



NORWEGIAN  
REFUGEE COUNCIL

# Birth Registration Update

THE CHALLENGES OF BIRTH REGISTRATION  
IN LEBANON FOR REFUGEES FROM SYRIA

Information, Counselling and Legal Assistance Programme  
LEBANON, JANUARY 2015



Researched and written by the Information, Counselling and Legal Assistance (ICLA) programme, NRC Lebanon, January 2015.

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NORWEGIAN  
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# BIRTH REGISTRATION UPDATE

## The Challenges of Birth Registration in Lebanon for Refugees from Syria

**Information, Counselling and Legal Assistance Programme, Lebanon**

JANUARY 2015

## NORWEGIAN REFUGEE COUNCIL

The Norwegian Refugee Council (NRC) is an independent, international, humanitarian non-governmental organisation that provides assistance, protection and contributes to durable solutions for refugees and internally displaced people worldwide.

## NRC LEBANON

NRC has been working in Lebanon since 2006, and has grown significantly since the start of the Syrian crisis. Through its core activities of Shelter, ICLA, Education, Community Capacity Building and WASH, NRC provides humanitarian assistance and protection to refugees from Syria, host communities, as well as to the Palestinian refugees already living in the country.

## INFORMATION, COUNSELLING AND LEGAL ASSISTANCE (ICLA) PROGRAMME, LEBANON

In March 2012, NRC commenced its ICLA programme in Lebanon to provide information, counselling and legal assistance to refugees and displaced persons in Lebanon. Currently, ICLA has two main areas of work: (1) the Palestinian refugee response; and (2) the Syrian response.

ICLA activities throughout Lebanon include awareness-raising, legal information, legal assistance, referrals to other service providers, training, legal research and strengthening the provision of legal aid by working with lawyers, jurists and law students.

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# 1. EXECUTIVE SUMMARY

Currently, it is estimated that there are 1.5 million refugees and asylum seekers<sup>1</sup> who have sought refuge in Lebanon due to the conflict in Syria. Most of these refugees and asylum seekers have some form of legal identity. However, for their children born in Lebanon, access to legal identity remains an ongoing challenge. Birth registration is one process that ensures a child's access to their right to legal identity. When a person's birth goes unregistered, it makes it more difficult to seek international protection, to access basic services and to avoid the threat of statelessness. The Norwegian Refugee Council's (NRC) Information, Counselling, and Legal Assistance (ICLA) programme assists parents who have fled the conflict in Syria to register the births of their babies who are born in Lebanon.

In early 2013, NRC conducted a pilot project on birth registration in the Bekaa valley that identified the gaps and obstacles that Syrian refugees and Palestinian Refugees from Syria (PRS) face when trying to register births in Lebanon. The project also identified the essential role that birth registration and other civil documentation plays in refugees' protection and access to services. Since then, NRC's ICLA activities on birth registration have been further developed to respond to identified needs and are provided throughout Lebanon. As part of its work on birth registration for refugees, NRC continues to monitor changes in procedures, document challenges faced by refugees, provide awareness-raising sessions for fieldworkers and local authorities and coordinate with other actors.

As a follow-up to its initial pilot project, an update in January 2014,<sup>2</sup> research and ongoing activities, NRC conducted an assessment between March and June 2014 in order to identify: (1) steps of the birth registration procedures that refugees can successfully complete; (2) the reasons why refugees cannot complete certain steps; and (3) the consequences or challenges that refugees face as a result of not following the necessary procedures to register births. As well as set out the legal framework for birth registration, this update presents the findings of the assessment and documents the challenges faced by refugees in relation to birth registration in Lebanon. **NRC's assessment found that, for a variety of reasons, 92% of the refugees interviewed were not able to complete the possible<sup>3</sup> legal and administrative steps to register the births of their children born in Lebanon. This situation makes the risk of not having a legal identity and potential statelessness among refugee children particularly acute.**

It is important to note that in Lebanon, the full birth registration process for foreigners on Lebanese territory includes five main steps. However, most protection and legal actors providing advice on birth registration (including NRC) mainly recommend that refugees complete the first three time-sensitive steps. These include:

1. receiving a Birth Notification from the birth attendant;
2. visiting the relevant *Mukhtar*, who should provide a Birth Certificate; and then
3. taking the documentation for registration at the Personal Status Department that includes (a) the *Nofous*; and (b) only if the parents have legal stay documentation, the Foreigner's Register.<sup>4</sup>

1 BBC website, *Syrians entering Lebanon face new restrictions*, 5 January 2015, available at [<http://www.bbc.com/news/world-middle-east-30657003>], last accessed on 18 January 2015.

2 NRC, *Legal Assistance – Update on Birth Registration for Refugees from Syria*, January 2014.

3 'Possible' refers to the birth registration steps that refugees are able to achieve according to their circumstances and not necessarily all birth registration steps.

4 After the registration at the Personal Status Department, the parents can then certify the original Birth Certificate at the Ministry of Foreign Affairs. The original Birth Certificate will be stamped at the Ministry of Foreign Affairs (at a cost of LBP 1,000). Parents can then approach the Syrian Embassy with the official Birth Certificate and their identity documents to register the birth also in Syria, in order to get Syrian identity documents for the child.

Throughout this update, unless otherwise mentioned, NRC refers to these three steps when discussing the birth registration process for refugees from Syria in Lebanon. 243 of the 797 refugees interviewed for NRC's assessment (30%) did not complete the second step that involves going to the *Mukhtar* and 652 out of 797 interviewed (82%) did not complete the third step of registering at the *Nofous*. These steps should be completed within 12 months of the baby's birth.

NRC found that it is not the perception that civil documentation and legal identity are unimportant that prevents refugees from registering the births of their children. Refugees interviewed by NRC expressed their concerns about their inability to register births or to achieve birth registration steps even though they try to follow the necessary procedures. 95% of refugees interviewed stated that they wish to complete the registration process.<sup>5</sup> However, many refugees reported that they were unable to obtain a Birth Certificate from a *Mukhtar* or visit the *Nofous* because they do not have legal residency in Lebanon. As a result, they fear travelling, avoid contact with local administrative officials, and even when they do seek out local authorities, are sometimes denied documents. This is unfortunately the case even though proof of valid legal residency in Lebanon is not required for any of the initial birth registration steps up to the *Nofous* step. Finally, even if refugees do have valid residency visas for Lebanon, they may still lack other documentation or face other challenges that prevent them from successfully completing the relevant birth registration procedure. Specifically, many refugee parents lack a valid proof of marriage, which is necessary to complete the initial steps in the birth registration process, particularly obtaining a Birth Certificate from the *Mukhtar* and then at the Personal Status Department and often at the *Nofous*.<sup>6</sup>

In response to these challenges and given that refugees mostly understand how important it is to register the birth of their babies, refugees use a range of coping mechanisms to try to access legal identity for their children. Some of these practices can create serious protection issues for refugee parents and children. One coping mechanism involves refugees returning to Syria with their children to register them there or parents travelling to obtain missing legal documents. Returning to Syria, where the conflict continues, presents a threat to parents and their children. The fact that crossing the border often involves a bribe or is done informally to cover up the fact that an undocumented child is travelling greatly increases child protection risks, including trafficking and abuse.

Finally, recent policy changes by the Lebanese government indicate that refugees who return to Syria for any reason may have difficulties crossing the border again or may lose their access to humanitarian support in Lebanon. In an environment of increasing insecurity and uncertainty in policy and focus on documentation, this update finds that major obstacles make it very challenging for refugees to acquire adequate documentation for their children, limiting these children's right to a legal identity, increasing the risks of statelessness, and creating serious protection issues for refugee families from Syria.

<sup>5</sup> From NRC's ongoing ICLA fieldwork, it is likely that some parents do not want to register the birth of their child because of the perception that it is difficult or expensive to do so. However, this was not ascertained specifically from this assessment.

<sup>6</sup> Under Lebanese law, proof of marriage is not required at the *Nofous* but NRC has monitored through its fieldwork that it is increasingly requested from parents.



