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Legal & Policy Framework of Migration Governance

Amreesha Jagarnathsingh
Lebanon Support

Team

Author: Amreesha Jagarnathsingh

Research Assistants: Sarah ElMasry, Lorenzo Borean, Guusje Somer

Director of Publications: Léa Yammine

Head of Research: Dr. Marie-Noëlle AbiYaghi

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Contents

Acknowledgements 5

Abstract 6

1. Introduction 7

2. A long tradition of migration, mobility, and circulation 9

3. Lebanon: a socio-political overview 11

Distribution of powers 11

Socio-economic, political and cultural context 11

4. The power of data: scarcity of figures safeguarding a delicate sectarian balance 13

5. Asylum in Lebanon: between rights and praxis 18

The 1951 Convention relating to the Status of Refugees 18

The Lebanese Constitution 18

International treaties and *non-refoulement* 19

Bilateral agreements 19

Domestic legislation 20

Irregular migration 21

6. The legal status of asylum seekers, refugees and migrants in Lebanon 22

The UNHCR 'refugee status' 22

The Lebanese labour market & economic migration 25

7. Many actors, limited mandates, and the predominance of the security apparatus 27

UNRWA, the Lebanese authorities, and the Palestinian refugees: service provision with limited rights 27

UNHCR: a larger mandate, with limited prerogatives 29

Formal and informal measures: the role of security actors in migration governance 30

The Lebanese judiciary: a voice unheard 34

8. Conclusion 36

9. Appendices 37

Appendix I: Human rights instruments 37

Appendix II: Main legal Provisions on Migration, Asylum and Reception Asylum Seekers, Refugees and Migrants in Lebanon 41

Appendix III: List of Main Authorities on Migration Governance in Lebanon 53

10. References and sources 59

List of tables

Table 1: Estimates of the Lebanese population from 2011-2017 13

Table 2: Estimates of refugees by origin in Lebanon from 2011 - 2017 14

Table 3: Registered migrant workers in Lebanon from 2011-2017 by the Ministry of Labour 17

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Abstract

This report aims to provide a contextual understanding of migration governance in the Lebanese context, as well as its implications for refugees and migrants. Towards this end, this report provides an overview of the legal and policy framework in Lebanon, notably within the context of the Syrian refugee crisis erupting in 2011. Moreover, the report critically evaluates the legal statuses – if any – pertaining to 'asylum seekers', 'refugees', and 'migrants' on the one hand, and the role of state and non-state actors on the other. Lasly, the report highlights a tendency to increased securitization of migration in the country. This report is part of RESPOND, a Horizon 2020 project studying multi-level migration governance from 2011-2017 through cross-country comparative research in source, transit, and destination countries in 11 different countries. It is the first in a series of five in the Lebanese context.

1. Introduction[1]

In 2015, the total number of people seeking asylum in the European Union, consisting of 28 countries, amounted to around 1,3 million in total (Eurostat, 2018). Around the same time, at the end of 2014, around 1.2 million refugees from Syria alone were registered in Lebanon (UNHCR, 2018a). In fact, Lebanon, since its establishment, has been considered a 'land of refuge', and has historically been providing shelter to Armenians, Palestinians, Iraqis, and Syrians, as well as to a great number of unregistered refugees from other countries.[2] Today, although formal statistics adhere to a total of approximately 1.1 to 1.8 million refugees (ECHO, 2018; LCRP, 2018:8), the total figure of refugees residing in the country informally is estimated to be around 2, or even 2.5 million.[3] This discrepancy can be mainly explained due to a long history of unrestricted – and mainly informal and unregistered – migration between Syria and Lebanon (Chalcraft 2009:9).

Thus, it may not come as a surprise that Lebanon, a country of approximately 4.5 million inhabitants before the Syrian crisis erupted (UNDESA, 2017), has the highest per capita concentration of refugees worldwide (ECHO, 2018), hosting around 10% of the world's total refugee population,[4] residing on a small territory of 10,452 km² – a size comparable to a quarter of countries such as the Netherlands, Switzerland, or Denmark. The waves of refugees arrived in a fragile and politically unstable context already shaken by recurring war, invasions, political violence, as well as foreign interventions, leading *inter alia* to shrinking resources and increasing public debts (see section 3 of this report).

Large influxes and protracted presence of (forced) migrants have only added extra layers to the multitude of challenges Lebanon is facing. Fear of altering demographic and sectarian balances following the arrival of refugees, and of terrorism 'spilling over' to Lebanon have contributed to a variety of ever-changing discourses on the refugee crisis. Uncorroborated by facts, these discourses have implicated the refugee issue as being highly politicized (Janmyr, 2016:60), and enhanced the 'securitization' of migration into the country. This has resulted in increasingly restrictive policies regulating the entry to and residency of different populations in Lebanon, oftentimes prioritising security over access to basic human rights. As a result, a large proportion of the migration population remains deprived of their rights and opportunities to lawfully access asylum and protection, furthering their precariousness and vulnerability.

This report aims to provide a contextual understanding of migration governance in the Lebanese context, as well as its implications for refugees and migrants. Towards this end, this report provides a – non-exhaustive – overview of the legal framework on asylum in Lebanon, notably within the context of the Syrian refugee crisis erupting in 2011. Moreover, it critically

[1] This report is mainly based on desk research, conducted between December 2017 and May 2018. Additionally, some fieldwork was conducted, consisting of a total of three interviews: one interview was held with a lawyer/researcher specialised in migration governance in Lebanon, one interview with a lawyer related to the UNHCR, and one interview with two representatives (director and programme manage) of a human rights organisation. Discussions were held in English in March and April 2018 and took place in Beirut. All discussants provided oral informed consent to participate and were assured that their identity would remain anonymous.

[2] For more information, see the statistical section of the report.

[3] For example, the Head of General Security, Major General Abbas Ibrahim estimates the total number of refugees to exceed 2.5 million (Daily Star, 2017a).

[4] In 2018, UNHCR estimates the world's total number of refugees at 25,4 million. (UNHCR, 2017a).

evaluates the legal statuses – if any – pertaining to 'asylum seekers', 'refugees', and 'migrants' on the one hand, and the role of state and non-state actors on the other.

As the following sections will illustrate, differentiating between different legal categories - be it refugees, guests, asylum seekers, migrants - appears rather complex, and renders the governance of migration by a variety of (formal, but also informal) actors more difficult.

2. A long tradition of migration, mobility, and circulation

The geographical area of what is modern-day Lebanon has experienced several waves of migration inflow, outflow, and circulation (Tabar, 2010). As such, Lebanon, the Arab country with the longest history of migration, is traditionally characterized by highly fluctuating migration rates (MPC, 2013).

Under Ottoman rule (sixteenth to twentieth century), a number of emigration waves from Lebanon can be distinguished, mainly driven by economic prosperity, political motives, and the eruption of national and international conflicts (Tabar, 2010). In the late nineteenth century, Christian-Muslim communal conflicts (MPC, 2013), long periods of drought and famine (AUB, n.d.),[5] the economic crisis triggered by the collapse of the silk industry, the emergence of a middle class, increased urbanisation, and the fear of military conscription into the Ottoman imperial army drove many – particularly Christian – individuals to resettle. Emigration rates were high to the extent that by the end of World War I (1914-1919), a third of the population in Lebanon had emigrated (Tabar, 2010).[6] Following World War II, another wave of Lebanese emigration started in 1945, and would last until 1975.[7]

Emigration waves until then were characterized by the low-skilled profiles of emigrants (Bel-Air, 2017). The outbreak of the Lebanese Civil War (1975-1990) – including sectarian violence, Israeli and US led military invasions, social conflicts, militia strifes, Palestinian factions' participation to the civil conflict, Syrian military occupation, various massacres – as well as harsh economic consequences - not only led to large-scale internal displacement ranging from 50,000 to 600,000 individuals (Global IDP, 2004), but also spurred another wave of emigration, leading an estimate 990,000 people – all with greatly varying socio-economic profiles (MPC, 2013) – to leave Lebanese territories (Tabar 2010).[8]

In the post-war period after the 1990s, Lebanon has been witnessing an increase in skilled emigration, defined as individuals with over 10 years of education – often referred to as 'the brain drain' (Bendek et al., 2011). In 2015, 32% of emigration rates were comprised of a high proportion of individuals with high-skilled profiles; twice the rate of other categories of emigration (Ajluni and Kawar, 2015).[9]

[5] The Great Famine of Mount Lebanon (1915-1918) resulted from a blockade by the Allies and the Ottoman Empire, locust plagues, and long periods of drought. It led around 150,000 to 200,000 people to die of malnutrition, and cholera and typhoid epidemics; an estimated 20-30% of Mount Lebanon's population.

[6] Emigration was mainly concentrated in North and South America (Bel Air, 2017). Khater (2001, cited in Tabar, 2010) argues that the returning migrants brought along economic and social capital, that significantly contributed to 'the development of the tertiary sector (i.e. tourism, trading, and construction) and the building of the modern Lebanese state' by a dynamic, mainly Christian middle class (Tabar, 2010:4).

[7] Emigration initially centered around Australia, New Zealand, and France for permanent settlement, and around West-Africa for temporary settlement (MPC, 2013). In addition, threats to political stability and the economy following the 1967 Six-Day Arab-Israeli war intensified Lebanese emigration to newly emerging oil producing Gulf states (Bel-Air, 2017; MPC, 2013; Labaki, 1992, cited in Tabar, 2010).

