani.org/sites/default/files/resources/lb-car-nov2015-beirut_0.pdf) [last accessed 22.04.2016].
- 4 Dallal Stevens, ‘Shifting Conceptions of Refugee Identity and Protection: European and Middle Eastern Approaches’. In *Refugee protection and the role of law: conflicting identities*, Routledge, 2014; Janmyr, *op.cit.*, p.10.
- 5 “Beyond Humanitarian Assistance? UNHCR and the response to Syrian refugees in Jordan and Lebanon. January 2013-April 2014” Transtec, January 2015, pp. 98, available at <http://www.unhcr.org/5551f5e59.pdf> [last accessed 19.04.2015]; Janmyr, 2016, *op.cit.*, p.7.
- 6 Janmyr, 2016, *op.cit.*, p.10.
- 7 *Ibid.*, p.11.

# 3 Syrians' movement in and out of Lebanon

8 Lebanon Support, 2015, *op.cit.*, p.11.

9 Elizabeth Picard, *Liban-Syrie, intimes étrangers. Un siècle d'interactions sociopolitiques*, Sindbad, bibliotheque arabe, 2016.

10 John Chalcraft, *The Invisible Cage: Syrian Migrant Workers in Lebanon*, Stanford: Stanford University Press, 2009, p.15.

11 See: <http://data.unhcr.org/syrianrefugees/country.php?id=122> [updated on 29.02.2015, last accessed on 15.04.2016].

12 "Refugee status" as defined by UNHCR, not to be confused with Lebanon's (lacking) legal refugee status.

In the 1950s, the first (political and economic) migrants from Syria arrived in Lebanon, mainly to work as agricultural and industrial labourers in the rural areas (Bekaa, Akkar, and the South of Lebanon).<sup>8</sup> The continuation of the Syrian occupation after the Lebanese Civil War (1975-1990) was partly enforced by a bilateral agreement for Economic and Social Cooperation and Coordination between Lebanon and Syria in 1991, which ensured free movement of goods and people as well as freedom of work, residence, and economic activity for nationals of both countries.<sup>9</sup> In the following years, the number of Syrians in Lebanon expanded to such an extent that in the early 2000s, Syrian workers comprised "between 20 and 40 per cent of the Lebanese employment, and their remittances made up as much as 8 per cent of the Syrian GDP."<sup>10</sup> In 2011, at the outset of the Syrian conflict, many Syrians fleeing violence and war took refuge in Lebanon. Its proximity to Syria, together with the country's long history of work migration, would soon make Lebanon one of the main destinations for Syrian refugees. Today, the number of registered Syrian refugees in Lebanon amounts to 1,055,984. However, considering that many refugees are not registered with UNHCR, the actual number is estimated at around 1,5 million.<sup>11</sup>

## 3.1 *The Syrian conflict*

Previously, Syrians who entered Lebanon through an official border point with a valid passport or identification card were still subject to the same – rather easily facilitated – entry requirements for Syrians as before. Syrians received an entry coupon and entry stamp at the border. This granted them legal and free-of-charge residency for a period of six months, renewable for another six months. After this initial twelve-month period, Syrians aged 15 and above were required to renew their residency permit at an annual cost of 200 USD.

Moreover, Syrian refugees who entered Lebanon could choose to register at the United Nations High Commissioner for Refugees (UNHCR), the leading UN refugee agency, for resettlement and a "UN refugee status"<sup>12</sup> that provided social services concerning health, education, support, and protection from the UNHCR. This is based on the 2003 Memorandum of Understanding between the UNHCR and the Lebanese government (in light of the Iraqi refugee crisis) and permitted the UNHCR to register and resettle refugees



over a maximum period of one year, thus providing a twelve-month “circulation permit”.<sup>13</sup> Since registration at the UNHCR was not mandatory, however, not every Syrian fleeing war and conflict was registered as a refugee.

### 3.2 *New policy measures on Syrian displacement*

In 2014 – three years after the start of the Syrian conflict – the Ministry of Interior and Municipalities laid down a new policy aimed at constraining the number of Syrian refugees in Lebanon. Lebanon’s open border policy to Syrian refugees, which was initially praised for its generosity, had come to an end. Lebanon was “spilling over”, and looming threats to the country’s security, and political, economical, and social stability appeared to be good reason to put a halt to the influx of refugees.<sup>14</sup>

The first restrictions were imposed in May 2014 and concerned Palestinian refugees from Syria, who were denied entry.<sup>15</sup> As of then, only Syrians who lived on the Lebanese-Syrian border where fighting was happening, were allowed into Lebanon.<sup>16</sup> Still, the most important restrictions concerning Syrian refugee inflow were agreed upon in the meeting of ministers on October 23, 2014. The meeting was based on a twofold policy approach in order to control and limit the influx of Syrians into the country.

On the one hand, the Lebanese Government agreed on the development of a joint plan with the United Nations, the Lebanon Crisis Response Plan (LCRP), in order to support Lebanon in handling the refugee crisis and “to stabilise the country during this challenging period”.<sup>17</sup> The LCRP was to (i) provide short and temporary humanitarian response and protection, targeted mainly at displaced Syrians, but also marginalised Lebanese and Palestinian communities, and (ii) medium- to-long-term support through service delivery, focusing on hardest hit localities, targeting underprivileged Lebanese, displaced Syrians, and Palestinian refugees. Another goal was to support “Lebanon’s economic, social, institutional, and environmental stability”.<sup>18</sup>

In addition to the agreement on the LCRP, the Council of Ministers issued a second important decision in the same meeting, notably the adoption of measures to limit the influx of Syrian refugees. The new policy was published under the heading “Reducing numbers”, and imposed laws concerning

13 The “circulation permit” is issued by General Security and allows the UNHCR an initial period of three months in order to recognize a person who entered Lebanon legally as a refugee (persons who enter illegally only have two months). After this period, another circulation permit of six months can be issued to resettle the person, given that he/she is a refugee. The permit can then be extended for up to three months, which makes the circulation permit valid for up to twelve months. See: Leila Hilal & Shahira Samy, “Asylum and Migration in the Mashrek,” Euro-Mediterranean Human Rights Network, December 2008, p. 71, available at <https://www.google.com/url?sa=t&rct=j&q=&source=web&cd=1&ved=0ahUKEwjn8sew98zMAhWHPxoKHf14DKoQFggIMAA&url=https%3A%2F%2Fec.europa.eu%2Fmigrant-integration%2Findex.cfm%3Faction%3Dmedia.download%26uuiid%3D2A9339E1-E12B-E824-A57C5AEF9CF4F31D&usq=AFQjCNF4kcgFkBbtnAySyHxt Xml79ZDS1g> [last accessed at 19.04.2015]; Janmyr, 2016, *op.cit.*, p.10.

14 Lebanon Support, 2015, *op.cit.*, p.22.

15 Some Palestinian Syrians were even deported without trial. Although this policy was never officially announced, it was nevertheless put into practice. See Human Rights Watch, “Palestinians Barred: Sent to Syria,” May 2015.

16 In March 2014, eighteen “unofficial border crossings” were shut down. See Janmyr, 2016, *op.cit.*, p. 11; Moe Ali Nayel, “On the struggle of Syrian refugees in Lebanon,” *Jadaliyya*, April 2014, [www.jadaliyya.com/pages/index/17306/on-the-struggle-of-syrian-refugees-in-lebanon](http://www.jadaliyya.com/pages/index/17306/on-the-struggle-of-syrian-refugees-in-lebanon) [last accessed 09.05.2016].