## 2. LEGAL IDENTITY FOR DISPLACED CHILDREN IN LEBANON

As a result of the armed conflict in Syria, Lebanon hosts the highest number of refugees in the Middle East, with over 1.1 million refugees<sup>7</sup> registered with the United Nations High Commissioner for Refugees (UNHCR),<sup>8</sup> an estimated 300,000 who have not registered<sup>9</sup> and approximately 45,000 Palestinian refugees from Syria (PRS).<sup>10</sup> Until the last quarter of 2014, Lebanon had mainly kept its borders open and had received Syrian refugees since the beginning of the Syrian conflict. Over time, as the crisis has grown protracted, UNHCR has estimated that approximately 41,000 babies have been born to Syrian refugee parents in Lebanon since the start of the crisis in Syria.<sup>11</sup>

Birth registration is an administrative process that records the birth of a baby and links a child to the date of birth, parents, nationality, and provides legal identity, which is a legal right protected under international law. When a baby is born, regardless of the location, parents register the birth with the relevant authorities creating a legal identity for their children. When a refugee parent gives birth during displacement, it is the responsibility of the host country to provide an accessible administrative procedure so that the child will not risk losing his or her nationality. As with other forms of assistance to refugees or displaced persons, where the host country is unable to do this, international actors (such as the UN and NGOs) can provide support to the host country to assist the process.

This section outlines the international legal context and the legal framework in Lebanon for accessing birth registration and protecting against statelessness. Refugee parents whose children are born on Lebanese territory must register their babies with the Lebanese authorities to ensure their legal identity. The specific legal status of Syrian refugees and PRS in Lebanon has resulted in a situation where most refugees follow some (but not all) birth registration steps that any non-national would follow in order to register the birth of a child in Lebanon.

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7 Throughout the report, the term 'refugee' is used to describe people who have fled from Syria and does not consider the position of each person's refugee status under international law. In addition, while Lebanon hosts a population of Palestinian refugees who arrived prior to the Syrian crisis, this report focuses on civil documentation for children (Syrian and Palestinian) born in Lebanon as a result of the current crisis.

8 See UNHCR Syria Regional Refugee Response – [Inter-agency Information Sharing Portal - <http://data.unhcr.org/syrianrefugees/country.php?id=122>], last accessed on 31 December 2014.

9 Reasons for not registering with UNHCR may include that refugees are not eligible for registration (according to the UNHCR Lebanon criteria) or are unwilling to register.

10 UNHCR, November 2014.

11 See UNHCR *Inter-agency Update on Statelessness*, 19 December 2014, [<http://data.unhcr.org/syrian-refugees/documents.php?page=1&view=grid&Search=%23%23&Type%5b%5d=9>] last accessed on 31 December 2014.

## A. LEGAL IDENTITY UNDER INTERNATIONAL HUMAN RIGHTS LAW

The right to register the birth of a child is an international human right. Birth registration is defined as the continuous, permanent and universal recording, within the civil registry, of the occurrence and characteristics of a birth in accordance with the legal requirements of a country.<sup>12</sup> The process of birth registration and the documents that prove a person is registered establish basic facts about a person's identity, in particular the date of birth, parentage, and the place of birth.

### CONSEQUENCES OF NOT OBTAINING LEGAL IDENTITY

It is very challenging for a person to establish legal identity and to acquire a nationality without an officially recognised birth certificate or equivalent birth registration documentation. Persons without birth registration documentation or who have not been registered may be denied education; they can face early marriages; they may be more vulnerable to illegal adoption, military recruitment, child labour and trafficking; and they may be at risk of statelessness.<sup>13</sup> The lack of birth registration or the absence of documents does not, on its own, make a person stateless, but it creates a high risk that people will not be considered nationals by any state.

International human rights law makes multiple references to birth registration, the right to identity and nationality. The Universal Declaration of Human Rights (1948)<sup>14</sup> and the Convention on the Reduction of Statelessness (1961) are two instruments that protect an individual's right to a nationality. In addition, as stipulated by both the International Covenant on Civil and Political Rights (ICCPR)<sup>15</sup> and the Convention on the Rights of the Child (CRC),<sup>16</sup> all children, regardless of where they were born, should be registered immediately at birth. The CRC affirms that state parties have a responsibility to register births and to "ensure the implementation of these rights" through the registration of the child "immediately after birth."<sup>17</sup> The ICCPR also establishes a right for children to have their births registered, in accordance with its Article 24.<sup>18</sup>

One potential gap under international law is how displaced populations should exercise their right to legal identity through access to birth registration and what actions a state must take to make sure that displaced people can access their rights.

<sup>12</sup> United Nations Children's Fund (UNICEF), *A Passport to Protection, A Guide to Birth Registration Programming*, December 2013.

<sup>13</sup> Plan International, *Birth registration in emergencies: a review of best practices in humanitarian action*, April 2014, pages 11-13.

<sup>14</sup> Although the Universal Declaration of Human Rights is not a binding document, many of its provisions are considered to be customary international law.

<sup>15</sup> Accession by Lebanon to the International Covenant on Civil and Political Rights Convention on 3 November 1972.

<sup>16</sup> Lebanon ratified the Convention on the Rights of the Child on 14 May 1991.

<sup>17</sup> Article 7 CRC states that "1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. 2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless".

<sup>18</sup> Article 24 ICCPR states that "1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State. 2. Every child shall be registered immediately after birth and shall have a name. 3. Every child has the right to acquire a nationality".

Under international law, if large-scale population flows might lead to the creation of stateless children, the hosting state should create straightforward procedures for displaced persons to regularise their presence on that state's territory. The registration of children becomes the minimum obligation under the CRC, which states specifically that a government must “undertake all appropriate legislative, administrative, and other measures” necessary to ensure implementation of the rights contained in the CRC and “the best interests of the child shall be a primary consideration” for all actions concerning children.<sup>19</sup>

In relation to the right to birth registration under Article 24 of the ICCPR, the Human Rights Committee (HRC) of the ICCPR has not yet provided specific guidance on how this process should be made accessible to all people, especially in contexts where other civil documentation (such as identity documents and marriage certificates) may be lacking. In its General Comment, the HRC states that “the implementation of [Article 24] entails the adoption of special measures to protect children, in addition to the measures that States are required to take under Article 2 to ensure that everyone enjoys the rights provided for in the Covenant.”<sup>20</sup> Arguably these special measures oblige a state to take affirmative steps to ensure that the right to birth registration is fulfilled. Similarly, the CRC Committee does not specify what procedures a state must implement so that children can access their right to legal identity and nationality. It is primarily concerned that some adequate kind of procedure be put in place to provide access to all rights under the CRC. Together these two treaties protect the right of all children, regardless of whether they are born in displacement or not, to a registered birth, a legal identity and a nationality.

Lebanon is not a signatory to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol. As a result, Syrian refugees do not have a special status in the country. Lebanon is also not a signatory to the 1954 Convention on the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness, nor has it ratified the Arab Charter on Human Rights (although it has acceded to the Charter), all of which have specific provisions protecting children's right to a legal identity in circumstances of displacement.<sup>21</sup> However, Lebanon is a signatory to the CRC and still has international obligations to register births that take place on its territory. Given this legal framework, the Lebanese government in cooperation with international partners has worked to try to increase access to birth registration for children born in Lebanon during the Syrian crisis.

<sup>19</sup> Article 4 CRC states that “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.” In conjunction with Article 3 para. 1 CRC “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”.

<sup>20</sup> General Comment No. 17 - Rights of the child, (Article 24), (Thirty-fifth session, 1989), [[http://tbinetnet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11](http://tbinetnet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11)], last accessed on 18 January 2015.

<sup>21</sup> Arab Charter on Human Rights, with a list of countries that have acceded to the Charter available at: [<http://www.refworld.org/docid/3ae6b38540.html>], last accessed on 18 January 2015.

## B. BIRTH REGISTRATION PROCEDURES: BIRTH REGISTRATION STEPS IN LEBANON ACCORDING TO THE LAW

Foreign nationals in Lebanon are required to follow five steps to register the births of their children. **Due to the circumstances surrounding Syrian refugees' and PRS' residency status in Lebanon, UNHCR, NRC and other humanitarian actors only recommend that refugees complete the first three steps outlined in the box below.** It is important to note that these steps are only possible for babies born in Lebanon and not for newborns or babies that arrive in Lebanon.<sup>22</sup> These steps are referred to as the “birth registration steps” or “birth registration procedures” throughout this update.

Both parts of step three (at the *Nofous* and Foreigners' Register at the Personal Status Department) were previously only recommended for parents who possessed a valid residency visa. Parents who entered Lebanon through unofficial borders or who entered through official borders but were then unable to renew their residency visa (considered ‘illegal’ under Lebanese law)<sup>23</sup> were previously advised not to complete step three as long as they did not have documents that demonstrate their legal residence in Lebanon. However, this advice has been updated so that parents without a legal entry or valid residency visa are now able to approach the *Nofous* in order to register the birth and thus complete step three part (a), but are still not recommended to approach the Foreigners' Register at the Personal Status Department for part (b).<sup>24</sup> The reason that approaching the *Nofous* is emphasised is that completing step three part (a) interrupts the one-year time limit to register the birth of a baby. If the parents are able to complete step 3 part (a) at the *Nofous*, then, at a later stage, they are able to continue birth registration steps without having to go to court after acquiring the necessary documents, which include a valid residency visa.