[8] Mainly to Australia, Canada, United States, France, Germany, and the Gulf States.

[9] This can be explained by increasing levels of education, notably among women and men, whereas labour market opportunities are mainly concentrated in low productivity and low-paid sectors, oftentimes in informal working conditions (Bel-Air, 2017). Ongoing political instability, and an increased demand for tertiary-educated workforce in receiving countries compelled many to seek job opportunities abroad, mainly to Western countries and the Gulf States (Tabar, 2010:8).

Nowadays, the size of the Lebanese diaspora is estimated between four and 14 million, spanning all continents (Jaulin, 2006; The National Archives, 2007).[10] As a consequence, remittances are one of the major sources of income for the country: they make up for over 14% of Lebanon's GDP, with a total of 7.31 billion USD dollars at the end of 2016 (Credit Libanais Economic Research Unit, 2017).[11]

Historically, Lebanon has not only been characterised by its emigration waves, but also its immigration waves. Unique for its religious diversity with 18 recognized sects and rather liberal political and social realms, the area of present-day Lebanon has always been home to persecuted groups: its mountains mythically were a land of refuge to the persecuted Maronite christians since the fifth century. This immigration character did not change after the establishment of the state. Fleeing the massacres following the 'homogenization plan' of the Turkish nationalist party Union Committee and Progress to 'cleanse' Turkey's non-muslim populations (Sfeir, 2017), Armenian refugees arrived to Lebanon in three waves, in 1918, 1922, and 1939, respectively (Bel-Air, 2017). Between World War I and World War II, Kurds from Turkey and Christian Syrians and Assyrians from Iraq settled in Lebanon (Lebanon Support, 2015:11). During the '50s, economic migrants, as well as political refugees, both from Syria and Egypt, settled in Lebanon (Lebanon Support, 2015:11). Palestinians arrived in Lebanon following the Nakba, in 1948, 1967, and the 1990s, heralded notably by Arab-Israeli conflicts, the two-state partition and the Six Day war (1967). During the 80's, the Saddam Hussein regime, as well as United States' interventions starting in 2003, spurred the influx of Iraqi refugees into Lebanon. More recently, despite a long and undocumented[12] history of Syrian circular labour migration (Chalcraft, 2009), following the eruption of the Syrian crisis in 2011, Lebanon has experienced a sharp increase in Syrian refugees' presence, as well. The next section provides an overview of Lebanon's demographics over the period 2011 - 2017.

[10] It is important to note, however, that official migration statistics are lacking, and at times rely on census data in countries of destination (Tabar, 2010; MPC, 2013). In addition, it remains unclear whether the children and grandchildren of Lebanese male citizens (who are entitled to Lebanese citizenship, which is passed down through paternal lines) are taken into consideration in such data (MPC, 2013).

[11] Lebanon ranks among the top twenty receivers of remittances in the world. On a per capita basis, Lebanon ranks the highest in the world, with Saudi Arabia as the main source (20% in 2015). Interestingly, remittance inflows exceed capital and financial inflows ($6.27 billion in 2015), and even the combined level of foreign direct investment (FDI) and official development assistance (ODA) ($3.35 billion in 2015). Remittances show a relatively stable pattern of inflow, and are generally not earmarked for specific purposes. In 2017, the inflow did not seem to be influenced by decreasing oil prices (An-nahar, 2017a). There are ongoing efforts to strengthen ties with the widespread diaspora. For example, the enactment of the 2008 parliamentary elections law allowed Lebanese residing abroad to vote, which spurred a debate on the political impact of an altered sectarian balance (Kechichian, 2017 cited in Bel-Air, 2017). Yet, concrete policies to strengthen ties with the diaspora, and prevent large numbers of emigration are yet to be developed (MPC, 2013).

[12] Estimates indicate that prior to the eruption of the Syrian crisis (2011) approximately 300.000 to 600.000 Syrians resided in Lebanon (World Bank, 2013:83; Syria Needs Analysis 2013:4) and traditionally worked in 'informal, low-paid, low-skilled, and low-protected structures' (Lebanon Support 2016b; Chalcraft, 2009).

3. Lebanon: a socio-political overview

Lebanon is a consociational democracy (Lijphart 1969; Picard, 2002), combining 'republican, representative, parliamentary, democratic liberal and confessional characteristics' (Majzoub 2002: 250-256 cited in Hamd, n.d), instilled by the 1943 National Pact, and reapportioned by the Tai'f Agreement at the end of the Civil War that shook the country between 1975 and 1990. Until today, political representation in Lebanon is divided along a power-sharing structure, that ensures 'equal' representation among the countries' biggest sects, based on the 1932 census.

Distribution of powers

Article 17 of the Lebanese Constitution entrusts the executive power to the (confessionally-mixed) Council of Ministers, headed by the Prime Minister. The Prime Minister, in turn, is appointed by the President, in consultation with the Parliament. The president is appointed by the Parliament. By custom, the President must be Maronite Christian, the Prime Minister Sunni, and the speaker of Parliament Shi'ite.

Article 16 of the Lebanese Constitution stipulates the Parliament as the legislative power. In total, the Lebanese Parliament consists of 128 seats. Both the Council of Ministers and Chamber of Deputies have the right to propose laws (Article 18). The constitutionality of laws is supervised by a Constitutional Council.

Lastly, Article 20 states that the judicial power 'shall be exercised by courts or various degrees and jurisdictions', and should consist of independent judges and litigants. In practice, the judicial structure consists of regular, religious and exceptional/special courts.

In addition, the Lebanese constitution, as stipulated by the *Tai'f* Agreement that formally ended the Civil War (1975-1990), includes the principle of 'extensive administrative decentralisation' in order to stimulate local development and encourage citizen participation. As such, Lebanon, a unitary state, consists of a higher deconcentrated tier, consisting of eight governorates, and a lower deconcentrated tier of 25 districts. The decentralised tier consists of 1108 municipalities – a relatively high number compared to other countries - and 56 municipal federations (Democracy Reporting International, 2017). Although 'by law, [they are] granted a significant level of autonomy and a wide array of functions, municipalities are in reality hindered by conflicting legislative texts, the absence of a viable accountability mechanism, administrative and fiscal bottlenecks, and heavy central government control' (Democracy Reporting International, 2017).

The massive influx of Syrian refugees since 2011 – at times even doubling town population sizes (Oxfam, 2015) have led local authorities – without proper capacities – to assume increased responsibility, notably for the implementation of security measures (Oxfam, 2013:15).

Socio-economic, political, and cultural context

Lebanon's 'merchant republic' (Gates, 1998) and economic system have historically been based on liberalism and '*laisser faire*' aiming at reaching immediate economic growth, rather than seeking long-term development goals. In the same logic, after the end of the Civil War (1990), reconstruction efforts focused on rebuilding infrastructure, and promoting economic growth, rather than prioritising social and economic reforms (AbiYaghi & Catusse, 2011). The

foundation for political and economic reforms spanned from implementing a schedular system of taxation, mainly levied on corporates, profits, payroll, and movable capital (IDAL, 2016), to a full-fledged free market system complying with the neoliberal doxa (Dibeh, 2005), whereas the development of the social (or welfare) system has never moved beyond 'embryonic' stages (Nasr, 2017). For example, over 52% of employees in Lebanon are not enrolled in any social security scheme (Nasnas, 2007).

The context of the post-war period is characterised by a predominant idea of an 'absent' or 'weak' state in which Lebanon is facing multi-layered social, social, and political challenges. Twenty five years after the end of the Civil War, Lebanon, a country with an already fragile governance system and substandard infrastructure, did not succeeded to provide its population with 'efficient public and affordable public services' (Apprioual, 2016:1). Until the present day, Lebanese cities and regions experience daily power cuts, water shortages, a faulty healthcare system, and an absence of public transportation (ibid).

In addition, the Lebanese labour market is characterized by high levels of informality, with around 50% of the population in Lebanon working in informal settings (Ajluni & Kawar, 2015). Although the Syrian crisis compounded this situation, unemployment rates had already been rising prior to 2011. Unemployment rates oscillate from 6% to 25%[13], reaching up to 34% among Lebanese youth (Lebanon Support, 2016b). With the third highest worldwide public debt of 156,1% of GDP (IMF, 2018), projected to increase to 180% in 2023 (Reuters, 2018, and an account deficit of around 20% (World Bank, n.d.)[14], Lebanon is seeking billions of dollars to stimulate the economy (El Koury & Agence France Presse, 2018).[15]

Today, Lebanon has been experiencing a waste management crisis, access to water and electricity has been rationed, and the infrastructure needs ongoing development. In 2016, it ranked 76th out of 188 countries in the Human Development Index (2016).

[13] A Central Administration of Statistics (CAS) study of 2011 sets unemployment rates in Lebanon at 6%. A World Bank report of 2012 found a rate of 11% and other governmental institutions including the Ministry of Labour and the National Employment Office (NEO) estimate it to be between 20 and 25% (European Training Foundation, 2015; Longuenesse, 2011).

[14] Lebanon's account deficit is estimated at 19,8%.

[15] For example, during the CEDRE conference on 6 April 2018 in Paris, over 11 billion USD in soft loans and grants from the international community were pledged to the Lebanese delegation (Daily Star, 2018a).

