

January 2014

NORWEGIAN REFUGEE COUNCIL (NRC)
LEGAL ASSISTANCE – UPDATE ON BIRTH REGISTRATION FOR REFUGEES FROM SYRIA



Photograph by: Christian Jepsen. The photograph shows an ICLA outreach staff member in an informal settlement in North Lebanon. She is providing refugees from Syria with information on how they can access services in Lebanon.

1. Background

Through its Information, Counselling and Legal Assistance (ICLA) programme, NRC provides information, counselling and legal assistance to refugees from Syria about access to essential services and on legal issues in Lebanon (including legal status, birth registration and housing, land and property matters). The NRC ICLA team has been providing information and legal assistance on birth registration to refugees from Syria since May 2012. The ICLA team reaches out to refugees at NRC Community Centres and at a number of locations in the Bekaa, North and South of Lebanon, including UNHCR registration sites, tented settlements, medical centres, community centres run by other organisations and schools. In addition, NRC runs mobile legal clinics and mobile information



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sessions throughout Lebanon. The ICLA team is currently in the process of expanding its activities to Beirut and Mount Lebanon.

Having identified the importance of providing information and assistance on legal documentation for refugees from Syria, NRC ICLA has focused on assisting refugee parents to register the births of their babies while in Lebanon. Birth registration 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, every child has the right to be registered and have their identity respected. Birth registration provides legal identity which then allows a child to have evidence of their relationship with their parents and details of their name, date and place of birth. In addition, once families can voluntarily and safely return to Syria, the birth certificate will allow a family to register their child in Syria. Refugees from Syria who are now in Lebanon are often not aware of legal procedures and the consequences of not following the necessary procedures to register births. In addition, the number of newborns of Syrian refugees in Lebanon is rising due to the extended time of their displacement.

Birth Registration Procedures for Non-Lebanese

There are three main steps for registration of the birth of baby of parents who are refugees from Syria. The steps should be completed within 12 months of the baby's birth:

Step One: Birth Notification – a document usually obtained from the hospital or midwife.

Step Two: Birth Certificate – obtained from the *Mukhtar* (local leader) located closest to the place of birth. The main documents required for this are (1) the Birth Notification document; and (2) identity documents of each parent and the cost is between LBP0 and LBP30,000.

Step Three: Registration on the Foreigners' Register of the Personal Status Department (which comes under the Ministry of Interior) – this requires valid legal stay documentation from the parents. For Syrian refugees and/or Palestinian refugees from Syria, this step is not recommended if the parents do not have the required valid stay documentation or do not feel comfortable approaching the Lebanese authorities, including the Ministry of Foreign Affairs, or the Syrian Embassy.

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2. NRC Pilot Project and Update

In early 2013, NRC conducted a pilot project in the Bekaa with the main aims of (a) providing information, counselling and legal assistance regarding birth registration to Syrian refugees; (b) identifying gaps and obstacles faced by Syrian refugees trying to register births in Lebanon in order to address them if they exist; and (c) determining whether similar NRC ICLA services should be provided in other locations. Since then the NRC ICLA activities on birth registration have been developed and are provided throughout Lebanon. As shown in Chart 1 (Possibility of a refugee registering a birth under Lebanese law), 53% of the refugees interviewed by NRC do have the possibility of registering a birth without a court process (i.e. they are in possession of relevant documents and the birth was less than one year ago), which indicates the importance of continuing to provide assistance so that refugees have access to and are able to register the births of their babies. The remaining 47% may need legal assistance for birth registration requiring a court process or do not have the relevant documents, which is also important to understand further through continued field work. This update sets out a summary of NRC's continued birth registration work, which has built on the initial pilot project and presents the results of pilot cases, changes in birth registration procedures and NRC's plans for future work on this topic.