There are additional steps to the birth registration process in order to register the birth of a baby if the parent does have valid legal residency. Following the visit to the local Personal Status Department, parents should visit the Lebanese Ministry of Foreign Affairs and then the Syrian Embassy. Once these steps are completed, the family must get an exit permit from the General Security Office<sup>25</sup> when they decide to leave Lebanon. These steps are unrealistic for most refugees from Syria currently residing in Lebanon and are not recommended. However, the first steps of the process outlined below allow parents to obtain documents that greatly increase the chances of their babies' obtaining a legal identity in Syria in the future.

22 Babies that arrive in Lebanon with refugee parents cannot register their births in Lebanon and are not recommended to return to Syria to register the births. Although outside of the scope of this update, this is a serious issue that could also lead to the risk of statelessness.

23 NRC, *The Consequences of Limited Legal Status for Syrian Refugees in Lebanon: NRC Field Assessment in Aarsal and Wadi Khaled*. Beirut, December 2013.

24 NRC, *ICLA Factsheet Series for Lawyers - Civil Documentation*, 2014, p.8.

25 The General Security Office is a department within the Ministry of Interior and is responsible for entry, stay and exit of foreigners in Lebanon.

## BIRTH REGISTRATION PROCEDURES FOR NON-LEBANESE BORN IN LEBANON

### FIRST THREE STEPS

The birth registration process for babies born to Syrian refugee or PRS parents in Lebanon comprises three main steps that should be completed within 12 months of the baby's birth:

**Step One:** Obtain a Birth Notification – a document usually obtained from the birth attendant, usually at the hospital or from a certified midwife.

1

**Step Two:** Obtain a Birth Certificate – obtained from the *Mukhtar* (local leader) located closest to the place of birth. The main documents/resources required for this are (1) the Birth Notification document; (2) identity documents, one for each parent as well as copies of these documents (i.e. either their family booklet, or the family extract, or their ID cards/valid passports along with the marriage certificate); and (3) a fee of up to LBP 30,000.

2

**Step Three:** Approach the Personal Status Department (PSD) to register the Birth Certificate. The PSD includes two parts:

**a) *Nofous* (local government registry office).** This part of step three should be completed within one year of the birth or the parents will have to go to court to complete the birth registration. Parents are required to go to the *Nofous* that is nearest to the place where the baby was born. Proof of marriage is not officially required but is sometimes requested. The administrator will fill out boxes 14 and 15 of the Birth Certificate and stamp it. Parents will receive a document number and a date from the *Nofous*. The document number together with the date will interrupt the deadline of one year for the birth registration.<sup>26</sup>

3

**b) Foreigners' Register at the Personal Status Department of the relevant Governorate.** If they have legal stay documentation, once parents have visited the *Nofous* they go to a different office (often in the same building) where the first three steps of the birth registration can be finalised.<sup>27</sup>

<sup>26</sup> NRC, *ICLA Factsheet Series for Lawyers- Civil Documentation*, 2014, p.9.

<sup>27</sup> NRC, *Legal Assistance - Update on birth registration for refugees from Syria, Lebanon*, January 2014.



### **3. METHODOLOGY OF ASSESSMENT**

## A. RESEARCH METHODS

NRC's 2014 assessment on birth registration aimed to understand the obstacles that refugees from Syria face in Lebanon when they attempt to access civil documentation and in particular, register the births of their children. To achieve this goal, the assessment, carried out by ICLA teams throughout Lebanon, used a combination of data collection strategies, including the collection of both quantitative and qualitative data in addition to reviewing secondary data from reports of other organisations.

**Consent** - Consent was sought from all participants who contributed to the assessment. During the informed consent process, participants received information that their willingness to participate in the assessment would not impact on their access to NRC services. Special measures were taken to ensure the confidentiality and safety of the interviewees.

**Quantitative data** - The quantitative data was collected through 797 individual interviews based on a short questionnaire (interviews lasted between five and seven minutes). These individual interviews allowed the assessment team to select cases with particularly relevant or challenging profiles for further in-depth interviews and their short length increased the number of interviews the team could complete and include in the database. 341 (134 females, 207 males) out of the 797 refugees from Syria who were individually interviewed approached NRC community centres for information and counselling services. ICLA field staff also interviewed 456 (174 females and 282 males) refugees from Syria during outreach activities. These refugees were interviewed in informal settlements, collective shelters and other communities where NRC works because they fit the profile required for the assessment: parents who have children born in Lebanon during their displacement. Inclusion of these latter respondents aimed to increase the representation of the respondents beyond those who actively approached NRC for assistance.

**Qualitative data** - The qualitative data collected by the NRC assessment teams included 12 in-depth interviews, each lasting for about one hour. These interviews were structured around a set of open-ended questions designed to gather confidential information about interviewees' personal experience. In addition, data was collected from 11 focus group discussions (FGDs). Seven FGDs were conducted with only women and four of the FGDs were conducted with only men, each tackling specific profiles of respondents (i.e. women living in informal settlements; women with informal marriages; and individuals who reported they did not get beyond the *Nofous* step). In addition, 32 key informant interviews were conducted. Those included five interviews with representatives of UN agencies, two with international NGO staff working on civil documentation, two with local NGOs, five with government hospital directors, six with *Mukhtars*, three with Sheikhs, two with NRC lawyers, one with a representative from a religious court and four with members of Palestinian Popular Committees.

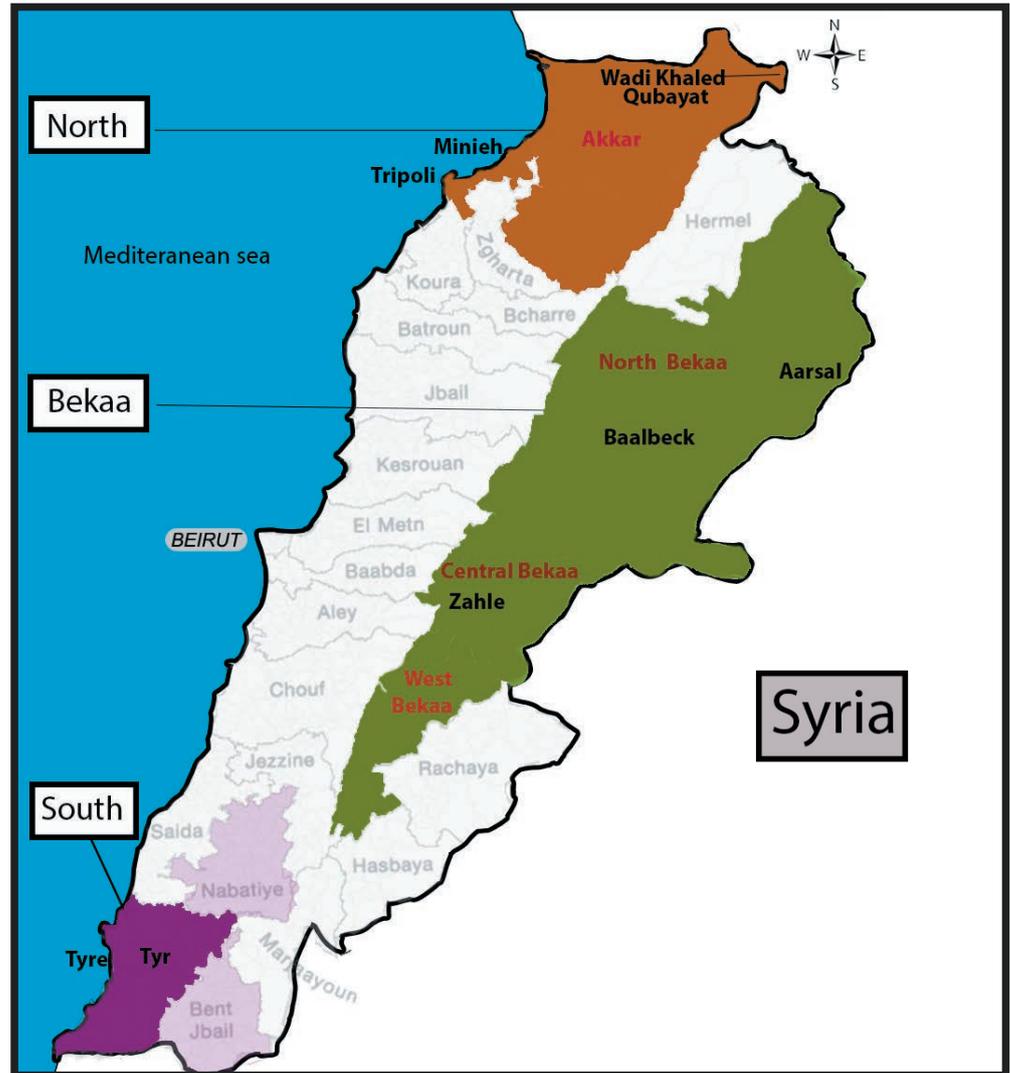


Figure 1: Locations assessed

**Locations assessed** – The assessment was conducted in all areas of NRC ICLA operation, including Beirut/Mount Lebanon, the Bekaa Valley, the North and the South of Lebanon.