4. The power of data: scarcity of figures safeguarding a delicate sectarian balance

As mentioned above, the last official census in Lebanon was conducted in 1932 is still considered as a reference until today. Although the Central Administration of Statistics (CAS) is a public administration within the Council of Ministers, set up to 'produce relevant and accurate statistics that are comparable over time', the most recent demographic surveys were conducted in 2009, 2007, and 2004. Due to its political implications, statistical data on religious-sectarian affiliations is not collected by the CAS.

Moreover, grounds for entry, residency, and exit are generally not available (for example, asylum based on religious grounds, political grounds, family reunification, economic purposes; students; tourists), and information on the number of rejected (or de-registered) persons is unavailable. Finally, data on asylum is lacking and numbers on migration are inconclusive despite their availability – as will be demonstrated in this section.

Therefore, the most recent statistical information on Lebanon mainly relies on indicators and analyses provided by semi-independent agencies and organizations at the local, national or international levels, such as the UN and EU humanitarian, relief and development agencies. However, it is worth noting that data collected by UN relief agencies and organizations concerned with vulnerable populations, such as refugees, migrants, and asylum seekers, can slightly vary in reports and factsheets by the same agency or across different organizations within the same timeframe. This can be attributed to differences in reporting times between beginning, middle or end of year statistical reading or different methodologies and approaches used. In addition, although some UN statistics and databases are in open-access, they are often archived imprecise and/or inconsistently, making them hard to locate.

Consequently, Lebanon's demographic changes remain an 'enigma' (Verdeil, E. and Dewailly, 2016 cited De Bel-Air, 2017) and numbers are, at best, 'educated guesses' (De Bel-Air, 2017), as they are generally not available, outdated, incomplete, or even contradictory. As a result, the numbers used throughout the report, herein, remain mere indications. More importantly, they do not take into account illegality and informality.

***Table 1*: Estimates of the Lebanese population from 2011-2017:**

	Estimates by	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**
Lebanese Population [16]	UNDESA (2017)	4,588,368	4,916,404	5,276,102	5,603,279	5,851,479	6,006,668	6,082,357
	CIA Factbook (2017)	-	-	-	-	-	-	6,229,794

[16] The Lebanese population is diverse in terms of ethnicity and religion. According to the CIA World Factbook, 95% of the Lebanese citizens living are considered Arabs, approximately 4% are Arminians and 1% are of diverse origins (2018).

Lebanon currently hosts approximately 1.1 to 1.8 million registered refugees, notably from Syria, Palestine, Palestinian refugees from Syria, and Iraq (UNHCR, 2018a; ECHO, 2018; LCRP, 2018:8). The following table presents the estimates for the biggest refugee communities in Lebanon; from Syria, Iraq, and Palestine. It should be noted, however, that although UNHCR and UNRWA estimates are used as the main sources for numbers on Lebanon's refugee population, little information is available on whether or not these databases are frequently updated,[17] especially taking into consideration that registration with these agencies occurs on a voluntary basis,[18] and that UN agencies can be requested to suspend registration for refugees – or even de-register them- by the Lebanese authorities. This was the case for UNHCR, that – upon governmental request – has been requested to 'temporarily' stop registering Syrian refugees (or, 'displaced' persons) as of May 2015: a decision that is still in place at the time of writing this report.[19]

***Table 2*: Estimates of refugees by origin in Lebanon from 2011 - 2017:**

	Estimates by	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**
Palestinian Refugees	UNRWA (2011, 2012a, 2012b, 2013, 2014, 2015, 2016a, 2016b, 2017	433,000 - 455,373 (in figures)	436,154	441,543	449,957	452,669	458,369 - 504,000	463,664
	UNICEF (2014)	-	474,053	-	-	-	-	-
	Others	-	-	-	-	-	-	174,422 Lebanese Central Administration of Statistics and the

[17] De-registration (voluntarily or not) can, amongst others, occur upon departure from Lebanon, after death, or in case someone does no longer meet criteria for registration. It should be noted that the total number of registered refugees at UNRWA not necessarily reside in Lebanon. For example, in 2010, 'of the 425,000 refugees registered with UNRWA since 1948, only 260,000-280,000 [..] reside[d] in Lebanon'.(Chaaban et al., 2010). Similarly, although in 2017, the number of Palestinians registered at UNRWA amounts to 463,664 (UNRWA 2017), a census conducted by the Lebanese authorities indicated that the number of 174,422 was currently residing in the country.

[18] For example, those who are persecuted by the regime in their host country may deliberately avoid official documentation with any authority.

[19] As of then, Syrians registered at UNHCR are recorded as 'persons of concern'.

								Lebanese & Palestinian Dialogue Committee (An-Nahar, 2017b)[20] 277,985 (LCRP, 2018:8)
Iraqis refugees	UNHCR Global Appeal, (2011, 2013, 2015) and UNHCR (2017b, 2018b)[21]	35,600 (including asylum seekers)	7,300 (including asylum seekers)	7,800 (including asylum seekers)	8,600 (including asylum seekers)	9,100 (including asylum seekers)	6,800	6,200
	Others	-	6,516 (UNICEF, 2014)	-	-	-	-	6000 (ECHO, 2018)
Palestinian refugees from Syria	UNRWA (2012c, 2012d, 2013, 2015, 2014, 2017)	-	7500-11,000	37,000	44,000	42,284 - 42,500	32,000 - 41,413	-
	Others	-	-	-	-	-	53,000 (DIIS, 2016)	30,675 (ECHO, 2018) 34,000 (LCRP, 2018:8)

[20] In 2017, an official census was conducted by the Lebanese authorities in 12 Palestinian camps, and 156 informal settlements across the country. Statistics form this census show big discrepancies with UNRWA's numbers, which can be explained by large numbers of Palestinians that may have left Lebanon without de-registering from UNRWA (Chaaban et al., 2010).

[21] It is worth noting that the numbers cited in the Global Appeal Report are 'planning numbers', in other words, they may not be the exact numbers, rather numbers that help the UNHCR to plan their responses and interventions in Lebanon.

								45,000 (ANERA, 2018)
Syrian Refugees[22]	UNHCR - Syria Regional Refugee Response Lebanon (2012, 2018a)	-	26,074 (May)	576,463	1,120,518	1,172,753	1,033,513	1,001,051
	Others	3,800 (UNHCR cited in Holmes, 2011)	126,939 (December) (UNICE,2014)	-	-	-	-	-
Sudanese Refugees	UNHCR Global Appeal (2012, 2013a, 2013b, 2015)	490 (asylum seekers only)	220 (asylum seekers only)	600 (asylum seekers only)	-	470 (including asylum seekers)	-	-
		-	-	-	-	800 (Sawt alNiswa, 2015)	-	-

Additionally, according to the records of the Ministry of Labour in 2017, Lebanon has 252,317 officially registered migrant workers (See Table 3). Around 80% of this number are migrant domestic workers (The General Security, 2016:16). Combined together, refugees and migrant workers make up for approximately 25% - 30% of Lebanon's population (Al Jazeera 2017; ECHO, 2018).

[22] Among the Syrian refugees, there are several ethnic minorities that fled the war in Syria such as the Syrian Kurds. There are no consistent records of the ethnic composition of the Syrian refugees in Lebanon. According to news sources, Kurdish refugees took refuge in the areas of Bourj Hammoud, Nabaa, and Bourj El-Barajneh camp, as well as other areas (Weppi, 2016).

***Table 3*: Registered migrant workers in Lebanon from 2011-2017 by the Ministry of Labour (2018):[23]**

Nationality	2011	2012	2013	2014	2015	2016	2017
Sinhala (Sri Lanka)	14,053	11,803	8,733	9,823	8,867	8,184	7,230
Egyptians	23,167	21,461	17,545	917	18,457	19,008	20,005
Ethiopians	45,707	62,654	57,418	65,961	73,419	105,360	138,682
Bangladeshi	40,380	41,360	32,571	44,677	49,136	48,355	41,993
Filippino	29,141	24,479	19,266	5,382	23,606	22,068	20,818
Nepalese	9,542	5,657	3,357	3,368	2,668	-	1,306
Kenya	1,000	-	-	7,395	8,372	-	1,639
India	7,367	7,074	6,064	7,572	7,414	7,596	7,484
Total of migrant workers[24] (including other nationalities)	184,962	189,373	158,216	198,445	209,674	232,330	252,317

[23] The numbers in the table are totals of workers who were given new work permits or had their permits renewed for that given year. These numbers understate the actual number of migrant workers because they ignore unregistered workers, such as the majority of Syrian workers who have been working in Lebanon before the outbreak of the conflict. Especially the sectors agriculture and construction are characterised by high rates of informality (Ajluni & Kawar, 2015).
[24] This total is the sum of the nationalities detailed in the table, as well as the unmentioned numbers of other nationalities.

5. Asylum in Lebanon: between rights and praxis

The legal framework on refugee protection in Lebanon is composed of various provisions stipulated in the Lebanese constitution, international treaties, immigration legislation, and policies and decrees, that provide for access to asylum, as well as basic temporary protection for refugees, and prohibit *refoulement*.

