



**Observations and Recommendations on New Entry  
Restrictions for Syrians and Refugee Protection  
Principles in Lebanon**

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## Summary

Human Rights Watch, an international nongovernmental organization that promotes human rights worldwide, commends the hospitality that Lebanon has thus far shown to refugees arriving in large numbers from Syria. Since the conflict began in the spring of 2011, Lebanon has welcomed over a million people fleeing from conflict in Syria who face the risk of serious harm if returned.

Human Rights Watch appreciates the great burden of this refugee influx on Lebanese society and the inadequacy of international support to help Lebanon meet their needs, but remains concerned that new regulations aimed at limiting the number of asylum seekers fleeing conflict and persecution in Syria who are allowed to enter Lebanon puts countless lives at risk of serious harm.

While such regulations are well within the sovereign right of governments to impose on foreigners in normal circumstances, the situation of people directly fleeing the effects of armed conflict are not those of ordinary immigrants, and the sovereign rights of the receiving country under such circumstances are trumped by the exceptional need to respect the human rights of asylum seekers and refugees. Our fundamental concern is the protection of the lives and freedom of all people who would qualify under international customary law as refugees and whose return would constitute a breach of the customary international law principle of nonrefoulement.

Syrians continue to flee widespread indiscriminate and targeted violence in their country. In its October 2014 report “International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update III,” the United Nations High Commissioner for Refugees (UNHCR) observes that “nearly all parts of [Syria] are now embroiled in violence.” UNHCR says that it continues to “characterize the flight of civilians from Syria as a refugee movement,” and that “Syrians and Palestine refugees who had their formal habitual residence in Syria require

international protection until such a time as the security and human rights situation in Syria improves significantly.” UNHCR also calls on “all countries to ensure that persons fleeing Syria ... are admitted to their territory and are able to seek asylum.”

The December 31, 2014 regulations are incompatible with Lebanon’s obligations under the customary international law principle of nonrefoulement not to reject at the border anyone whose life or freedom would be threatened in Syria. In practice, the new regulations, which limit access to Lebanon to Syrians who meet the criteria set out in 6 categories or a narrow humanitarian exception, will block many people fleeing Syria on account of real threats to their lives and freedom. We are also concerned that one of the categories introduced - sponsorship by Lebanese citizens - raises concerns about the potential for Lebanese citizens to exploit asylum seekers looking for sponsors, a problem that has been documented with respect to the sponsorship system for Syrian refugees in Jordan.

The obligation of non-refoulement means that anyone claiming to fear persecution on account of their race, religion, nationality, membership of a particular social group, or political opinion, or who risks other serious harm should, at a minimum, be admitted into Lebanon pending a fair determination of their claims for protection. The new approach and policies are also incompatible with article 14 of the Universal Declaration of Human Rights, which enshrines the right of “everyone” to seek asylum in other countries.

We have advocated for greater international support in order for Lebanon to continue its previous policies of openness. We pledge to continue to advocate for that support, and hope that in the meantime Lebanon will retract these new policies or amend them in a way to fulfil its obligations under international law.

### **The December 31, 2014 Regulation and Recommendations**

Our main recommendation to the Lebanese government remains to scrupulously honor the principle of nonrefoulement and not forcibly return or reject at the border any person who whose life or freedom would be threatened or who would be at real risk of torture or inhuman and degrading treatment, or who would face other serious harm upon return. The most straightforward way to do so is to rescind the

December 31, 2014 regulations and return to the old policy of allowing Syrians to enter the country.

If the December 31, 2014 regulations are not rescinded outright, we would recommend that the current criteria for humanitarian admission be amended to allow all those meeting the international definition of refugee to enter Lebanon under the humanitarian exception category.

