

# UNPACKING RETURN

Syrian Refugees'  
Conditions and  
Concerns



سوا للتنمية والإغاثة  
Sawa for Dev & Aid

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**SAWA for Development and Aid**

# **Unpacking Return:**

## **Syrian Refugees' Conditions and Concerns**

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Please direct inquiries to [info@sdaid.org](mailto:info@sdaid.org).

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Authorship: Dr. Rouba Mhaissen & Elena Hodges

Research: Elena Hodges

Design: Joseph Salloum & Elena Hodges

Cover photo: Lama al-Arian

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# EXECUTIVE SUMMARY

## Shifting Discourse on Return

From a Russian initiative to coordinate the return of nearly 2 million Syrian refugees from Europe and neighboring host countries to surging right-wing populism and anti-refugee sentiment in Europe, the topic of return has turned into a lightning rod for debate and contention between politicians, policy analysts, and rights advocates. Mounting pressure for large-scale refugee returns to Syria threatens the international consensus that return must be safe, dignified, and voluntary. At the same time, ebbing donor funding for the Syria crisis response in neighboring host countries — Lebanon, Jordan, and Turkey — is making long-standing gaps in resources even worse.

## Conditions in Lebanon as a Push Factor

Conditions of displacement for Syrian refugees in Lebanon are rapidly deteriorating. Lack of access to valid residency, shrinking livelihoods opportunities, and an overall reduction in humanitarian aid are serving as return push factors. Prominent political figures are calling for mass, imminent refugee returns, at the same time that depictions of Syrian refugees in the mainstream Lebanese media galvanize public hostility toward refugees. Recent security crackdowns have further heightened tensions. Nearly all refugees we spoke with reported fears of being forced to return, and many discussed how conditions in

Lebanon are becoming intolerable to the point where return becomes the only alternative.

## Return-related Protection Risks

Refugees in Lebanon have substantial and well-founded fears about return, spanning physical, legal, and material protection concerns. This report outlines and contextualizes these fears, before presenting several detailed case studies of individuals and families who returned and were re-displaced back to Lebanon. In doing so, it points to urgent protection concerns during and after return.

Proponents of return seek a swift, clean way to bring the Syrian displacement to an end. However, this study highlights the fact that return to Syria, when coercive, uninformed, or unsafe, results in breaches of human rights, new trauma, violence, and re-displacement. Premature returns increase legal, economic, and health-related vulnerabilities, disproportionately affecting women, youth, and children. Re-displaced returnees often resort to illegal and unsafe measures to flee Syria once again, putting them further at risk of exploitation, trafficking, and detention, as well as heightened economic vulnerability.

This study examines the individual and community-level costs of irresponsible return for Syrian refugees in Lebanon. It concludes that all stakeholders must do more to push back against premature return, at discourse, policy and programmatic levels. First, improving living conditions for Syrian refugees in Lebanon is imperative, both for their basic protection needs and as a prerequisite for voluntary return. Second, ensuring that protection thresholds are met inside Syria must precede return coordination efforts and reconstruction funding. Finally, any sustainable return must be gender-sensitive, and center, rather than elide, the voices, concerns, and priorities of displaced Syrians themselves.

# INTRODUCTION

## Objectives and Scope

This study focuses on the issue of the return of refugees from the perspective of Syrian refugee communities in Lebanon's Bekaa Valley, seeking to bring the broader conversation on return back to the ground. The attitudes, concerns, and lived experiences of displaced Syrians, whether refugees in Lebanon or other host countries, or those internally displaced within Syria, remain largely absent from the literature on the Syria crisis response produced by academic institutions, think tanks, and NGOs alike.

This dynamic extends to the literature on return, much of which is particularly concerned with the political ambitions, policy positions, and strategic interests of Russia, Iran, Israel, Turkey, EU donor states, and other high profile political players. While these analyses are vital to understanding the larger geopolitical environment, they suffer from a lack of substantive engagement with the reality and experiences of displaced Syrian communities. A growing body of research outlines refugee attitudes towards return<sup>1</sup>; deteriorating conditions in host countries as potential push factors<sup>2</sup>; and protection

<sup>1</sup> See: Danish Refugee Council (2018), "'Listen to our voices.' What does it take to improve refugee participation in durable solutions processes?"; ICTJ (2017), "Not Without Dignity"; Oxfam (2017), "'We're not there yet ...' Voices of Refugees from Syria in Lebanon."

<sup>2</sup> See: Lebanese Center for Policy Studies (2018), "Forced Return to Syria: Refugee Politics in Lebanon"; Human Rights Watch (2017), "The Gaps in Lebanon's New Refugee Policy" and (2018), "Our Homes are not For Strangers"; Carnegie Middle East Center (2018), "Pushing Syrian

concerns in Syria.<sup>3</sup> Still, next to nothing has been published about returnees' journeys or what happens to Syrian refugees post-return, or seeks to deconstruct the buzz words surrounding return in most policy circles.

To address this imbalance, this report reframes return, centering those most directly affected by return and reconstruction: displaced Syrians themselves. After providing brief context on the issue of return, the report zooms in to the micro level, bringing to the attention of the reader what return actually looks like on a day-to-day basis.

This report asks: what does it really mean to return to a country from which one has fled under duress? What is the thought process of refugees contemplating the potential risks and rewards of return? Are the Russian initiative and similar political leads influencing refugee return; and if so, in what ways? How are changes in the Lebanese context, from the reduction in aid, shrinking access to livelihoods and services, and hostile political rhetoric on return affecting this calculus? What tips the scale towards or against return? Who makes the decision with the family? Once an individual or family decides to return, how does this work in practical terms, from selling belongings to deleting social media accounts to crossing the border?

But most importantly, what does jargon like 'voluntary' and 'safe' and 'dignified' mean, in concrete terms? And what are the implications of using these terms at the policy level without really deconstructing their implications for the quotidian reality of

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Refugees to Return"; and News Deeply (2018), "Dangerous Exit."

<sup>3</sup> See: Human Rights Watch (2018), "Syria: Residents Blocked From Returning"; IMPACT Initiatives (2018), "Picking up the Pieces: realities of return and reintegration in North-East Syria"; and Syria Institute (2017), "No Return to Homs"; and reports from the Violations Documentation Center, Syrian Observatory for Human Rights, and the Syrian Network for Human Rights.

displaced Syrians? Do returnees find hope and stability once they return, or is their return a prelude to further persecution and displacement?

In tackling these questions, this report not only helps us as practitioners better support Syrians in their quest for return or non-return, but it also uncovers clear and present return-related rights violations that warrant both further research and urgent policy advocacy. Such work is especially important given recent developments on return which threaten to erode fundamental principles of *non-refoulement*<sup>4</sup> and refugee rights. Host countries, donor governments, and other stakeholders in the Syria crisis response are all wrestling with the politically fraught issues surrounding refugee returns and reconstruction in Syria, attempting to balance short-term incentives to limit migration and push for returns, with considerations about long-term peace and stability in Syria.

## Background Context

Although a growing number of regional and international actors are taking a political interest in large-scale refugee returns, conditions on the ground in Syria belie wishful thinking about the Syrian refugee crisis coming to a swift and convenient end through mass returns. Research by local and international civil society organizations, think tanks, and UN agencies highlights substantial, ongoing protection concerns in Syria, as well as the danger that push factors in host countries pose for voluntary, sustainable return.

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<sup>4</sup> *Non-refoulement* is a concept in international law referring to the right of refugees not to be forcibly returned to a country where they have well-founded fear of being persecuted.

Calls for large-scale return are gaining traction in Syria's neighboring host countries as well as among some right-wing populist constituencies in Europe, most notably in Italy, Poland, Hungary, and Germany. Russia has taken a particularly prominent role in promoting return. Following a meeting in July 2018 between Russian President Vladimir Putin and U.S. President Donald Trump in Helsinki, Russia issued a proposal to coordinate the return of 1.7 million Syrian refugees from host countries and Europe, with 890,000 of these refugees projected to return from Lebanon.<sup>5</sup>

In the context of the long-stalled political process, failure to secure any meaningful political or security guarantees from the Syrian government, as well as waning European and U.S. leverage in the region, return and reconstruction loom as the next arena of the Syrian conflict. The stakes of return are high for all concerned actors. The Syrian government wants to consolidate power domestically, assert its legitimacy, and end its international isolation. However, it is trying to do so in the absence of its ability to fulfill its old social contract whereby citizens would cede their civic and political freedoms in exchange for services and stability. That said, even if it wanted to, the Syrian government would be unable to meet the service and reconstruction needs of returnees, due to the long-term economic impact of international sanctions and the scale of destruction throughout the conflict. For its part, Russia stands to boost its role as a regional power broker and cash in on reconstruction funds. Some leaders in host countries and in Europe see return as an opportunity to 'solve' the Syrian refugee crisis and appease growing public anti-refugee sentiment. Other state and civil society actors hope to use conditional EU funding for premature and risky reconstruction to exert

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<sup>5</sup> Euro News. "Russia proposes plan to US to begin return of refugees to Syria." 20 Jul 2018.



leverage over the Syrian authorities in order to secure key protection guarantees and reforms.

Coupled with this increasing hostility toward refugees in Europe and host countries, deteriorating conditions in displacement are also putting pressure on refugees to return to Syria. Living conditions for Syrian refugees in Lebanon continue to deteriorate, with increasing poverty and vulnerability across key indicators, from health to education to livelihoods opportunities. Syrian refugees have progressively lost legal residency. By the end of 2017, 74 percent of Syrian refugees in Lebanon did not possess legal residency.<sup>6</sup>

This dynamic continues: according to the 2018 VASyR (Vulnerability Assessment of

Syrian Refugees in Lebanon), 73 percent of interviewed Syrian refugees lacked legal residency, while 61 percent of interviewed households lacked any member with legal residency (an increase of 6 percentage points from 2017).<sup>7</sup> Social tensions between refugees and host communities are mounting amidst widespread political scapegoating of refugees as the drivers of Lebanon's economic woes<sup>8</sup>, waste problems<sup>9</sup>, and even cancer rates.<sup>10</sup>

In Lebanon, UNHCR is not directly facilitating large-scale or forced return to Syria, maintaining its position that overall conditions for return are not yet in place. Still, small-scale returns to Syria from Lebanon are proceeding, through both official and unofficial pathways.

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<sup>6</sup> NRC, Save the Children, CARE, DRC, IRC, Action Against Hunger (2018). "Dangerous Ground: Syrian Refugees Face an Uncertain Future."

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<sup>7</sup> Inter-Agency Coordination. "VASyR 2018: Vulnerability Assessment of Syrian Refugees in Lebanon."

<sup>8</sup> Carnegie MEC (2017). "Blaming the Victims: Syrian refugees in Lebanon are increasingly being manipulated to satisfy geopolitical agendas."

<sup>9</sup> Human Rights Watch (2018). "'As If You're Inhaling Your Death': The Health Risks of Burning Waste in Lebanon."

<sup>10</sup> The New Arab. "Outrage after Lebanon doctor blames Syria refugees for raising cancer rates." 6 Sept 2018.

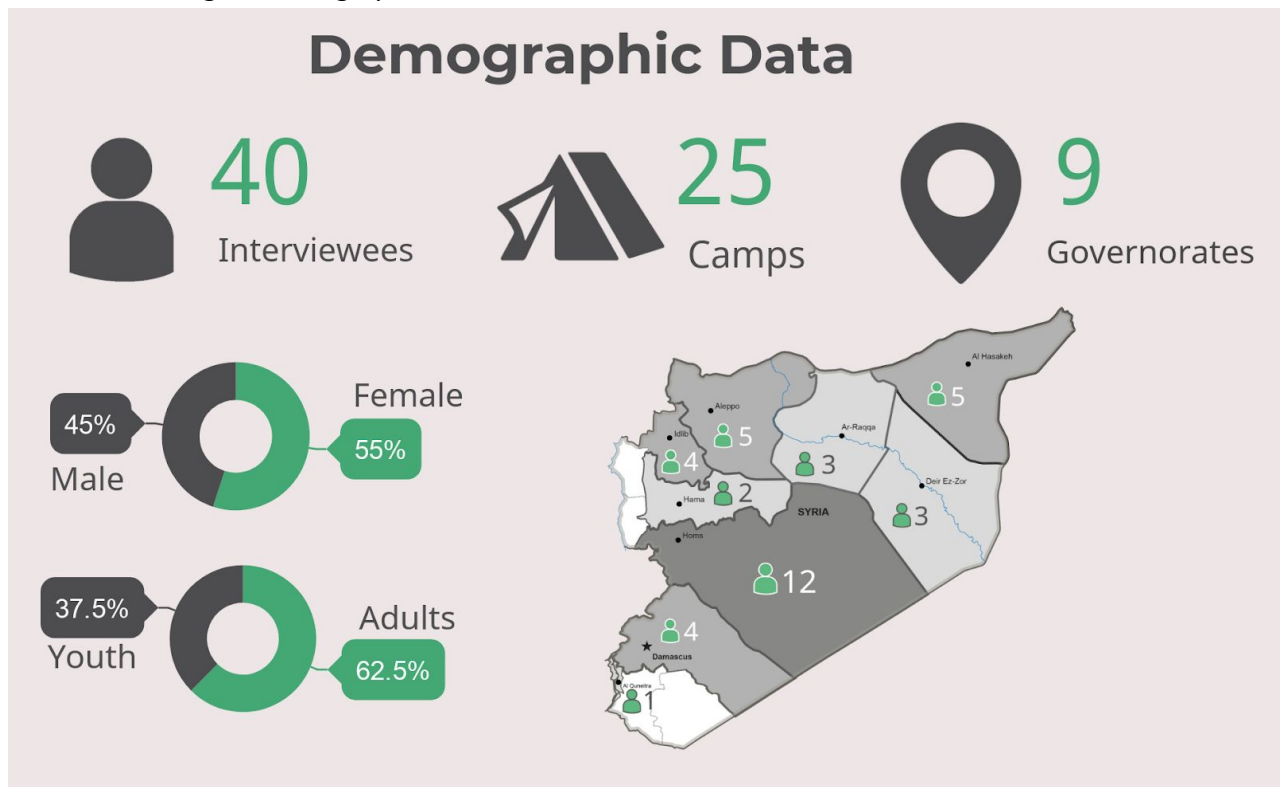
# METHODOLOGY

This report presents findings and recommendations from a seven-month research study based on ethnographic work and field research with Syrian refugees in Lebanon’s central Bekaa Valley. The trust that SAWA for Development and Aid (SAWA) has slowly built over the course of seven years of working on the ground with Syrian refugees provided the foundation for this research. SAWA is a grassroots NGO registered in Lebanon that works with over 40 informal tented settlements (ITS) in the Bekaa Valley in Bar Elias and Saednayel. The organization provides holistic support that spans alternative education, protection, livelihoods, and relief programming. In light of the

sensitive and highly politicized nature of return-related issues, our long-standing relationships with the Syrian communities we work with provided an essential entry point to have fruitful, open conversations with refugees about their perspectives and lived experiences relating to return. Despite that, not everyone was open to talking: several individuals refused to participate in the research, citing fears about their safety. Others expressed frustration with the proliferation of research studies that have failed to produce tangible changes in their lives.