17 See: <http://www.unocha.org/cap/appeals/lebanon-crisis-response-plan-2015-2016> [last accessed 20.04.2012].

18 Nasser Yassin, Tarek Osseiran, Rima Rassi & Marwa Boustani, “No Place to Stay? Reflections on the Syrian Refugee Shelter Policy in Lebanon,” Issam Fares Institute for Public Policy and International Affairs (American University Beirut), 2015; Janmyr, 2016, *op.cit.*, p.8.

19 *Ibid.*

20 Other sources set out other express goals, such as “(i) reducing the number of Syrians 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” (Norwegian Refugee Council/International Rescue Committee 2015 in Janmyr, 2016, *op.cit.*, p.8); or “(i) to reduce the number of arrivals by stopping displaced persons at the border, apart from exceptional humanitarian cases, (ii) to bolster security by deploying the Internal Security Forces (ISF) and municipality units to keep displaced persons under control; and (iii) to ease the burden by the strict enforcement of laws governing displaced persons to protect the Lebanese in their places of work and employment as a whole” (Lebanese Center of Policy Studies, *Asylum Crisis or Migrant Labor Crisis?*, available at: <http://www.lcps-lebanon.org/featuredarticle.php?id=42> in “Trapped in Lebanon. The alarming human rights and human security situation of Syrian refugees in Lebanon” Alef (Act for Human Rights) & PAX, May 2016, p.18, available at <http://www.paxforpeace.nl/stay-informed/news/trapped-in-lebanon-syrian-refugees-in-lebanon>.

21 With the exception of newborn children from refugees registered at the UNHCR.

22 The Lebanese Republic, the Council of Ministers, “Jalsat 23 Tishreen al-Awwal 2014,” 23.10.2014. <http://www.pcm.gov.lb/arabic/subpg.aspx?pageid=6118> [last accessed 09.05.2016].

23 Lebanon Support, 2015, *op.cit.*, p.23

24 See: [http://ec.europa.eu/echo/files/aid/countries/factsheets/lebanon\\_syrian\\_crisis\\_en.pdf](http://ec.europa.eu/echo/files/aid/countries/factsheets/lebanon_syrian_crisis_en.pdf) [last accessed 25.04.2016]. The goal of “ensuring security” related to the widespread identity-political and media discourse linking increased crime rates as well as terrorist threats to the arrival of Syrian refugees. See Lebanon Support, 2015, *op.cit.*, p.17.

25 In accordance with a discourse linking the arrival of Syrian refugees to threats on Lebanese employment

26 Ghida Frangieh “Lebanon Places Discriminatory Entry Restrictions on Syrians,” *Legal Agenda*, April 2016, <http://english.legal-agenda.com/article.php?id=679&lang=en> [last visited 19.04.2016].

27 Lebanese authorities allow Palestinian Syrian refugees very limited entry at the border. Only temporary residency is admitted for reasons such as embassy/medical appointments or transits. Although this policy has not been clearly announced by the government, the Minister of Interior has referred to changes in statements made to the media after May 3rd 2014. Refugees and civil society actors have confirmed this policy. See “Denied Refugee; Palestinians from Syria seeking refuge in Lebanon,” *Amnesty International*, June 2014, [https://www.amnesty.nl/sites/default/files/public/mde180022014en\\_1.pdf](https://www.amnesty.nl/sites/default/files/public/mde180022014en_1.pdf) [last accessed 15.04.2016].

28 Specifications of the required papers and conditions for each entry followed on January 13, February 3, and February 13, 2015.

29 Available at <http://www.general-security.gov.lb/ar/posts/33> [last accessed 18th of July 2016].

(displaced) foreigners.<sup>19</sup> It consisted of three main goals.<sup>20</sup>

The first was to halt the Syrian refugee inflow at the borders, with the exception of “humanitarian cases” assessed by the government. Those who do enter are registered on the basis of reasons of entry. The UNHCR, the leading authority on refugee registration, was requested to no longer register refugees, unless with the approval of the Ministry of Social Affairs and the Ministry of Interior and Municipalities.<sup>21</sup> Another objective of the policy on Syrian displacement was to encourage Syrian nationals in Lebanon to return to Syria in order to “decrease their numbers” and to “secure the needs of those who qualify for them”.<sup>22</sup> This should be done by gaining “all information on the registered refugees to study their file and evaluate their conditions regularly”.<sup>23</sup> A third goal of the new policy was the attempt to formalise, control and monitor the presence of Syrian refugees in Lebanon in order to ease the burden on “its economy, the infrastructure, and to ensure security”,<sup>24</sup> but also to limit informal employment structures.<sup>25</sup>

The General Directory for General Security, the organ that oversees foreign entries, residencies, and departures, attempted to clarify its practices by formalising residencies. Moreover, the Ministry of Labour restricted access of Syrian workers to the Lebanese labour market.<sup>26</sup> General Security was assigned with the task of pursuing the Ministry’s approved policy on Syrian displacement, put into action in October 2014, by drafting new regulations and ensuring their implementation. For this reason, General Security released new regulations for applying for and renewing residency permits on December 31, 2014. Those have been in effect until the present day, undergoing minor amendments. The adopted regulations are only applicable for Syrian entries and residencies, not for other non-nationals or Palestinian Syrians.<sup>27</sup> The regulations divided Syrian entries and renewals into eleven categories, taking effect on January 5, 2015.<sup>28</sup> The eleven categories include:<sup>29</sup>

1. Tourists (stay period set in accordance with the number of days of hotel reservations), work visits (maximum one-month residency), and property owners (six-month residency);

2. Work visit, only granted to professionals, business or religious persons for business visits (not exceeding 1 month);
3. Shopping (only 24 hours);
4. Property owners, if able to provide proof of owning property in Lebanon (6 months residency permit, renewable for 6 months);
5. Tenant, if able to provide a lease agreement registered with the Municipality and GSO and proof of livelihood (ie. bank account) (6 month residency permit, renewable for the duration of lease. Validity of the registration of the lease agreement with GSO is of 3 months);
6. Students (seven days followed by the studies' residency period);
7. Transit entries (24-48 hours);
8. Entries for those who have been displaced;
9. Medical treatment visits (72 hours, renewable once);
10. Appointments with embassies (48 hours);
11. Entries under "pledge of responsibility" by a Lebanese citizen (five-day entry, renewable twice for a period of six months each time).

<sup>30</sup> The status of younger refugees is tied to head of household's status. See Human Rights Watch, 2016, "Treated as a person", *op.cit.* p.9.

These regulations imply important changes for new entries and residency renewals. All Syrians aged 15 and above<sup>30</sup> who want to enter Lebanon, regardless of which category they choose to enter under, are to provide a house pledge (*ifadat sakan*) confirming their place of residence, a certified attestation that the landlord owns the property, and two photographs stamped by the *mukhtar*, the administrative head of the village or neighbourhood. In order for Syrians to qualify for a residency permit – or renew an existing one – they must hold a valid passport or identification card, an entry slip, and a return card. They may renew their residency permit for six months only once, at a fee of 200 USD. Depending on the category under which they enter Lebanon or renew their residency, they must provide additional documentation.

