



DRIVERS OF DESPAIR

refugee protection failures in Jordan and Lebanon



NORWEGIAN
REFUGEE COUNCIL

Introduction

The crisis engulfing the Middle East is soon to enter its sixth year with more than 4.3 million refugees from Syria facing greater challenges than ever before. They have little hope that the conflict in Syria will end soon or that they will be able to return home to rebuild their lives. They face enormous barriers to finding safety outside the Middle East. Only approximately 125,000 resettlement places have been made available to Syrian refugees since 2013, representing less than 3 per cent of the refugee population.ⁱ In Europe, harsh measures are being proposed to limit refugee flows with some political leaders questioning the very foundations of international refugee protection.ⁱⁱ At the same time, refugees are increasingly subjected to restrictions that can make life impossible in the main refugee-hosting countries in the Middle East. Countries that generously opened their doors are preventing refugees from leading dignified lives and contributing to economies and societies.

The introduction of new policies and practices by refugee-hosting governments over the course of 2015 means that **hundreds of thousands of refugees risk losing or have already lost the ability to legally stay in countries neighbouring Syria, in accordance with national legislation.** Without updated registration and/or the ability to obtain and renew their residency visas, refugees in both Jordan and Lebanon are increasingly forced to live confined to their immediate places of residence, unable to travel even to reach basic services for fear of being harassed, detained or at risk of involuntary relocation and deportation. These challenges are compounded by difficulties in proving one's identity, registering births, deaths and marriages. Such civil documentation is essential to access services, including schools and health facilities, and, increasingly so, prevent statelessness. More broadly, restrictions on legally earning an income and insufficient aid provisions mean that the vast majority of Syrian refugees face a life of hardship. According to recent United Nations and World Bank studies **more than one million—or 7**

out of 10—refugees from Syria live in poverty across Jordan and Lebanon.ⁱⁱⁱ

With few prospects available in Middle East, the choices have become increasingly desperate for many Syrian refugees: Stay in Syria's neighbouring countries without the means to access essential services or support their families; risk death by returning to Syria where the conflict is only deepening; or attempt to travel to Turkey and onward to Europe in the hope of a safer, better life. With recent policy changes introduced by European governments to curtail the influx of refugees into Europe, the last option has become more difficult. But the growing desperation that is driving people to leave the Middle East means that their onward movement will only continue.

In Jordan, 50 per cent of Syrian refugees surveyed by NRC at the end of 2015 said that they were intending to leave because they saw no future.^{iv} In Lebanon, NRC research found that most Syrian refugee youth are considering onward movement because of harassment, the lack of residency status, unemployment and financial difficulties.^v

The February 4, 2016 Syria Donors Conference in London, co-chaired by Germany, Kuwait, Norway, the UK and the UN will rightly draw attention to the protection of civilians trapped in Syria. Conference organisers and Syria's neighbouring countries should be applauded for the practical steps they have proposed to improve refugees' access to education and livelihoods. However, without basic protection flowing from registration, legal stay and access to legal identity, implementing these new policies will not be enough to turn around the rapidly deteriorating protection environment for Syrian refugees across the region. Though refugees also face difficulties in Turkey, Iraq and Egypt, this briefing paper focuses on the situation in Lebanon and Jordan where the Norwegian Refugee Council (NRC) has been operating large aid programmes for a number of years.

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Registration and legal stay

During the course of the past year it has become increasingly difficult for refugees in Lebanon and Jordan to maintain updated registration, to secure residency visas and access civil documentation. Evidence and analysis by NRC demonstrate that problems related to securing legal papers, national registration, or valid residency visas, which facilitate freedom of movement across host countries, are key root causes of growing desperation among refugees.

In **Lebanon**, the government has been implementing policies aimed at decreasing the number of refugees on its territory since January 2015.^{vi} It has effectively closed its borders to all civilians fleeing violence and persecution in Syria and adopted complex and costly new regulations for residency renewal. These measures may have resulted in a **loss of valid legal stay for an estimated 70 per cent of the refugee population,^{vii} potentially representing more than 700,000 people.** Stringent requirements when

70 per cent of refugees in Lebanon are estimated to have lost valid legal stay

applying for renewal of residency related to housing and employment status are impossible for most refugees to meet, while the high cost of renewal—USD 200 in total for every person aged 15 years and over (plus around USD 75 to process documents)—is prohibitive for many. The alternative route—finding a Lebanese citizen to pledge responsibility for a refugee family—is not available to many, and is also fraught with risk of abuse and exploitation. Security checkpoints are common on Lebanese roads. Refugees without valid residency visas who travel through checkpoints risk being harassed, detained or issued with a deportation order.