The project utilized mixed methods. Semi-structured, extended individual interviews form the bulk of the data set, with a total of forty interviews held from April to October 2018. To contextualize these data, we conducted several key informant interviews (KIIs), focus groups, and group discussions. We used purposive sampling, selecting participants based on age, gender,

Fig. 1: Demographic Data

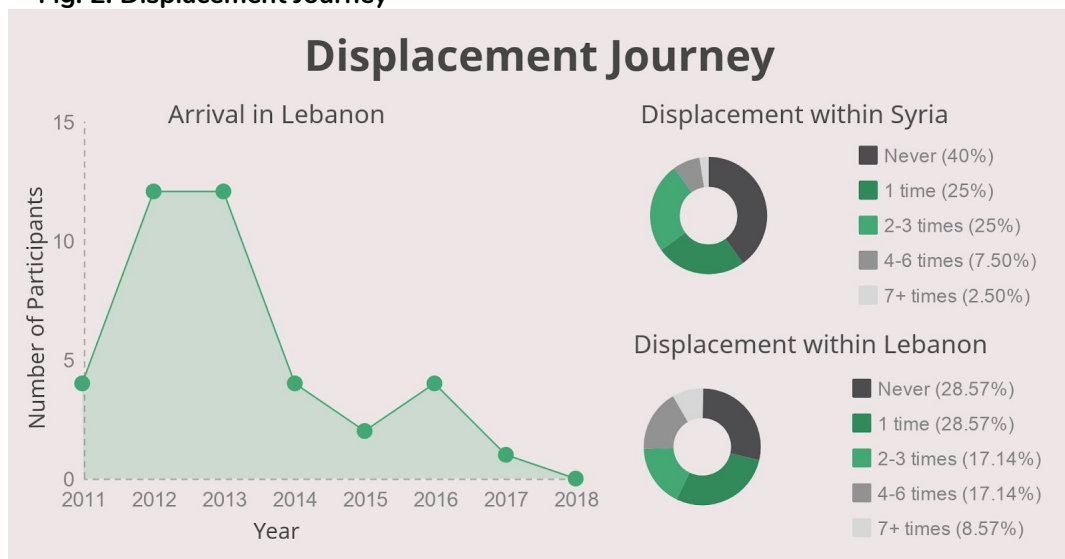


and geographic origin in order to capture the fullest possible range of concerns and conceptions on return, lived experiences in Lebanon, and different visions of their future in Syria and elsewhere.

Our position as a local provider presents both methodological challenges and advantages. While it is not possible to fully mitigate the possibility of bias introduced by SAWA’s long-term presence on the ground with Syrian communities in the Bekaa Valley, it is this presence that allowed us to tackle sensitive material in an in-depth, respectful manner. In order to address possible bias, we selected participants with a range of relationships to SAWA. The sample includes current and past participants and those who have never participated in our programming. Similarly, it includes participants living in camps adjacent to SAWA’s centers, where SAWA has an active presence, as well as those from camps farther away, where SAWA’s support is minimal. In all cases, participants were assured that their participation or non-participation in this research project would have no bearing on their access to aid and services from SAWA. The sample includes both youth (15 participants) and adults (25 participants), with ages ranging from fifteen to seventy-two and an average

age of thirty-six. We sought to maintain a gender balance, with 55 percent female and 45 percent male interviewees. Nine total Syrian governorates are present in the sample, with participants from Homs, Hasakah, Aleppo, Idlib, Rif Dimashq, Raqqa, Deir ez-Zor, Hama, and Quneitra. Almost all participants are currently living in ITS, hereafter referred to as ‘camps’; three participants are living in shared apartments in Bar Elias. 13 different camps are represented through the individual interviews, while group discussions and ethnographic work extends to 25 camps. In terms of pre-crisis income and socio-economic background, the majority of participants self-identified as low-to-middle income. Most participants arrived in Lebanon between 2011-2013. A majority has been displaced one or more times, both internally in Syria and in Lebanon. Given the small sample size and geographically limited scope of this research project, these results are not representative. Instead, the intention of this report is to present an in-depth look at the experiences and insights of a small number of Syrian refugees in a subsection of the Bekaa Valley, in order to prompt further research and policy advocacy. All names have been changed in order to protect participants’ privacy.

**Fig. 2: Displacement Journey**



# 'SAFE' REFUGEE-HOOD? PUSH FACTORS IN LEBANON

Today, it is increasingly unsafe to be a Syrian in Lebanon. Economic, social, and legal pressures make it difficult for Syrian refugees to live in safety and dignity and to even meet their basic survival needs. Forced return is not restricted to deporting or forcibly transferring refugees back across the Syrian-Lebanese border. It is also tied to conditions of displacement that raise questions about voluntariness in decisions of return. This section briefly discusses the economic, legal, and social conditions in Lebanon, examining the role these push factors play in incentivizing return.

## Decreasing Aid & Services

Aid for the Syria crisis response in all three regional host countries is decreasing precipitously, as donor fatigue worsens, public attention wanes, and anti-refugee sentiment grows in the EU and in host countries. The 3RP, the overall regional response plan for Turkey, Jordan, and Lebanon, was only 49.6 percent funded for 2018.<sup>11</sup> The Lebanon-specific Lebanon Crisis Response Plan (LCRP), was just 33 percent funded in

<sup>11</sup> UNOCHA (2017), "Appeals: Syria regional refugee and resilience plan (3RP) 2018." Financial Tracking Service.

2018, according to the LCRP Quarter 3 update.<sup>12</sup> Though Livelihoods and Education are the most underfunded sectors by far, the funding shortfall affects each sector. Support for relief and basic needs has receded from its peak in 2015 and 2016, with an overall funding trend towards development aid as opposed to emergency relief.

Even for the funding commitments that are made, it is often unclear how much of this money is 1) ever disbursed and 2) actually reaches beneficiaries. A systemic lack of accountability and transparency in tracking this funding extends from donor states and institutions to the Lebanese ministries tasked with overseeing the response by sector, and down to the level of service providers. In 2017 Human Rights Watch released a report investigating the extent to which donor funding for the education sector in Lebanon's crisis response is opaque, unearthing a lack

### *Syrian refugee households in Lebanon:*

**76 percent poverty**

**58 percent extreme poverty**

**91 percent food insecurity**

of consistent and timely reporting by donors, missing or unspecific information about the projects donors are funding and their timing, and inconsistent information about overall targets and goals.<sup>13</sup> These structural challenges with regard to funding transparency are not confined to the education sector, but instead are mirrored across other sectors. At best, these gaps create inefficiencies, make it difficult to evaluate program efficacy, and undermine

<sup>12</sup> LCRP Quarter 3 Funding update (2018).

<sup>13</sup> Human Rights Watch (2017). "Following the Money: Lack of Transparency in Donor Funding for Syrian Refugee Education."

trust (refugees', civil society's, and the public's) in donors and host country

*“A lot of people in my camp have stopped getting aid from UNHCR and now they have no support at all. Some are nearly starving. We need aid, we need to eat, we need water.”*

*- Reem (42, from Idlib)*

governments. At worst, they actively facilitate corruption and the misuse of funding.

On the ground, the aid shortfall and structural problems with donor funding map directly onto heightened vulnerability among Syrian refugees in Lebanon.<sup>14</sup> 69 percent of Syrian refugee households are living in poverty, with 51 percent living in extreme poverty; 90 percent were food insecure.<sup>15</sup> Over 280,000 Syrian school-age children (nearly 60 percent) in Lebanon remain out of school, far worse than either Turkey or Jordan.<sup>16</sup>

Refugees directly link their worsening economic situation to receiving progressively less aid. Nisrine (28, from Hama) in a remote camp in Saednayel, explained, “our whole camp is having a worse and worse time. We’re in need of everything - food, money for rent, fuel, clothes, medication, tarps, blankets. Right now we don’t get any support from UNHCR or any international organization, like we used to.” Extensive cuts to the WFP

Multi-Purpose Cash Assistance Program (MCAP) have hit Syrian refugees particularly hard in recent months, given that many families are completely dependent on basic aid and have no other sources of support. Reem (42, from Idlib) expanded on the impact of reductions in aid on her community’s economic situation:

A lot of people in my camp have stopped getting aid from UNHCR and now they have no support at all. Some are nearly starving. We need aid, we need to eat, we need water. We’re buying water collectively now, but it’s not clean. We have to drink and shower with dirty water. Over the winter, when it rains a lot everything floods, and all of the tents and all of our things get covered in water contaminated with sewage. We don’t have the money or supplies to deal with these problems on our own, and we are getting less and less help [from UNHCR and NGOs]. A lot of people have had to return recently since they stopped getting aid from UNHCR.

Other interviewees echoed this claim, citing examples of families who decided to return in October and November 2018 after their UNHCR/WFP cash aid was discontinued. The overall reduction in aid and the abrupt discontinuation of in-kind and cash support, in particular, seem to be playing a determinative role in some refugees’ decision to return. As the gap between needs on the ground and available services and programming widens, the link between aid and return warrants further investigation.

<sup>14</sup> Multiple assessments and reports detail Syrian refugees’ heightened vulnerability. See:

<sup>15</sup> UNHCR, UNICEF, WFP. “VASyR 2018.” (2019).

<sup>16</sup> In Jordan, 94.7 percent of Syrian refugee children ages 6-14 years old are enrolled in school, and 62 percent of children 15-17 years old are enrolled. In Turkey, 79 percent of school-age Syrian children are enrolled in school.

NRC (2017), “Back to School? Over 280,000 Refugee Children Remain Out of School in Lebanon.”

## Shrinking Livelihood Opportunities, Rising Debts

Compounding the across-the-board reduction in aid, the Lebanese authorities have moved to further restrict livelihoods opportunities available to Syrian refugees. 90 percent of Syrian refugee households in Lebanon have no or only one family member generating income, either through formal or informal channels.<sup>17</sup> According to Lebanese labor law, Syrian refugees are barred from employment in all but three sectors: agriculture, cleaning, and construction.<sup>18</sup> Still, Lebanese authorities have long refrained from strict enforcement of this law, due to a combination of limited capacities and a tacit recognition of the negative consequences such enforcement would have for both Syrian refugees and the Lebanese economy.

Though never expansive, the space for Syrians to secure livelihoods opportunities has rapidly shrunk in recent months. Up until early 2018, Lebanese authorities routinely elected not to enforce labor codes and other restrictions, allowing NGOs to operate without substantial oversight and Syrians to find informal work with NGOs and other organizations and businesses. As pressure for Syrian refugees to return has mounted, this uneasy, informal arrangement has ceded to more aggressive enforcement. Over the spring and summer of 2018 Lebanese shuttered several health clinics in Tripoli with Syrian staff. In early November, GSO officials reached out to INGOs across the country, inquiring about their employees' nationalities, work visa

<sup>17</sup> LCRP, July 2018 Update.

<sup>18</sup> Syrians are permitted to work in other sectors under the Kafala sponsorship system. UNDP (2017). "Peace Building in Lebanon: Labour Policy and Practice."

### Box 1: Economic Pressures & Education Access

"My younger sisters are working in the fields for 6,000 LL a day (4 USD). They should be in school, but we don't have another option."

- Dia (21, Hasakah)

"I stopped going to school two years ago. Usually I do odd jobs, and I drive. Besides me, I have two sisters who are enrolled in a Lebanese university that accepts Syrian students. They work after their classes, which makes it hard for them to do well in school. For me and my sisters, but also for all the other youth I know, the most important thing to us is our education."