- 31 Amnesty International, “Pushed to the edge: Syrian refugees face increased restrictions in Lebanon,” June 2015, p.11, [www.amnesty.nl/sites/default/files/public/pushed\\_to\\_the\\_edge\\_syrian\\_refugees\\_face\\_increased\\_restrictions\\_in\\_lebanon.pdf](http://www.amnesty.nl/sites/default/files/public/pushed_to_the_edge_syrian_refugees_face_increased_restrictions_in_lebanon.pdf) [last accessed 26.04.2016]; Janmyr 2016, *op.cit.*, p.13.
- 32 During the October 2014 meeting, in which the policy on Syrian displacement was adopted, the Council of Ministers also decided to no longer permit the UNHCR to register new refugees, with the exception of the above-mentioned humanitarian cases. This makes the option of a UNHCR registration as legal residency no longer possible for any newly arrived Syrian refugees. In addition, the Ministry of Social Affairs requested UNHCR in April 2016 to deregister all Syrian refugees who arrived after January 5, 2015. A Legal Officer at the UNHCR explained that only refugees who left Lebanon were deregistered. However, should these people come back, they will still be considered for all services offered by the UNHCR.
- 33 Although it has not been officially confirmed yet, at the time of writing this report, interlocutors informed us that on the 7th of July 2016, the “pledge to not work” has been replaced by a “pledge to abide by Lebanese laws”.
- 34 Some notary publics have “pledges not to work” – forms available which include an additional sentence that the refugee has to leave the country when the permit expires, or when requested by the government. The UNHCR advises those people to request the notary public to delete this sentence, as it is not a requirement from General Security. However, a Legal Officer at the UNHCR confirmed that it is likely that not everyone is aware of this option.
- 35 The *kafala* (sponsorship) system is a combination of administrative and legal requirements, tying a worker’s residency to a *kafeel* (employer or Lebanese national), who then serves as a bail. The system, which is common in Arab countries, was developed for migrant domestic workers and was highly criticised, as it allows for different types of exploitation, including as forced labour and physical/sexual abuse (see: Kathleen Hamill, *Policy Paper on Reforming the “Sponsorship system” for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon*, KAFA (Enough) Violence & Exploitation, 2012. Besides, critics of the *kafala* system maintain that it “allows for the externalisation of state responsibility to NGOs and civil society actors” and have been denouncing its effects on the migrant domestic workers in Lebanon. See Lebanon Support, “Overview of Gender Actors and Interventions in Lebanon: between emancipation and implementation,” 2016, p. 21. Nonetheless, the *kafala* system was enforced for Syrian workers and refugees in late 2014.
- 36 With the category “environment”, the ministry alludes to occupations such as garbage collection and domestic work. See regulation number 1/218 of the Ministry of Labour: [http://www.labor.gov.lb/\\_layouts/MOL\\_Application/Cur/%D9%82%D8%B1%D8%A7%D8%B1%20%D9%8A%D8%AA%D8%B9%D9%84%D9%82%20%D8%A8%D8%A7%D9%64%D8%A7%D8%B9%D9%85%D8%A7%D9%84%20%D9%88%D8%A7%D9%84%D9%85%D9%87%D9%86%20%D9%88%D8%A7%D9%84%D8%AD%D8%B1%D9%81%20%D9%88%D8%A7%D9%84%D9%88%D8%B8%D8%A7%D8%A6%D9%81%20%D8%A7%D9%84%D9%88%D8%A7%D8%AC%D8%A8%20%D8%AD%D8%B5%D8%B1%D9%87%D8%A7%20%D8%A8%D8%A7%D9%84%D9%84%D8%A8%D9%86%D8%A7%D9%86%D9%8A%D9%8A%D9%86%20%D9%81%D9%82%D8%B7.pdf](http://www.labor.gov.lb/_layouts/MOL_Application/Cur/%D9%82%D8%B1%D8%A7%D8%B1%20%D9%8A%D8%AA%D8%B9%D9%84%D9%82%20%D8%A8%D8%A7%D9%64%D8%A7%D8%B9%D9%85%D8%A7%D9%84%20%D9%88%D8%A7%D9%84%D9%85%D9%87%D9%86%20%D9%88%D8%A7%D9%84%D8%AD%D8%B1%D9%81%20%D9%88%D8%A7%D9%84%D9%88%D8%B8%D8%A7%D8%A6%D9%81%20%D8%A7%D9%84%D9%88%D8%A7%D8%AC%D8%A8%20%D8%AD%D8%B5%D8%B1%D9%87%D8%A7%20%D8%A8%D8%A7%D9%84%D9%84%D8%A8%D9%86%D8%A7%D9%86%D9%8A%D9%8A%D9%86%20%D9%81%D9%82%D8%B7.pdf) [last accessed 06.07.2016]

For anyone who wants to enter or stay long-term in Lebanon (after January 5, 2015) category 8 and 11 are the most sought after. Although category 8 suggests providing entry for those displaced – meaning “refugees” – it only pertains to cases that comply with the “humanitarian exceptions criteria,” as posed by the government. Humanitarian exceptions are “unaccompanied and/or separated children with a parent already registered in Lebanon, persons living with disabilities with a relative already registered in Lebanon, persons with urgent medical needs for whom treatment in Syria is unavailable, and persons who will be resettled in third countries”.<sup>31</sup> Since only humanitarian exception cases are eligible for entry under category 8, most refugees fleeing armed conflict are excluded from this category. It should be noted that a category for those who are fleeing persecution and violence is lacking.

In principle, category 8 also includes all previously UNHCR-registered refugees.<sup>32</sup> Syrians then can renew their residency with the registration card that serves as the legal substitute to a *kafeel* (category 11). In addition, as of January 2015, Syrians registered with the UNHCR are required to sign a “pledge to not work” when appealing to UNHCR services.<sup>33</sup> This serves as a binding agreement of having no intention to pursue employment opportunities in Lebanon.<sup>34</sup> However, many of our interlocutors confirmed to us that neither the UNHCR registration card nor their signing of the “pledge to not work” were acknowledged by General Security when they wanted to renew their papers under category 8.

Therefore, most Syrians who want to enter and reside in Lebanon over the long-term, or who wish to renew their residency in the country, do so under category 11. For those people, the new regulations require, that they provide (i) a “pledge of responsibility” or (ii) a legally valid lease contract. The pledge of responsibility must be signed by a *kafeel*<sup>35</sup> (bail) – a Lebanese sponsor. The *kafeel* can be a Lebanese national, or a Lebanese employer. In February 2013, the Lebanese government limited the access of Syrian nationals not registered with the UNHCR to the formal labour market by only allowing them to work in the fields of agriculture, construction and “environment” or cleaning (the original text in Arabic mentions “*al bi’a*”).<sup>36</sup> Therefore, an employer serving as *kafeel* for Syrian employees has to do so within

these work realms.<sup>37, 38</sup> An alternative for finding a *kafeel* is to provide a lease contract for rental property that meets all legal criteria.

A year after the new measures came into effect, the United Nations and several countries<sup>39</sup> co-hosted a conference on the Syrian crisis in London in February 2016. During this conference, 11 billion USD were raised in pledges in order to meet the short-term and long-term needs of Syrian refugees until 2020.<sup>40,41</sup> In their Statement of Intent, the Lebanese government committed to work on achieving priorities mainly in the field of education, as well as economic opportunities and employment.<sup>42</sup>

Regarding the latter category, the Subsidised Temporary Employment Programme (STEP) was unveiled during the conference, which mainly focused on creating permanent (for Lebanese) and temporary (for Syrians) job opportunities. The main reason put forward to legally employ Syrians temporarily was “to allow Syrian nationals to work while providing them with savings to safely return to their home country”.<sup>43</sup> While the Ministry of Social Affairs, the Ministry of Interior and Municipalities, and the Ministry of Finance seem to support the Statement of Intent, the Ministry of Labour has released contradictory statements about this topic,<sup>44</sup> whilst easing labour regulations is one of the priorities of STEP. Although UN agencies aimed to ease the labour restrictions immediately, the Ministry of Interior and Municipalities has promised to do so within one year, providing the Ministry with more time to compose a more detailed plan.