## B. LIMITATIONS

At the beginning of the assessment, the aim was to target both Syrian refugees as well as PRS. However, the NRC team faced challenges when trying to reach out to PRS who gave birth or who are pregnant in Lebanon. PRS in Lebanon tend to live in Palestinian refugees camps, in small family units spread amongst the population of Palestinian refugees from Lebanon, making it more challenging to reach them. Only teams based in the North and the South of Lebanon conducted assessments with PRS.

The quantitative survey included refugees from Syria in areas where NRC works, with one part of the sample representing refugees approaching NRC community centres and the other part comprising respondents who fit the assessment profile and who were accessible during ICLA outreach activities. This sample provides a good picture of the situation in the areas where NRC is present but it is not necessarily representative of the entire Syrian refugee population in Lebanon. As an ongoing part of NRC's approach, ICLA has been adapting its outreach modality to endeavour to reach as many refugees in need of legal assistance on birth registration and other issues and will continue to do so.

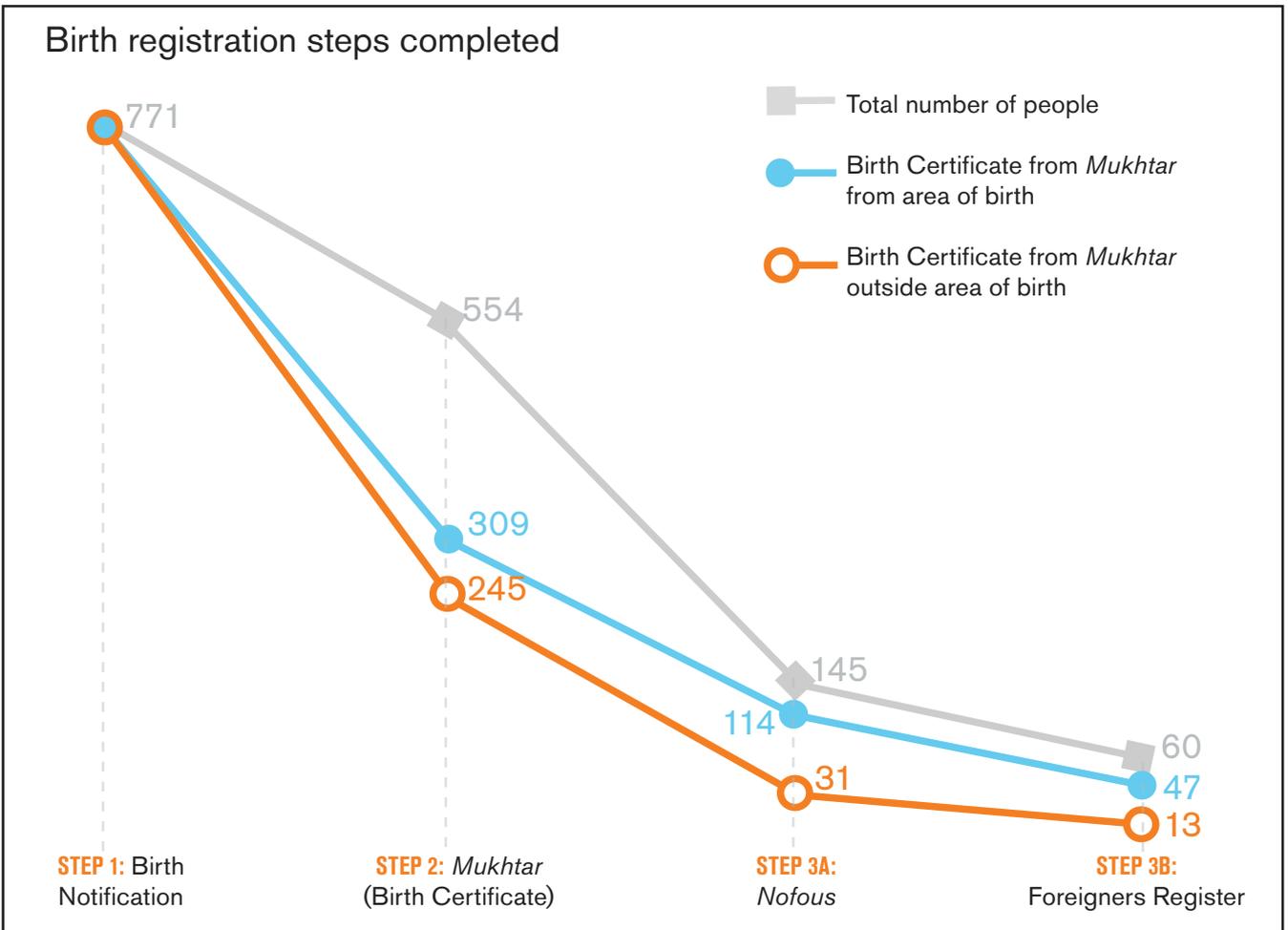


## 4. CHALLENGES REFUGEES FACE SEEKING TO REGISTER THE BIRTH OF THEIR CHILDREN



**Figure 2:** Refugees interviewed who should have been able to register the birth of their baby according to Lebanese law (i.e. complete all birth registration steps). Number and percentage of interviewed refugees who (a) could register a birth without a court process (i.e. in possession of all relevant documents and the birth was less than one year ago) (22%); or (b) could not register a birth according to Lebanese law (78%).

From the refugees interviewed, only 22% should have been able to complete all birth registration steps under Lebanese law, as set out in Figure 2 (Refugees interviewed who should have been able to register the birth of their baby according to Lebanese law). Even when refugees cannot complete all birth registration steps, they are usually able to complete some of the steps, including receiving a Birth Certificate and lodging this at the *Nofous*. Data collected from refugees in areas where NRC works shows that most refugees start the process of registering the births of their children, but they do not complete the recommended steps. This section reviews the data on how far refugees progress with the registration of their children. The data demonstrate where in the procedure refugees face the most difficulty. The research also identifies the factors that contribute to refugees' inability to complete the birth registration process. These include the financial ability of refugees to cover the costs of the birth; the place where



**Figure 3:** Birth registration steps completed after receiving Birth Certificate - Number of refugees that have completed the recommended birth registration steps, total and by type of Birth Certificate (obtained from *Mukhtar* in area of birth or from *Mukhtar* from area outside of birth).

the children are born; other civil documents that parents do or do not possess; lack of information about the process; fear of travelling within Lebanon; and the inconsistent implementation of the administrative regulations governing birth registration. Given these obstacles, refugees use a variety of coping mechanisms to try to register the birth of their children, many with serious protection implications.

## A. THE CHALLENGING STEPS IN THE BIRTH REGISTRATION PROCESS

Data collected from parents seeking to register the birth of their children in areas where NRC works shows that almost all refugees (771 out of 797, or 97%) obtain a Birth Notification from the relevant birth attendant (hospitals, midwives, or doctors). This is set out in Figure 3 (Birth registration steps completed after receiving Birth Certificate). The remaining 3% could not obtain a Birth Notification because they gave birth at home without a certified midwife. This finding confirms that this step is possible for almost all refugees.

70% of the refugees interviewed (554 out of 797) also successfully completed the second step of the process and approached a *Mukhtar*.<sup>28</sup> Although far from perfect, this suggests that a majority of the refugees interviewed do try to obtain a Birth Certificate.