- Abdullah (15, Hama)

"I had to drop out of school this year. But I want to go back! I want to finish my studies and then go to university and become a lawyer. But it's hard to stay in school here, between social pressure on girls and the costs and the harassment at school and on the way."

- Noor (16, Homs)

"I should be in my first year of university right now, but I have to work. I used to be good in school, but I don't even have a high school diploma, I only got to 8th grade before we were displaced. If I return to Syria, more than anything else I'd like to finish my studies."

- Ismail (18, from Hasakeh)

"My kids are growing up illiterate, without an education. They are all out of school because there is no school nearby and we can't afford transportation for them."

- Ala'a (33, from Aleppo)

status, and passports.<sup>19</sup> In late November, GSO officials coordinated crackdowns across Lebanon, closing Syrian-owned shops, detaining Syrian workers, and imposing a 1,000,000LL (nearly \$700) penalty on businesses employing Syrians.<sup>20</sup> Interviewees and KIs reported that all 8 Syrian-owned shops have been shuttered by GSO in Jib Jenin, as well as most shops in Bar Elias. A Syrian owner of a shoe manufacturing workshop in Bourj Hammoud said, “almost all of the Syrian-run shops and workshops in the area have been closed.”<sup>21</sup> Syrian employers now must have a grade-A work permit, which costs approximately \$10,000, as well as proof of assets over \$70,000. For every one Syrian hired under these criteria, 4 additional Lebanese employees must be brought on board, making the proposition unattractive, if not impossible for most small-to-medium businesses.

As aid dries up and livelihood opportunities become more restricted, refugees are increasingly resorting to taking on debts in order to make ends meet. In 2017, 87 percent of registered Syrian refugee households in Lebanon were in debt.<sup>22</sup> By mid-2018, 75 percent of households were borrowing money just to buy food.<sup>23</sup> This figure does not capture debt incurred for monthly costs for rent, utilities, health costs, or fuel, which is likely much higher. Nearly every family we spoke with reported taking on debts as a matter of necessity, but being unable to pay them back in part or in full.

For example, Hanan (53, from the suburbs of Damascus) is a single head of household with young children to care for. Her family’s

expenses are considerably higher than the amount of cash aid they receive from UNHCR. Hanan lamented, “I can never pay my debts off. We’re already behind on this month’s rent, and we don’t have any income at all right now. We can’t pay money we don’t have.” Hanan’s family has racked up over 1 million LL (667 USD) in debts. As her debts mount, so do the prospects of being evicted by the landowner for failure to pay rent.

*“I can never pay my debts off. We’re already behind on this month’s rent, and we don’t have any income at all right now. We can’t pay money we don’t have.”*

*- Hanan (53, from Rural Damascus)*

Reem explained her family’s similar situation: “We’re suffocating under debts. I have 10 kids, and we don’t have anyone working in our family. How can I get them everything they need, bread and clothing and milk and school fees?” Like Hanan and Reem, almost everyone we spoke with discussed similar economic challenges, from struggling to pay for rent and food to suffocating under significant debt burdens. Mounting economic and legal vulnerability, coupled with rising social tensions, create powerful incentives for return.

The worse-off economically Syrian refugees are in Lebanon, the less prepared they are for return, even as return eventually becomes a more appealing option than evictions and unemployment. Raghad (16, from Rural Damascus) related, “We were displaced in Syria three times before coming to Lebanon. By the time we got here, we had nothing. In Lebanon we have had to move four times

<sup>19</sup> Author’s phone call with Crisis Action, 3 Dec 2018.

<sup>20</sup> The New Arab. “Lebanese Security Forces: Crackdown on Syrian Refugees.” 21 Nov 2018.

<sup>21</sup> KII, Bourj Hammoud, 17 Nov 2018.

<sup>22</sup> WFP, UNHCR, UNICEF (2018). “VASyR 2017: Vulnerability Assessment of Syrian Refugees in Lebanon.”

<sup>23</sup> Ibid.

between Tripoli and the Bekaa, each time trying to find work.”

## Legal Vulnerability

A lack of legal residency and other civil documentation is both a driver and effect of the economic vulnerability Syrian refugees in Lebanon experience. The more desperate a family’s economic situation, the less likely they will be able to afford the processing fees, cost of transport, or lost wages required to obtain or renew their documentations. Syrian refugees’ prolonged legal vulnerability has critical implications for return.

Though most Syrian refugees in Lebanon do have UNHCR registration and some form of Syrian IDs a rapidly decreasing minority possesses valid Lebanese residency. Only one of the individuals we interviewed possesses valid residency, and that only because she is a Lebanese citizen who married a Syrian. Both interviewees and KIs report that valid residency has become the exception rather than the norm, citing whole camps whose residents lack residency. These accounts suggest that over the past year, the percentage of Syrian refugees without valid residency may have risen above 73 percent, the already alarming figure from the end of 2018.<sup>24</sup>

Renewing one’s residency is often a costly and convoluted process for Syrian refugees. While the \$200 annual renewal fee has been officially waived by the Lebanese authorities since February 2017, this waiver continues to go unimplemented by entire GSO offices and individual officers.<sup>25</sup> Multiple interviewees

reported having their efforts to renew their residency renewal applications thwarted by the Lebanese authorities. Interviewees described getting turned away from GSO offices outright, forced to wait for extended periods outside, repeatedly told to make another appointment, and having their applications going unaccepted without explanation or justification. Reem eventually succeeded in renewing her residency, but only after being turned away repeatedly: “It took me 3 months to renew my residency papers with General Security. Every time I would go they would tell me, ‘Go home, come back later.’ It was intensely humiliating.” Other

*“It took me 3 months to renew my residency papers with General Security. Every time I would go they would tell me. ‘Go home.’”*

*- Reem (42, from Idlib)*

Interviewees gave up after encountering similar treatment. Mahmoud (27, from Hasakah) relates his wife’s experience trying to get her residency papers renewed by GSO: “they made her and a whole group of Syrians wait outside in the rain all day. My wife waited outside the GSO office from 9am to 6pm, without being allowed to enter. Eventually it was getting dark and she had to go home. She refuses to go back, since she thinks it will just happen again.”

A lack of legal residency has wide-ranging implications for refugees’ security in Lebanon. Refugees without valid residency papers are at constant risk of detention or eviction. To manage this risk, refugees restrict their movements in an effort to avoid interacting

implementation of residency fee waivers.” 1 Apr 2017.

<sup>24</sup> VASyR 2018 (2019).

<sup>25</sup> Human Rights Watch. “Lebanon: New Refugee Policy A Step Forward.” 14 Feb 2017. See also: Daily Star. “Hurdles impede



with Lebanese authorities. This, in turn, severely limits access to services and livelihoods opportunities. Further, it also ends up making refugees even more vulnerable to harassment, wage theft, and violence, given that they are unable to rely on the authorities to protect them. Several interviewees reported immediate family members who have been detained by Lebanese authorities because of their lack of valid residency papers. Sana (38, from Rural Homs), explained:

My husband is in prison right now. The [Lebanese] security forces raided our camp and detained him because his residency was expired. We can't afford to cover our basic living costs, much less renew our papers. My husband has been detained for two weeks. He is not a criminal, he shouldn't be treated like this, with no trial, no charges, no rights.

Maysa (45, from Rural Damascus) is particularly worried about her oldest son, who has been imprisoned in the city of Tyre for over a year: "My son was implicated in a crime that he didn't commit, but because he is Syrian, illiterate, and has no papers, he has not gotten a fair trial." Legal fees for their son have cost Maysa and her husband Hassan (51) over \$200, a major burden for a family already going deep into debt to meet their survival needs.

Evictions by Lebanese municipalities and individual landowners target refugees without valid residency papers, but also happen in response to refugees' failure to pay rent or meet landowners' demands. In 2017, over 10,000 eviction orders were issued for Syrians refugees living in 259 camps in the Bekaa Valley.<sup>26</sup>

<sup>26</sup> NRC, Save the Children, CARE, DRC, IRC, Action Against Hunger (2018). "Dangerous Ground: Syrian Refugees Face an Uncertain Future."

## Box 2: Lack of Legal Documentation

"We haven't been able to renew our residency papers: they are all expired. It's been 3 or 4 years of living in constant fear of the authorities"

- Hanan (53, from Rural Damascus)

"None of us has legal residency. My three-year-old daughter has a birth certificate but I don't have any ID, which makes it really hard to move around and access services."

- Dia (21, from Hasakah)

"No one in my family has valid residency. One of my grandchildren has a birth certificate in Lebanon, but she is not registered with the Syrian embassy. The other one's birth is not registered at all."

- Nabila (60, from Homs)

"Mostly, I stay home because my parents say I'll get in trouble for not having the right papers."

- Mohammad (15, from Zabadani)

"I don't have an ID, and I don't have any status here in Lebanon. I'm nobody here."

- Uthman (18, from Homs)

"My older son, who's 16, can't move around, since we don't have residency papers."

- Reem (42, Idlib)

"My younger siblings don't have IDs."

- Sabah (17, from Hasakah)

"Only my husband and I have any legal documentation; none of my children does. No one in the family has valid residency."

- Hind (38, from Homs)

Displacement is often chronic for the most vulnerable families. For example, Maysa and Hassan and their family have been displaced 8 times over the past 6 years, living in camps in both urban zones (Beirut, Baalbek, and Sidon) and rural areas (Taenayel, Hosh al-Harima, and Saednayel). Hassan explained, “each time you have to build and furnish a tent, you can rack up \$1,000-2,000 in debts. It’s not possible to pay these costs back. Eventually the landowner comes to collect, and we’re kicked out again. This happens every few months. Our economic situation is very bad. We’re living week to week, and sometimes we can’t even afford bread.”

In addition to evictions, raids by GSO and the army contribute to an environment of insecurity and fear. These raids occur unannounced, often in the middle of the night, both in ITS and in non-camp urban settings. Lebanese state and municipality security forces round up and detain refugees without valid residency or who are wanted for violations of labor law or other laws, without any accountability or due process. In a recent example, at the end of November, the Lebanese army detained around 400 Syrians

*“Each time you have to build and furnish a tent, you can rack up \$1,000-\$2,000 in debts. It’s not possible to pay these costs back.”*

*- Hassan (51, from Adra al-Omalia)*

in raids on refugee camps in the eastern Bekaa valley, mostly for overstaying their residence permits (33 people with arrest warrants, 56 people without identity papers, and 300 others over expired residency documents).<sup>27</sup> These raids on ITS coincided

### Box 3: Dalhamiyeh - Eviction & Insecurity

Hind (38, from Rural Homs) relates the Dalhamiyeh camp’s experience of being evicted by the Lebanese army: “It happened during last winter. The soldiers came in the middle of the night to evict our whole camp. It wouldn’t have been so bad if it would have been during the spring or summer, but it was winter and the weather was very cold and wet. We didn’t have anywhere to go after we were evicted. None of the nearby farms were willing to take us in. A few local NGOs intervened and helped arrange a piece of land for us to go to, but first we spent a few days on the streets, freezing and afraid.”

Although the Dalhamiyeh camp residents have recovered since last year’s eviction, they are far from secure. Our interview was interrupted by shouts. A neighboring landowner had entered the camp with a loaded gun and was waving it around, threatening to shoot people. The man shot a dog that he claimed had gotten loose and wandered onto his property, and fired another shot into the air. Small children were milling around and crying, as their parents screamed to them to come back into their tents. Several men from the camp managed to defuse the situation without anyone getting hurt, but the whole confrontation underlined the lack of security and the environment of fear that Syrian refugees are subject to on a daily basis. After the confrontation, Hind remarked, “calling the police is never an option, since no one in our camp has [legal residency] papers. If we call them, we’ll be the ones getting arrested.”

<sup>27</sup> I24 News. “Lebanon army 'detains several hundred Syrians' in raids on camps.” 29 Nov 2018.

with raids on Syrian refugees in southern Beirut.<sup>28</sup>

Beyond the issue of legal residency, a lack of civil documentation presents a further challenge. The civil documentation gap is particularly severe for children and youth, who have spent a relatively larger portion of their lives in displacement compared to adults. Youth and kids tend to lack more legal and civil documents, and at times possess no documentation at all. Several youth interviewees themselves had no personal identification documents, like Rania (21, from Hasakah) and Osama (17, from Hama).

Children born to Syrian families in displacement and who do not have birth registration are more vulnerable still, facing an acute risk of statelessness. Of the Syrians we interviewed, nearly a quarter had a child, grandchild, or sibling without birth registration. Nabila (15, from Idlib) has several younger siblings who were born in Lebanon in the 6 years since her family fled from Syria; none of them has birth registration. Similarly, Raneem (39, from Quneitra) has 5 children, none of whom has birth registration. Despite UNHCR and NGO legal aid efforts, this issue remains a significant challenge, since the most vulnerable refugee households are the least likely to have access to legal programming.

Syrian refugees' legal vulnerability is gendered, both in Syria and in Lebanon. A Syrian woman's legal status in the civil registration system is derived from her relationship to men, either her father or husband. The Syrian Personal Status Law bars women from passing on their nationality if married to non-Syrian men and limits their rights in marriage and divorce.<sup>29</sup> What's more,

<sup>28</sup> KII, Beirut, 30 Nov 2018.