37 Ministerial Resolution 1/19, Al-Jarida Al-Rasmiyya, 02.02.2013, at 489.

38 Ministerial Resolution Decision 218/1, Al-Jarida Al-Rasmiyya, 19.12.2015, at 3:2.

39 That is, the United Kingdom, Germany, Kuwait, and Norway.

40 See [www.supportingsyria2016.com](http://www.supportingsyria2016.com), February 2016 [last accessed 10.05.2016].

41 A humanitarian worker from an international NGO explained to us that the UN and co-hosts negotiated that one of the conditions was access to residency permits, abandonment of the pledge to not work and abandoning the idea of a “safe zone” around Aleppo to let Syrians return to. The government requested not to use the word “integration,” a doubling of funding plus long-term funding.

42 The Lebanese government committed to getting all children aged 3-18 into quality education by the end of the 2016/2017 school year, through the Reaching All Children with Education (RACE) plan. A second RACE plan is introduced, consisting of six components: scaling up access to education, constructing and expanding schools, expanding access to non-formal education for the most vulnerable, expanding vocational and technical education for youth, improving the quality of the teaching and learning environment and strengthening national education systems, policy, planning, financing and monitoring capacity. Furthermore, around 300,000 to 350,000 jobs are expected to be created, “60% of which could be for Syrians”. This will be done by investments in municipalities, the STEP programme, access to markets, and support for the Lebanese infrastructure needs in areas related to the crisis and national security. See [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/498026/Supporting\\_Syria\\_the\\_Region\\_London\\_2016\\_-\\_Lebanon\\_Statement.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/498026/Supporting_Syria_the_Region_London_2016_-_Lebanon_Statement.pdf) [last accessed 01.07.2016].

43 The statement included an incentive “of allowing Syrian workers to accumulate social security contributions that can be collected by the workers upon the completion of the programme and their safe return to Syria, or their resettlement to a third country.” See [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/498026/Supporting\\_Syria\\_the\\_Region\\_London\\_2016\\_-\\_Lebanon\\_Statement.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/498026/Supporting_Syria_the_Region_London_2016_-_Lebanon_Statement.pdf), February 2016 [last accessed 10.05.2016].

44 As discussed during the United Nations Office for Humanitarian Affairs meeting of 30.03.2016.

## 4 The challenges pertaining to the new policy

45 Susan Kneebone, Dallal Stevens & Loretta Baldassar, *Refugee Protection and the Role of Law: Conflicting Identities*, Routledge, Oxon, 2014.

46 Lebanon has also ratified the UN Convention against Torture (CAT). This convention prohibits to forcibly returning those who risk torture. The reports of the UN Commission of Inquiry on Syria make clear that such violations are rampant in Syria today. See <https://www.hrw.org/tet/node/285196> [last accessed 23.04.2016].

Fieldwork shows that the aforementioned new policy and its subsequent residency rules and regulations meant a significant change for Syrian presence in Lebanon. The policy and its restrictions also raise a number of concerns given the fact that most Syrians residing in Lebanon are refugees. Out of thirty-four Syrians that were interviewed, twenty-three no longer hold legal papers. Eleven of the interviewed Syrians do have legal papers – seven of them through a *kafeel* (four by an employer, three through a Lebanese national); three of them because they had a Lebanese mother, and one because he had “sufficient resources” and the help of a broker. The interviewees’ socioeconomic and employment status varied. Some had low-paid service jobs in restaurants, supermarkets, and construction work (fourteen); others worked in national and international NGOs (seven), one was an expert in a high-ranking computer company; and one was a legal assistant. Out of these twenty-three working interviewees, two of them reported having an official working contract. Eleven interviewees were unemployed and relying on occasional freelance jobs.

### 4.1 *Legislation and entry requirements*

Interviews with our interlocutors indicated that the most important concern for Syrian refugees is the absence of formal domestic refugee legislation in Lebanon. The Syrian refugee crisis is therefore not ruled by law, but by governmental and *ad hoc* policies. That is, even though the 1962 Law of Entry contains multiple articles regarding refugees, allowing those who flee conflict to apply for refuge in Lebanon, this law is not fully observed. In reality, Palestinian Syrian refugees are not allowed access to or residency in Lebanon, and Syrian national refugees can only do so under very strict conditions, which are only applicable to Syrians and not to other foreigners. Other relevant legislations are also being sidestepped, such as the Lebanese Constitution, which “appears to be deeply committed to human rights law.<sup>45,46</sup>” One of the Palestinian Syrian interlocutors described how difficult it was for her to get a legal status, even though she ought to be considered for it by law:

“ ***There seems to be no way at all to be legal in this country. I have visited General Security very often and every time they tell me different things. But most***

***of the time, they tell me that there is no way for me to renew my papers. When I entered Lebanon, there was an organisation at the border who was supposed to help Palestinian refugees from Syria. They gave me the number of a lawyer, but when I called him for help, he was nowhere to be found.***<sup>47</sup>

As a consequence of laws being redundant, refugees are constricted to a position of minor legal importance. This allows refugees to be treated as illegal immigrants, which puts them at risk for different types of abuse. It also may have caused an unknown number of refugees to return to Syria. This is in contradiction with Lebanon’s non-refoulement law principle, which prohibits refugees being expelled “to places where lives and freedoms are at risk”.<sup>48</sup> The second challenge stems from the existing categories for new entry and renewal regulations. As stated previously, category 8 (for those who are “displaced”) suggests providing refuge for those fleeing war and unrest. However, with “those displaced”, the Lebanese government only alludes to “exceptional humanitarian cases”, not to all refugees. These humanitarian cases encompass unaccompanied children and disabled persons who have a relative registered in Lebanon, as well as persons with urgent medical needs. As a consequence, category 8 is only available for a very limited group of people. For example, it implies that unaccompanied children who do not have a registered relative in Lebanon are not considered for this category. Those who are in fact considered for this category are occasionally denied for unclear reasons.<sup>49</sup> This makes category 8 a pseudo-category for entry and renewal; most of our interlocutors, moreover, did not even know that it existed.<sup>50</sup>

Category 8 also includes all refugees with a legal UNHCR card. However, as of January 5, 2015, it is no longer possible to register new persons at UNHCR. The only way to obtain a UNHCR card is to renew an already existing one, which leaves a considerable number of (new) refugees with no legal status at all. Those cases are “people of concern,” which means they can appeal to UNHCR services but do not have any legal status. In reality, interlocutors with a UNHCR card confirm that General Security often does not acknowledge the UNHCR card and only few cases are known

<sup>47</sup> Interview with a Palestinian refugee from Syria residing in Beirut, March 2016.

<sup>48</sup> Janmyr, 2016, *op.cit.*, p.10.

<sup>49</sup> *Ibid.*, p.15.

<sup>50</sup> Interviews with Syrians residing in and outside Beirut, February and March 2016.

<sup>51</sup> Interviews with Syrians, residing in and outside Beirut, February and March 2016.