The 1951 United Nations Convention relating to the Status of Refugees

Despite its active role in the establishment of international refugee legislation and drafting the Universal Declaration of Human Rights, Lebanon, like many countries in the Middle East hosting large numbers of Palestinian refugees, has not ratified of the 1951 United Nations Convention relating to the Status of Refugees (the 'Geneva Convention'), and its 1967 Protocol,[25] which defines the term 'refugees', outlines their rights and freedoms, and specifies legal and protection obligations of host states.[26]

In the context of the Syrian crisis, the Lebanese government has adopted a dissociation policy in the context of the Syrian crisis, using a variety of terms ('displaced persons', 'guests') to refer to those who, under international law, would be classified as refugees.[27]

The Lebanese Constitution

Still, although Lebanon is a non-party to the 1951 Convention and its 1967 protocol, it is constitutionally committed to provide basic temporary protection to individuals with well-founded fears of persecution. First of all, the preamble of the Lebanese constitution describes Lebanon as 'a founding and active member of the United Nations Organization' that abides by the 1948 Universal Declaration of Human Rights, emphasising that 'the Government shall embody these principles in all fields and areas without exception'. Thus, this includes Article 14:1 of the Declaration of Human Rights, which provides that 'Everyone has the right to seek and to enjoy in other countries asylum from persecution'. Second, constitutional court decisions (for example, decision no. 2 of 1999; decision no. 4 of 2001; see Appendix II) provide that the preamble of the Lebanese constitution, as well as the human rights conventions it refers to – namely the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) – form a 'constitutional block', which has acquired the legal force of

[25] In addition, Lebanon is not a party to the 1954 Convention relating to the Status of Stateless Persons, nor the 1961 Convention on the Reduction of Statelessness.

[26] Janmyr (2017) gives four plausible explanations why Lebanon has been rejecting to ratify the 1951 Convention on the Status of Refugees, or its 1967 protocol. In sum, she refers to the uncertainty regarding the implications (and obligations) for Lebanon of such ratification, the benefits of shifting responsibilities to third parties (such as UNHCR), the unwillingness to violate 'good neighbourliness' principles between Arab countries that might occur from such recognition, and lastly, the redundancy of it, given that Lebanon already applies provisions of the Convention and its Protocol on a voluntary basis, is bound by human rights principles, and due to general (international) criticism regarding the Convention and its Protocol.

[27] Although the word 'refugee' is used in some legal provisions, these mainly refer to Palestinian refugees.

a constitutional norm (Frontiers-Ruwad & EMHRN, 2015).[28] At the same time, *'tawtīn'* – a concept allowing for multiple interpretations, which roughly can be translated as permanent settlement of foreigners – is explicitly prohibited in the preamble of the constitution (as amended in 1990).

International treaties and *non-refoulement*

In addition, Lebanon is bound by international treaties to which it is a party to provide basic temporary protection to asylum seekers and refugees, notably without imposed time limits or discriminations based on nationality or ethnicity (for an overview of international human rights instruments, see Appendix I). Moreover, by means of customary international law, as well as by peremptory norms under international law (ALEF, 2013), and by virtue of having ratified the United Nations Convention Against Torture and the International Covenant on Civil and Political Rights (Frontiers Center, 2013) Lebanon is committed to, amongst others, the principle of *non-refoulement*[29] (UNHCR, 1977).

Bilateral agreements

Other international agreements, notably between Syria and Lebanon, rationalising an open border policy between the two countries after the end of the Lebanese Civil War, include three bilateral treaties facilitating (i) the free movement of goods and people,[30] (ii) the freedom to reside, work, and practice economic activity,[31] and (iii) the right for nationals from both countries to enjoy the other state's treatment, rights, and obligations in compliance with prevailing national laws and regulations (CLDH, 2013; Syrian Lebanese Higher Council, 1991c). Until today, these bilateral agreements, together with the 1992 Treaty of Brotherhood, Cooperation and Coordination governing foreign policy between Lebanon and Syria and the 1993 Agreement for Economic and Social Cooperation and Coordination, that was developed to regulate Lebanese-Syrian relations during the period of Syrian occupation, govern Syrian nationals' presence, as well as their access to the labour market in Lebanon, facilitating a long history of migration and circulation, characterised by an 'uncharacteristically free' labour market between Syria and Lebanon (Chalcraft, 2009; CLDH, 2013).[32]

[28] As confirmed by a lawyer/researcher specialised in migration governance during a interview, Beirut, April, 2018.
[29] The principle of *non-refoulement* is considered to be one of the most essential components of international refugee law, and prohibits the forcible expulsion of those whose life, or freedoms, would be under threat. Despite the fact that Lebanon is not a signatory to the 1951 Convention, this principle has nevertheless been articulated in some provisions in domestic legislation, as will become apparent in this section.
[30] Article 2 of the Bilateral Agreement on the Regulation of Transport of Persons and Goods (Syrian Lebanese Higher Council, 1991a).
[31] Article 1 of the Bilateral Agreement for Economic and Social Cooperation and Coordination (Syrian Lebanese Higher Council, 1991b).
[32] Policies adopted in 2014 and implemented in 2015 strictly limited the entry and residency of Syrian nationals wishing to enter to or reside in Lebanon.

Domestic legislation

Despite aforementioned provisions stipulated in constitutional principles and international agreements, at the national level, a formal and comprehensive refugee legislation framework remains embryonic in Lebanon. Asylum seekers are subjected to immigration laws monitoring the entry, residency, and departure of foreigners, which include some provisions pertaining to the concept of asylum. Foreign presence in Lebanon is mainly governed by provisions of the 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country (Lebanon Migration Law, 1962).

Chapter VIII includes six articles related to - political - asylum. First of all, Article 26 stipulates that 'any foreign national who is the subject of a prosecution or a conviction by an authority that is not Lebanese for a political crime or whose life or freedom is threatened, also for political reasons, may request political asylum in Lebanon.[33] It is noteworthy that provisions in Article 27 stipulate some basic asylum procedures, including refugee registration procedures (Article 28),[34] the right to reject asylum (Article 29),[35] and requirements to refrain from all political activity after asylum has been granted (Article 30). Ironically, while article 27 provides for a Committee, consisting of the Minister of Interior, and The Director-Generals of the Ministries of Justice, Foreign Affairs, and General Directorate of General Security, it explicitly denounces the right to appeal asylum adjudication, even in the case of abuse of power.[36] Importantly, Article 31 provides for the *non-refoulement* of former political refugees: 'In the event that a former political refugee is deported, he or she may not be removed to the territory of a country where his or her life or freedom is threatened'.

However, none of these articles include details on the application procedure (length, steps, interviews, questionnaires, fingerprints, photos, health checks), different actors and their respective responsibilities, or procedures and timeframes following rejection of the asylum application. As such, these asylum procedures are to be further developed, not in the least because the provisions only apply to those who seek refuge on political grounds, although in reality, individuals seeking refuge do so for a variety of motives that may change overtime (Koser and Martin 2011). What is more, is this asylum mechanism appears non-functioning: asylum has only been recorded once since its establishment (Kyodo, 2003).[37] Consequently, in the absence of a comprehensive domestic legal framework that is able to absorb refugees and asylum seekers, they are often considered irregular migrants.

[33] In addition, the article stipulates that 'The definition of political crime contained in articles 196 and 197 of the Penal Code shall be taken into consideration. The provisions of articles 30 to 36 of the Penal Code respecting extradition shall remain applicable'.
[34] Article 28 states that 'A special card shall be issued by the General Directory of General Security to a political refugee. This card shall contain all the information concerning the identity of the refugee and the conditions to which the refugee shall be subject'.
[35] That is, 'The committee may refuse to grant asylum or may cancel it at any time or limit it by requiring the person, for example, to remain in a specific place'.
[36] Article 27 states that 'Asylum shall be granted pursuant to an order made by a committee the membership of which is as follows: Ministry of Interior, President; The Directors of Justice, Foreign Affairs and the General Directorate of General Security, Members. [...] The decision issued by this Commission is absolute and may not be challenged, even for abuse of power'.
[37] Asylum was granted in 2001 to a member of the Japanese Red Army who helped carrying out a massacre killing 26 people and injuring 76 at an Israeli airport; as such, the case was considered highly controversial. That is not to say, of course, that asylum seekers and refugees did not enter to and reside on Lebanese territories under other categories.

Irregular migration

Whereas asylum procedures are left relatively implicit in the current legal framework, irregular migration is explicit denounced. Chapter IX of the Law of Entry and Exit contains provisions on penalization of illegal entry or presence. Article 32 dictates a penalty (one to three months imprisonment and/or a fine), upon entry that is not in compliance with provisions stated in the Law. For non-Lebanese, these provisions include holding valid documentation, a visa, and legal entry through one of the posts of General Directorate of General Security. Lastly, Article 17 requires that 'a foreign national shall be deported from Lebanon if the presence of that foreign national is considered to be a threat to public security.[38]

As such, foreigners – as per the 1962 Law of Entry and Exit, as well as per the Lebanese Constitution, the Lebanese Penal Code, and the Criminal Procedural Code (Sahin-Mencutek, forthcoming) – are liable to arrest, penalties, and deportation by the General Directorate of General Security (GSO). UNHCR's attempt to exempt refugees and asylum seekers from criminalization of illegal entry in 2010, did not materialize (Frontiers-Ruwad & EMHRN, 2015). As will be argued in following sections, arrest and (arbitrary) detention based on illegal entry or residency are systematically used in Lebanon (Frontiers-Ruwad & EMHRN, 2015).

Lastly, under Lebanese law, human trafficking is prohibited. Anti-trafficking law no. 164 (2011) prescribes penalties varying from five to fifteen years of imprisonment for sex trafficking and forced labour (Shaheen, 2016).[39] Lebanon has entered the readmission agreements, bilateral agreements, and international agreements that regulate the readmission of illegal migrants, and prescribe cooperation to prevent and control irregular migration (CARIM, 2009a; 2009b; 2009c; 2009d; 2009e; 2009f; Council of the European Union, 2002; United Nations, 2000a; 2000b; 2001).