<sup>29</sup> WZB Berlin Social Science Center (2018). "Gender Role Changes and their Impacts on Syrian Women Refugees in Berlin in Light of the Syrian Crisis."

women are much less likely than men to possess legal documentation. A 2017 study in northwestern Syria by UNHCR and NRC found that Syrian women were significantly less likely to possess a passport (1/50 women compared to 1/5 men), marriage certificates, other civil documentation and property documents.<sup>30</sup> This creates legal challenges for the many women whose husbands, fathers, or other male guardians have been killed or forcibly disappeared, or who have gotten married or divorced over the course of the conflict. Particularly if women do not possess death, marriage, or divorce certificates, their access to aid and services in Lebanon and to their inheritance and property rights in Syria may be impacted. This creates urgent legal and material protection concerns for female returnees, and may increase post-return legal vulnerabilities that hit women and children hardest.

## Social Tensions and Harassment

Squeezed between economic pressures, legal vulnerability, and limited access to services, refugees also report being deeply affected by the increasingly hostile social climate in Lebanon. A combination of harassment, disrespect, and all-out violence against Syrians compounds the alienation and homesickness many refugees experience. In a recent example of these social tensions boiling over, Lebanese protesters in Aarsal assaulted several Syrians, also throwing rocks at their cars and shops during a protest about economic conditions.<sup>31</sup>

<sup>30</sup> UNHCR & NRC (2017). "Displacement, housing, land and property and access to civil documentation in the north west of the Syrian Arab Republic."

<sup>31</sup> Daily Star. "Protesters in Aarsal attack Syrians, throw rocks at shops, cars." 22 Jan 2019.

In many interviews, feeling disrespected and dehumanized is reported as a strong motivator for refugees to consider return. According to Uthman (33, from Zabadani), Syrian refugees “are living without any dignity in Lebanon. This country is expensive and the conditions we live in here are terrible. In my camp we live surrounded by trash. But the worst part is that people treat us like trash. You can see the discrimination between Lebanese and Syrians out on the streets, in the courtrooms, in the hospitals. We can’t move around after dark. We can’t get work. The employers ask us for residency papers that we don’t have and then insult us. And there’s the constant threat of detention. Arrests are happening continually. I don’t see our situation here getting better, since we don’t have the money required to live in dignity. If it was safe to go back, we wouldn’t stay a day longer in Lebanon. No one wants to live like this.”

Current economic, legal, and social pressures for Syrian refugees in Lebanon have created conditions of displacement that undermine their safety and dignity. In order for Syrian refugees in Lebanon to be able make voluntary decisions about return to Syria, the conditions of their displacement must meet the most basic standards of protection. Given that conditions in Lebanon fail to meet these standards, returns under these circumstances can be considered structurally coercive, since refugees increasingly lack tenable alternatives.

When it comes to addressing push factors in Lebanon, three priority areas for reform

emerge. First, addressing Syrian refugees’ legal status is essential, given that a lack of legal residency has an adverse impact on every other aspect of refugees’ lives, from livelihoods to education to access to aid and services. Second, it is vital to address refugees’ economic vulnerabilities. Refugees need to be able to meet their families’ housing, food, and other essential needs without taking on high levels of debt or resorting to other negative coping

*“I don’t see our situation getting better, since we don’t have the money required to live in dignity. If it was safe to go back, we wouldn’t stay a day longer... No one wants to live like this.”*

*- Uthman (33, from Zabadani)*

mechanisms. Expanded access to aid and is part of the solution, but equally important is policy reform that would expand labor restrictions and allow refugees more room for equitable, non-exploitative income generating opportunities. Finally, doing more to mitigate social tensions, harassment, and anti-refugee discourse would also go a long way toward improving refugees’ conditions of displacement. However, even if conditions of displacement in Lebanon improve substantially, other factors leading up to and during return impede the voluntariness and safety of these returns.

# RETURN DYNAMICS: UNSAFE, UNINFORMED & UNSUSTAINABLE

A recent statement issued by the head of Lebanon's General Security directorate (GSO), claims that nearly 90,000 Syrian refugees returned from Lebanon to Syria between July and November 2018.<sup>32</sup> UNHCR, on the other hand, has confirmed 16,700 cases of return in 2018. While the GSO figure has not been verified and is highly likely to be inflated, the UNHCR figure is a low estimate, since it reflects only cases of return that can be verified through household visits or family member interviews, and UNHCR lacks full access to Syria. Aside from these disputed return statistics, a lack of clarity extends across the entire return landscape in Lebanon.

In the midst of increasing media coverage of return movements, both the circumstances in Lebanon leading up to return and fate of returnees post-return remain opaque. On the Syrian side of the border, persistent access challenges for humanitarian organizations and a lack of comprehensive post-return monitoring cast doubt on just how voluntary, safe, or dignified returns can be. Urgent questions about return remain unanswered: Under what circumstances are refugees registering for return in GSO and Hezbollah

centers? What other political actors and local-level intermediaries are involved? What is the nature and extent of return-related coordination with the Syrian government? What happens during spontaneous, individual-level returns?

This section takes a critical look at the dynamics of refugee returns from Lebanon to Syria, analyzing the use and misuse of return-related terminology, and evaluating the extent to which returns in this context qualify as safe, voluntary, informed, and dignified. Interspersed with this analysis, several case studies of return and re-displacement provide concrete snapshots of the damage that premature and unsafe returns is doing to some Syrian refugees in Lebanon. These case studies bring to light returns that resulted in extreme re-traumatization, victimization, and exploitation, and have resulted in heightened economic and psychological vulnerability after refugees to Lebanon for the second time. While it is unclear how widespread return-related experiences like these are, these case studies point urgently to the need for further research and advocacy around the need for post-return protection guarantees.

## Preserving Rights-Based Return Principles

The UN, major EU donor states, and Lebanese political leaders all use similar terms to describe the appropriate standards for returns to Syria. These actors may employ the terms 'voluntary', 'safe', and 'dignified' when discussing refugee returns, but they are part of wildly divergent arguments about return. For the UN and the EU, 'safety' means that returns to Syria must be linked to credible security guarantees for returnees, with the understanding that safety is about more than the absence of outright war. Rather, safety

<sup>32</sup> Daily Star. "Almost 90,000 Syrian refugees have returned: General Security." 2 Nov 2018.

extends to political, legal, social, and economic concerns.

‘Voluntary’ returns are fully informed and free from pressure and coercion, both structural and personal. In February 2018 UNHCR articulated these principles by way of a detailed series of protection thresholds for phased return to Syria.<sup>33</sup> This document specifies that the “physical, legal, and material safety of returnees is ensured”, that the government and actors in control provide “genuine guarantees” for returnees’ security, and that all decisions to return are “informed and genuinely voluntary, without any coercion.”<sup>34</sup> NGOs and civil society organizations emphasize the need for returns to meet four key conditions: returns should be safe, voluntary, informed, and dignified.

*“The political solution of the Syrian crisis [should be separated] from the issue of the displaced Syrians who can return to safe areas in their country.”*

*- President Michel Aoun, Nov. 26, 2018*

Pro-return actors have adopted this rights-based language, but to make opposite arguments about return. For example, in late November 2018 Lebanese President Michel Aoun advocated publicly for the separation of a “political solution of the Syrian crisis from the issue of the displaced Syrians who can return to safe areas in their country.”<sup>35</sup> In other words, return should not be tied to

<sup>33</sup> UNHCR (2018). “Comprehensive protection and solutions strategy: protection thresholds and parameters for refugee return in Syria.”

<sup>34</sup> Ibid.

<sup>35</sup> The Peninsula. “Lebanese President calls for return of Syrian refugees in Lebanon.” 26 Nov 2018.

political change, reform or security guarantees. Foreign Minister Gebran Bassil has been the single most vocal proponent of return among Lebanese politicians. At the Arab Economic Summit, held in Beirut from January 19-20, 2019, Arab League countries agreed on a statement to “encourage” refugees to return to Syria, hailed by Bassil as “a victory for Lebanon.”<sup>36</sup>

‘Safe’ return, in this conception, pays attention to large-scale active conflict, but not to structural political violence or to access to essential services or fundamental rights. The Syrian government has consolidated control over much of Syria, this line of thinking goes, so return to regime-controlled areas should be considered safe, since there is no longer active fighting in these areas.

Hezbollah has long advocated for the same rhetorical approach to returns discourse, paying lip service to rights-based returns principles but inverting their meanings. In late June 2018, Hezbollah leader Hassan Nasrallah asserted that neither Hezbollah nor the Lebanese government wanted to force refugees to return, but instead sought to “work together so that as many Syrian refugees as possible who want a voluntary and safe return can go back.”<sup>37</sup>

Like the inversion of the principle of safety, in this configuration, ‘voluntary’ return merely requires that no one physically forces refugees to return, effectively stripping the term of its full meaning. Voluntariness must include a consideration of refugees’ calculus between push and pull factors.

In Lebanon, as discussed in the previous section, elevated vulnerability and strong push factors are leaving some refugees with

<sup>36</sup> The National. “Summit ‘encourages’ refugees to return to home countries.” 21 Jan 2019.

<sup>37</sup> Al Arabiya. “Hezbollah seeks role in return of Syrian refugees from Lebanon.” 29 Jun 2018.

return as the only viable option. Refugees who know families who have already returned cited a range of motivating factors, most of which revolved around intolerable conditions in Lebanon: discrimination, economic pressures, and lack of legal status. By definition, a return of no alternative is not voluntary. Two further dimensions also feed into voluntariness: informedness and lack of coercion. Unfortunately, the context in Lebanon fails on both counts.

dramatically lowers the bar for returns. This overly simplistic discourse poses a serious threat to the protection of Syrian refugees in Lebanon and the region, but it could also set a dangerous precedent for the treatment of other refugee communities experiencing protracted displacement.

First, refugees navigating decisions around return to Syria lack vital information. From conditions inside Syria in their area of intended return to the status of their housing, land, and property to risks of forced conscription or detention at the border or after return, reliable and up-to-date information is not available. If refugees do not have enough information to make informed decisions for themselves and their families, their returns cannot be considered voluntary. Second, many refugees are not making choices about return in a free and independent way. Instead, refugees are subject to both direct and indirect pressure to return from a range of actors with an interest in early returns.

Pro-return actors' adoption of the same language as refugee rights advocates threatens to entirely disconnect these principles from their original, rights-based meanings. The conception of safety and voluntariness being put forward by prominent Lebanese political actors, as well as Russia and some EU politicians

*Pro-return actors' adoption of the same language as refugee rights advocates threatens to entirely disconnect these principles from their original, rights-based meanings.*

## CASE STUDY 1 – Raed & Sabah: To Raqqa and Back

Raed and Sabah (46 and 38, from Raqqa) experienced a nightmarish return that led to re-displacement and new vulnerabilities. “Last fall, my wife Sabah got very sick and we couldn’t afford the medical fees here,” recalled Raed. Sabah explained, “I was scared to die here, to never see my family again. I felt I had to go back to Raqqa, and it seemed like the right choice. I was so excited about the idea. We were hopeful that things would be better for us.” Raed agreed: “I had been dreaming of going back for so long, I saw it as something beautiful. I didn’t stop to think about what the conditions were like. When I heard from family that things were okay in Raqqa, I believed them.”

Raed and Sabah sold all of their belongings in Lebanon for 400,000LL (\$267), a fraction of what their family had paid for them. They returned to Syria with their six children in January 2018. Due to their expired residency papers, they decided to return through the irregular mountain route.<sup>38</sup> The journey was risky and taxing. Along the way, Sabah, already weakened by her illness, collapsed from exhaustion. The family later hid in the dense undergrowth from a Lebanese military patrol, afraid of being arrested. Finally, they were forced at gunpoint to pay 300,000 LL (\$200) to an armed stranger. The family spent an additional \$100 to make it to Damascus, where they spent a few cold nights sleeping on scavenged cardboard in a public garden, while Raed arranged transportation and rental of a house near Raqqa, where his family would stay while he went on alone to check on their house. It took several days for them to reach the periphery of Raqqa, given the proliferation of checkpoints.

When Raed finally made it to Raqqa city, he was devastated by what he found. “Unlike what we were told, nothing was left of our old neighborhood. Our house was partly leveled by shelling, and what was still standing had been fully looted. There were rotting corpses in some of the rooms. Prices for bread, water, and electricity were impossibly high. Corpses contaminated the drinking water. You’d see children with sores and lesions all over their bodies, made sick by the water and the terrible conditions. On top of this, we could barely sleep at night because we were so frightened. There was no sense of security, no state. Just roving militias. People were abducted and killed every day.” Sabah continued: “At night, you couldn’t go outside, no matter what. Even if you were dying and needed medical care, you’d die untreated.”

Raed decided to bring his family back to Lebanon in June 2018, going into major debt to be smuggled across the border. “We lost everything by going back to Raqqa. It cost \$400 in transport to and from Raqqa within Syria, \$233 to rent the house outside Raqqa, hundreds of dollars for price-inflated food and water, and \$900 for the smuggler. We sold everything before returning, so when we fled back to Lebanon we had nothing: no lumber, tarps, mattresses, or even basic cutlery. Returning to Syria cost us almost \$2,000, and I don’t know how we will ever pay it back. But worse than the money is the psychological toll. We have lost hope. I feel broken. I don’t even have hope for my children - they can’t read or write, they are out of school, what future can they look forward to?”

<sup>38</sup> The ‘mountain route’ refers to an irregular trail through the mountains, bypassing the official Lebanese border checkpoint. The route is laden with dangers: icy, rocky terrain, and an effective authority vacuum.