<sup>52</sup> Human Rights Watch, 2016, "Treated as a person," *op.cit.*, p.13.

<sup>53</sup> Interview with Syrian man residing in Ta'labaya, Bekaa, April 2016.

<sup>54</sup> Lebanon Support, 2015, *op.cit.*, p.23.

<sup>55</sup> Interview with a Syrian man, Beirut, March 2016.

<sup>56</sup> Interview with a Syrian activist, Beirut, March 2016.

where renewal upon UNHCR status was possible. That is, none of our interlocutors succeeded,<sup>51</sup> and the Human Rights Watch reports that more than half of their interviewees were denied renewal, even though the required documents could be provided and the fees could be paid.<sup>52</sup> Many of our interlocutors described the process in a similar way to the quote below:

**“ I tried to renew my residency on the basis of UNHCR registration at the General Security in Zahle, but they told me it doesn't work according to that basis and that I have to find a kafeel. So I tried to find one, but the kafeel wanted a lot of money. Who can pay this, especially if you have a family and you have to pay for them as well?<sup>53</sup>**

The other sought after category for entry and renewal is category 11. According to this category, Syrians have to either provide a legally valid lease contract, or find a *kafeel*. In order to meet all the legal criteria for a lease contract, however, a landlord is required to tax his property – something many try to avoid.<sup>54</sup> One of our interlocutors explained that he moved houses five times, but was never able to get a legally valid lease contract.<sup>55</sup> But even for those who do manage to obtain a valid lease contract, it is virtually impossible for them, from a practical viewpoint, to renew their papers, which makes the prospects of renewing one's documents on the basis of a lease contract both unlikely and illusory. One activist described his attempt as follows:

**“ Of course I got a lot of different information about renewing the residency, and specifically about the lease contract. I went to General Security twice. First I only had a certificate which states where I live. But General Security also wanted a lease contract. The second time, I knew all the details about the conditions and asked friends and even different lawyers to help me make a lease contract. But in the end, it didn't work.<sup>56</sup>**

That leaves Syrian refugees with only one option to enter and renew their papers under category 11: they must find a Lebanese citizen or employer as *kafeel*. *Kafeels* have to sign



a “pledge of responsibility” that holds them accountable for the Syrian’s legal acts, criminal acts included.<sup>57</sup> This clearly discourages many from becoming a *kafeel*, and puts those who do become one in a position of power, as the Syrian would not have legal status without the *kafeel*.

Syrians wishing to enter under categories other than 8 or 11 need to provide hotel reservations and proof of financial means, which amounts to \$1000 USD in cash. These requirements tend to favour well-to-do Syrians, leaving individuals and families with lesser means without options. And those who can afford this, are granted access for only a short amount of time. We interviewed a Syrian family that commutes to Beirut for medical reasons for their daughter (entry category 9), who has a chronic illness:

“ **Every time we get entry for 72 hours, but every time they [i.e. the border officials] want to see a new medical report at the border. At some point, we even needed a friend to bring a medical report on a Sunday, because they would not let us enter Lebanon. So she visited the doctor at his home and sent the report by taxi from Beirut to the border. Thank goodness the doctor was willing to sign the report during the weekend. We tried to renew our residency here in Lebanon on the basis of the medical condition of our daughter, so that we didn’t have to commute anymore. General Security required a medical report, so that is what we provided. Then they told us that the medical report should be typed, not written. So we provided a typed one. Then they sent us to the Ministry of Health, who then sent us to another institution. In the end, it didn’t work. Most people don’t have legal papers anymore. For us, it is difficult to commute from Syria to the hospital in Beirut with a sick daughter. We try to avoid travelling at night, because they might stop us at a checkpoint. And God knows what will happen then.**<sup>58</sup>

<sup>57</sup> Lebanon Support, 2015, *op.cit.*, p.23.

<sup>58</sup> Interview with a Syrian family residing in Damascus, Beirut, February 2016.

#### 4.2 *The everyday experience of Syrian refugees living in illegality*

The main concern expressed by our interlocutors is that they do not meet the new requirements for renewal under the current categories. Therefore, many of them try to avoid

- 59 Interview with Syrians residing in and outside Beirut, February until April 2016.
- 60 Human Rights Watch, 2016, "Treated as a person", *op.cit.*, p.10.
- 61 Lebanon Support, "Policy measures, coping mechanisms and coexistence: social challenges between the state, the refugees and the host community," unpublished paper at the conference "Lebanon and the refugees and displaced. Economic, social and security challenges. The need for a comprehensive national strategy," 30.03.2016, La Maison du Futur, Bikfaya.
- 62 Interview with Syrian man, Beirut, March 2016.
- 63 According to a study conducted by the Norwegian Refugee Council in 2015, 92% of the refugees interviewed were not able to complete the legal and administrative steps necessary to register their newborn child. See Norwegian Refugee Council, "A Future in the Balance: Lebanon", 2016, p.4.

any contact with the General Security. For those, only few options are viable: they can either stay in Lebanon illegally, return to Syria, or take the risk of attempting to leave to a third country, which in most cases is a continuation of moving on lawless grounds, until a country is reached that grants official asylum. New entries face the same dilemma: staying in Syria, or coming to Lebanon, whether that is legally (by finding a *kafeel*, or a job) or illegally (by entering under other categories and overstaying). Lebanese authorities have not published statistics about the rate of illegality, but a majority of our interlocutors was already without legal papers or in immediate danger of losing them in the near future.<sup>59</sup> This situation seems to reflect reality, according to international aid workers.<sup>60</sup>

Not having a legal status strips refugees of fundamental rights and poses difficulties for them to access basic services and state provision, such as hospitalisation and schooling.<sup>61</sup> Although, in theory, Syrians illegally residing in Lebanon are not deprived of services such as hospitalisation and schooling, our fieldwork showed that in reality, the missing residency hampers them to access those services. One of our interviewees explained:

**“ An officer was waiting for my wife in front of our house, and harassed her. I happened to be with her, and when I defended her, the officer brutally attacked me with an iron stick. The police came, but instead of taking the officer to the police station, they tried to calm him down. Then, they took me to the hospital in Quarantina, but the hospital didn't want to admit me because I am a Syrian who has a problem with Lebanese state security. Eventually, we had to turn to the Red Cross, who stayed with me until we found a hospital willing to admit me.”<sup>62</sup>**

Being illegal does not only pose problems to access basic services and state provision; it also means that civil matters such as marriage and divorce can only be registered with much difficulty. For families of newborn children who are not registered, it is increasingly laborious to perform all the necessary legal and administrative steps required to register their birth.<sup>63</sup>

One of the most important consequences is that lacking a legal status automatically includes lacking the possibility for legal services and subsequent juridical correction (“legal redress”). In Lebanon, illegal presence is a (minor) criminal offense, and whoever wishes to file a complaint, becomes the subject of research on legal status first.<sup>64</sup> This means that Syrians cannot turn to authorities for protection without fearing being arrested themselves, which deteriorates the protection space of Syrians in Lebanon. The previously quoted interviewee, who was attacked when an officer harassed his wife, explained:

**“ The situation turned around differently, because I am a Syrian without papers. The officer started to threaten: ‘You can go to court, if you want. But they will throw you out of the country. And if you leave the country, your lawsuit will not continue.’ Eventually, I got my story out in the media. As a result, the office of the Minister of Interior and Municipalities called me to inform that they would not deport me. Still, they did not give me legal papers. In the end, nothing happened with my lawsuit.”**<sup>65</sup>

Indeed, lacking both legal status and legal redress puts Syrian refugees at risk for different types of abuse. Interlocutors stress that abuse is not in the least perpetuated by state authorities themselves. Many have experienced being detained, sometimes for days or longer, for not having legal papers. In addition to mistreatment, they also emphasise the arbitrary nature of these detentions:

**“ I got caught many times, only because they can tell I’m Syrian. Usually, they release me after a couple of hours, when I tell them that I have a sick child, but I have experienced all kinds of treatments: from being shouted at, to people being nice and empathetic to my situation.”**<sup>66</sup>

Another interlocutor, a Syrian woman without legal papers, has experienced a similar situation:

<sup>64</sup> Human Rights Watch, 2016, “Treated as a person”, *op.cit.*, p.21.