Still, although the right to asylum and basic temporary protection is entrenched in the Lebanese Constitution, and provided under international conventions signed and ratified by Lebanon, Lebanon has refused to abide by them, which can be traced back to the prolonged Palestinian displacement (Stevens, 2014), that clearly determined how refugees in Lebanon are treated nowadays. Although these international instruments constitutionally take precedence over the national legal framework governing access to asylum, in reality, this principle is rarely adhered to (ALEF 2013; Janmyr 2017; Stevens, 2016), despite court rulings, as will be argued in the next sections in this report.

Since the onset of the Syrian crisis in 2011, the already fragile domestic legal framework for refugees and asylum seekers has been placed under significant strain, and was unable to absorb the mass influx of refugees. As such, it has failed to provide a pathway to guarantee access territories, to rights and to protection of refugees and asylum seekers.

[38] The Director of the General Directorate of General Security (GSO) is required immediately to submit to the Ministry of Interior a copy of his or her decision. Deportation shall be effected either by notification of the person affected of the order to leave Lebanon within the time set by the Director of GSO or by having the person deported taken to the border by the Internal Security Forces (ISF).
[39] A prostitution network consisting of 75 Syrian women was discovered in April 2016 by the Lebanese police. Under the guise of working for legitimate jobs, for example as waitress, agents recruited the women, only to hold them captive as sexual slaves (The Daily Star, 2016). Similarly, in April 2017, over 60 suspects were arrested from a prostitution network consisting mainly of (former) domestic workers (Daily Star, 2017b).

6. The legal status of asylum seekers, refugees, and migrants in Lebanon

In the absence of comprehensive national refugee law, a Memorandum of Understanding (MoU) – signed in September 2003 by UNHCR and Lebanon's security agency General Directorate of General Security (GSO) – was the first step towards formal recognition and regulation of refugee presence, for the first time explicitly acknowledging the right to asylum on Lebanese territories for individuals with well-founded fear of returning to their home countries. Still, as argued in this section, many refugees are unable to regularise their status through this instrument. Contrastingly, migrant workers generally have legal papers, although in a precarious way, with high risks of losing their legal status at any moment.

The UNHCR 'refugee status'

The 2003 MoU clearly defines respective obligations of UNHCR and the Lebanese authorities regarding the rights of asylum seekers, Refugee Status Determination and finding durable solutions (UNHCR, 2004). The MoU was developed in the light of the Iraqi refugee crisis, following increased numbers of detention and deportation by GSO rendering the Gentlemen's agreement between UNHCR and the Lebanese authorities since 1963 ineffective. Although it was regarded as an unprecedented step, its implications highly impacted the legal status of refugees and asylum seekers.

First of all, the MoU reiterates Lebanon's position as a transit country, and peculiarly defines the term asylum seeker: 'Whereas Lebanon is not an asylum country [...] the term 'asylum seeker' shall mean, for the purpose of this Memorandum, 'a person seeking asylum in a country other than Lebanon'. Article 1 narrows this definition down to those who register at UNHCR after 2003 within two months of illegally entering Lebanese territories, and who apply to UNHCR for refugee status within two months of their arrival in the country (Trad & Frangieh, 2007), thus excluding those who entered on legal grounds, before 2003, or those not registered or rejected by UNHCR.[40]

Second, Article 8 of the MoU assigns UNHCR in specific cases with the conduction of refugee status determination (Article 8, MoU). As such, it provided for the issuing of temporary residence – or circulation – permits by GSO for asylum seekers, normally valid up to 3 months, allowing UNHCR to adjudicate individual asylum claims (Article 4 and 5, MoU). Upon recognition, the circulation permit can be extended for 6 to 9 months by the GSO (Article 9, MoU). Still, the MoU has been met with vast criticism: although UNHCR is administered with refugee status determinations, such determinations are not per definition formally recognised by the Lebanese authorities (and thus do not per se result in legal status of refugees). Moreover, the MoU does not explicitly recognize the principle of *non-refoulement*. Although *non-refoulement* is respected for a period of one year, during which refugees are to be resettled, refugees again face the risk of deportation in case resettlement attempts fail (Frontiers-Ruwad & EMHRN, 2015).

Furthermore, during this limited period, UNHCR bound itself to find a durable solution for refugees. The MoU emphasized that 'the only viable durable solution for refugees recognized under the mandate of UNHCR is the resettlement in a third country'. Given that UNHCR lacks

[40] The majority of Iraqi refugees entered Lebanon on illegal grounds from Syria, that, at the time, was one the largest receivers of Iraqi refugees as it had no visa restrictions for citizens from Arab countries.

authority or the capacity to guarantee acceptance in resettlement states (Frangieh, 2016; Janmyr 2018:395), and lengthy bureaucratic processes for resettlement can take up to years, this has significantly hampered UNHCR's resettlement efforts. Indeed, refugee registration, refugee status determination and resettlement rarely occured within the twelve-month period (Human Rights Watch, 2007). A legal expert explains:

> UNHCR doesn't have a mandate to find a durable solution: it has a mandate to advocate for durable solution but not to provide them. Durable solutions are state solutions, for example local integration, resettlement, voluntary return. [This MoU] puts the advocator of durable solutions in charge and responsible to find the durable solutions, which is impossible. We call this obligation de moyens[41] : an obligation to put all the effort into finding that solution. It's not an obligation of result, because they cannot guarantee the result.[42]

Importantly, the MoU – unlike MoUs signed, for example, in Jordan – was not designed for mass influx of refugees (Frangieh, 2016; Frontiers-Ruwad & EMHRN, 2015). Five months before signing the MoU, UNHCR declared a temporary protection regime (TPR)[43] for Iraqi refugees residing in Jordan, Syria, and Lebanon. Under the TPR, which anticipated large-scale Iraqi displacement, refugees should be admitted to safety, human rights ought to be respected, *non-refoulement* should be respected, and safe repatriation can be considered – conditions permitting (Frontiers-Ruwad, 2007). Moreover, it provided that Iraqi nationals should not be individually interviewed for refugee status determination, with the exception of extremely vulnerable individuals (UNHCR, 2007). As a result, by the end of 2006, a mere 561 Iraqi nationals were recognized as refugees under the MoU, whereas 2,356 individuals only received UNHCR asylum seeker certificates under the TPR (Danish Refugee Council, 2005). Yet, the TPR was implemented by UNHCR without any formal agreement by the Lebanese state (Frontiers-Ruwad, 2007); UNHCR asylum seeker certificates were not acknowledged by the Lebanese authorities, subjecting refugees under the TPR to be considered as illegal migrants, liable to arrest and detention. In addition, the lack of formal recognition as refugees, combined with the fact that under the TPR, claims for refugee status were not assessed, contributed to a 'state of limbo' for Iraqi refugees (Trad and Frangieh, 2007:11). In reality, for those recognised under the MoU – as opposed to those with the TPR status – little significance was given to their UNHCR's refugee status determination by Lebanese authorities either (Kagan, 2012) and residency permits were not issued in a systematic or timely manner (Frontiers٧ Ruwad & EMHRN, 2015). These examples demonstrate a divergence between UNHCR refugee status determination and formal refugee status acknowledgement by the Lebanese authorities.

[41] *Obligation de moyens,* or obligation of means, is a legal term that obliges parties to achieve the intended purpose to their best extent, whereas the *obligation of result* provides for a concrete result.
[42] Interview with lawyer/researcher specialised in migration governance, Beirut, April, 2018.
[43] 'Temporary protection' refers to arrangements developed by the international community, offering protection of a temporary nature in response to large-scale displacement, and includes those who do not meet the refugee definition, or fall outside the 1951 Convention (UNHCR, 2018b). 'The rationale of the temporary protection regime is to avoid the overwhelming of refugee status procedures and to maintain the possibility of return once there is a political settlement of the conflict in the country of origin.' (Trad & Frangieh, 2007). Opposed to the temporary protection regime under the European Union, applicable up to three years, UNHCR's notion of temporary protection is not constrained by time specifications, adding to the uncertain nature of this 'temporary' status.

In addition, the number of Iraqi refugees saw a significant rise, almost doubling between 2006 and 2007.[44] In this vein, UNHCR granted a *prima facie* status[45] to all Iraqi nationals from central and southern Iraq as of January 2007. However, similar to UNHCR's TPR status determination, the *prima facie* status was virtually not acknowledged by Lebanese authorities, either.

If in 2007, the influx of 2600 Iraqi refugees into Lebanon was considered unprecedented, the mass influx of Syrian refugees as of 2011 reached new peaks. With 1,1 million – a significantly higher number than the number of Iraqi refugees – the MoU in its current state was unable to regulate mass influx of refugees who, moreover, entered lawfully following the open border policy constituted by bilateral agreements between Syria and Lebanon.

Although UNHCR has not formally declared a *prima facie* status, nor established a temporary protection regime for Syrian refugees, it appears to apply 'what could be considered a *de facto prima facie* refugee status determination' (Janmyr, 2018:400), and regards Syrian presence as a 'refugee movement', considering that 'these Syrians are seeking international protection and are likely to meet the refugee definition' (LCRP, 2018). This includes persons displaced from Syria,[46] Syrian nationals registered – or seeking registration – as refugees by UNHCR, and Syrian *de facto* refugees (ibid).