The third step of the birth registration process is where refugees report having the most problems, confirming the findings from ICLA fieldwork. An analysis of the data suggests that how refugees complete the second step of the process may influence their success with the third step. As Figure 3 shows, refugees either approach *Mukhtars* in the area where their child was born or *Mukhtars* from a different area.<sup>29</sup> The lines in Figure 3 show that approaching a *Mukhtar* outside the area of the child's birth may affect the ability of parents to approach the *Nofous* or increase the perception that the *Nofous* will not fully process the application. The orange line (showing refugees who went to a *Mukhtar* outside the area of their child's birth) is below the blue line (refugees who went to a *Mukhtar* in the area of the child's birth). 37% (114 out of 309) of refugees who approach a *Mukhtar* in the area where their child was born end up approaching the *Nofous*, compared with only 13% (31 out of 245) of refugees who have obtained a Birth Certificate from a *Mukhtar* in the area outside of their child's birth.

It is important to note that the law does not explicitly state that a Birth Certificate from a *Mukhtar* outside the area of birth will not be accepted at the *Nofous*. Lebanese law provides that the parents must get the Birth Certificate from the *Mukhtar* closest to the place of birth but does not specify the consequences if it is obtained from a different *Mukhtar*. This ambiguity could accommodate refugees, who for whatever reason (such as cost of transportation or limited freedom of movement) cannot approach the *Mukhtar* closest to the area where their child is born. One reason identified from ICLA fieldwork is parents who are able to access a hospital for the birth of the baby but then have difficulties accessing the same area to obtain a Birth Certificate from the *Mukhtar* closest to the hospital, often for reasons of limited legal status.<sup>30</sup> The data suggest a link between not following the administrative process precisely and getting to the third and later steps of the birth registration process. Of the 145 refugees who completed part (a) of the third step in the registration process (lodging an application at the *Nofous*), 114 had a Birth

28 Usually the Birth Certificate should be obtained from the *Mukhtar* closest to the place of birth. However, this is not always possible for refugee parents who may have limited freedom of movement or find it easier or cheaper to obtain the Birth Certificate from an alternative *Mukhtar*. This can lead to problems at later steps in the birth registration process.

29 It is important to note that this graph is not meant to prove that a Birth Certificate from a *Mukhtar* outside the area of birth was the exclusive reason for facing difficulties to register the birth but to highlight a possible link.

30 For more details about the consequences of limited legal status for refugees in Lebanon, see NRC, *The Consequences of Limited Legal Status for Syrian Refugees in Lebanon: NRC Field Assessment in Aarsal and Wadi Khaled*, Beirut, December 2013 and NRC, and *The Consequences of Limited Legal Status for Syrian Refugees in Lebanon: NRC Field Assessment, Part Two: North, Bekaa and South*, Beirut, March 2014.

Certificate from the *Mukhtar* in the area where the child was born compared with only 31 refugees who had a Birth Certificate from a *Mukhtar* from a different area to where the baby was born (Figure 4 – Additional birth registration steps completed).

Which *Mukhtar* a refugee approaches is not the only factor that plays a role in the ability for refugees to complete the birth registration process. Figure 4 shows that for all refugees, completing the third step of the process is very difficult (only 8% of refugees who obtained a Birth Notification manage to complete this step). This section and the next explore additional factors that explain this situation.

**Additional birth registration steps completed by 771 interviewed refugees who received a Birth Notification, by *Mukhtar's* area of jurisdiction**

	<i>Mukhtar</i> from any area		<i>Mukhtar</i> outside area of birth		<i>Mukhtar</i> from area of birth	
<i>Mukhtar</i> (Birth Certificate)	554	72%	245	32%	309	40%
<i>Nofous</i>	145	19%	31	4%	114	15%
Foreigners' Register	60	8%	13	2%	47	6%

**Figure 4:** Additional birth registration steps completed by the 771 interviewed refugees who received a Birth Notification, by *Mukhtar's* area of jurisdiction. This shows which additional steps interviewed refugees could complete after receiving a Birth Notification. The additional steps are (a) obtaining a Birth Certificate; (b) lodging an application at the *Nofous*; or (c) registering the birth at the Foreigners' Register.

## B. FINANCIAL SITUATION AND PLACE OF BIRTH

The assessment explores the other factors that shape whether a refugee is able to complete the recommended three steps of the birth registration process. The assessment found that the parents' financial means often impact their choice of the place of birth and the person who delivers the baby. This, in turn, affects the birth registration process. Refugee parents in Lebanon can choose between going to a hospital contracted by UNHCR, a non-contracted hospital, a medical clinic, or delivering their baby at home. Refugee respondents stated that their choice is dependent on several factors: the proximity of the health facilities, their fear of checkpoints (which limits their travel to specific delivery locations), whether refugees possess the documents required by the hospital, and perhaps most importantly, the ability of the parents to cover the expenses of the birth delivery.

86% of the refugees interviewed at the time of the assessment were registered with UNHCR or (for PRS) had their details recorded by UNRWA. This facilitated their choice of place of delivery, as UNHCR covers 75% of the cost of delivery and UNRWA covers 100% for PRS. Participants in focus group discussions suggested that even if they were not initially registered with UNHCR, refugees often decided to register with UNHCR at a later stage in order to access hospitals contracted by UNHCR and obtain financial support for the birth of their baby.

For refugees who do not or cannot register with UNHCR or UNRWA, lack of financial means is a key reason behind their decision to deliver at home. Home births, especially those attended by uncertified midwives (the least expensive option for parents), increase the obstacles to getting a Birth Notification. The assessment found that many refugees

manage to obtain the correct documents when their children are born, but that those who do not obtain them often fail because their birth attendants do not understand or otherwise cannot fulfil their responsibility to provide a Birth Notification.

### Birth delivery from an uncertified midwife

### CASE STUDY ONE

UNHCR referred Ali,<sup>31</sup> 25 years old, to ICLA regarding a birth that took place in a tent and without obtaining a Birth Notification. Ali informed the ICLA lawyer that his wife gave birth at home with the help of a Syrian midwife. The local *Mukhtar* refused to issue a Birth Certificate without having a Birth Notification issued from a doctor or an authorised midwife.

The ICLA team accompanied Ali to the relevant *Mukhtar* and explained that the midwife issued a written Birth Notification and signed it in accordance with the relevant laws and regulations. The *Mukhtar* accepted to issue a Birth Certificate but unfortunately the midwife had returned to Syria and could not sign it which meant that Ali was not able to obtain the Birth Certificate until the midwife returned from Syria (which to NRC's knowledge has not yet happened).

## C. THE IMPACT OF CIVIL DOCUMENTS IN THE BIRTH REGISTRATION PROCEDURE

The assessment also found that a refugee parent's own civil documentation is one of the most important barriers to completing the birth registration procedure successfully. The absence of civil documentation, including identity documents and/or marriage certificates, makes it difficult for parents to complete the registration process.

14% of the refugees interviewed did not have any type of document to prove their marriage (marriage contract, marriage certificate, family booklet, or family extract). This type of document is a requirement to get the Birth Certificate from the *Mukhtar*, the second step of the birth registration process.

Refugees without proof of marriage can fall into one of several categories: (a) they did not register their marriage in Syria; (b) they registered their marriage but lost their documents when fleeing the Syrian conflict; or (c) they got married in Lebanon and did not register their marriage due to lack of information or lack of awareness. Marriage registration for Syrian refugees or PRS in Lebanon is compulsory according to Lebanese national law.<sup>32</sup> While refugees who were married legally, but who have lost their documents, may be able to bring their case to a religious court and bring witnesses to testify to the legality of their marriage,<sup>33</sup> refugees who have been married informally or following customary procedures in Syria or in Lebanon and do not have the required documentation often find it complicated to prove their marriage.