<sup>65</sup> Interview with a Syrian man, Beirut, March 2016.

<sup>66</sup> Interview with a Syrian family, Ghazeh, April 2016.

- 67 Interview with a young Syrian woman, Beirut, March 2016.
- 68 Interview with a Syrian construction worker, Mansouriyeh, April 2016.
- 69 Human Rights Watch, 2016, "Treated as a person", *op.cit.*, p.17.
- 70 Interview with an activist residing in Beirut, Beirut, February 2016.
- 71 Interview with a Syrian residing inside and outside Beirut, February until April 2016.

**“ I was going to the Beqaa. On my way back, I got stopped at Dahr el Beydar checkpoint. They told me to leave the car, and that they would take me to prison. They treated me very badly and shouted ‘You Syrians are moving around, without having legal papers. We want to put you in prison, or throw you out of Lebanon!’. They kept me at the checkpoint for three hours. Eventually, I had to call a person with *wasta* in Beirut. If he hadn’t interfered, I fear that I would have ended up in prison.”**<sup>67</sup>

Interlocutors also underlined that they are often exposed to threats, especially in areas where construction workers live, where the army conducts raids. One construction worker explained that the army tells workers to put forth the right papers, upon their return in week.<sup>68</sup> Human Rights Watch research has found that during these raids, valuable items such as laptops and phones are oftentimes stolen.<sup>69</sup> One activist explains:

**“ Syrians can get arrested. But what should the police or army do with them? They cannot send them back to Syria, because there is a war. They cannot throw them in prison, because there is not enough space. So in the end, they have to release them after a few days. It’s just to scare them, to push Syrians away so that they ‘want’ to leave Lebanon themselves. If you can not send them back, at least you can make sure they want to go back.”**<sup>70</sup>

Syrians, who – in principle – should not fear a lack of legal redress, are those who have a legal status. As previously argued, the prospects of attaining a legal status are contingent upon finding a Lebanese citizen or employer as a *kafeel*, or a broker who can provide them with a valid lease contract. Consequently, as Syrians’ legal status is conditional upon these *kafeels*, employers and brokers, it puts them in a position of power, as our interlocutors have stressed. Interlocutors underline that *kafeels* require high fees that range from 200 USD to 1000 USD per person, just for being a *kafeel*.<sup>71</sup> As for abuse by employers, the employees that we interviewed maintained that they are forced to work under any condition:

**“ I worked at a big international NGO, but after the new regulations were implemented, they couldn’t issue me a working contract, so they gave me an informal one. I was working there everyday as a ‘day worker,’ even though I am educated and have relevant degrees. I had no insurance. No medical coverage. Nothing.”<sup>72</sup>**

One of the workers explained:

**“ I left my job because I was fighting with my employer. He wanted me to work overtime every day without paying for it, so I left. But now, because we don’t have legal papers, we work just as hard and for even less money. But we have no choice, we have to make a living.”<sup>73</sup>**

In addition, interviewees have experienced abuse by brokers, who increase the rent when they realize they rent out to Syrians.<sup>74</sup> One interlocutor illustrates another type of financial exploitation:

**“ I tried to renew with a ‘broker’ twice. The first time, I found a number on Facebook. I gave him 300 USD with the understanding that I’d pay the remaining sum once our papers were finalized. A few days later, I tried to call him. He never answered, so I lost my money. The second broker was someone we knew. He took 200 USD, but when it didn’t work, he gave us our money back. We were lucky, because getting your money back happens very rarely.”<sup>75</sup>**

### 4.3 The struggle for decent working and livelihood conditions

A third concern emphasised by our interlocutors is that the new entry and renewal conditions create different kinds of financial conditions and restrictions, in such a way that it is impossible for most refugees to pay them. The World Food Programme (WFP) reports that 70 percent of the Syrian refugees fall below the poverty line of 3.84 USD per person per day.<sup>76</sup> This makes the biyearly renewal fee of 200 USD per person not feasible for most households. In addition to paying the required fees, refugees are also required to provide necessary documentation. Not only does this pose

<sup>72</sup> Interview with a female activist, Beirut, March 2016.

<sup>73</sup> Interview with a construction worker, Mansouriyeh, February 2016.

<sup>74</sup> Interview with a Syrian residing inside and outside Beirut, February until April 2016.

<sup>75</sup> Interview with a Syrian man, Beirut, February 2016. April 2016.

<sup>76</sup> World Food Programme, “Situation report Lebanon: Syria crisis response,” September 2015, [https://www.google.nl/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKewiqu42uw8\\_MAhVLVhoKHcPTAH4QFggIjMAE&url=https%3A%2F%2Fdata.unhcr.org%2Fsyrianrefugees%2Fdownload.php%3Fid%3D9670&usg=AFQjCNEGI\\_hjeEXVvmfVaUplwa4\\_L9Ah3w&bvm=bv.121421273,d.d2s](https://www.google.nl/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKewiqu42uw8_MAhVLVhoKHcPTAH4QFggIjMAE&url=https%3A%2F%2Fdata.unhcr.org%2Fsyrianrefugees%2Fdownload.php%3Fid%3D9670&usg=AFQjCNEGI_hjeEXVvmfVaUplwa4_L9Ah3w&bvm=bv.121421273,d.d2s) [last accessed 27.04.2016]; Human Rights Watch, 2016, “Treated as a person,” *op.cit.*, p.2.

77 Human Rights Watch, 2016, “Treated as a person,” *op.cit.*, p.10.

78 *Ibid.*, Food Assistance Funding Shortfall Contingency Plan SOP 2015, see <https://data.unhcr.org/syrianrefugees/download.php?id=9073> [last visited 11.07.2016].

79 In April 2016, the Lebanese police discovered a prostitution network of 75 Syrian women in Jounieh. The women were “recruited by agents of the network for supposedly legitimate jobs such as restaurant workers”, but held captive as sexual slaves. See <http://www.theguardian.com/world/2016/apr/30/syrians-forced-sexual-slavery-lebanon> [last accessed 10.05.2016].

80 Moreover, it may make those people more susceptible for Islamist extremist groups “who are paying money for service”. See Human Rights Watch, 2016, “Treated as a person”, *op.cit.*, p.3.

problems for those who have damaged or missing papers, but the process of providing the necessary documentation also involves additional costs, such as public notary services, transportation, and photocopying, that can amount to an additional 75 USD.<sup>77</sup> The costs of entry or residency renewal can add up to a large sum, which constitutes a considerable burden for Syrians, and promotes a certain classist policy.