## Return Modalities: Actors, Logistics & Protection Concerns

On the Lebanese side of the border, numerous actors are involved at each stage of returns, with minimal oversight or accountability. A range of Lebanese political parties, Syrian political party branches operating in Lebanon, and community and tribal leaders, are all engaged with return, operating informally for the most part. These actors' involvement includes encouraging and exerting pressure on refugees to return to registering and processing refugees for group returns to actively coordinating return movements. In addition to returns-related mediation and facilitation by these actors, some Syrian refugees are returning independently, in self-organized individual returns and small group returns.

The next section details the landscape of return modalities. First, it outlines the central actors playing a role in returns from Lebanon to Syria. It then proceeds to highlight unsafe and coercive dynamics, as well as significant remaining gaps in information about how these players are influencing returns.

### Return Actors in Lebanon

#### General Security Directorate (GSO)

GSO operates official government registration centers across Lebanon. After refugees register with GSO, lists of prospective returnees are sent to Syrian government for review and security clearance. The criteria used to determine eligibility for return have not been made public. In a televised interview in early October 2018, a GSO officer asserted

that Syrian authorities are in charge of who will return at this time.<sup>39</sup> The officer added that “GSO’s role is exclusively to collect names and then to send them to the Syrian authorities. The Syrian authorities then send us the lists of those accepted. Our role is not to evaluate which areas are secure in Syria and we are not responsible for this...We only coordinate with those accepted to organize their return logistically.” In practice, this means that GSO-organized returns exclude some refugees without any clarification or justification, at the sole prerogative of the Syrian government.

*“GSO’s role is exclusively to collect names and then to send them to the Syrian authorities. Our role is not to evaluate which areas are secure in Syria and we are not responsible for this.”*

*- GSO Officer, 9 Oct 2018*

So far, roughly half of the individuals on the lists sent to the Syrian security authorities for review ultimately end up returning. Many or all of these people may have not been accepted to return by the Syrian security clearance, but it is also possible that some have simply elected to withdraw their names from the list, their files are still under review by the time of a given return movement, or that their names were originally listed by error.

It generally takes one to two months between refugees’ registering to return and being informed that they will be returning. The time

<sup>39</sup> DW Arabic. “I am a Syrian refugee in Lebanon: They ask us to return, but is Syria safe?” YouTube. 9 Oct 2018.

between this notification and the scheduled return is considerably shorter, generally about 3 days. For returnees, this makes it extremely difficult to prepare for return, particularly in terms of obtaining civil and educational documentation, as well as health services like immunizations and medication for chronic medical conditions.

### **Hezbollah**

Hezbollah is coordinating return in parallel to GSO-facilitated return. Hezbollah has opened 9 centers for return registration: 4 in south Lebanon, 4 in the Bekaa Valley, and 1 in south Beirut. These centers are black boxes. The Lebanese government has not officially acknowledged their existence, and no public information is available about their operation. Almost nothing is known about Hezbollah's registration procedures, the nature of coordination with Syrian authorities, or the areas to which refugees are returning. One KI explained that Hezbollah refers some refugees to GSO, and pursues a wholly parallel return process with others; no information is available to verify or elaborate on this claim.<sup>40</sup>

### **Lebanese Municipalities**

The degree of involvement of local public officials and mayors varies widely by region, as does their level of support for return. In June and July 2018, municipalities in the west-central Bekaa Valley conducted an extensive return-related outreach campaign. These municipalities contacted refugees across many camps, asking them to fill out a form about their intentions to return to Syria and the reasons they are not returning. According to KIs, the way these questions were framed clearly encouraged return, and may have been perceived by refugees as a veiled threat. There is no available information on how these data have been shared or utilized.

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<sup>40</sup> KII, Bar Elias. 12 Dec 2018.

GSO is also actively coordinating with municipalities in this part of the Bekaa (and potentially municipalities in other regions), requesting demographic information on refugees: how many refugees are present in a given municipality, broken down by area of origin in Syria. These forms are then collected by GSO.

### **Micro- & Meso-Level Actors**

Other local and regional actors feed into return facilitation and coordination as well. Local Committees are groups of Syria government-linked representatives that act as intermediaries between the Syrian government and public officials, mayors, and refugees.

In the west-central Bekaa, Local Committees have taken the lead on small-group returns to Zabadani and Eastern Ghouta. Additionally, Lebanon-based Syrian political parties and associations (including the Syrian Laborers' Association and the Syrian National Socialist Party) play a similar role to Local Committees. Tribal and clan networks also influence return dynamics, with some tribal leaders in Syria sending delegates to organize returns or to pick up returnees from border crossings.<sup>41</sup> According to a KI in Bar Elias from Idlib, returning via tribal networks is preferable to GSO or political broker-affiliated returns: "A clan leader or a delegate can accompany you once you arrive at the border crossing so you feel secure. Not to mention that they make promises and assurances like receiving a military card. This military card is sufficient to protect yourself and your family." Anecdotal reports of post-return conscription indicate that, at least in some cases, these promises are not being kept; this dynamic expanded in the following section.

Finally, a new, little-known political party called the Lebanese Promising Party (LPP) began advocating for return about 6 months

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<sup>41</sup> KII, Bar Elias. 25 Nov 2018.

ago. The LPP has launched an online return registration platform and purports to have coordinated two return movements (Nov. 1 and Dec. 6,) from Keserwan, Bourj Hammoud, and Dekwaneh, for a total of around 300 refugees.<sup>42</sup> KIs report that the LPP is actively visiting camps and homes in east Beirut and its surrounding suburbs to pressure Syrians to return and to facilitate their registration. Just like the Local Committees and other local actors, the LPP has no official mandate or responsibilities relating to refugee returns. These actors are all operating without oversight and without standards for engagement with refugees, raising the likelihood of misleading, coercive interactions that flout Do No Harm principles.

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<sup>42</sup> See: LPP return registration campaign portal, <http://www.smartechbay.com/nouzouh>

## CASE STUDY 2 – Layal: To Homs and Back

Layal (37, from Homs) lives in a small tent with her four young children. Her husband was detained in 2012, while trying to cross the border with Lebanon; she has not heard from him since. Her family currently has no source of income and is entirely dependent on humanitarian aid. Layal worries constantly about her family's safety, facing harassment and rejection within her camp as a widow.

In early June 2018, Layal resolved to return to Homs to check on her family's house. Having heard of houses being destroyed, looted, and occupied, she decided to return only temporarily, in case it was unsafe. Although she wasn't sure what to expect, Layal was hopeful: "I hadn't heard anything about my house, but I hoped everything was fine. I was excited about the chance to start again with my children in Syria. I thought returning would be better than our situation in Lebanon." She did not sell her tent or any belongings, leaving her four children in the care of a trusted neighbor. Layal set off alone for the closest official crossing, planning to be gone for one week.

At the border Layal received a five-year re-entry ban from the Lebanese authorities. After a day of travel, held up for hours at successive security checkpoints, Layal arrived in Homs. She went straight to her old neighborhood, eager to see her old house. "When I arrived, I immediately recognized the door. It was the same color as I remembered, the same door frame. I walked up and knocked, thinking about all of the happy memories contained in that house. But someone answered the door, and before I could finish explaining, they shouted at me to leave. They slammed the door in my face. It happened so fast."

Layal was taken completely by surprise: "I had all my housing documents, proving my family's ownership. I kept all of these documents for seven years. I thought that they would ensure our right to return to our home. I had heard about families occupying vacant houses in Homs, but I never knew that another family would have taken my own home. There was nothing I could do - I have never felt so helpless. The authorities are part of the problem, so how could I go to them asking for justice?" Even though Layal was unable to access her property, she was hit with astronomical unpaid utility bills, amounting to \$200 in phone bills and more than \$2,500 in electricity bills, accumulated over the span of the six years she and her children had been in Lebanon. Layal explains: "The imposition of these outstanding bills was like a slap in the face, after my house had already been taken from me. They told me that the state didn't care at all about this injustice and that there was nowhere for me to turn."

In order to get back to Lebanon, Layal decided to take the unregulated mountain route, because of her re-entry ban. She describes the comparatively easy return journey: "I just asked people for directions and started walking. I joined with a group of others, and we walked together, keeping each other company all night. I liked the sense of control I felt, walking under my own power back to my children." Now, back in Lebanon, Layal is struggling with the psychological impact of her return attempt, still reeling from the realization that she has no home to return to in Homs. She and her children remain socially isolated and economically desperate, taking on ever-increasing debts. Because of her re-entry ban, Layal barely leaves her camp for fear of being detained by Lebanese authorities, compounding her other vulnerabilities.

### Self-organized Returns

An unknown number of refugees is opting to return on an individual, self-organized basis. Reasons for bypassing the official GSO and Hezbollah return pathways vary, but concerns about the security risks from both Lebanese and Syrian authorities figure prominently, according to interviewees. Many refugees distrust GSO and all other return-involved actors and are concerned about interacting with Lebanese authorities if they lack legal residency or other civil documentation, or if they or family members have criminal convictions in the Lebanese system. Other refugees are concerned about the Syrian security clearance element, since it empowers Syrian authorities to not process or accept return applications without any justification or opportunity for appeal, and potentially facilitates post-return violations and abuses.

*Refugees who are returning are vulnerable to economic exploitation in the period leading up to and during returns.*

Still other refugees cite economic considerations as key obstacles to protection related return concerns, since they do not have the money for transport fees and are skeptical of GSO waivers of overstay fees and re-entry bans in coordinated returns.

Some self-organized returnees opt to cross the border via official border crossings, where they are subject to paying overstay fees or receiving a re-entry ban, if their residency papers are expired (in contrast to returnees through the GSO-facilitated pathway, who do not receive a re-entry ban). Others choose to return illegally, in one of two ways: on foot, via an unregulated mountain route, or through smugglers. Given the informality of these returns, no accurate estimates of the number

of these self-organized returns are available, nor is specific information about returnee demographics reasons for return, or areas of intended return; except through informal networks of local organizations.

### Logistics: Costs, Exit Formalities & UNHCR's Role

Very little is known about the start-to-finish costs incurred by refugees during the process of returning to Syria, particularly for non-GSO returns. Returns organized by GSO reportedly cost refugees around \$200 (with some variance based on the amount and weight of belongings) for transportation across the border for families and their belongings via bus. Returns organized by Local Committees cost refugees around \$100, also for transportation. Refugees who are returning are vulnerable to economic exploitation in the period leading up to and during returns. These vulnerabilities may include negotiating the sale of their shelter materials and other belongings in Lebanon, settling debts, hiring smugglers, and arranging independent transport to the border. In all of these contexts refugees may be forced to sell for too little and pay too much (See Case Study 1). This is particularly true for refugees who are returning urgently, due to reasons ranging from medical needs to claiming their property to the short notification period given for group returns organized by GSO and Hezbollah.

The application of GSO exit formalities at the border remains opaque. Syrian refugees in Lebanon who overstay their residency permits are subject to a \$200 fine, per person, per year. Initially, GSO required returnees to either pay these overstay fees upon return, or instead to receive a 5-year re-entry ban. Given that at least three-quarters of Syrian refugees in Lebanon lack legal residency, that many have been unable to renew their

residency for several years, and the scale of refugees' economic vulnerabilities, virtually no returnees are able to afford the overstay fees. After pressure from UNHCR and EU donor governments, GSO amended these regulations, adding categories of refugees that are exempt from paying a fine and the re-entry ban. All refugees participating in group returns coordinated by GSO are exempt. For other refugees, exit formalities are less clear-cut. The categories of exempt and non-exempt refugees are not clearly delineated. What's more, it remains unclear whether GSO officials at border crossings are implementing the updated regulations or are still issuing re-entry bans.

UNHCR is present at the Lebanese border during official GSO return movements to verify names and act as an informal observer. The line between observation and coordination or facilitation is not always clear-cut, causing considerable confusion among refugee communities. There is a lack of clarity among refugees about UNHCR's role in return movements. Some refugees reported hearing that UNHCR was paying the overstay fees for returnees during GSO returns, and others asserted that UNHCR was actively in support of and facilitating returns. These rumors are very important to address, given the implications of such misconceptions for refugees' informed decision-making. Inaccurate information about UNHCR's role in return may shift refugees' calculus towards return, since they portray returns as legitimized by UNHCR. Refugees also reported being told by GSO that they'd be taken by bus back to their doorstep but who were instead dropped off in Damascus or other main return destinations, with no further support to reach their places of origin.

## Returnee Trends

Verified and representative data are not available when it comes to refugee returns, but anecdotal cases and interviews reveal patterns in return destinations, reasons, and modalities. According to participants, most refugees who are going back are returning to Rural Damascus, particularly to Zabadani, followed by Homs and Daraa. Some areas in Syria that have seen particularly extensive destruction, like Baba Amr (Rural Homs), are not seeing any returns at all. In terms of main reasons for returning, refugees cite unsustainable living conditions in Lebanon, the lack of access to medical care in Lebanon, family reunification, the (perceived but not always actual) improved security situation in areas of intended to return, and access to education in Syria. Health and education came up time and again among participants, particularly among parents concerned about their children. Despite being a pull factor for many families, the extent to which access to schooling and health services is available for returnees in their areas of return is an open question, given the extensive damage to public infrastructure like hospitals and schools in many parts of Syria.