As such, Syrians in Lebanon are unable to legalize their presence through the MoU, at least those arriving after 2011. In this light, UNHCR has attempted to renegotiate a new MoU, in 2013, to '[address] key protection gaps identified in the 2003 MoU, and include[s] issues such as *non-refoulement*, refugee status determination, registration, detention and the right of refugees to work as well as durable solutions' (Janmyr, 2018:5). Despite lengthy negotiations, these discussions never materialized. Nowadays, the MoU is used for non-Syrian and non-Palestinian refugees.[47] The status of refugees and asylum seekers who are recognized by UNHCR, but fall outside the MoU – for example those who entered on legal grounds, *prima facie* refugees, or those under the complementary or temporary protection regime – is not legalized.

In fine, the current legal landscape in Lebanon does not offer a strong framework to uphold the rights the rights of refugees and asylum seekers, or to legalize their presence. Adding to this is the fact that, as of June 2012, Lebanese authorities have adopted a disassociation policy for Syrian refugees, using the term '(temporarily) displaced' persons, rather than 'refugees'. Although Palestinian refugees are referred to as 'refugees', those displaced in other contexts are not; scholars argue that the use of the term 'refugee' would encourage permanent settlement, and oblige Lebanese authorities to uphold any extra protection that is – arguably – believed to be inherent to this term. That is not to say that refugees and asylum seekers have not found refuge in Lebanon; yet, they may have done so under other formal categories of entry and residency.

However, a type of migration that is favoured under certain premises, is migration for economic purposes (Stevens, 2016).

[44] See the statistical section of this report.
[45] *Prima facie* status is used during mass displacements, as it legalizes the status of a group of refugees fleeing under the same circumstances. It also grants international protection in accordance to the 1951 Refugee Convention – in this sense, it differs from the temporary protection regime (Trad & Frangieh, 2007).
[46] Which can include Palestinian Refugees from Syria, Lebanese returnees, and (un)registered Syrian nationals.
[47] Since 2009, the MoU is in place again for Iraqi refugees.

The Lebanese labour market & economic migration

Decree no. 17561 (September 1964, see Appendix II) regulates foreign labour in Lebanon. Besides attributing roles (depending on different categories of workers) to either the Ministry of Labour, or General Directorate of General Security, it adopts three principles restricting foreigners' right to work in Lebanon. The Lebanese government adopts the principle of preference of nationals, allowing foreigners to work in those professions that are not eligible for Lebanese (Longuenesse & Hachem, 2013; UNDP, n.d.a).[48] In this vein, the Ministry of Labour has the authority to enumerate a list of professions reserved only to Lebanese nationally, usually updated on an annual basis (for example: Decision no. 1/29 of 2018 Regarding the Professions exclusive to Lebanese Nationals). In reality, 'liberal' professions[49] are excluded for foreign labour, whereas manual and clerical jobs remain freely available.[50] Syrians generally are constrained to work in three sectors: construction, agriculture, and 'environment'. [51]

Second, it stipulates that foreigners in Lebanon are to obtain a work permit. In practice, this requires foreigners wishing to enter Lebanon to obtain pre-approval from the Ministry of Labour before entering the Lebanese territories, allowing for a temporary residency permit. A work permit can be obtained within ten days of arrival.[52] After granting a work permit, the process of applying for a residency permit can start through GSO (IDAL, n.d.).

Third, it incorporates the principle of reciprocity, mutually allowing foreigners and locals from two respective states to enjoy the same rights and privileges in each others' country.[53]

However, it should be noted that the agricultural and domestic workers, who traditionally consist of large numbers of foreign workers, are excluded – and therefore do not enjoy protection – from the Lebanese Labour Law. The vast majority of foreign workers (80%) are migrant domestic workers (The General Directorate of General Security, 2016:16), mainly from Asian or African countries. For them, Lebanon – like many countries in the Middle East – operates versions of the kafala ('sponsorship') system, which 'is comprised of various customary practices, administrative regulations, and legal requirements' (Kafa (enough) Violence and Exploitation, 2012) and is implemented by the General Directorate for General

[48] For example, employers should post vacancies available in local newspapers, during the process of applying for a work permit for foreigners. Work permits are granted to foreigners only in the case when no Lebanese responds to the advertisement. Otherwise, the employer must justify his preference for a foreign worker.

[49] Skilled, syndicated professions, for example in law, medicine, engineering or pharmacy sectors.

[50] Ministerial decision no. 67/1 (June 27, 2005) allowed Palestinians born on Lebanese soil and officially registered at both the Lebanese Ministry of Interior and UNRWA access to 70 professions and occupations, that had previously been reserved to Lebanese citizens only (see Appendix II).

[51] It should be noted that Decision no. 1/29 of 2018 Regarding the Professions exclusive to Lebanese Nationals does no longer explicitly mention Syrians being restricted to work within the 3 sectors - despite the fact that during the past years, the sectors appeared to have expanded (for example: the 'cleaning' sector was expanded to 'environment', which includes cleaning and maintenance, amongst others). However, the Ministry of Labour later clarified that the decision implicitly allows Syrians to work within these sectors (as was confirmed by Memorandum illustrating decision no. 1/29 on 21 March 2018 (see Appendix II).

[52] As per the bilateral agreements, different rules should apply to Syrians; they should be able to enter Lebanon with an ID, have a temporary residency for 6 months, and then apply for a work permit within 6 months.

[53] Law no. 129 amending Article 59 of the Labour Code no. 13955 for the year 1946 exempted Palestinians living in Lebanon from the reciprocity of treatment condition, and lifted fees for work permits. However, liberal professions still remained reserved for Lebanese (see Appendix II).

Security. Sponsors, who can be Lebanese individual nationals[54] or employers, are held responsible for a workers' legal acts through a notarised pledge that ties a migrant domestic workers' residence permit to a sponsor. Importantly, the sponsor can withdraw his sponsorship at any time: migrant workers immediately lose their legal status upon termination of employment. This dependency leaves migrant domestic workers, employed on annual contracts, in an extremely vulnerable situation, as sponsors exercise considerable control over workers' legal status, freedom of movement, and employment opportunities (Kafa (enough) Violence and Exploitation, 2012:11).

Although Lebanon has not ratified the 1949 Migration for Employment Convention, or the 1975 Migrant Workers Convention, constitutional principles bind Lebanon to apply the Universal Declaration of Human Rights[55], as well as other international treaties signed and ratified by Lebanon.[56] In reality, however, migrant workers are often unable to access the rights enshrined in these instruments. Critics of the kafala system state that '[u]npaid wages, the confiscation of passports, extensive working hours and heavy workload approximating slavery, limited communication possibilities with fellow workers or families at home as well as psychological, physical or sexual abuse are only some of the violations of rights MDWs have to face regularly' (Benedek, et al., 2011:53). Worryingly, migrant workers are often unable to resign without a notarized release waiver signed by the employer and approved by the authorities. Although foreign workers, in general, have relatively easy access to legal status, it should be noted that without up to date sponsorship, migrant domestic workers in Lebanon are liable to penalties, imprisonment, and deportation under the 1962 Law regulating the entry and residency of foreign nationals (Jones, 2015). Despite heavy criticism from human rights advocates, the kafala system has been applied for Syrians since 2015, as well.

[54] It is noteworthy that during the time of writing this report, it was confirmed during an informal interview at the General Directorate of General Security (Beirut, May, 2018), that it is no longer possible for Lebanese individuals to become a *kafeel* (sponsor) for those already residing in Lebanon, unless the foreigners are 'transferred' from one *kafeel* to another, and have legal residency. Those residing illegally in the country, or those who do not have a former *kafeel*, have to leave the country before entering the *kafala* system – and risk not being able to enter the Lebanese territories again.

[55] For example, article 23 stipulates the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Article 24 provides for the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay. Article 5 prohibits torture or cruel, inhuman or degrading treatment or punishment.

[56] International Convention on Economic, Social and Cultural Rights, The International Convention on Civil and Political Rights, The Convention on the Elimination of all Forms of Discrimination against Women. ILO treaties signed and ratified by Lebanon that provide for the protection of migrant workers include the Abolition of Forced Labour Convention, 1957 and the Discrimination (Employment and Occupation) Convention of 1958.

7. Many actors, limited mandates, and the predominance of the security apparatus

Migration flows in Lebanon, in reality, are governed by decree, by a set of formal and informal policies that are formulated on an *ad hoc* basis and differentiate between different nationalities. Moreover, migration governance is characterized by a disparity between law and practice, and involves a variety of formal and informal actors (for an overview of the main actors in migration governance, see Appendix III).

Indeed, Article 27 of the 1962 Law on Entry and Exit calls for the establishment of a committee consisting of Minister of the Interior and the Directors of the Ministries of Justice and Foreign Affairs, and the General Directorate of General Security, adjudicated to grant asylum. In reality, this inter-ministerial committee – not to be confused with a comprehensive body for refugee status determination – appears to be cosmetic (Kyodo, 2003): the committee is *ad hoc* and not operational.[57] In this context, and in the absence of comprehensive refugee legislation, UNRWA and UNHCR, notably, have adopted important roles, and share some state responsibilities,[58] although the legal effect of UN involvement is confined.