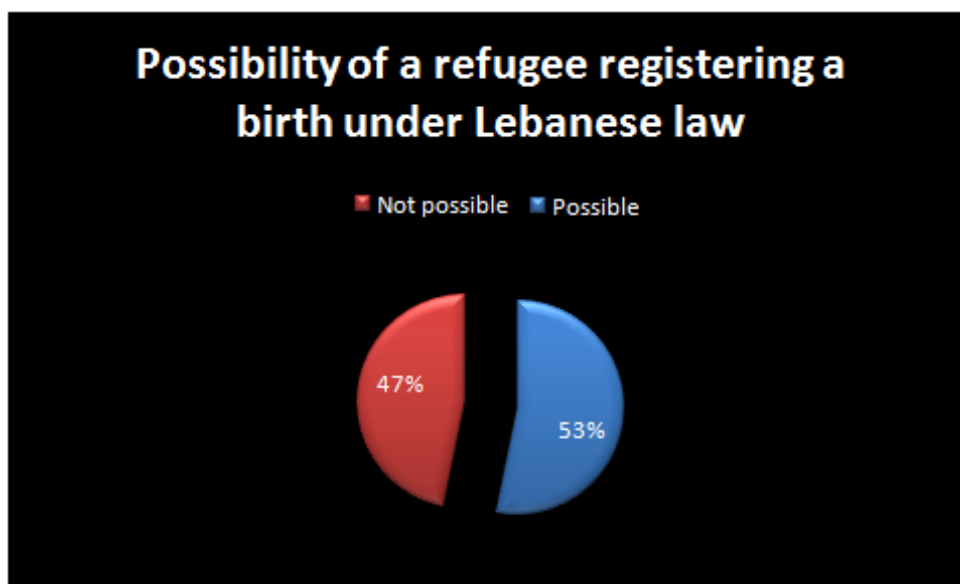


Chart 1 – Percentage of Interviewed refugees who (a) could register a birth without a court process (i.e. in possession of relevant documents and the birth was less than one year ago) (53%); or (b) could not register a birth according to Lebanese law (47%).

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3. NRC ICLA – Birth Registration Activities

As set out in Chart 2 (Individuals who have received information, counselling and legal assistance about birth registration) below, between June and December 2013, NRC has been able to provide information, counselling and legal assistance on this issue to 23,738 refugees from Syria.

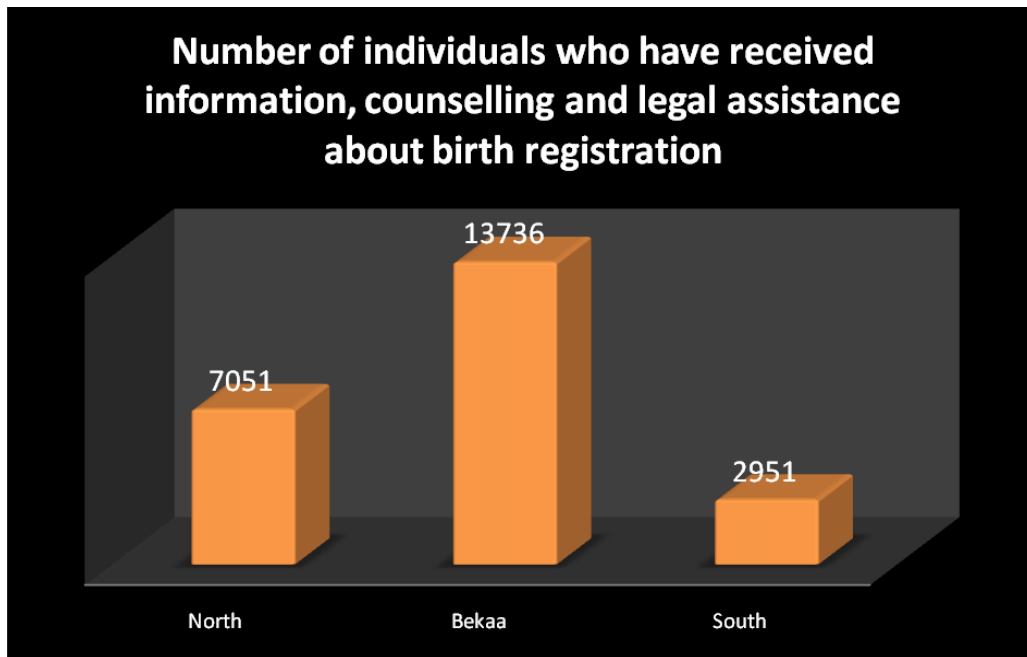


Chart 2 – Number of individuals (23,738) in Lebanon who have received information, counselling and legal assistance about birth registration from the NRC ICLA field teams (June-December 2013)

In 2013, NRC expanded its birth registration activities throughout Lebanon and will continue to do so in 2014. NRC has been focusing on the activities listed below.

- Providing individual and group information sessions on birth registration for refugees (including Palestinian refugees from Syria).
- Providing legal counselling and representation on registering births for refugees.
- Regularly updating information on birth registration in each NRC field location (Bekaa, North, South and Beirut/Mount Lebanon).
- Conducting training and awareness sessions for community focal points, social workers and other field workers on birth registration procedures.
- Conducting workshops and training sessions with *Mukhtars* on birth registration procedures.
- Collecting data on the challenges faced by refugees trying to register births.
- Coordinating and maintaining regular contact with local authorities and departments responsible for birth registration.
- Coordinating with other actors on any changes in birth registration procedures.