In the spring of 2015, the security forces conducted raids on informal settlements in northern Lebanon, detaining Syrian refugees without valid residency documentation.^{viii} As a result, many refugees restrict themselves to their places of residence, severely limiting their access to livelihoods and basic services such as healthcare or education.

Why are you illegal? – Why documentation matters

The tiny tented settlement in Minieh, northern Lebanon, houses one extended family. They arrived to Lebanon in 2012 from a village close to Homs. Back in Syria, they were farmers and had a small transportation business on the side. In Lebanon, men work as daily labourers and the women stay at home.

Most people living in this settlement, like many other refugees in Lebanon, have not been able to renew their residency permits. They are unable to obtain the housing pledge they were asked to provide as the land they live on is public - even though every tent has to pay a monthly rent to a 'landlord' who regularly threatens them with eviction. They also cannot afford the USD 200 fee to renew residency: this is equivalent to two months' rent for people living in this community, which is difficult to find when work is unpredictable and wages never exceed USD 10 per day.

In the summer of 2015 soldiers entered the compound, rounded up the men who were present and searched the tents. All those without valid residency visas were arrested and detained for three days, before being released without charge. They were interrogated during the first day. During the interrogation, the security officials kept asking: "Why are you illegal?"

In **Jordan**, the government states that its borders remain open to asylum seekers, though they have effectively been closed off for some time. Since September 2014 there have been at least three major build ups of asylum seekers along the inhospitable informal north-eastern borders, the latest reportedly involving more than 16,000 refugees.^{ix} In 2015, an ongoing government registration or 'urban verification exercise' of Syrians in Jordan living outside of camps has allowed half of UN-registered refugees to regularize their status with the authorities and receive a biometric card needed to access services.^x

However, at the beginning of 2016, almost one year after the start of the urban verification exercise, **some 250,000 Syrian refugees in host communities are still estimated to be without an updated government registration.** Refugees are often unable to re-register with the government because of prohibitive costs, administrative requirements that are difficult to afford or fulfill, and/or because they are still waiting the return of their original Syrian identity documents retained by Jordanian authorities on arrival. Those without registration face daily difficulties accessing public health, education and other facilities at

subsidised rates and in some cases UN or NGO assistance. At the end of 2015, **37 per cent of Syrians interviewed by NRC said that without updated registration they were struggling to access local public health clinics and hospitals as well as schools.**^{xi} In the absence of updated registration, Syrian refugees in host communities try to avoid travelling far from their homes for fear of being detained by the authorities and sent to live in the refugee camps.

Civil documentation

Civil documentation plays a crucial role in securing legal identity, helping to prevent statelessness and protecting a range of human rights, particularly the rights of refugee children. In **Lebanon**, Syrian refugees' ability to obtain civil documentation is severely restricted. A 2015 NRC assessment found that **92 per cent of the refugees interviewed were not able to complete the legal and administrative steps required to register births.** This is due to the lack of legal residency or fear of travelling and approaching the authorities. Since the beginning of the crisis in 2011 the UN recorded approximately 70,000 Syrian births in Lebanon.^{xiii} Even if refugee parents do have valid residency visas, they may still lack other documentation like marriage certificates, which are needed to register births. However, marriage certificates are also hard to obtain. In late 2015, NRC monitoring of Syrian couples, who had married in Lebanon and subsequently sought legal advice, showed that only 13 per cent of them had managed to complete even the

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Close to **14,000 Syrian refugees, almost half of whom are children, have been involuntarily relocated to Zaatari and Azraq camps since April 2014** as a result of not having the required documentation, or for working without a work permit.^{xii} Many Syrian refugees see no future in these camps where they are entirely reliant on humanitarian assistance.

first step in the process to obtain marriage certificates.^{xiv}

In **Jordan**, a recent NRC survey of Syrian refugee households revealed that **close to 50 per cent of Syrian children under the age of five years are not included in the Syrian 'Family Book'**—a document which is issued by Syrian authorities and records the details of all family members.^{xv}