UNRWA, the Lebanese authorities, and the Palestinian refugees: service provision with limited rights

The Department of Political and Refugee Affairs (DPRA) – nested within the Ministry of Interior is administered, amongst others, with the task to register Palestinian refugees, review requests for identity cards and *laisser passer* travel documents before transferring them to the General Directorate of General Security, and the registration or approval of civil matters (birth, marriage, divorce, death, change of residence, chance of sect) for Palestinian refugees.[59]

Importantly, the Department is to work closely with UNRWA Lebanon to provide social services for Palestinian refugees. Established in 1948 following the Arab-Israeli conflict,[60] UNRWA, a subsidiary organ of the United Nations General Assembly without protection mandate, is unique in its 'long-standing commitment to one group of refugees'. However, UNRWA's mandate is not stated in one place[61] but rather comprised of resolutions and requests passed by the General Assembly on a yearly basis (Bartholomeusz, 2010). It's contemporary mandate focuses on providing human development and protection services to Palestinian refugees – including those from Syria – in UNRWA areas op operation, although budgetary constraints significantly render UNRWA's work more difficult (Harris, G. & Gladstone, R., 2018; UNRWA, n.d.).

[57] Asylum was granted only once since its establishment. See footnote 45.
[58] For example, Slaughter & Crisp (2009) analyse UNHCR's role as a 'surrogate state', as does Kagan (2012).
[59] Decree no. 42 of 31 March 1959. See Shafie (2008), as well as Appendix I.
[60] Palestinian refugees are defined as 'persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict'. The descendants of Palestine refugee males, including legally adopted children, are also eligible for registration.
[61] UNRWA operates in five areas: Lebanon, Syria, Jordan and the West Bank and Gaza Strip. United Nations General Assembly Resolution 302 (IV) of 8 December 1949 (UNRWA, 1949).

As such, Palestinians in Lebanon can be divided into three categories:[62] those registered with UNRWA and the Lebanese authorities (estimately 460.000), those registered with the Lebanese authorities (between 10,000 - 40,000), and those who are registered at neither: 'Non-ID Palestinian refugees' (varying between 3,000 – 16,000) (Amnesty International, 2003 cited in Shafie, 2008).[63] Around 53% of the Palestinian refugees resides in one of the 12 Palestinian refugee camps, which are characterized by substandard housing standards, overcrowding, high rates of poverty,[64] poor levels of sanitation, and limited access to electricity and water, and are often considered 'pockets of criminality', with minimal access to them by state security apparatuses. In 2015, Palestinian's unemployment rate amounted to 23.2% (Chaaban et al., 2015:2).

Although initially welcomed, notably during periods of rising Arab nationalist sentiments during the 1950s and 1960s (Sfeir, 2017), protracted Palestinian presence for over four generations, in addition to the participation to Palestinian faction to the Lebanese civil conflict, have led to a set of restrictive measures and policies. Although Palestinians' access to basic rights is enshrined in international treaties signed by Lebanon, notably the 1965 Protocol for the Treatment of Palestinians in Arab States ('Casablanca Protocol'; see Appendix I), Palestinian refugees are treated by Lebanese law as a 'special category of foreigners' (Refugee Studies Centre, 2010), not in the least because the principle of reciprocity, which allows foreigners to claim the same rights and privileges as local citizens in their respective states, a priori does not apply to Palestinians, in the absence of a formally recognized Palestinian state.

For example, although Palestinians are allowed to work in some clerical jobs, highly skilled 'liberal' professions remain restricted, which include law, medicine, engineering, pharmacy, etc (Decision no. 1/29, 2018 Regarding the occupations exclusive to Lebanese Nationals: see Appendix II). At the same time, several amendments in 2005 and 2010 have improved registered Palestinians' access to work and social protection mechanisms, allowing for work permits to be extended up to three years,[65] lifting fees to obtain work permits, granting end of service compensation,[66] and access to the National Social Security Fund, although only partially.[67] However, it is noteworthy that conditions are formulated ambiguously, allowing for multiple interpretations of these provisions (Saghieh & Nammour, 2017).

Additionally, as non-Lebanese, Palestinians in Lebanon are prevented from owning or inheriting immovable property or real estate (law no. 296, April 2001: see Appendix II). Palestinian refugees have no access to Lebanese public medical services, and are therefore dependent on UNRWA and NGO services. Although Palestinians in general have access to

[62] It should be noted that, as argued in the statistical section of this report, the total number of Palestinians residing in Lebanon remains unclear, and varies between 174,422 (An-nahar, 2017b) and 463,664 (UNRWA, 2017).

[63] 'The International Federation for Human Rights (FIDH) in March 2003 issued a report estimating there to be 10,000 of them; the US Committee for Refugees estimated 16,000; and the Danish Refugee Council, who carried out a survey in 2005, estimated the number at 3,000 people' (Shafie, 2008).

[64] Palestinian refugees in Lebanon have the highest poverty rates of all UNRWA areas of work, with an estimated 65% living under the poverty line (UNRWA, 2017).

[65] Decree no.14268 for 2005 (see Appendix II).

[66] Law no. 128 to amend Article 9 of the Social Security Law (SSL) (see Appendix II).

[67] Law no. 129 to amend Article 59 of the Labour Code no. 13955 for 1946 (see Appendix II).

public schools and universities, their access to public secondary schools is limited to 10% of total places, provided these places are not used by Lebanese (Refugee Studies Centre, 2010).

Based on the Casablanca Protocol, most Palestinians that are registered with UNRWA or the Lebanese Department of Palestinian Refugee Affairs, are eligible for for an identity card and a renewable special travel document. Although Palestinian refugees' right to residency and travel is subject to arbitrary implementation and changes the majority of registered Palestinians has legalized their presence (Refugee Studies Centre, 2010). As such, their freedom of movement is in general not restricted to (certain areas in) Lebanon (Sfeir, 2017).

As argued in this section, Palestinians, notably non-ID Palestinian refugees, face substantial challenges to enjoy human rights. Critics denounce this 'manufactured vulnerability' (Saghieh, 2015), which can be traced back to 70 years of Palestinian presence. As such, rather than preventing it, laws and policies facilitate *de jure* discrimination. Palestinian refugees from Syria (PRS) even face a more worrying situation due to their intersecting displacement profile.

UNHCR: a larger mandate, with limited prerogatives

In 1963, the United Nations High Commissioner for Refugees (UNHCR) has been established in Lebanon,[68] with the primary responsibility to support the Lebanese Government in providing protection and assistance to individual non-Palestinian asylum seekers and refugees, for whom a 'non-camp' policy applies. UNHCR - unlike UNRWA - does have a protection mandate, and has been delegated with refugee status determination, and finding durable solutions, notably.

However, as argued in the previous chapter, little legal significance is given to UNHCR's refugee status determination, notably for those that do not fall within the 2003 MoU - which is the case for the majority of refugees. As such, refugees and asylum seekers are not guaranteed access to territories, nor protected against *refoulement*. UNHCR's and UNRWA's role is 'strictly circumscribed by the Lebanese authorities' (Janmyr and Mourad, 2018). For example, this is visible in the fact that UNHCR saw a significant increase in budget from 49 million USD in 2012 to almost 465 million in 2017 (UNHCR Key Figures, n.d.). As such, certain positions within ministries, for example the Ministry of Social Affairs and the Ministry of Interior, are funded by UNHCR.[69] Similarly, UNHCR funds projects with the General Directorate for General Security, for example to facilitate registration processes with biometric scans (The Daily Star, 2014).

UNHCR's growing influence does not result in policy changes (Janmyr, 2018), on the contrary, since May 2015, UNHCR has been requested to 'temporarily' suspend registration of Syrian refugees, and to deregister those who had returned to Syria – for example to receive medical aid that was unavailable or unaccessible in Lebanon (Lebanon Support, 2016c) or in order to vote (Stevens, 2016). In October 2014, at the peak of the refugee crisis and after years of apathy, alleged mounting strain on Lebanon's economy and infrastructure moved the Council of Ministers – consisting of the Prime Minister, the Minister of Interior and Municipalities, the Minister of Social Affairs, and the Minister of Foreign Affairs and

[68] Responsible for protection and assistance (non-Palestinian) refugees in UNRWA's areas of operation, and all refugees (including Palestinian refugees) outside UNRWA's areas of operation.
[69] As confirmed during an interview with a legal representative of UNHCR, Beirut, April 2018.

Immigrants[70] – to adopt the 'October policies'. This series of policies, introduced under the heading 'reducing the numbers' was adopted in an attempt to halt the Syrian refugees' influx at the Lebanese Syrian borders, to encourage Syrians who were already in Lebanon to return to Syria, and to formalize and control the presence of those who stayed (Lebanon Support, 2016a). The agency attributed with the task to implement these policies, was the General Directorate of General Security.

Formal and informal measures: the role of security actors in migration governance

The General Directorate of General Security is the authority attributed with the task to regulate foreigner's entry and residency, which is done through administrative directives – that are often unpublished – and with minimal political or judicial oversight in the process, and in accordance with the 1962 law of Entry and Exit (Saghieh, N. & Frangieh, 2018).

Examples of the scope of the power of the General Security are the kafala system – that is implemented for migrant workers – and the 'administrative detention' of refugees. A representative of UNHCR illustrates:

> The 1962 Law on Entry and Residency grants the GSO the right to deport people who might be a threat to public security and safety. […] Until deportation, GSO has the right to detain this person in 'administrative detention'. However, administrative detention is not specified by law; so there is no duration or limit for.[71]

Arbitrary prolonged detention after the expiry of judicially imposed sentences, occurred extensively notably in the light of the Iraqi refugee crisis as a 'policy of deterrence' (Frontiers-Ruwad, 2008:6). Iraqi refugees were detained in large numbers[72] and presented with the option to sign release forms justifying the 'voluntary' nature of their departure, or to stay imprisoned, awaiting trial.[73] As such, unlawful detention coerced refugees to return, and thus can be regarded *de facto refoulement* (Frontiers-Ruwad, 2008:7).