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4. NRC Assessment - Impact of NRC’s work on Birth Registration

In December 2013, NRC conducted an assessment of its work on birth registration by holding 468 interviews with beneficiaries who had received NRC assistance (information, counselling or legal assistance) on birth registration. Given NRC’s extensive work in the Bekaa, most of the beneficiaries interviewed were located in the Bekaa with a smaller number in the North and South of Lebanon. Unless otherwise stated, all statistics and references to interviewed refugees are based on this NRC assessment.

From the assessment, NRC identified that 65% of those interviewed were able to complete an additional step in the birth registration process because of NRC’s assistance. This is shown in Chart 3 (Impact of counselling sessions provided by NRC) below.

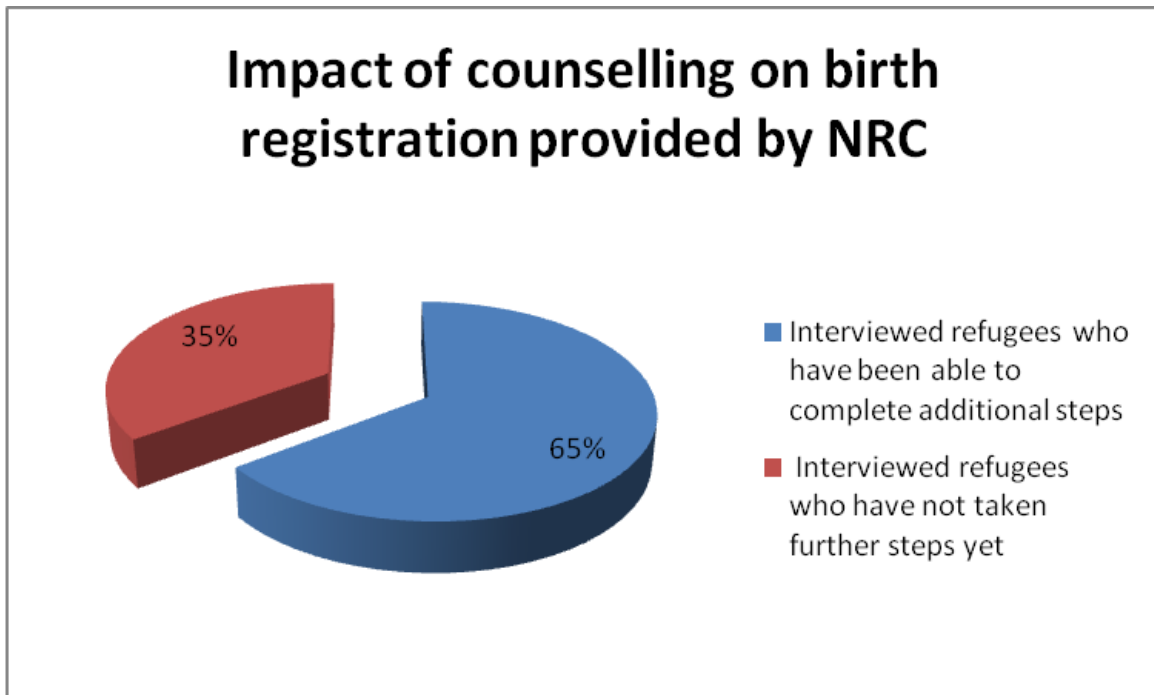


Chart 3 – Impact of counselling sessions provided by NRC – 65% of refugees who, with NRC ICLA assistance, have been able to complete an additional step in the birth registration process.

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5. NRC Pilot Cases on Birth Registration

Throughout 2013, NRC undertook thirteen pilot legal cases in order to test some of the birth registration procedures. In these pilot cases, NRC supported and provided legal assistance to refugees (including four cases involving Palestinian refugees from Syria) who wanted to register the births of their babies. In each case selected by NRC, refugee parents faced different circumstances, including the availability or lack of availability of certain documents. Through these different legal cases, NRC has managed to test the birth registration procedures for a variety of situations and, whether or not the outcome was a successful birth registration, NRC was able to gain experience, insight and information about birth registration, including any challenges faced by refugee parents. The overall results of these cases are set out in the table below and more details about the outcomes are described in the section below on 'Challenges to Birth Registration'.