Given ongoing military conscription, a substantial proportion of families is undertaking split returns, where only some relatives go back and others remain in Lebanon, creating a host of new challenges and protection concerns. Men of military age make up a minority of returnees; most returnees are women and children, as well as older men. Split-family returns are understudied, and dedicated research that focuses on this subset of returnees is urgently needed, in order to support this group appropriately, both programmatically and in terms of advocacy. Finally, several cases of post-return re-displacement back to Lebanon emerged, resulting in re-traumatization and extreme legal and economic vulnerability.

### CASE STUDY 3 – To Damascus and Back

Wurood (63, from Eastern Ghouta) related a chilling story of a 62-year-old woman who returned to Syria from Lebanon in January 2018: “The woman had spent the last seven months in Lebanon to visit family and was now heading back to Damascus. She returned in January. She thought she would be safe, since she’s an older lady, in poor health. She wasn’t a threat to anybody, and was never involved politically. She was completely unaffiliated with any political faction. When she left Lebanon, she was traveling by herself. She did not expect to have any problems at the border or at checkpoints. But the Syrian authorities at the border classified this woman as a terrorist. They never told her what she did, but I heard it was because one of her grandsons was in the FSA (Free Syrian Army).” The woman spent 45 days in prison, in extremely poor conditions.

Wurood continued, “As soon as she was released, the woman tried to flee back to Lebanon. But she was weak from her time in prison, from the physical and psychological abuse and the lack of adequate food. She ended up paying a smuggler to take her over the border. The smuggler took her over the mountain pass, but this route is steep and dangerous. Somewhere along the way she fell from a height, and she broke her leg and her hand in the fall. The woman made it back to Bar Elias but was in terrible shape. She couldn’t afford medical treatment for her injuries, and she isn’t even supposed to be back in Lebanon.” Wurood explained that the woman left Bar Elias to go to Anjar, since she has family there, but that she has not received any word from the woman since.

# POST-RETURN: CONDITIONS & PROTECTION CONCERNS

This section details the particular concerns relayed by Syrian refugees in Lebanon when it comes to return to Syria. Four major areas of concern emerged: 1) physical protection, 2) legal and HLP rights, 3) livelihoods and access to services, and 4) social tensions and divisions. Each area of concern is contextualized in terms of conditions on the ground as well as relevant policy and legislation.

## I. Physical Protection

Even in areas where the security situation has stabilized, Syrian refugees have well-founded fears about their physical protection if they were to return to Syria. Overall, it is not safe for many Syrian refugees to return given persistent and well-documented protection concerns such as extrajudicial killings and forced disappearances, forced conscription, refusal of entry at the border, movement restrictions, extortion, kidnappings, and gender-based violence including rape and sexual assault.

While the Syrian government now controls well over 70 percent of Syrian territory<sup>43</sup>, the war itself is not over. Conflict is ongoing, with shelling by regime forces in northern Syria, along the border of territory in Idlib held by Free Syrian Army (FSA) opposition forces, as well as recent airstrikes by Israeli forces on Iranian targets near Damascus.<sup>44</sup> A catastrophic offensive on Idlib, currently home to over 2 million people, over half of whom are IDPs, remains a harrowing possibility.<sup>45</sup> U.S.-led coalition air strikes against Islamic State militants in eastern Syria continue, coupled with fighting on the ground between pro-Kurdish Syrian Democratic Forces (SDF) and Islamic State militants near Deir ez-Zor. The recent and contradictory announcement regarding U.S. withdrawal from Syria add to the environment of uncertainty.<sup>46</sup>

Besides the dangers of active conflict, targeted forms of structural violence and risks continue unabated. The total number of people detained and forcibly disappeared by the Syrian government and other factions is impossible to pinpoint. The Syrian Network for Human Rights, a civil society organization that documents violations in Syria, estimates that at least 95,000 people have been forcibly disappeared between March 2011 and July 2018.<sup>47</sup> State practices of torture and mass deaths in detention are well documented and ongoing.<sup>48</sup>

<sup>43</sup> News Deeply. "A Look at the Remaining Rebel Territory in Syria." 14 May 2018.

<sup>44</sup> BBC. "Syria war: Israeli jets target Iranian positions around Damascus." 21 Jan 2019.

<sup>45</sup> Médecins Sans Frontiers (2018). "Caring for hundreds of thousands of displaced people in Idlib." Jun 2018.

<sup>46</sup> Washington Post. "Contradicting Trump, Bolton says no withdrawal from Syria until ISIS is destroyed, Kurds' safety guaranteed." 6 Jan 2019.

<sup>47</sup> Syrian Network for Human Rights (2018). "No less than 95,000 Forcibly-disappeared persons in Syria since March 2011."

<sup>48</sup> See: Human Rights Watch (2015). "If the Dead Could Speak: Mass Deaths and Torture in Syria's Detention Facilities"; and UN Office of the High Commissioner on Human Rights (2016). "Syrian Civilians Suffering Large-Scale and Widespread



## Conscription

The issue of conscription emerged in the interviews as a chief deterrent for return, since most families have male family members, whether fathers, brothers, or sons, who would be subject to forced conscription upon return. Under current Syrian law, mandatory military service for men between the ages of 18 and 42.

According to the Syrian Military Penal Code, wartime draft evasion is a criminal offense, punishable by up to 5 years in prison.<sup>49</sup> In practice, draft dodgers are more often immediately conscripted and sent to service at the front rather than serving prison time.<sup>50</sup> Many interviewees discussed the issue of conscription as a hard condition for return: until they can be sure that they and their children would be safe from conscription, they will not voluntarily return to Syria.

Certification from the Syrian authority responsible for military conscription with proof of study or other extenuating circumstances should exempt an individual from military service.<sup>51</sup> This certificate costs \$150 and must be renewed every 6 months in Syria. In theory, anyone possessing a valid certification is exempt from conscription, but KIs and interviewees related stories of male relatives over 18 being forcibly conscripted upon return to Syria despite possession of this document and despite the 6-month amnesty policy have surfaced.

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Executions and Deaths in Detention Centres on All Sides of the Conflict.”

<sup>49</sup> Syrian Arab Republic. “Legislative Decree No. 61/1950, Military Penal Code: Extracts.”

<sup>50</sup> Landinfo: Norwegian Country of Origin Information Centre (2018). “Syria: Reactions against deserters and draft evaders.”

<sup>51</sup> Immigration and Refugee Board of Canada (2017). “Syria: Changes to legal exemptions from compulsory military service, including implementation.”

According to Sana from Homs, the only way around conscription is through bribes: “Two of my brothers, both of military age, returned to Homs in the beginning of August, after 4 years of displacement in Lebanon. They avoided conscription at the border by paying a \$500 bribe. It was like a mafia deal.” Sana’s brothers were transported across the border in an unmarked vehicle, with no questions asked by Syrian authorities. Though her

### Box 4: Conscription Fears

“I have a son of military age, and there’s no way for him to go back. He could get taken at any checkpoint.”

- Rauda (42, Idlib)

“If it wasn’t for the mandatory conscription, I would go back to Syria. The way I see it, that’s really the main barrier.”

- Hussein (21, from Qalamoun)

“My husband and my older son can’t go back for fear of forced conscription.”

- Hala (35, from Quneitra)

“I can’t go back, they’ll take me and my father and my brothers at the border and send us to the front lines.”

- Wael (24, from Rural Damascus)

brothers evaded conscription at the border, both men are at constant risk of conscription in Homs. Sana reported that they remain confined to their home on self-imposed house arrest, for fear of being apprehended by Syrian authorities.

Further, reports emerged of Syrian authorities reneging on their stated policy of honoring a 6-month amnesty period for all returnees who participated in GSO-coordinated return.<sup>52</sup>

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<sup>52</sup> Al Jazeera. “Syria’s Assad offers amnesty to army deserters.” 9 Oct 2018.

Interviewees relayed stories of family members who had participated in coordinated return, believing they would be safe from conscription, but who instead were forcibly conscripted at the Syrian border or 1-2 months after returning. Among these stories is an interviewee's account of his cousin, Mostafa, who returned to Syria in mid-August 2018 through the Masna' crossing. He was detained by a security arm of the military, Division 215, and subsequently transferred and processed for conscription.

The vulnerabilities, challenges, and opportunities experienced by Syrian refugees in Lebanon are highly gendered, as are the particular protection risks they face in a return context. At this point, military-age Syrian men have well-founded fears of being forcibly conscripted at the border, regardless of exemption status or promises of temporary amnesty, if they try to return. Interviewees reported that the fear of conscription – whether their own or that of a close family member – is a substantial barrier to return. As a result, women are more likely to return than men, with women and children returning first in a split-return format, to settle property and civil documentation claims, and to assess conditions and available services in the intended area of return. In light of this dynamic, it is vital to incorporate a gender lens into any discussion of post-return protection challenges.

## Detention, Disappearance, & Extrajudicial Killings

Refugees raised concerns about the ongoing practices of detention, forced disappearance, and extrajudicial killings by Syrian state forces and other armed groups across the whole of Syria. Interviewees related disturbing cases of returnees' detention following attempts to return from both Lebanon and from within

Syria to their areas of origin. Other interviewees repeated accounts of large-scale detention of people returning to Douma who had been internally displaced in the area,

### Box 5: Detention & Disappearance Fears

“There is no security to go back. We never had anything to do with politics, but by leaving Syria, we are considered suspicious. All of my sons have been conscripted into the Syrian Army, and they tell me it is not safe to return.”

- Hanan (53, from Rural Damascus)

“My oldest brother was taken five years ago, and we haven't heard from him since. I can't talk to my brother, I don't know where he is, I don't know if he is still alive. I'm afraid of returning in case my other brother gets taken.”

- Raghad (16, from Rural Damascus)

“My biggest fears about return are about safety and security. We hear about killings by the army [SAF] and other groups and militias. I have lots of relatives back in Syria, and I worry a lot about them. They have been thinking about leaving Syria, but it's too risky, since some of them are men of military age so they could get taken if they cross checkpoints or move around.”

- Mohammad (15, from Zabadani)

“My brother-in-law was disappeared in 2013, going home from work. Since then we haven't heard anything from him. I'm almost positive he's dead, but you never know for sure, there's never closure. I just want to know if he's alive or not. And many people are in the same position – everyone has lost a son or a husband or a brother, and we can't go back until there is closure.”

- Bakar (17, from Hama)

mostly to Damascus. According to these accounts, Syrian authorities detained over 500 people following the negotiated exit of 40,000 people from Douma to northern Syria in April 2018.

Furthermore, refugees expressed concerns about the level of surveillance and suspicion they expect to be subject to if they were to return. Syrians living in government-held areas are already subject to arbitrary detention for suspected political agitation or political activities. A KI provided one example: a friend of his, an NGO employee in Damascus, a government sympathizer, has been detained and tortured 3 times by Syrian intelligence forces in connection to her mildly left-leaning social media presence. According to the KI, “if Syrian authorities already treat the general population like this, just imagine the kind of suspicion and violence returnees can face.” Multiple interviewees reported having heard about returnees being killed post-return. These anecdotal reports include a family from Rif Dimashq who returned to Syria in July 2018. Within one month of the family’s return, two of their adult sons (ages 35 and 40) were shot and killed; the family immediately fled back to Lebanon.

Similar reports emerged in interviews about post-return killings in Homs, Harasta, and Qalamoun (both in Rif Dimashq). Precise monitoring data are unavailable. The Syrian Observatory for Human Rights claims that at least 700 returnees have been arrested between the beginning of October and mid-November 2018, with over 200 people remaining in custody.<sup>53</sup> Mouin Merhebi, the Lebanese Minister of Refugee Affairs released a statement in November 2018 claiming that it had documented 20 cases of post-return killings by Syrian government forces.<sup>54</sup>

<sup>53</sup> SOHR (2018). “Activists accuse Syrian government of arresting returnees.”

<sup>54</sup> The National. “Lebanon’s refugee affairs minister accuses Syrian forces of killing 20 repatriated refugees..” 4 Nov 2018.

Merhebi has used this statement as evidence of his political isolation, casting doubt on his motives and the credibility of these as-yet-unverified cases.

It is imperative to note the Syrian government does not have a monopoly on human rights violations. All parties to the conflict have victimized civilians. Still, access challenges continue to make documentation and verification extremely challenging. According to the Syrian Network for Human Rights, in 2018 6,984 civilians were killed in Syria, of whom 4,162 were killed by Syrian government forces, 467 by Russian forces, 446 by ISIS forces, 417 by U.S.-led International Coalition forces, 285 by Kurdish Self-Management forces, 84 by armed opposition forces, and 32 by Hayat Tahrir as-Sham (HTS) forces.<sup>55</sup>

## Freedom of Movement

Freedom of movement is determined by a complex interplay of factors, spanning externally-imposed restrictions, such as checkpoints, and self-imposed restrictions on movement due to fears of conscription or victimization. Interviewees reported broad fears of being restricted in their movements in a post-return scenario. These concerns include: detention and disappearance by Syrian intelligence; victimization and extortion by *shabiha* (loyalist militia members in government-held areas) and members of various militias in non-government-held areas; harassment based on sectarian or assumed political views; and rape, sexual assault, and gender-based violence. In some cases, particularly in Raqqqa and other heavily-damaged areas, these concerns are

<sup>55</sup> Syrian Network for Human Rights (2019). “The Annual Report of the Most Notable Violations of Human Rights in Syria in 2018: The Crushing of the Society and Dismantling of the State.”

compounded by dangers posed by infrastructure: bombed-out, unstable buildings, landmines, booby-traps, and improvised explosive devices (IEDs).