This broader standard should replace the current, overly narrow humanitarian admission criteria. As currently stated, Lebanon would appear to deny entry to child orphans as not fitting the criteria of extreme humanitarian need because they do not have a parent living in Lebanon. Persons with disabilities who do not have relatives in Lebanon would be similarly excluded. And other extremely vulnerable groups are not mentioned at all, including: female-headed households; the elderly; people with injuries as a result of the conflict; lesbian, gay, and transgender people; and Palestinians and other refugees living in Syria who are not able to safely return to their home countries. Lebanese authorities should also reaffirm that children are defined as persons under the age of 18 in accordance with the Convention on the Rights of Child and Lebanese law.

Further, qualifying for admission under the humanitarian criteria should not bar individuals with missing or damaged documents from seeking protection in Lebanon. It remains unclear what documentation or proof will be required to meet the humanitarian criteria standard. Any potential measures should take into account that many documents have unavoidably been lost or damaged as a result of the conflict and that in many cases it is not possible to replace missing or damaged documents or to send documents to people at the border.

### **Procedural Safeguards**

The introduction of categories and criteria means that it is essential to have them implemented in a fair manner that guarantees the basic rights of those seeking entry. Procedural safeguards should be put in place to ensure that relevant officials have sufficient training, supervision, resources, and capacity to assess a person's humanitarian needs and whether he or she meets the international refugee definition. Persons claiming to be vulnerable should have the opportunity to

appeal negative decisions with suspensive effect on rejection or return while their appeals are pending, and UNHCR and UNRWA should be provided with full access to monitor and provide advice on the procedure at all stages.

### **Loss of Protected Status in Lebanon**

Human Rights Watch is also concerned that the authorities appear to be denying re-entry to Syrian and Palestinian refugees from Syria who travel back to Syria for brief periods of time without the intent of re-establishing themselves in Syria and that those remaining in Lebanon may no longer be able to renew their residencies.

The new regulations ignore the reality that Syrian refugees have many different reasons for their decisions to cross back into Syria, and many of these decisions are made out of necessity and with no intention of re-establishing themselves in Syria. Some cross back temporarily despite the continuing fear for their safety that originally brought them to Lebanon.

Brief returns to Syria to attend a funeral, to retrieve a stranded relative, to obtain necessary documents, for example, should not be grounds for cessation of displaced person status, and are not grounds for cessation of refugee status under Article 1C(4) of the Refugee Convention, which requires that the refugee “voluntarily re-establishes” himself in the country of origin, not merely that he physically returns there. Similarly, returns due to medical necessity – such as by refugees who cannot access or afford certain types of treatment and must return to Syria to receive the care they need – should not be looked upon as a voluntary relinquishment of the protection that Lebanon has provided. Each case of a displaced person who returns to Syria and seeks to re-enter Lebanon should be evaluated on its individual merits.

In the absence of an individual assessment of their reasons for returning and for seeking re-entry, the Government of Lebanon’s sweeping policy of canceling the displaced person status of anyone that crosses back into Syria will deny assistance to people who are still unable and unwilling to re-establish themselves there because of their fear of being persecuted or facing other serious harm.

## **Renewal of Temporary Residencies for Syrians**

Human Rights Watch is also concerned about the ability of refugees in Lebanon to renew their residencies. While the procedures regarding residency renewal circulated by the Ministry of Social Affairs on January 23 reflect that Syrian refugees registered with UNHCR in Lebanon will be able to renew their residencies without a sponsor, which is welcome, we remain concerned that renewal fees may be prohibitively expensive for refugees, causing them to fall out of status. Human Rights Watch urges the Lebanese government to waive residency renewal fees for Syrians registered with UNHCR. Further, the guidance issued by the Ministry of Social Affairs says that Syrians who have entered the country illegally will not be able to regularize their status, but will instead be given five days to leave the country. If they are unable to pay the penalty for their illegal entry the guidance says they will be permanently banned from entering Lebanon. The Lebanese government should change its policy regarding Syrians who have entered the country unlawfully and are registered with UNHCR in light of the fact that many refugees may have had to irregularly enter the country. The government should also make clear that under no circumstances will anyone who qualifies as a refugee or who faces a real risk of torture in Syria be forcibly returned to Syria.