Number of pilot cases	Outcome	Reasons for outcome/Comments
4	Successful	Lawyer assisted with obtaining required documents.
4	Unsuccessful	Lack of legal stay documentation.
4	Unsuccessful	Lack of documentation required to prove identity of parents
1	Unsuccessful	Lawyer assisted with court process for baby born more than one year ago but beneficiary chose not to go ahead with full procedure.

6. Workshops with Community Leaders

Mukhtars, elected local community leaders in Lebanon, play an essential role in the birth registration process, as they are responsible for issuing birth certificates for babies born in their respective areas. On 20 March 2013, Circular Number 4463 was issued by the Ministry of Interior reminding all *Mukhtars* to fulfil their duties by issuing birth certificates for Syrian babies born in Lebanon.

Since mid-2013, the NRC ICLA team has conducted a series of workshops for approximately 160 *Mukhtars* focusing on birth registration procedures for refugees from Syria and the role of *Mukhtars*. These have included workshops in Baalbek, Zahle, Tripoli, Qubayat and Tyre. The main objectives of the workshops have been to strengthen the understanding of the birth registration process; to raise awareness among *Mukhtars* on the importance of birth registration and their role as part of the process; to identify any gaps in implementing the birth registration procedures; and to strengthen coordination between NRC and *Mukhtars*. NRC will continue working with the *Mukhtars*, to identify ways to keep on sharing information, to monitor the birth registration process and to provide support to the *Mukhtars* on related topics. NRC will also provide similar sessions and strengthen relationships with other local authorities and community focal points.

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7. Challenges to Birth Registration for refugees from Syria

Although there have been some improvements in access to birth registration, such as the easing of some documents required, there still remain significant challenges for refugees from Syria who wish to register the birth of babies born in Lebanon. From the assessment conducted by NRC in December 2013, the main obstacles noted can be seen in Chart 4 (Legal constraints to birth registration). Also, described below are more details about the challenges and obstacles to birth registration for refugees in Lebanon.

(a) Documents required for birth registration

Many refugees who give birth in Lebanon do not have access to the documents required to register the births of their babies. A number of documents are required, including legal entry and stay documentation (see (b) below for more details) and identity documents of the parents of the baby. According to Lebanese law, the identity documents required are either (a) the family civil extract (no more than six months' old, although some Personal Status Departments require it to be no more than three months' old) stamped by both the Lebanese and Syrian Ministries of Foreign Affairs; or (b) a valid passport along with proof of marriage (the marriage certificate or family booklet). More recently, a third option has been available for Syrian refugees since the Head of the Personal Status Department in Lebanon issued Memorandum number 10/2, on 20 May 2013, allowing a family booklet to be used to prove the legal identity of parents registering the birth of their baby at the Foreigners' Register of the Personal Status Department. Being able to use the family booklet gives refugee families a more realistic option as many have brought this document with them from Syria. From field work on birth registration and pilot cases taken, NRC has confirmed that a family booklet may now be used as a third option to provide proof of identity when registering a birth at the Foreigners' Register of the Personal Status Department. While this step is encouraging, this option remains challenging for many refugees from Syria. From those interviewed by NRC, 17.2% of the refugees reported not having their family booklets with them in Lebanon. In addition, NRC has noted that, in a number of cases, Palestinian refugees from Syria have not always been permitted to use family booklets to register births in many of the Personal Status Departments, often meaning that parents are unable to register the births of their babies as they do not have alternative documentation. Obtaining the necessary documents to prove the parents' identity often requires advice from a lawyer to clarify what steps need to be taken to obtain a document according to the law, such as registering marriages of parents who have not been able to register their marriage before leaving Syria.

(b) Legal Stay required for birth registration

Evidence of the parents' (usually both) valid entry and stay in Lebanon is still required for birth registration. As documented in NRC's recent study on 'The Consequences of Limited Legal Status for Syrian Refugees in Lebanon',¹ this requirement is prohibitive to birth registration with the increasing numbers of refugees not having this documentation, because they have either (a) entered through unofficial border crossings; or (b) been unable to renew their legal stay, usually

¹ <https://www.nrc.no/?did=9687067>, last accessed on 15 January 2014.

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because of the prohibitive financial costs (an annual cost of USD200 per person over the age of 15 years' old). This is also particularly difficult for Palestinian refugees from Syria who are increasingly facing difficulties renewing their legal stay documentation.