UNHCR estimates that **30 per cent of Syrian refugee children in Jordan do not have birth certificates**^{xvi} with NRC research finding that many Syrian refugees are unable to complete the birth registration process because they are often unable to produce official documents such as marriage certificates or ultimately unable to register because of the costs and time limits involved.^{xvii} In the course of providing ongoing NRC services in northern Jordan, some 25 per cent of Syrian refugees supported by NRC are waiting for their Syrian identity documents to be returned after they were retained by Jordanian authorities on arrival (the further impact of which is described above).^{xviii}

Where did this child come from? – The consequences of lack of civil documentation

As part of a broader piece of research on civil documentation challenges in Jordan in 2015, 20 families talked to NRC about the link between birth registration and access to services in Jordan.^{xix} Ten families described problems they had already experienced accessing subsidised healthcare for unregistered children. The father of one newborn baby, who could not be registered because the parents lacked proof of marriage, said: "We know we can't get essential services because he will not be able to get a service card". Another mother with an ill child told NRC: "She [the child] has to take medication but because she doesn't have a birth certificate, she doesn't have a service card, so no hospital or clinic could give me [subsidised] medication—I have to pay for it from my own money".

A number of families have also described to NRC the importance of having proof of the child's relationship to the parents and other family members. One young mother feared that, "when we go back to Syria, they will say, 'this is not your daughter, there isn't any proof.'" Another father stated: "Without documentation, they will ask us: 'Where is this child from?'"

Livelihoods

In both Lebanon and Jordan, problems with acquiring and maintaining legal documentation have had a direct impact on refugees' socio-economic status, pushing them deeper into poverty. While many refugee households report some kind of income from informal labour, the vast majority are forced to engage in negative coping strategies to survive, including spiraling debt, reducing food intake and taking children out of school so they can work to substitute the household's income.^{xx}

In Lebanon, 70 per cent of Syrian refugees live below the Lebanese poverty line,^{xxi} more than double the rate for Lebanese citizens.^{xxii} The requirement to sign a pledge not to work in order to renew residency on the basis of UNHCR registration represents a powerful measure to restrict refugees' access to employment. The alternative—forgoing the UNHCR registration and finding a Lebanese citizen to be their “sponsor”—carries risks of abuse and exploitation. Unable to earn an income, many refugees cannot meet their basic needs and **92 per cent of the most vulnerable Syrian families have accumulated substantial debts.**^{xxiii} In addition to covering food, clothes and household items, a typical Syrian refugee family has to pay an

average USD 200 a month in rent. They also need to pay for secondary healthcare since even those registered with UNHCR need to cover 25 per cent of costs.^{xxiv}

In Jordan, 86 per cent of Syrian refugees living outside of camps live below the national poverty line.^{xxv} Only 1 per cent of Syrian refugee workers have a permit. The rest lack legal income earning opportunities.^{xxvi} The high level of poverty has a severe impact on access to basic services. According to UNHCR, close to 60 per cent of adults with chronic medical conditions are not able to access medicines and health services following Ministry of Health policy changes, which mean that Syrian refugees are no longer granted to public health for free.^{xxvii} A 2015 assessment revealed that 97 per cent of school-aged children are at risk of non-attendance at school due to financial constraints and child labour.^{xxviii} Poverty is also a key driver of secondary displacement within Jordan, with a third of all households NRC surveyed in late 2015 saying that they would be forced to change their place of residence in the next three months, most often because they are unable to pay their current rent.^{xxix}

Education failures – what's keeping thousands of Syrian children out of school?

The range of barriers described above directly affects access to education for hundreds of thousands of Syrian refugee children in Lebanon and Jordan. Both countries have their own set of specific additional challenges that exacerbate the situation.