As of January 2015, UNHCR-registered refugees are also obliged to sign a “pledge to not work” upon renewal, when appealing to the UNHCR’s services. Refugees are thus supposed to live off food vouchers ranging from 13,50 USD to 27 USD per person per month, depending on the category.<sup>78</sup> For most Syrian families, this is hardly enough to make ends meet. As a result, the new policy indirectly promotes informal employment, subjecting Syrians to financial exploitation, including long working hours, little-to-no benefits, low salaries, and no protection. It also puts the poorest refugees in a precarious situation that leaves them with unfavourable and potentially parlous options, including sex work,<sup>79</sup> child labour, the smuggling of weapons and drugs, and attempting illegal migration to Europe.<sup>80</sup> But Syrians are not the only ones to suffer from informal working conditions: it also threatens Lebanese employment since illegal immigrants make for cheaper labour.

#### 4.4 *Incoherence, informality, and insecurity*

Fieldwork also shows that the process of residency renewal is incoherent for Syrian refugees; its application seems to be arbitrary, even for those who do meet the new entry and renewal requirements, can afford the costs, and provide the necessary documentation. All of our interlocutors stressed the incoherence, informality, and insecurity in the renewal process, which causes Syrians to sidestep authorities, deepening the gap between them and the government. An illustrative example is given by one of our interlocutors:

“ *I tried to renew two times with a kafeel, but it didn’t work. For some people this works, for others it doesn’t. The third time, I tried to renew with a renting contract. That also didn’t work. I remember that the first time I wanted residency on the basis of a kafeel, I went to the General Security six times, and every time*

***they told me to get different papers. They said that they couldn't have told me I needed these papers before, because they 'didn't know'. In the end, I was so frustrated that I started shouting at them. Then, a general came and gave me a copy of my kafeel's pledge. I took it and went to the notary, but that didn't work either. So I went back to the General Security. Then they told me to come at 8 a.m. When I did, they told me to come at 12 p.m. In the end, I just gave up, just like the others.***<sup>81</sup>

The implementation of new laws is changing, being adapted, and amended rapidly, and the government does not always give notice of new policies before putting them into practice.<sup>82</sup> Furthermore, each General Security station demands a different set of documents, even though all required documents are listed on the General Security's web page.<sup>83</sup> One activist who works with a Lebanese NGO explained that he formed a group consisting of Lebanese, Syrian, lawyers, activists, and legal associations to find out what the most successful way to get a residency is, both for himself and for others. One year and three months later, he found out that the only way to acquire legal papers was through obtaining a fake work contract and a fake employer serving as a *kafeel*.

**“** *The system is chaotic. In my opinion, the government means to deport Syrians and benefit moneywise from those who choose to stay. You can find information on the website of General Security, but in reality it's completely different. Ask someone in Akkar, Beqaa, Chtaura, or Beirut what the best way to get the residency renewed is. In each place, you would get a different answer.*<sup>84</sup>

In addition, interlocutors stress that people are being treated according to their appearance, gender, or socioeconomic status. A young Syrian woman explains:

**“** *There is a lot of distinction between different people. For me, it's sometimes also positive. For example, I don't have to wait in the row at General Security. But in Zahle, almost everyone is from the camps. There, people have to wait from 5 a.m. in the morning.*<sup>85</sup>

<sup>81</sup> Interview with a young Syrian woman, Beirut, March 2016.

<sup>82</sup> As was the case with denying Palestinian Syrians entry at the border (see *supra*, footnote 16).

<sup>83</sup> See: <http://www.general-security.gov.lb/getattachment/fbe25f41-1241-449a-9f8c-c0bbcc27c974/syrian-rules.pdf.aspx?chset=a21d39a0-e95a-4e0c-8736-5c7d3c026258> [last accessed on 11.05.2016].

<sup>84</sup> Interview with activist, residing in Beirut, Beirut, April 2016.

<sup>85</sup> Interview with a Syrian woman, who was working for a while to help Syrians renewing their residency and worked at a big international NGO, Beirut, March 2016.

86 Interview with an activist residing in Beirut, April 2016.

87 Lebanon Support, 2015, *op.cit.*, p.24.

88 Interview with a Syrian woman, Beirut, April 2016.

Activists confirm that different people are sometimes treated differently.

**“ In general, it’s better to be an attractive woman, for instance, than to be a man. It’s better to look rich, than poor. It’s better to look like a local, than Syrian. But most of all, it’s better to not look like a Syrian worker. They get treated the worst.”<sup>86</sup>**

Moreover, (the absence of) progress in the administrative process often depends on the available officer.<sup>87</sup>

**“ It’s a lot of chaos. The people who work at General Security don’t know anything about the laws. Whether or not you get the residency depends on the area in which you live (Beirut, Zahle, Mar Elias). The general mood of the officer also plays a role; it has a bearing on whether he wants to help you or not. Last year, I tried to renew my papers, so I brought all the necessary papers to renew on the basis of a kafeel. They told me it’s ok, but that I had to leave the country and that my kafeel had to get a number and pick me up from the airport when I came back. I left, but when I came back, of course it did not work. They told me I had only 48 hours to get the right legal papers. So I went to General Security all the time. In the end, I asked some wasta (connection) and said to him: ‘I’m trying to be legal, but it doesn’t work.’ He looked at my papers and renewed them. The whole time, he was acting as if he was doing me a special favour. But he wasn’t, because I had all the right papers.”<sup>88</sup>**



Nearly all of our interlocutors agree that the new restrictions create a lot of distress for them, regardless of their socio-economic status, gender, and even legal status. Other variables such as “UNHCR registration” or “entering Lebanon before the restrictions came into effect” are becoming increasingly irrelevant as more and more Syrians slip into illegality or are unable to register with the UNHCR anymore.<sup>89</sup>

As a result, our interlocutors stress that Syrians try to sidestep state institutions for fear of being arrested. This led to an increasing number of refugees being forced to self-limiting measures. For example, one interlocutor mentioned attempting to administer the Lebanese dialect, rather than the Syrian. More importantly, interlocutors emphasise limited freedom of movement as the major problem affecting their daily lives. They try to limit their movement, for instance, by self-imposing curfews, during night-time, but also during daytime. When asked about the major changes in their lives since October 2015, many of our interlocutors described their situation in a similar way to the following quote:

**“ My life changed. Now, there is a lot of fear security-wise. When I first arrived here, I used to move freely and wherever I wanted; I had legal papers so I didn’t have much to fear. This is no longer possible now. I can’t go out past midnight anymore. We are trapped in every possible way; even if you have a bail, we are trapped. Work is limited to agriculture or construction or janitorial work; it’s not realistic. General Security imposed completely illusory conditions, and everyone knows that everybody cheats on those conditions. Cheating is the only thing we can do.”<sup>90</sup>**

Another interlocutor explained that he lets his wife get food support, as she is less likely to be questioned.<sup>91</sup> The Human Rights Watch reports that even children are expected to help their families, especially since the younger ones are not likely to be arrested. Consequently, their playtime or school time is restricted, and rates of child labour escalate.<sup>92</sup> Our interlocutors also emphasise that they now limit their movement to areas they are familiar with.<sup>93</sup> This often affects their working facilities as one construction worker describes:

<sup>89</sup> Lebanon Support, 2015, *op.cit.*, p.23.

<sup>90</sup> Interview with a Syrian worker, Beirut, June 2015.

<sup>91</sup> Lebanon Support, 2015, *op.cit.*, p.24.

<sup>92</sup> Human Rights Watch, 2016, “Treated as a person”, *op.cit.*, p.25.

<sup>93</sup> Lebanon Support, 2015, *op.cit.*, p.24.