The assessment suggests that for the population of refugees who are married in Lebanon, lack of information and awareness is a key reason why refugees do not possess civil documentation of their marriages. Refugees participating in focus group discussions<sup>34</sup> explained that it is common practice to be married by any religious *Sheikh*, regardless of whether the *Sheikh* is authorised by the relevant religious court to conduct marriages. Refugees further explained that such marriages are often conducted verbally. Some refugees reported that they overcame this obstacle by registering their marriage after the birth of their children. Others, however, reported that they failed to find a way to

31 The names of all interviewees included in this update have been changed to protect their privacy.

32 Article 1 of Decree Nr. 2851 issued on the 02.01.1924.

33 NRC, *ICLA Factsheet Series for Lawyers - Civil Documentation*, 2014, p. 10.

34 Focus group in Saadnayel, Bekaa Governorate, 23 May 2014, Focus group discussions with male refugees in Gaza – Bekaa Governorate, 27 May 2014.

register their marriage, in part due to the complicated legal court proceedings necessary to validate an informal marriage legally. Findings from focus group discussions are supported by interviews with UN staff and NRC fieldworkers who reported about the challenges that refugees face in completing the birth registration procedure when documentation of a legal marriage is not available.<sup>35</sup>

## D. PROBLEMS OF INFORMATION AND ADMINISTRATIVE PROCEDURE

The most important reason that refugees stated they could not complete the final two steps (of the three steps discussed in this update) in the birth registration process was lack of general information. Refugees explained that they do not know how to complete the steps correctly. As NRC aims to provide information to refugees to support them in registering the birth of their child, the assessment sought to understand why access to information is such an important issue. Extensive interviews and focus groups on this topic found that key differences between the process in Lebanon and in Syria leads to misunderstandings about the procedure. In addition, authorities themselves do not implement the procedures consistently, undermining the information provided about how to register a child. This evidence suggests that simply providing generic information on the birth registration process is not enough to help refugees complete the registration process.

The fact that *Mukhtars* and *Nofous* in different locations ask for different documents during the registration processes increases refugees' confusion and undermines attempts to provide information as a means to increasing access to birth registration. The question of the necessity of a valid residency visa often came up during interviews and focus groups with refugees, as well as in the quantitative data. 37 out of the 145 individually interviewed refugees who successfully completed step 3 part (a) explained that when proceeding with the birth registration steps, *Mukhtars* and *Nofous* employees had asked for evidence of a valid residency visa for Lebanon even though it is not a legal requirement to complete steps one, two and three (part (a)) of the birth registration process. During focus group discussions, several refugees mentioned that they, their family members, or neighbours were asked for the residency visa. Other refugees reported that they heard conflicting reports about *Mukhtars* and *Nofous* employees some of who asked for this document and others who did not. Refugees stated that these reports discouraged them from going to a *Mukhtar* or to the *Nofous*. It is clear that there is a gap between the law and the practice of some local authorities. This situation has a negative impact on the refugees' ability to complete the birth registration steps.

During focus groups, many refugees also reported that their understanding of the birth registration procedures is influenced by their previous experience in Syria. For example, women participating in a focus group in the Bekaa explained that in Syria the governmental hospital directly sends the Birth Notification to the *Nofous*. Parents then bring the family booklet<sup>36</sup> to the *Nofous* and the newborn is added. It is only when the children are born at home or with the help of a non-certified midwife that the parents have to take the Birth Notification to a *Mukhtar* and obtain a Birth Certificate and then go to the *Nofous*. This is always the case in Lebanon. This difference was also not clear for male refugees who participated in another focus group in the Bekaa. In particular, a focus group discussion with male participants<sup>37</sup> suggested that the role of the *Mukhtar* remains unclear. This small, but significant, difference between the processes in Syria and Lebanon often contributes to refugees' inability to complete the process.

35 Based on a participatory assessment conducted in the Bekaa, UNHCR found that 1) residency permit renewals are an obstacle for registering birth, 2) informal marriages are an obstacle, because refugees are not aware of the importance of registering marriage or the consequences of informal marriages. Key informant interview, 13 May 2014.

36 A family booklet is the main legal document used in Syria to evidence the make-up of a family. When there are changes to the family, such as a child being born, the family booklet is updated.

37 Focus group discussions with male refugees in Gaza – Bekaa Governorate, 27 May 2014.

## Misinformation about the necessity of a valid residency visa to lodge an application at the *Nofous*

## CASE STUDY TWO

Mohammed, 29 years old, came with his wife to the NRC to ask about birth registration. They thought that they needed a valid residency visa to lodge an application at the birth of their 11 and a half month old son at the *Nofous* in Shhim and were afraid of being arrested. NRC clarified to them that the *Nofous* does not require a residency visa and that there is no risk of being arrested. After some hesitation, they approached the *Nofous* and registered the child just before his first birthday.

If Mohammed had not managed to complete the birth registration of his baby at the *Nofous* before the baby's first birthday, he would have had to go through court to register the birth, which is a costly and lengthy process.

## E. LACK OF RESIDENCY VISAS AND “LEGAL STAY” IN LEBANON

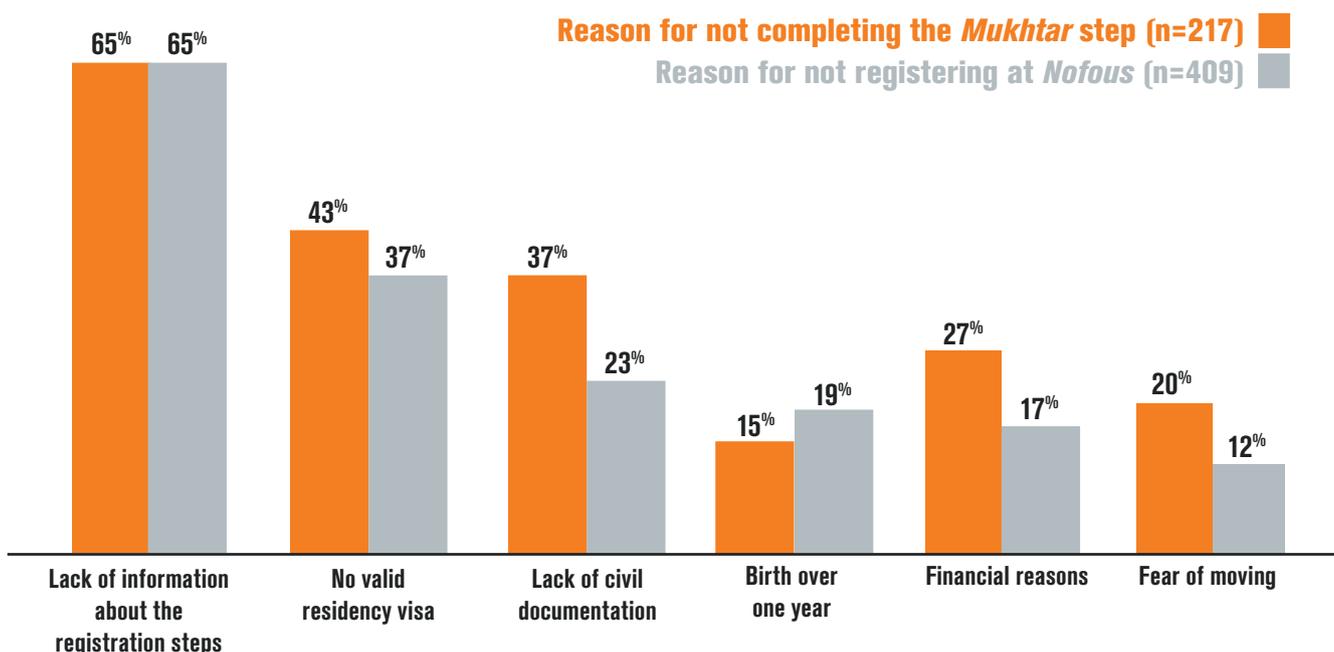
The lack of a valid residency visa may prevent a refugee parent from registering the birth of their child in Lebanon for other reasons in addition to inconsistent implementation of administrative procedures. An inability to move freely can hinder a refugee parent's ability to complete the birth registration process and may make them generally wary about approaching Lebanese authorities. A significant proportion of the refugees interviewed said that not having a residency visa was one of the main reasons why they did not register at the *Mukhtar* (43%) or the *Nofous* (37%).

The assessment findings indicate that 420 out of 797 interviewees have one or both spouses without a valid residency visa. Refugees, especially those without valid residency visas, are afraid of being arrested or detained at checkpoints. This situation is even more difficult for PRS due to the Government of Lebanon's statements issued on the 8th and 21st of May which added restrictions to PRS entry to Lebanon and their stay in Lebanon. The statements specified:

- ▶ Palestinians fleeing Syria will not be issued visas at the border unless they are transiting through Lebanon to a third country;
- ▶ Those who have been in Lebanon for less than one year will be granted a 3 months visa free of charge renewable every three months up to the end of one year but it will not be extended after this period. However in practice, those who have been in Lebanon for more than one year and received prior extension might be able to renew against payment of a fee of LBP 300,000 (USD 200).