There are over 480,000 registered school-aged Syrian refugee children currently in Lebanon for whom 200,000 spaces have been made available in public schools in the current school year. Just over 157,000 have enrolled in 2015/16, which represents significant progress in comparison to 100,000 enrolled in 2014/15. However, drop-out rates are high, and already amount to an estimated 10,000 pupils.^{xxx} Hundreds of thousands still face challenges accessing education. Refugee children often live in isolated areas and/or in makeshift settlements and have to travel long distances in order to reach the nearest public school. The distances, combined with transportation costs, mean that many parents cannot afford to send their children to school. These challenges are compounded by the restrictions on residency renewal described above, cases of harassment by some members of the Lebanese host community, difficulties in coping with the language of instruction (French or English rather than Arabic) in Lebanese schools, and the lack of teaching expertise to support traumatized children or children who have been out of school for years. Finally, the rising levels of poverty and new restrictions on parents' ability to work mean that many are sending their children to earn an income to support the families.

In Jordan, four out of every 10 school-aged Syrian refugee children (close to 100,000 children) are out of school.^{xxxi} As in Lebanon, Syrian refugee parents in Jordan face numerous challenges to get their children back into schools, including lack of capacity of public schools to absorb large numbers of additional students,^{xxxii} registration and civil documentation challenges described above, incidental costs of education and need for children to work to support a family's income.^{xxxiii} NRC surveys found that in almost 85 per cent of cases, parents could not register their children in schools outside of camps or in new areas because they were told that schools lacked capacity or new procedures had been introduced limiting the ability of head teachers to register refugee children.^{xxxiv} More than four months into the new school only 17 per cent of parents NRC followed up with had been able to find alternatives to get their children into other schools.^{xxxv}

Desperate choices

Faced with worsening conditions, a number of Syrians resident in Lebanon and Jordan have joined the great outflow of refugees from the Middle East. Recent NRC and other surveys suggest that growing numbers of Syrian refugees across the region wish to make it to Turkey and on to Europe and elsewhere, in the hope of a safer, better life.

An estimated **100,000 to 150,000 Syrians left from Lebanon for Turkey during the summer of 2015**, mainly by sea from Tripoli port, according to UNHCR's calculations. UNHCR believes that the majority arrived directly from Syria, facilitated by specialised travel agencies. However, there is also evidence pointing to increased outward movement of Syrian refugees from Lebanon. For example, UNHCR has noted a threefold rise in self-reported non-resettlement departures in comparison to last year, **with estimates of up to 15,000 Syrian refugees already resident in Lebanon leaving the country**—a lot of them young, single men or male heads of households.^{xxxvi}

NRC surveys of Syrian refugee youth conducted in the north of the country in the last months of 2015 found that most Syrian refugee youth are considering onward travel from Lebanon. Boys aged 14-17 ranked harassment as one of their top three problems and a key driver of movement. Boys describe being confined to their homes for fear of being beaten, violently attacked by street gangs, or verbally harassed.^{xxxvii} Female survivors of gender based violence (GBV) are another group who wish to seek asylum outside of Lebanon due to the unique set of vulnerabilities they are exposed to within the community. Some of these survivors are encouraged by their families to go abroad to protect against further exposure to

violence.^{xxxviii} Among young men over the age of 17 who cited a desire to leave Lebanon, living a life with dignity was given as a main driver for seeking asylum abroad.^{xxxix} This is inextricably linked to the legal and social context, including residency status, unemployment and harassment such as arbitrary arrests, threats of eviction and curfews imposed on Syrians.^{xl} In the survey, 75 per cent of young men aged 18-25 stated the lack of access to jobs as one of their top three problems, while 90 per cent of women aged 18 to 25 ranked financial problems as one of their top three problems^{xli}.

In Jordan, **50 per cent of Syrian refugees surveyed by NRC at the end of 2015 said that they were intending to leave Jordan** because they saw no future, in particular because of not being able to find legal work, coupled with insufficient levels of assistance.^{xlii} Despite the perilous journey and new restrictive EU member state policies, 20 per cent of Syrian refugees who intended to leave said they would still try to make it to Europe. This is similar to earlier UNHCR studies where in September 2015, almost half of Syrian refugees surveyed said that they were thinking of leaving. In October 2015, 25 per cent of refugees interviewed said they were actively planning to leave Jordan either via Turkey (18 per cent) or to war-torn Syria (7 per cent).^{xliii} However, a majority of respondents who told NRC that they were intending to leave Jordan (46 per cent) expressed their hope to move to Canada, US or Australia. This reflected the desperate hopes of being offered resettlement or other opportunities through new humanitarian admission pledges that were announced in the late 2015 for Syrian refugees in Jordan.