In addition, interviewees voiced concerns about not feeling comfortable or welcome in their intended place of return and worrying that they might feel compelled to stay at home or to confine their movements to particular neighborhoods. Post-return freedom of movement is not guaranteed and varies by region. According to interviewees, Qalamoun, al-Zabadani, and Dara'a are comparatively better in terms of freedom of movement for returnees, while areas of Damascus and Homs are worse. Depending on where refugees return to, some returnees reportedly face movement restrictions for the first six months post-return.<sup>56</sup> Unfortunately, without full access to returnees, it is not possible for humanitarian organizations, including UNHCR, to determine on what basis and to what extent post-return restrictions on movement are imposed.

## II. Legal Protection & Housing, Land & Property (HLP)

Access to legal rights and housing, land, and property (HLP) for returnees are central challenges, operating as both pull factors and barriers to return. In addition to destroyed, damaged, and looted property, punitive and unlawful practices by Syrian authorities prevent returnees from exercising their HLP rights and, in some cases, constitute forced displacement. At the same time, recent Syrian legislation requires Syrian refugees to return to claim their property; for those who do not

do so within the time window provided, the state will expropriate this property.

*“After we fled, our houses were looted down to the doors and windows and electrical wiring. Only the walls are left; the looters didn’t leave anything. They even cut down all the apricot and cherry trees in front of our house, down to the ground.”*

*- Hassan (51, from Adra al-Omalia)*

Over the past 8 years of conflict, Syria’s housing stock has undergone vast outright destruction. As of July 2017, over 9 percent of housing in 8 governorates has been fully destroyed, with a further 23 percent partially destroyed.<sup>57</sup> Extensive looting complicates matters, with the most recent UN Humanitarian Needs Overview estimating that looting by government forces and affiliated groups had taken place in over two-thirds of the sub-districts represented in the assessment.<sup>58</sup> As documented by the Commission of Inquiry, this looting is often extreme, leaving houses stripped down to the copper wiring and faucets.<sup>59</sup> Beyond the condition of property itself, the occupation of homes by new families is another serious obstacle to equitable and safe return.

Three key pieces of legislation stand in the way of displaced Syrians and their HLP rights: Law Number 10, promulgated in April 2018,

<sup>57</sup> World Bank (2017). “The Visible Impacts of the Syrian War May Only Be the Tip of the Iceberg.”

<sup>58</sup> OCHA (2017). “UN Humanitarian Needs Overview: Syrian Arab Republic.”

<sup>59</sup> Independent International Commission of Inquiry on the Syrian Arab Republic (2018). “Report for Human Rights Council: A/HRC/39/65.”

<sup>56</sup> KI Interview, Bar Elias, Lebanon. 10 Nov 2018.

Decree 63, and Decree 66 (both 2012). Law Number 10 requires Syrian refugees to return to Syria in order to register their property claims with government authorities.<sup>60</sup> The law originally provided for a six-month window, after which all unclaimed property would be legally expropriated by the government. After considerable international backlash, in June the Syrian government extended this window to one year; the actual course and timing of the law’s implementation remain to be seen.<sup>61</sup>

In practice, Law No. 10 is being used as part of a wider raft of practices that prevent displaced Syrians from returning to and reclaiming their properties, including razing whole neighborhoods, barring returnees (both refugees and IDPs) from returning to their areas of origin), redeveloping and selling property and tracts of land, and facilitating the occupation of vacant homes by new, generally pro-regime families. Further, a KI in Bar Elias

reported that parts of formerly opposition-held Qaboun are being razed and tracts of land being sold. An October 2018 report from Human Rights Watch confirms this account, detailing the Syrian government’s unlawful demolitions in Qaboun, barring residents from returning and providing no warning, legal recourse, or compensation for their destroyed property.<sup>62</sup>

Despite the furor around Law Number 10, it is worth noting that Decrees 63 and 66 have long been utilized in similar ways. Decree 63 empowers the Syrian authorities to annex the property and assets of anyone accused of a crime under the nebulous and far-reaching Counterterrorism Law of 2012. Decree 66, meanwhile, authorizes the creation of ‘redevelopment areas’ to be demolished and rebuilt, targeting formerly opposition-held areas.<sup>63</sup> Together, this group of legislation provides the Syrian government’s systematic violations of HLP rights with a veneer of

Fig. 3: Housing, Land, & Property



<sup>60</sup> See: Washington Institute. “Assad’s Law No. 10: Reshaping Syria’s Demographics.” 17 Sept 2018; and Human Rights Watch. “Q&A: Syria’s New Property Law.” 29 May 2018.

<sup>61</sup> The New Arab. “Syrian foreign minister extends deadline for property confiscation after international uproar.” 2 Jun 2018.

<sup>62</sup> Human Rights Watch (2018). “Syria: Residents Blocked From Returning.”

<sup>63</sup> “Human Rights Watch (2018). Q&A: Syria’s New Property Law.”

**Box 6: HLP Concerns**

“We don’t know anything about what happened to our property. All of our housing documents are gone. We heard that regime-backed militias looted everything in our house: all of our possessions, even the windows.”

- Hanan (53, from Rural Damascus)

“We had houses and land back in Syria, but everything was destroyed in the bombings. We have our documents still, but they won’t bring our property back. If we returned, where would we go?”

- Mohammad (15, from Zabadani)

“Our property wasn’t destroyed but the Kurds took our house and land after we fled. We still have our property documents, but I’m scared that we won’t be able to get our house back.”

- Amal (25, from Hasakeh)

“I heard that a Shi’a family has taken our house, that they’re occupying it.”

- Uthman (18, from Homs)

“We had a house back in Syria, but our we don’t know what has happened to it. The area is now under government control so we have heard that regime supporters have occupied the houses that are still standing.”

- Reem (42, from Idlib)

legitimacy, allowing it full control over which displaced Syrians are able to claim their HLP in regime-controlled areas.

These laws fit into a backdrop of extensive pre-crisis informality and unequal access to HLP registration and documentation. Only half of property before the Syrian crisis was

registered formally.<sup>64</sup> Syria’s underlying tenure system is governed by a range of statutory, customary, Islamic and informal systems, with non-statutory systems particularly strong in rural areas. Further, many transactions never made it into land registries, often in order to avoid paying taxes.<sup>65</sup> There are no digital records at all from before 2010, when the government set up a central cadaster system to digitize land records, so many HLP records have by now been lost or destroyed.

Further complicating matters, Syrian women experience gendered challenges relating to their HLP rights. As discussed above, women are far less likely than men to possess civil and property documents in the first place. The fact that property is seldom registered in women’s names presents a further structural disadvantage. For women whose fathers or husbands have died during the course of the conflict and displacement, it is often impossible to prove their claim to this property, if they do not possess the

### *Only half of property before the Syrian crisis was registered formally.*

requisite civil documentation (including personal identification and marriage and death certificates) and property documents. This leaves women particularly vulnerable to HLP expropriation, in a system that already lacks accountability.

To better understand the implications of these challenges to HLP access for Syrian refugees in Lebanon, we asked interviewees about their pre-crisis housing in Syria, their HLP documentation, and for details about what

<sup>64</sup> NRC (2018). “Preparing the Ground for Property Restitution in the Syrian Arab Republic. Presentation at World Bank Conference.

<sup>65</sup> Ibid.

condition their property is in. All interviewees reported having had stable housing back in Syria, and over half of them owned agricultural land. In terms of current HLP documentation, 56 percent reported having no HLP documents at all, with 28 percent possessing housing documents and 13 percent possessing land deeds or titles. None of the adult women we interviewed reported having any HLP registered in her name. Many participants may not have any property to go back to; over 60 percent reported that they believed their homes had been completely or mostly destroyed. A further 31 percent have not received any news about their property; most are still holding onto hope of returning to their homes, while some assume that they have been destroyed.

Several interviewees reported that their homes have been occupied by new families, but most were unsure whether this information was correct. The lack of reliable information about the condition of HLP constitutes a significant barrier to return in and of itself. Refugees often have no way to know what they have to return to, in terms of both the physical condition of their HLP and the legal prospects for registering and reclaiming it.

We also asked about the role HLP plays in how refugees are thinking about return. Interviewees repeated over and over the centrality of their homes to their return and made it very clear that return for them means return to their areas of origin, to their same neighborhoods, and to their former homes. Nabila affirmed, “Yes, I absolutely want to return, once it is safe. Who doesn’t want to go back to their country? I want to return to Homs, to our home.”

Participants who know their houses have been destroyed or occupied expressed much more doubt about ever being able to return to Syria than those who believed their houses

#### Box 7: Gender & HLP

“I don’t have any property documents. Even if I did, the house wasn’t registered under my name anyway.”

- Reem (42, from Idlib)

“We had an apartment in the city. My aunt still has the legal papers, because all of us lived in apartments in the same building. But the registration is under my father’s name, so I don’t know if I will be able to reclaim our house.”

- Nour (22, from Damascus)

“It’s just my kids and me here in Lebanon, since my husband was killed back in Syria before we fled. But I don’t have any proof of his death, and all the housing documents were in his name.”

- Sahar (29, from Rural Damascus)

were still standing and unoccupied. Mohammad (15, from Zabadani) relates, “we had houses and land back in Syria, but everything was destroyed in the bombings. We have our documents still, but they won’t bring our property back. If we returned, where would we go?”

For returnees who do manage to get their property claims recognized by the Syrian authorities, the process of reclaiming property is convoluted and costly. Accounts of being charged for years of utility bills and taxes, plus late fees, came up in several interviews. Refugees and KIs reported hearing about returnees paying anywhere from \$200 to over \$800 for outstanding bills, in addition to hundreds of dollars in bribes to get their housing claims recognized. These costs do not take into account the expense of repairs and refurbishing; in many cases, houses have either been completely destroyed or have

been looted down to the copper wiring, windows, and faucets.

For example, one interviewee's aunt returned to Damascus, incurring heavy fees in the process of getting her housing in order. Even though she already possessed all required HLP documents, reclaiming her house cost her \$900 in total. She first paid \$100 in fees and bribes for a preliminary security clearance, which required her to assemble 4 witnesses to confirm that she was the former resident of her home. Then she was charged over \$800 for accumulated electricity bills and municipality fees for all the years she had been absent. Such costs constitute serious economic burdens for returnees who are often returning without any savings and with no immediate prospects for income generation.

In terms of programmatic and advocacy support relating to HLP, refugees indicated the strong need for assistance with proving ownership and reclaiming property, from obtaining and certifying HLP documents to arbitration. For those who have credible information that their homes have been destroyed, looted, occupied, or annexed, they reported wanting support for rebuilding and refurbishing in the event of return. In both cases, refugees expressed interest in advocacy efforts to secure legislative and policy reform in Syria to guarantee returnees' HLP rights.

### III. Absent Services & Economic Opportunities

In addition to fears about overall security and housing, participants also expressed deep concern about the availability of livelihoods opportunities and essential services in Syria. These concerns line up with reality. Economic opportunities are scarce. In 2017, the overall

#### Box 8: Services & Economic Situation in Syria

"I don't know much about conditions inside Syria. I just know that it's even worse there [than in Lebanon], that it's even more dangerous and expensive. Sure, I've heard people talking about return, but for now, how can we return to our deaths?"

- Mona (45, from Rural Damascus)

"I'm afraid of how our economic situation would be if we went back. What would we find? Would there be jobs for us? And schools for the children? We just don't know what would happen if we returned."

- Ahmad (30, from Deir ez-Zor)

"We still talk to people back in Syria, but the situation is very bad. People are not safe, and they're going hungry, they don't have clean water or electricity. There are still abductions, thefts, killings, and bombings of people's houses, especially in our area. There aren't job opportunities or social services."

- Ala' (51, from Idlib)

unemployment rate in Syria reached 53 percent in 2017; youth unemployment (15-24 years) amounted to 75 percent.<sup>66</sup> Syria's infrastructure and social services are weak and in some areas completely nonexistent. Over 50 percent of social infrastructure in Syria is destroyed or not operational, and less than half of Syrian hospitals and medical clinics are fully operational.<sup>67</sup> These services are already overburdened, especially in areas with high numbers of IDPs; large numbers of

<sup>66</sup> UN OCHA (2018). "2018 Humanitarian Needs Overview."

<sup>67</sup> Ibid.



refugee returnees could stretch these services to their breaking point.

According to a November 2018 Durable Solutions Platform report on refugee and IDP returns in northeastern Syria, upon return, 34 percent of refugee returnees and 19 percent of IDP returnees reported the situation at their community of origin to be worse than expected.<sup>68</sup>

The lack of livelihoods opportunities emerged as a central concern, and returnees also reported a “wide range of challenges and community needs, such as access to water, electricity, health care, food assistance, vocational training and improving roads.”<sup>69</sup>

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<sup>68</sup> Durable Solutions Platform (2018). “Picking Up the Pieces: Realities of return and reintegration in North-East Syria.”

<sup>69</sup>Ibid.

## IV. Social Tensions & Divisions

Over the course of the conflict, deep divisions have emerged, cutting Syrian society across lines of political ideology, religious and sectarian identity, geography, and social class. From massacres and abuses by sectarian militias to HLP policy that contributes to major demographic shifts, sectarian identities have been activated and politicized by the war. When interviewees raised sectarian divisions as a major obstacle to rebuilding the social fabric of Syria, many emphasized that these divisions are largely new, a byproduct rather than a driver of the war.