(c) Babies over one year old who were born in Lebanon

In order to complete birth registration for babies born in Lebanon who are over one year old, a court process is required, in addition to having the relevant documents. NRC has taken a pilot case for a child born over a year ago to Syrian refugee parents in Lebanon. NRC provided legal assistance for the parents to obtain an initial court decision to register the child temporarily at the Foreigners' Register at the Personal Status Department. In order to transfer this into a permanent registration, the parents were required to give a general statement to General Security, which they chose not to do because they were not comfortable approaching General Security. NRC has noted that approaching a General Security office usually requires legal entry and stay documentation and so is not recommended to refugees that do not have such documentation as it could lead to an investigation being conducted by General Security.

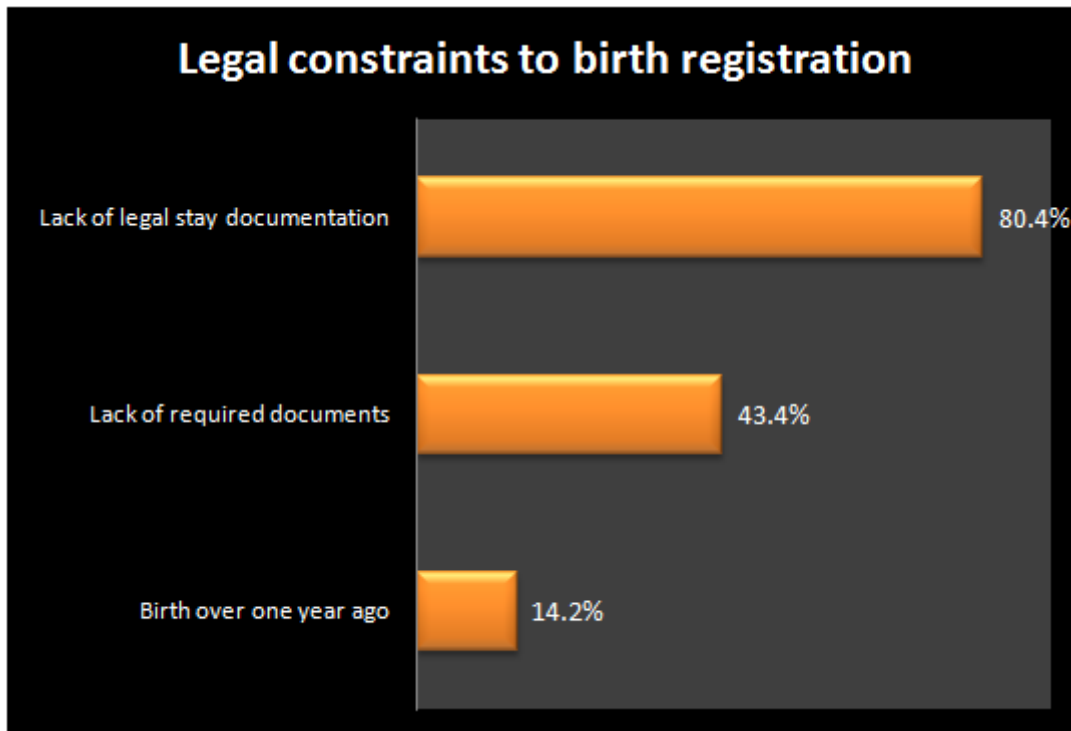


Chart 4 – Percentage of interviewed refugees who cannot complete all the steps of birth registration (without court proceedings) due to identified legal constraints (including interviewed refugees who reported more than one constraint).

(d) Registering at the *Nofous*

In some *Nofous* offices (local branches of the Personal Status Department), NRC has identified that refugee parents who do not have all the required documents can lodge an application at the

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Nofous for birth registration on the Foreigners' Register at the nearest Personal Status Department. Usually, the *Nofous* office refers the parents with the birth certificate to the competent Foreigners' Register at the Personal Status Department, allowing the parents to complete the birth registration when they have all the necessary documents. If the application is made before the baby is one year old, the full registration can be done when all the documents have been obtained and does not have to be done (as usually required) within one year of the baby's birth in Lebanon. In two pilot cases in different areas in Lebanon, NRC assisted refugee parents who had lost their legal stay documentation to lodge an application for birth registration at a *Nofous* office, which completed the first part of the registration process and referred the parents to the relevant Foreigners' Register at the Personal Status Department. This will allow the parents to complete the process if they are later able to obtain legal stay documentation. In another pilot case, NRC assisted parents who did not have a marriage certificate, and could not obtain this because of lack of the required documentation, to lodge an application for birth registration at the *Nofous* office. NRC, with other legal actors, is monitoring whether this can be done in all *Nofous* offices and what the different requirements are for each *Nofous* office in the Bekaa, North, South and Mount Lebanon/Beirut.