Conclusions

The February 4, 2016 donor conference in London must aim to address both the protection concerns of people in Syria and those of refugees. The region-wide underclass being created by the lack of aid and government policies that are limiting refugees' access to legal stay and livelihoods can only create further desperation and unrest. Significant new levels of investment in the Middle East are urgently needed to support refugees and host communities. But this will only have tangible benefits if governments take steps now to shift the policies that prevent refugees from obtaining legal documents and better supporting themselves and their families. Without these changes, refugees will have no choice but to risk the often life-threatening trip to Europe or elsewhere in ever greater numbers. They will do so in the hope of a safer, better life.

Recommendations

To address the barriers to obtaining legal residency, registration and civil documentation, international donors attending the London Conference should work together with refugee-hosting governments to:

- Ensure respect for the rights of those fleeing violence and persecution by all countries in the region and outside the Middle East, including guarantees that refugees will not face refoulement.
- Ensure that refugees are able to obtain and regularize and/or renew their legal residency, register with UNHCR and the authorities, and are able to access basic services, irrespective of where they live.
- Simplify the procedures for issuing civil documentation to Syrian refugees—specifically marriage and birth certificates.

In Lebanon this means:

- Recognizing civilians fleeing the conflict in Syria as a group in need of protected status, regardless of how they entered the country or how they support themselves while in Lebanon, and ensuring that they can obtain and maintain valid residence.
- Removing barriers to obtaining or renewing residence permits including lifting residency renewal fees, a pledge not to work, sponsorship requirements and/or the need for 'housing pledges'. Administrative procedures should be simplified, standardised and realistic.

In Jordan this means:

- Reviewing policies that limit refugees' freedom of movement, including procedures that prevent Syrian refugees from leaving refugee camps. These procedures should have a clear and transparent appeal process that is monitored by an independent actor.
- Allowing UNHCR to register all Syrian refugees living in host communities and supporting their access to humanitarian assistance and services.
- Permitting Syrian refugees to access humanitarian aid regardless of their government and/or UNHCR registration status, mitigating the impact on host communities and public services.
- Continuing to review the parameters and requirements of the ongoing 'urban verification' exercise in order to ensure as broad as possible access for all Syrian refugees to public services.
- Eliminate elements of the civil documentation processes that are problematic for Syrian refugees, particularly fines and time limits, and expedite the return of Syrian identity documents retained by Jordanian authorities upon entry.
- Find reasonable solutions for those who do not have original Syrian identity documents, and separate out civil documentation procedures from government registration status.

To allow refugees to legally earn an income, while stimulating long-term economic growth for host economies, international donors attending the London conference should work together with refugee-hosting governments to:

In Lebanon:

- Encourage GoL to adopt measures that would allow refugees to support themselves.
- Lift the pledge not to work from the requirements to extend residency visas. As a minimum, open access to the labour market for Syrians in the occupations in which they were allowed to work prior to 2015 (construction, agriculture and some services).
- Put in place measures to ensure that work accessible to refugees is in line with dignified labour standards and ensure that programmes put in place to support refugee employment are not conducive to exploitation.
- Ensure that integration of refugees into the labour market is not done at the expense of the vulnerable Lebanese population.

In Jordan:

- Ensure specific accommodations for Syrian refugees to apply and receive work permits from Jordanian authorities in sectors open to foreigners. Ensure legal status is not affected by, or used as a criterion, for obtaining a work permit, and that Syrian refugees continue to be able to be registered with UNHCR regardless of work permit status.

- Ensure that Syrian refugees working informally in camps and host communities are not penalized, including through detention, imprisonment, fines, and/or relocation to the camps or deportation back to Syria.
- Support broader livelihoods programming in both camps and host communities aimed at strengthening vulnerable Syrians and impacted host communities.

*To ensure **protection is also offered outside of Syria's neighbouring countries**, international governments should:*

- Offer resettlement to the most vulnerable refugees, at least equivalent to 10 per cent of the refugee population by end of 2016, as well as subsidiary protection or other forms of humanitarian admission such as family-based immigration processes or academic scholarship opportunities.

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refugee protection failures
in Jordan and Lebanon

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Front photo: New arrivals in Zaatari Camp,
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