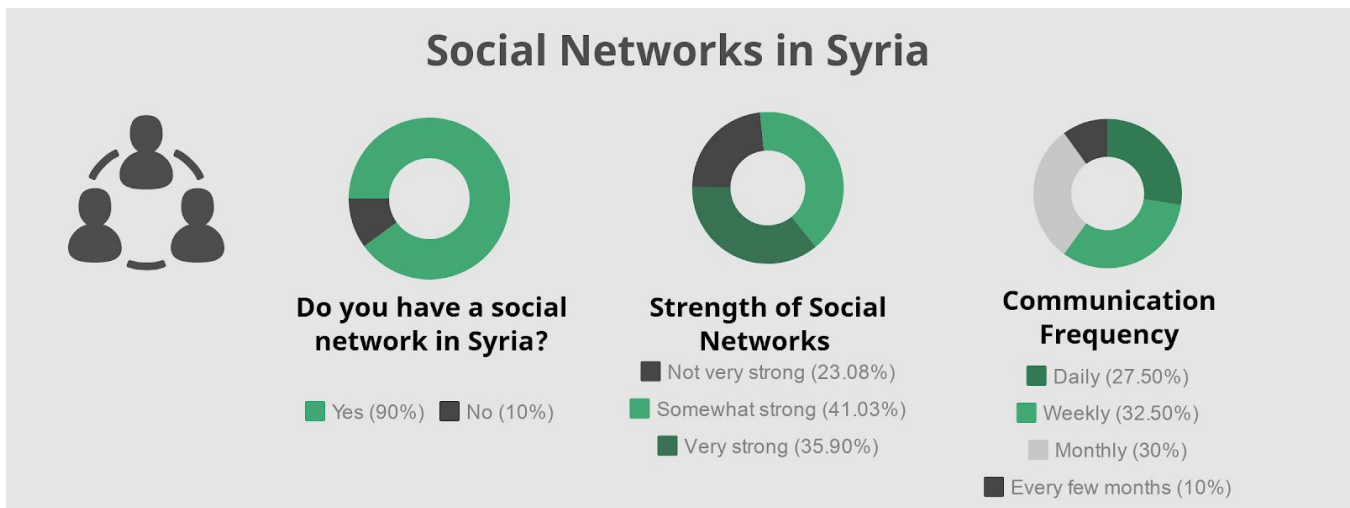
Firas (19, from Aleppo) said, “We lived all together normally until the war, with Sunnis next to Alawites next to Christians. We were all neighbors. But then things changed, there started to be tensions because of the war.” Further tensions exist between IDPs and host communities within Syria, as well as between Syrian refugees outside and Syrians inside. Refugees reported fears that they would not fit or be accepted back into Syrian society. Mazen (27, from Rural Damascus) articulates

this sense of alienation and doubt: “I have been in Lebanon for six years. Syria has changed, and I have changed. Would I have a place in society to go back to? I don’t know if I would belong in Syria anymore.”

Crucially, most of the refugees we spoke with (79 percent) do think Syrians can return to living together. As a first step towards rebuilding Syria’s social fabric, interviewees emphasized that real security and safety for all Syrians is non-negotiable. Some interviewees see security as the sole necessary ingredient, convinced that as long as there is security, social cohesion will follow organically. For example, Shayma’ (17, from Hasakah) asserted, “We just need to have an end to the bombings and war. We would build everything again, and if we couldn’t rebuild, our children would.” Most interviewees, however, view security as only the first step of many when it comes to overcoming social divisions.

Two priorities emerged in interviews: accountability for disappearances and extrajudicial killings, and addressing the culture of intimidation and fear. The climate of suspicion and fear is by no means exclusive to regime-held areas; several interviewees from

Fig. 4: Social Networks in Syria



**Box 9: Concerns about Social Tensions**

“We need to resolve the issue of the disappeared. To do this Syria needs new laws. Right now the law is on the side of these crimes.”

- Ismail (23, from Zabadani)

“Syria today is different, Damascus especially. When I passed through Damascus on my journey back to Lebanon, the atmosphere in the city was completely different from how I remembered it. It had been six years, but it felt like a different city, a city of cold and fearful people. The warmth I remember was gone. I felt like a foreigner, like I didn’t belong there.”

- Layal (37, from Homs)

“In Syria there are now really big divisions. There are many people who are now in support of the regime, or at least acting like they do. When Assad orders chemical attacks, people are saying, “it wasn’t him.” And when people are tortured or disappeared, everyone stays quiet. There’s corruption now, inside us Syrians. People are scared of the regime.”

- Reem (42, from Idlib)

“In the regime-held areas, if you want to go back you have to deny the regime’s crimes. People don’t have a choice.”

- Solafa (18, from Idlib)

both Kurdish-controlled areas and from opposition-held Idlib echoed these concerns. To overcome these tensions and divides, interviewees suggested a mix of organized dialogues, informal community-based interventions, including joint volunteer activities, and individual- and neighborhood-level reconciliations.

*“Syria has changed, and I have changed. Would I have a place in society to go back to? I don’t know if I would belong in Syria anymore.”*

*- Mazen (27, from Rural Damascus)*

Interviewees maintained that social cohesion will hinge on basic security and service provision, rather than top-to-bottom restructuring of the Syrian state on its own. Almost every interviewee cited basic security, stable housing, and education as priorities over political change. Only one of forty participants cited regime change explicitly via political transition as a hard requirement for his family’s return to Idlib. Both individual participants and KIs link this to a combination of exhaustion and despair among refugees, as well as a pragmatic calculation of what is attainable, given that the Syrian government has essentially emerged on top.

Overall, post-return conditions for returnees fail to meet basic protection standards. The risk of detention and disappearance continues unabated, and returnees may be disproportionately affected. Punitive and unlawful HLP laws are preventing returnees from accessing their property, feeding into broader practices of forced displacement. The lack of livelihood opportunities and essential services means that many returnees will continue to be dependent on aid and will remain highly vulnerable. Deep divisions in Syria’s social fabric contribute to further tensions, from the prospect of micro-level retaliatory violence to structural violence that is exhibited in an inability for refugees to return to their places of origin due to occupation of housing, among other forms. Together, these conditions add up to a return context in Syria that is eminently premature. As such, refugee returns from Lebanon, particularly for the most vulnerable individuals

and households, are likely to be unsustainable, resulting in internal and external re-displacement.

# CONCLUSION

Push factors are mounting in Lebanon, from substantial decreases in humanitarian aid to shrinking access to livelihoods and legal residency. At the same time, state and non-state actors in Lebanon are actively and pointedly encouraging refugees to return to Syria, with these efforts at times veering into coercion. All the while, Russia and some far-right European political leaders are advocating for EU donor countries and UNHCR to designate Syria as safe for return, which would give host countries the green light to initiate mass returns.

As refugees in Lebanon navigate a complex landscape of return-related fears, hopes, intimidation, and incentives, they almost always lack adequate information to make informed choices about return. The refugees we spoke with weigh these considerations differently, but all of them reported feeling torn and unsure, pulled in different directions at once. Almost all participants expressed both a deep desire to return to Syria and the conviction that it is not yet safe for them and their families to do so. Refugees' return-related fears include physical protection issues such as forced conscription of military-aged male family members, extortion, harassment, detention and disappearance; and extrajudicial killings. They also span fears about access to livelihoods, essential services, and to their housing, land, and property. Further, refugees expressed broader concerns about their place in Syrian society amidst newly politicized social, economic, geographic, sectarian, and ideological divisions.

It is important to reiterate that these are not blanket concerns that affect all Syrian returnees equally: some Syrians can and do return safely. However, the very inequality in who is at risk and who is not is in itself a clear

signal that return without guarantees or monitoring can constitute an extension of, rather than a solution to, the crisis in Syria. Return coordination and programmatic interventions must be part of the process of addressing, rather than papering over, the root causes of the Syrian crisis.

Women are particularly vulnerable to return-related violations and barriers to access. Gaps in access to legal documentation and property affect women most strongly, given the pre-existing legislation and social norms that define women's status in relation to male relatives and generally register property under men's names. Policy and programming must take into account women's needs and particular vulnerabilities, situated in a close understanding of the legal and social context.

This study identifies considerable return-related protection risks, both during and after return. It documents several cases of post-return re-displacement to Lebanon. These case studies highlight a host of under-examined risks associated with return, urgently requiring further study. Besides serious physical and legal protection concerns, these cases speak to the logistical challenges and high financial costs of return, both during the return journey and the post-return costs of re-establishing oneself in Syria. Additionally, they demonstrate the considerable psychological and emotional toll of premature return. Post-return re-displacement results in substantial, additional economic, psychological, and physical vulnerabilities.

Return done hastily and without robust protection standards does not stick. A rights-based approach to refugee returns is needed to make returns sustainable and to

prevent a new cycle of crisis and displacement. Experiences of return will be just as diverse as experiences of displacement, across a broad spectrum of needs, vulnerabilities, capacities, and priorities. Some refugees' conditions for return stop at basic security and services, while others remain committed to securing political transition and sweeping civil and political rights as a prerequisite to return. Despite these differences, return must in all cases take place in accordance with international law and human rights principles, in a safe, dignified, informed, and voluntary manner. Refugees' right to return must be respected, with

equality and non-discrimination upheld during all phases of return. At the same time, not every Syrian wants to return, particularly those who have established new lives, have learned new languages, and have children in different education. Ultimately, all actors need to realize that premature, unsafe, and involuntary return will contribute to a relapse into conflict rather than stability. In order to get there, we first need further local-level research to better understand refugees' decision-making process about return, sub-national actors' role in encouraging and facilitating return, return journeys, and the incidence of post-return violations.

# RECOMMENDATIONS

## For Improved Conditions of Displacement in Host Countries

- **Advocacy for access to legal residency and livelihoods:** Civil society actors and other stakeholders should continue to push for expanded access to legal residency and livelihoods opportunities for Syrian refugees in Lebanon and other host countries. The Government of Lebanon, recognizing that these two areas are key drivers of vulnerability, should take steps to meet its prior commitments in terms of easing restrictions to livelihoods and legal residency.
- **Shore up service provision in host countries:** Donors should refrain from drawing down funding for programming in Lebanon and other host countries, given the ongoing needs among Syrian refugee communities. Donors, UN agencies, and civil society organizations should maintain programming in education, psycho-social support, and relief, in line with the priorities of Syrian refugees themselves.
- **Legal and housing support:** All stakeholders should deepen their focus on legal and housing aid, particularly for women, youth, and families with unregistered children.
- **Intersectional, gender-based approaches:** All stakeholders should keep in mind the particular barriers to access experienced by women, children, and youth, when funding, designing, implementing, and evaluating programming. Additionally, programming must be sensitive to persons with specific needs (PwSD).

## For More Responsible Return

- **Localization:** Return planning, implementation, and monitoring must be participatory and Syrian-centered. Civil society must play a central role in this process, from information counseling to monitoring to participating substantively in policy discussions. Better coordination between civil society, host governments, UN institutions, and local governance structures must be prioritized.
- **Advocacy on all durable solutions:** All concerned actors must continue to advocate for third-country resettlement for refugees and, where applicable, local integration as durable alternatives to return.
- **Accountability:** Civil society actors should hold host country, EU donor states, UNHCR, and all stakeholders accountable to their prior commitments to the principles of non-refoulement and safe, voluntary, and dignified return.
- **Conditionality of reconstruction and post-return funding:** Donors should commit to withholding any support for reconstruction or post-return programming that would incentivize premature returns to Syria until the conditions for safe, dignified, and voluntary return have been established.

- **Protection thresholds within Syria:** Civil society actors and EU donor governments should ensure that the minimum protection thresholds have been met before any large-scale returns take place, by pushing for the following guarantees:
  - Improving the security situation overall
  - Putting in place credible security guarantees for returnees
  - Halting the policy of forced conscription
  - Ending the practice of forced disappearance, releasing detainees, and revealing the fate of disappeared persons, by all parties to the conflict
  - Addressing displaced Syrians' housing concerns by annulling Law 10, honoring refugees' HLP rights, and providing legal aid specific to civil documentation and housing needs
  
- **Service provision and logistical support:** Recognize this period as a learning phase for eventual return by documenting logistical challenges and financial expenses incurred by returnees in order to better support them if and when return happens. Include local communities in efforts to improve services inside Syria while ensuring that resources are not being misappropriated or diverted.
  
- **Return monitoring:** UNHCR should monitor return movements in order to document and conduct advocacy around violations. In lieu of UNHCR monitoring, international organizations and civil society organizations on both sides of the border should coordinate in order to fill this gap and ensure that the fate of returnees during and post-return is known.
  
- **Information access:** Stakeholders should work to improve information access for Syrian refugees in host countries in order to allow them to make more informed decisions about return for themselves and with their families, and to have realistic expectations about services, conditions, and risks in their intended areas of return. A better picture of which service providers and organizations are active and what services they provide is essential, which will require collaborative stakeholder mapping.
  
- **Social networks:** NGOs and INGOs should build and reinforce Syrian cross-border social and professional networks, through social cohesion, professional training, and mentorship programming. Building Syrians' legal and professional capacities will be essential to re-establishing strong local economies in the long term, after protection thresholds have been met.



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