94 Interview with a Syrian construction worker, Mansouriyeh, April 2016.

95 “Policy measures, coping mechanisms and coexistence: social challenges between the state, the refugees and the host community”, 2016, *op.cit.*.

96 Interview with a Lebanese company owner, Beirut, August 2015.

**“ I work in different places. Sometimes I get work, but since I don’t have papers, I can’t go because I’m worried I’ll get arrested. Once, I found work in Monteverde, but I couldn’t go because there is a checkpoint nearby, so it’s a risk. And I can’t go to a lot of areas because of this.”<sup>94</sup>**

Another important consequence is that formalising the process of residency renewal – which was one of the three original main goals of the newly adopted policy – was quickly undermined by informal processes and brokering mechanisms:<sup>95</sup> a rather vivid black market of fake sponsors, brokers, employers, and contracts emerged and evolved.

The consequences of a black market are twofold. First, the challenges of the administrative process make it virtually impossible to renew residency, and expose Syrians to different kinds of exploitation, encouraging them to turn to the black market. As previously argued, the renewal regulations lack clarity and the implementation of the regulations is arbitrary. In addition, the cost of the paperwork is too high for most Syrians to afford. The sponsorship system also puts *kafeels*, employers and brokers in a power position, with Syrians’ legal status depending on them.

Likewise, the existence of a black market prevents *kafeels* from following official routes to sign the pledge of responsibility, as they know it is also available on the black market. One of our interlocutors, a Lebanese company owner, described this to us as follows:

**“ I used to be a kafeel for my Syrian employees, about ten of them. We issued them lease contracts and the pledge of responsibility, and things went well. But after a while, we found out that there is a black market for the kafeel and the lease contracts etc., so we stopped doing it. We just told our employees who to call.”<sup>96</sup>**

One worker added:

**“ The construction company I work for has been hiring Syrians and Palestinians illegally for years. Now, they have approximately 200 employees. If all of those**

***employees got legal papers based on a working contract and a pledge of responsibility, the company would have a lot of paperwork to do. So they just don't do it. Whenever the police comes to check on the workers, we have to hide.***<sup>97</sup>

By refusing to become an official *kafeel*, employers deny the option of legal residency for many Syrians, who should be entitled to legal papers. The only option they are left with is to turn to the black market and look for a *kafeel* who can sign the pledge of responsibility on a fake basis, in fake working facilities. On the other hand, people who are not eligible for renewing their residency on a legal basis also seek for a pledge of responsibility that originates from the black market. Category 11 may then be the most sought-after category, but legal residency could in fact be based on illegal measures. As one of our interlocutors explains:

**“** *General Security imposes regulations that are completely illusory. Everyone knows we are faking documents. Even if I get a legal residency on the basis that I am a worker – which I am not – General Security can stop me at any point and ask me to show my hands. Then they will see that according to my papers, I am a bricklayer. But my hands are soft, they don't have any callouses. That is why the kafeel told me that when I get stopped at checkpoints, I have to say that I am a student, but that I am forced to work.*<sup>98</sup>

The existence of an illegal network extends illegality into different realms affecting the daily life of Syrians. It creates opportunities for exploitative structures, thus putting refugees in an even more insecure and precarious position.<sup>99</sup>

**“** *I may have legal papers, but I am constantly afraid. When they find out I renewed my residency based on an illegal pledge of responsibility, they will take away my residency. This actually happens a lot. They can do whatever they want with me.*<sup>100</sup>

Lastly, all interlocutors expressed concerns over long-term presence in Lebanon, and underlined the lack of future prospects in the country.

<sup>97</sup> Interview with Syrian worker, Mansourieh, April 2016.

<sup>98</sup> Interview with a Syrian man, Beirut, April 2016.

<sup>99</sup> Lebanon Support, “The social effects of political and legal measures towards Syrians in Lebanon,” unpublished Presentation, Roundtable “Formal informality, brokering mechanisms, and illegality: the impact of Lebanese state’s policies targeting Syrians on everyday life”, Beirut, 28.04.2016.

<sup>100</sup> Interview with a Syrian man, Beirut, March 2016.

## 6 Conclusion

Although Lebanon is still struggling to recover from the damage caused by recurrent conflicts and tensions, it has opened its doors to approximately 1.5 millions Syrian refugees. As a result, Lebanon has the highest per-capita number of refugees worldwide, which puts a burden on the country's security, as well as its political, economical, and social stability, stretching the resilience and steadfastness of its host population. In this vein, this report seeks to analyse adopted policies from a sociological and human rights perspective in order to protect the rights of the refugee population in Lebanon.

The report aims to provide an analytical summary of the Lebanese government's policy and General Security's implementation targeting Syrian refugees, in 2016. The policy, which was adopted in October 2014, has been implemented since January 2015, when General Security imposed new entry and renewal regulations for the entry, residency, and departure of Syrian citizens. This was an attempt to (i) halt the Syrian inflow at the border; (ii) encourage Syrians already in Lebanon to return; and (iii) formalise and control the presence of those who stay. Specifically, this report focuses on the challenges faced by Syrian refugees in direct relation to the policy, varying from (the absence of) legal status, limited possibilities to comply with the requirements for the current entry and renewal categories, the concurrent deprivation of refugees' fundamental rights, the lack of legal redress, and the exposure to different kinds of exploitation. Furthermore, this report underlines the unclear procedures in the renewal process, the arbitrary application of the rules, and the high costs involved.

This report also provides an analysis of the social impact of the aforementioned political and legal measures on Syrians' daily lives. Interlocutors emphasise that an atmosphere of fear and obscurity predominate the renewal process, leaving them in abeyance about their legal status and causing them to sidestep state institutions. Another consequence of the policy measures was that a network of informality was created: a black market offering Syrians a chance of legal acknowledgement through informal channels.

The policy on Syrian displacement thus seems to have created a distance between Lebanese state authorities and

Syrian refugees, impacting their lives in terms of self-policed freedom of movement and lack of future long-term perspective and planning. Furthermore, the process of formalising and controlling Syrian presence led to a continuation, and even expansion, of illegal structures. Therefore, the third goal of the policy entailing “formalising and controlling Syrian presence” remains unaccomplished. In fact, formalising the market seemed to have had the opposite effect.

Regarding the first goal of “halt[ing] the refugee inflow at the border,” however, the policy seems to be rather effective so far. For example, in the first quarter of 2015, the UNHCR reported a 75 per cent drop in Syrian refugee registrations, compared to the same period in 2014.<sup>101</sup> The second goal of the policy, which is to “encourage Syrians already residing in Lebanon to return,” seems to be promising, with approximately 100,000 less registered refugees in total in March 2016, more than a year after the residency restrictions came into effect.<sup>102</sup> However, given the fact that the ongoing conflict prohibits Syrians from staying in or returning to Syria, the long-term effectiveness of these successes should be called into question.

During the London conference, the Lebanese government committed to widening education, economic, and job opportunities for Syrians and Lebanese alike. Although all political actors present at the London conference were positive about the outcome, very little has changed until now. Therefore, Syrians in Lebanon are still in a rather precarious and vulnerable position.

<sup>101</sup> See “Protection Update”, UNHCR Lebanon, October 2014.

<sup>102</sup> Approximately 1,146, 911 registered refugees on 02.02.2015 and 1,048,275 on 31.03.2016, see <http://data.unhcr.org/syrianrefugees/country.php?id=122> [last accessed 05.05.2016].