Since May 2014, there have been a number of Government statements and circulars regarding renewal or regularisation of legal stay. Some refugees who fulfil a certain criteria have been able to regularise their legal stay in Lebanon until 31 December 2014, which has then permitted them to finalise the birth registration procedures (if the birth registration takes place within one year of the birth of the baby in Lebanon). The effects of the changes in Government policy and practice are still underway and so measuring them are beyond the scope of this update. However, it will be important to monitor any improvements or other challenges in birth registration for refugees as a result of these changes.

### Reasons for not completing the birth registration steps



**Figure 5:** Reasons for not completing birth registration process - Percentage of reasons given by refugees for not completing the birth registration of their children, by registration step.

## F. COPING MECHANISMS

In order to address the multiple challenges they face registering the birth of their children, refugees often adopt coping mechanisms. Some coping mechanisms expose refugees to new risks and to exploitation. This section discusses the coping mechanisms interviewees mentioned during the assessment and briefly elaborates on the possible consequences of each.

### Returning to Syria

One of the riskiest strategies that refugees adopt to deal with their inability to register the birth of their baby in Lebanon is returning to Syria to complete the procedure. While some refugees mentioned during the interviews that they returned to Syria to give birth, other refugees mentioned that they had to cross the border with their baby in order to register their child.

**“ The taxi usually takes 2500 Syrian Lira but he took 8000 lira from us because it is risky to smuggle the baby ”**

Abir, 25, Saadnayel, 23 May 2014

Returning to Syria to register the birth of a child requires refugees to hide their children when they pass through the official border crossing. In some cases refugees are forced to bribe officials at the border, bribe bus or taxi drivers to hide their child, or pay other people to use their family booklets to declare the unregistered child. Refugees mentioned during the focus groups that they paid between 100 to 300 US Dollars to smuggle their child through the official border crossing. One refugee stated that the *Mukhtar* she approached when her child was born issued a wrong Birth Certificate several times. Each time the *Mukhtar* requested more fees. Finally, the respondent stated that she hid

her child under her dress and took a vehicle back into Syria to obtain documentation even though she was aware of the risks.<sup>38</sup>

Refugees also mentioned going back to Syria in order to get the identity documents they had left behind while fleeing from the conflict. Another reason to go back to Syria is to issue a family booklet for a new couple or to add the new baby born in Lebanon to the existing family booklet. As explained by a representative from one Palestinian Popular Committee “approximately 50% of births of PRS take place inside the camp. However, the vast majority of the 50% ended up going back to Syria to obtain a family booklet.”<sup>39</sup>

### **Paying for identity documents from Syria**

Refugees also stated during focus group discussions that they pay for a well-connected person to get them specific identity documents from Syria. Refugees mainly seek to purchase an individual civil extract<sup>40</sup> or family booklet, two documents refugees described as important for completing the birth registration procedure in Syria. Members of focus group discussions stated that they knew there was a risk that they would receive fake documents or that the documents were obtained unlawfully from Syria, but that people tried to get these documents anyway because they knew of no other way to provide documentation for their children.<sup>41</sup>

***“ I gave my baby a sleeping pill and put him under my robe in the car to hide him. I was so worried that he would wake up or cry because he was four months old. We passed the Lebanese border without any problem but they caught us at the Syrian border and we had to pay 6.000 Syrian Lira to the officer to let us pass ”***

Syrian refugee woman from the Bekaa area, 22 years old, mother of one child.

### **Using “Simsars” (brokers) to obtain fake documents**

Participants in focus group discussions identified the use of *Simsars* or brokers in Palestinian refugee camps and within the Syrian refugee population as one technique that refugees use to try to obtain documents. *Simsars* charge between 70 USD to 900 USD to obtain civil documentation for refugees, which in some cases may be fake or obtained unlawfully.

***“ After I gave birth, a Simsar in the camp offered to finalise the registration of my baby for \$100. Knowing that my husband and I have no valid residency visa, we accepted the offer. Now, three months after he took the money and the copies of our papers, we still have received nothing. ”***

Samia, 29 years old, Bourj Shemaly Palestinian refugee camp, 5 June, 2014

38 Focus group in Saadnayel, Bekaa Governorate, 23 May 2014.

39 Key informant interview, 11 June, 2014, Minieh, North Governorate.

40 The individual civil extract is a document acquired from the civil registry that include all updated information of individuals including their family civil registry number, social situation, name of father and mother, date of birth, etc. All personal status events are registered in the civil registry and thus should appear at the individual civil extract.

41 Focus groups in Wadi Khaled, 25 June 2014; Tripoli, 18 June 2014.

Some *Mukhtars* were also reported for similar behaviour. During one focus group, one of the refugees mentioned that the relevant *Mukhtar* asked for a fee of 500 USD to provide a Birth Certificate with a false birth date, to disguise the fact that the child was already over one year old.<sup>42</sup>

### **Using other people's identity documents**

Some of the interviewed refugees reported that they or people they knew used other people's documents to access hospitals. Refugees stated that undocumented pregnant women who are not registered with UNHCR often feel that they have no alternative but to borrow ID cards from Lebanese neighbours so that their medical costs are covered by the Lebanese Ministry of Health. Alternatively, they borrow documents from their Syrian neighbours that give them access to clinics or hospitals where some or all of the costs of the birth are covered. Other refugees mentioned that to be able to deliver at the hospital they had to provide proof of marriage and as a result had to borrow the marriage contract of their siblings or close relatives.<sup>43</sup>

Children born under fake documentation face a serious threat to obtaining valid legal identity. If a woman is admitted to a hospital using the identification documents of another woman, the Birth Notification document is issued in the name of the identity documents and not the real mother. This could have serious consequences at a later stage for both mother and child. The real parents of a baby whose birth is recorded with false documents cannot register their child without taking risks and the fraudulent use of identity documents could lead to criminal sanctions if discovered.

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42 Focus group interview, Baddawi Camp, 18 June 2014.

43 Focus group in Saadnayel, Bekaa Governorate, 23 May 2014.

# 5. CONCLUSION AND RECOMMENDATIONS

Birth registration is the right of all children under international law. It is an important way of preventing statelessness and ensuring that, as set out in a number of international human rights conventions, including the Convention on the Rights of the Child, which states that every child has the right to be registered and have their identity respected. Birth registration provides legal identity that then enables children to provide evidence of their family and details of their name, date, and place of birth. In addition, once families can voluntarily and safely return to Syria, the Birth Certificate should allow a family to register their children in Syria. However, from NRC's birth registration work and the assessment carried out for this update, NRC found that even when refugee parents possess Syrian nationality, when their babies are born in Lebanon, the risk of statelessness among refugee children is acute. Families frequently flee violence with newborn or very young children without having been able to register them in Syria and there are currently no safe mechanisms to register the births of these babies if not already registered. In addition, the number of newborns in Lebanon is rising due to the protracted nature of displacement and there continue to be challenges registering births of refugees in Lebanon.

There are a number of reasons why Syrian and PRS face obstacles in birth registration in Lebanon or lack the necessary legal identity documentation for their children. This update finds that the main reasons are: (1) a lack of information on the necessary legal procedures and the consequences of not following the necessary procedures among the refugee community; (2) the proliferation of misinformation through embedded social networks that limits refugees' ability to access correct information; (3) the absence of valid legal residency documents, and (4) the lack of other required documentation according to Lebanese law, especially a valid marriage contract. Confirming needs also identified from NRC's fieldwork, the assessment found that marriage registration has a particularly important bearing on birth registration. This is mainly because the formal documentation of marriages between Syrian refugees or PRS in Lebanon is compulsory according to Lebanese national law.<sup>44</sup> Assessing the challenges refugees face when registering marriages is of crucial importance in understanding challenges and protection gaps when registering newborn children.

Furthermore, challenges refugees face regarding the birth registration procedure in Lebanon has led to refugees adopting a number of negative coping mechanisms. Refugees often resort to undertaking unsafe and illegal practices to deal with their situation. The most risky identified coping mechanisms included smuggling the child back to Syria in order to complete the birth registration there and returning to Syria to get the civil documents needed to register the birth.

**NRC continues to follow-up with its beneficiaries on challenges faced when registering births of their babies in Lebanon. From this ongoing monitoring, provision of assistance and fieldwork, NRC recommends the steps set out below as ongoing focus (for Government authorities and humanitarian actors) on birth registration to address the risk of statelessness and provide refugee children with their right to legal identity.**

<sup>44</sup> Article 1 of Decree Nr. 2851 issued on the 02.01.1924.