(e) Challenges faced by Palestinian refugees from Syria

Four of the pilot legal cases taken by NRC involved Palestinian refugees from Syria. With legal assistance from NRC, three of the cases resulted in successful birth registration and the fourth case was not successful because the parent lacked legal stay documentation. As mentioned above, this is an issue that is likely to continue being a challenge as Palestinian refugees from Syria are having increasing difficulties obtaining legal stay documentation after one year in Lebanon. In addition, Palestinian refugees from Syria have, in many cases, not been permitted to use their family booklets as proof of parents' identity when trying to register a birth.

(f) Babies born in Syria who have not been registered before coming to Lebanon

There remains no easily accessible process that can be done in Lebanon to register such births. Lebanon has no legal obligation to register children that were not born on the Lebanese territory. More information is needed to identify if anything can be done to assist families who are in this situation.

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8. Recommended Next Steps

Based on its field work to date and continued focus on birth registration within the wider ICLA programme, NRC recommends the points set out below as next steps (for NRC and other legal actors, as relevant) so that refugees from Syria can access their right to birth registration for their children born in Lebanon.

- **Individual and group information sessions for refugees from Syria on birth registration should continue** – providing information on birth registration to refugees from Syria on a regular basis has had a positive impact on refugees' ability to access their right to birth registration, especially with the frequent changes in practice, differences in practice depending on the location and limited access of some beneficiaries to information. Interaction with communities has also complemented the distribution of brochures and leaflets and provided more opportunity for people to access counselling where more tailored information is required.
- **Access to legal assistance and legal referrals on birth registration should be more available for refugees from Syria** – the role of a lawyer can be important in the birth registration process, particularly if required documents are missing and obtaining these requires following a legal process or assistance is needed in approaching the authorities. NRC will continue to provide legal counselling and assistance for birth registration cases and identify how it can expand the caseload through more mobile legal clinics throughout Lebanon.
- **Accurate and updated information on the birth registration process needs to be available and accessible for refugees from Syria** – as NRC has found, the procedures for birth registration vary in practice throughout Lebanon and so it is important to continue monitoring any changes and update information on birth registration as a result. NRC recommends that all actors providing information should work together to harmonise information provided to refugees on birth registration and should share any updates on the procedures with each other. Coordinating information and counselling guidelines with other actors will help to ensure consistent information is being provided to beneficiaries.
- **Consistent monitoring and data collection on birth registration is needed by protection actors** - in order to understand the obstacles to birth registration and the number of refugees able to register births, it will continue to be relevant to collect such data. Protection actors working on birth registration should coordinate what information is collected in order to ensure data can be compared and collated.
- **Actors providing information to refugees on birth registration should advise refugees that the first two steps of birth registration are the most important** – given the obstacles to the third step of birth registration, it is important that refugees are still encouraged and, where necessary, assisted to follow the first two steps, namely obtaining the birth notification document and the birth certificate. In addition, upon advice from NRC or other actors, refugees should consider whether to lodge an application for birth registration at their local *Nofous* office.



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- **Coordination with Lebanese authorities should continue and be improved** – NRC, with other protection actors, should continue to coordinate and have regular contact with the local authorities, including *Mukhtars*, Personal Status Departments; the Ministry of Social Affairs and others, in order to strengthen the various roles and to work together to make the birth registration process as accessible and efficient as possible.
- **Coordination amongst relevant stakeholders to overcome obstacles to birth registration** – legal and protection actors should work together with other stakeholders to monitor obstacles and identify strategies to overcome these so that more refugees from Syria (including Palestinian refugees from Syria) can register the births of their babies successfully.

NRC – www.nrc.no

The Norwegian Refugee Council (NRC) is an independent, international, humanitarian non-governmental organisation which provides assistance, protection and contributes to durable solutions for refugees and internally displaced people worldwide. NRC has been working in Lebanon since 2006 providing humanitarian assistance to communities affected by displacement.

NRC ICLA Programme – information or referrals

For further information about NRC Lebanon's ICLA programme or to find out about making legal referrals or receiving NRC training or awareness sessions on legal issues, please contact Ms. Dalia Aranki, ICLA Programme Manager at dalia.aranki@nrc.no or 01 366 113.