## RECOMMENDATIONS

### *To the Government of Lebanon and Public Administrations*

- ▶ Recognise specific challenges faced by refugees trying to register the births of their babies in Lebanon and support the Ministry of Interior and the General Security Office to issue a circular regarding the specific situation of refugees from Syria so that they are able to register the births of babies in Lebanon.
- ▶ The Personal Status Department within the Ministry of Interior should strengthen the standardisation of birth registration procedures for non-Lebanese among *Mukhtars* and *Nofous* across Lebanon. This can include the following:
  - Ensure a unified application of the Memorandum on Birth Registration issued by the Head of the Personal Status Department and an interpretation that facilitates the birth registration procedures for Syrian refugees. In this regard, the following Memorandum and circular are of particular concern: (i) Circular Number 4463 of 20 March 2013, reminding all *Mukhtars* to fulfil their duties by issuing Birth Certificates for Syrian babies born in Lebanon; and (ii) Memorandum Number 10/2, of 20 May 2013, regarding the obligation to facilitate the procedure for birth registration of Syrian nationals in Lebanon, issued from the General Director of Personal Status Department.
  - Issue a complementary Memorandum/circular stressing more explicitly the *Mukhtars*' obligation to provide Birth Certificates for births to Syrian and PRS parents within their areas of jurisdiction and reminding them of the documents to be required at this level, which does not include a proof of legal stay.
  - Issue a circular to ensure that *Mukhtars* provide a Birth Certificate based on a Birth Notification that can be verbal or written by the person who helped in the birth.
  - Issue a circular to ensure a unified application by the *Nofous* of the birth registration procedure to facilitate the birth registration for Syrian refugees including a reminder to all relevant public staff that no documents other than the Birth Certificate are required to fulfil this step.
- ▶ While some positive steps have been taken towards allowing the use of family booklets in order to prove the legal identity of parents registering the birth of their baby at the Foreigners' Register, the Personal status Department could issue a Memorandum to:
  - Accept alternative identification documents from refugees including a UNHCR registration document, Municipality issued documents, or a *Mukhtar's* statement;
  - Accept any proof of marriage contract to enable refugee parents, who were unable to register their marriage, to register at least the birth of their child.
- ▶ The Ministry of Health should develop a clear administrative procedure among the local health service providers and hospitals to ensure that local health service providers and hospitals do not require other documents than the UNHCR registration document to issue a Birth Notification to a refugee from Syria.

## **To Humanitarian Actors**

- ▶ Provide support (technical and financial) to the national and local Government authorities and health service providers in addressing the specific challenges faced by refugees regarding birth registration of their babies born in Lebanon.
- ▶ Ensure constant monitoring of birth registration for refugees. Jointly monitor challenges and changes in birth registration procedures throughout Lebanon, share information and agree on appropriate response.
- ▶ Strengthen access to quality and accurate information for refugees. Prepare and provide consistent and regularly updated information on birth registration to refugees to ensure misinformation is avoided and refugees are regularly updated.
- ▶ Provide access to legal assistance for refugees who need legal support to achieve birth registration for their children.

# ANNEX I

## **NRC BROCHURE ON BIRTH REGISTRATION**



**ICLA**

Information, Counselling and  
Legal Assistance Programme

NORWEGIAN  
REFUGEE COUNCIL

**NRC**

INFORMATION SHEET CIVIL DOCUMENTATION

# **BIRTH REGISTRATION PROCESS**

## WHY DO I HAVE TO REGISTER THE BIRTH OF MY CHILD?

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- Children born in Lebanon must be registered in Lebanon.
- Registration of the birth of a newborn is important for Syrian and Palestinian refugees from Syria (PRS) and is evidence of the relationship of a child with its parents and of the name, date and place of birth of the child.
- When voluntary and safe return to Syria is possible, the registration document will be required in order to cross the border legally<sup>1</sup> and to obtain Syrian or PRS ID for the child.



### STEP 1 BIRTH NOTIFICATION DOCUMENT

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The birth notification document helps registration with the UNHCR for Syrian nationals and recording details with UNRWA for PRS.

#### WHEN AND WHERE?

- Immediately after the birth.
- From either the hospital or a certified midwife (in case the birth did not take place in a hospital or in case no midwife was present at the birth, you will not get a birth notification, you need to go directly to the *Mukhtar* and follow step 2.

#### FEES?

- Birth notification should not cost any money.
- For mothers registered with UNHCR or with details recorded at UNRWA: part of the medical costs for a hospital birth is covered by UNHCR/NGOs or UNRWA/NGOs.

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<sup>1</sup>Throughout the factsheet, the term “legality” refers to the position under Lebanese law and not necessarily international law.

## STEP 2 BIRTH CERTIFICATE

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The birth certificate is essential to register the birth.

### WHEN AND WHERE?

- Within 30 days of the birth, at the very latest within one year of the birth.
- From the *Mukhtar* located closest to the place of birth (hospital or place of birth, not place of residence). The *Mukhtar* sends the certificate to the doctor or midwife for their signature.
- In case the birth was not attended by a doctor or a midwife, the person who attended the birth signs the certificate (please ask ICLA lawyers for assistance).

### WHAT SHOULD I BRING WITH ME?

- Identity documents of parents as well as copies of these documents (i.e. either family booklet or family extract or ID cards/valid passports of parents along with marriage certificate). Some *Mukhtars* also ask for valid residency visa.
- Birth notification document from hospital or midwife. When no birth notification is available, because the baby is born without the assistance of a midwife or doctor, the person who assisted the birth is required to fill out the part in the birth certificate at the *Mukhtar*.
- Two witnesses.

### FEES?

- *Mukhtar* charges nothing or a fee up to LBP 30,000.

## STEP 3 START BIRTH REGISTRATION PROCESS

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It is essential to start the registration process within one year after the birth took place. The official Lebanese (and later Syrian) departments will need the birth registration document later to certify that the birth did happen in Lebanon and to confirm the relationship of the child with his/her parents.

### WHEN AND WHERE?

- Within one year of the birth.
- At the *Nofous* nearest to the place of birth.
- In some locations it is not possible to go to the nearest *Nofous*. Instead, the parents should approach the Foreigners' Register at the Personal Status Department of the centre of the *Mohafaza*. However, in such cases, only parents with legal entry and valid residency visa should approach the Foreigners' Register.

### WHAT SHOULD I BRING WITH ME?

- Birth certificate issued by the *Mukhtar* plus a copy of it.
- Identity documents plus a copy of it, i.e. a family extract certified by the Ministries of Foreign Affairs in Syria and Lebanon, which should be not older than three months, or a family booklet for Syrian nationals (for PRS the family booklet is not accepted as proof of identity) or an original valid passport along with a certified copy of the marriage certificate.

### FEES?

- Fee of LBP 4,000 or 5,000 for the *Nofous*.
- Stamps in an amount of LBP 1,000 for each copy of the documents parents have to present at the *Nofous* (i.e. copy of identity document).

## ADDITIONAL INFORMATION

After visiting the *Nofous*, parents will be referred with the birth certificate to the Foreigners' Register at the Personal Status Department of the centre of the *Mohafaza* where the birth took place in order to finalise the birth registration. **Please note that the finalisation of the registration process at the Foreigners' Register is only recommended for parents with legal entry and valid residency visa.** The one year deadline for registering the birth is interrupted once parents receive the document number and date from the *Nofous*. Hence, parents can finalise the registration process also at a later stage. **If you are unsure about how to proceed with any of these steps for registering the birth of your baby or require more information or assistance, please contact NRC.**

## WHO IS THE NRC?

The Norwegian Refugee Council (NRC) is an independent, international humanitarian non-governmental organisation which provides assistance and protection to refugees and internally displaced persons in over twenty countries worldwide. NRC has been working in Lebanon since 2006. In early March 2012, NRC commenced its Information, Counselling and Legal Assistance (ICLA) programme in Lebanon, with a focus on assisting refugees and displaced persons to understand and enjoy their rights.

**All NRC services are free of charge.**

## CONTACT US:

For legal assistance or more information on NRC's legal activities in Lebanon, **Please contact NRC from Monday to Friday, 09:00 to 16:00**

BEIRUT & MOUNT  
LEBANON HELPLINE  
**76 666 950**

NORTH BEKAA HELPLINE  
**76 000 613**

CENTRAL BEKAA HELPLINE  
**76 000 614**

WEST BEKAA HELPLINE  
**76 898 121**

EL MINIEH HELPLINE  
**76 700 525**

WADI KHALED HELPLINE  
**78 801 313**

TYRE HELPLINE  
**70 951 978**

BENT JBEIL HELPLINE  
**78 885 883**

NABATIEH HELPLINE  
**70 888 265**