More recently, the General Directorate of General Security's (GSO) role is visible through the analysis of a series of policies adopted by the Council of Ministers, and implemented for Syrian refugees by GSO. On the 31st of December 2014, new visa requirements based on a variety of 'categories' were introduced to regulate Syrian entry into Lebanon, although violating the open door policy constituted by bilateral agreements between Syria and Lebanon.

The introduction of these categories significantly prevented Syrians in Lebanon to maintain or obtain a legal status, marking a clear distinction between short-term visa's for purposes of tourism, business, shopping, property owners or tenants, study, transits, medical treatment, and appointments with embassies (Lebanon Support, 2016a), and long-term residencies (accompanied by a visa indicating the purpose of stay).

[70] For more information regarding the role of respective ministries, see Appendix III.
[71] Interview with legal representative of UNHCR, Beirut, April 2018.
[72] For example, the 2003 MoU was developed in a context of significant rice in the detention and deportation of – mainly Iraqi and Sudanese – refugees since 1999 (Frontiers-Ruwad, 2008; Frangieh, 2016). During this period, General Security saw major reforms, invigorating its role as a security agency.
[73] Interview with a lawyer/researcher specialised in migration governance, Beirut, April 2018.

For long-term presence, the introduction of the new policy clearly distinguished between 'displaced' individuals and migrant workers. Most importantly, although a newly introduced 'humanitarian exception' category suggested entry for displaced Syrians, a refugee category was still lacking. In reality, the 'humanitarian exception' category only applies to 'unaccompanied and/or separated children with a parent already registered in Lebanon, persons living with disabilities with a relative already registered in Lebanon, persons with urgent medical needs for whom treatment in Syria is unavailable, and persons who will be resettled in third countries' (Amnesty International, 2015:11). Additionally, human rights activists arguably contest the Ministry of Social Affairs' presence at the borders, that is attributed with the task to screen Syrian entries for complying with the 'humanitarian exceptions' criteria. Although in the light of the Syrian crisis, no cases of *refoulement* are registered in Lebanon, lawyers and human rights activists emphasize that people rejected at border entry points wishing to (re)enter Lebanon are not included in these numbers.[74] A UNHCR representative illustrates:

> Due to the current regulations, this could have happened many times. However the government would tell you that refugees are applying in the wrong category. For example, if I'm Syrian and I apply under the tourism category – because I have to – although I'm coming because I fear for my life and I am technically a refugee, this can be rejected. For the Lebanese government, I am then a tourist, because I applied for tourism. But at the same time, there is not a refugee category or humanitarian category at the border.[75]

The 'persons of concern' already registered at UNHCR were unable to regularize their status at General Directorate of General Security, and, moreover, were requested to sign a 'pledge to not work', prohibiting their access to the Lebanese labour market. For Syrian workers, in order to implement the October policies, the kafala system, highly contested by human rights advocates, was extended. In addition, Syrian labour in Lebanon was restricted to the sectors construction, agriculture, and 'environment' – all of which traditionally host large numbers of foreign, notably Syrian, workers.

Yet, the influx of Syrian refugees should be viewed in a context characterised by continuous waves of Syrian migration towards Lebanon. Chalcraft (2009) distinguishes a clear pattern of migration and return, to the extent that Lebanon, long before the eruption of the Syrian crisis in 2011, has been hosting an estimate 300 000 to 600 000 Syrians, who were mainly involved in seasonal and menial work (SNAP, 2013; World Bank, 2013). This renders a clear categorization of 'refugees' as opposed to 'migrants' more difficult as of 2011. A representative of a human rights organisation explains: 'We used to have Syrians who […] were here [in Lebanon] as economic migrants, who were registered as refugees at UNHCR and then were resettled to other countries. At the same time, there are Syrians who were actually coming from Syria, who were in very vulnerable positions but couldn't show or prove their vulnerability to UNHCR, and were not registered [or resettled] because of that'.[76]

[74] Interviews lawyer/researcher specialised in migration governance, and the director and programme manager of a human rights organisation, Beirut, April 2018.
[75] Interview with legal representative of UNHCR, Beirut, April 2018.
[76] Interview with Programme Manager and Director of a human rights organisation, Beirut, April 2018.

Lastly, residency renewal fees, although previously free of charge, were raised to a biannual fee of 200 USD – a significant amount for Syrian refugees, of whom 91% is currently estimated to be in debt and 71% of whom falls under the poverty line of 3.84 USD per day – and included administrative requirements (valid passport, entry slip) that many Syrians were not able to meet (LCRP, 2017; UNICEF, UNHCR & WFP, 2016). Still, even for those who met all criteria, and could meet all administrative and financial requirements, rules were applied in an arbitrary manner (Lebanon Support, 2016a).

In fine, the October policies meant a significant change for Syrian presence. Syrian refugees, over a million of whom are registered at UNHCR, generally were unable to enter Lebanon, or renew their residency at General Directorate of General Security. The consequences of illegality have been tremendous, severely restricting Syrians' freedom of movement – notably of men, who are more prone to arrest and arbitrary detention when passing Lebanon's many checkpoints. Yet, while sidestepping state institutions, refugees often find themselves unable to access work, school, social services, or healthcare services (Lebanon Support, 2016c). Being without legal status, prohibited or unable to enter the labour market while at the same time not receiving sufficient social services, led to large-scale deprivation of rights of Syrian refugees, children being born stateless, exposure to exploitation, and/or (sexual) abuse. Ironically, although measures initially were adopted in an attempt to regularize Syrian presence in Lebanon, conditions appear to have reinforced the existence of a black market (Lebanon Support 2016a; 2016b).

In this vein, and in a context where approximately 74% of Syrians is estimated to be without legal status (VaSyr 2017; p.13) and a mere 7% is approximately resettled[77], regularising legal status through labour migration has also been used as a coping strategy by Syrians, at times even required General Directorate of General Security (Lebanon Support, 2016a).[78] the 'worker' category is used as – often the only – possibility towards lawful presence in the country. Yet, after the introduction of the kafala system, also referred to as 'modern slavery', the 'positive' effect of such a choice, often coincided with exorbitant amounts of money to be paid to emerging 'middleman' figures, should be critically evaluated.

The policy has seen minor amendments after 2015. In July 2016, following the London Conference and negotiations at the national and international level, the pledge not to work has been replaced by 'a pledge to abide by Lebanese laws' (Brussels Conference, 2017a) – which requires a work permit granted by the Minister of Labour himself. Given that around 3% of Syrians has applied to obtain a work permit in previous years (IRC, 2015), and 'few Lebanese companies want to take on this difficult, bureaucratic and expensive responsibility', (Faek, 2017) Syrians only have work permits in highly exceptional cases (Lebanon Support 2016b:11).

In addition, in February and March 2017, General Directorate of General Security announced to waive the hefty 200 USD fee imposed on Syrians wishing to regularize their status (The General Security, n.d.). As of then, Syrians were granted a six month residency permit – renewable for multiple times – free of charge. Yet, it should be noted that requirements (i) included UNHCR registration prior to 1 January 2015, and (ii) excluded those who has previously renewed their residency on tourism, sponsorship, property owner, or

[77] From 2013 to 2018, 71,688 Syrian nationals in Lebanon have been resettled to third countries (UNHCR Resettlement Data Finder, n.d.).

[78] For example, Syrians who were caught working, have at times been required to deregister at UNHCR.

tenant grounds, in 2015 or 2016, regardless of whether or not this context was still applicable to them (WGPASDCL, 2017:11). Especially in a context where UNHCR, since January 2015, was requested to suspend registration of refugees, large numbers of vulnerable refugees are unable to benefit from the fee waiver (Human Rights Watch, 2017). Moreover, General Security offices (37%) have been reported to apply the waiver in an unsystematic way, or not to apply it, at all (WGPASDCL, 2017). Those registered under the kafala system, are still subject to the same fees (Alef Legal Safety 2017:12). Lastly, in exceptional conditions, individuals were able to change their kafeel between September 2017 to March 2018 (Frangieh, 2017).

In April 2018, Syrian children without valid national passport or identity who turned ages 15 to 18 after entering Lebanon, can obtain a temporary residency card via the General Directorate of General Security by presenting their Syrian individual status record, provided that it is not older than two years (Human Rights Watch, 2018a). Not only may this be problematic for some, the policy also excludes those who already turned 19.

In sum, in reality, little has changed improving the legal status and living conditions of Syrian refugees, since the policies have been implemented as of January 2015. Furthermore, notably following counterterrorism clashes in Arsal between the Lebanese Army and Syrian Islamist militants in 2014, 'security raids on refugee settlements and arrests of refugees without legal status have frequented' and retaliatory measures have increased, to the extent that in June 2017, during a series of raids by the Lebanese Armed Forces, 5041 and 35042 refugees were arrested (WGPASDCL, 2017).[79]

Adding to this is the fact that some local municipalities and vigilante groups have emerged as security actors, by implementing night-time curfews and street patrols – which follow an unpredictable pattern – for refugees, (Lebanon Support, 2016d). In addition, approximately 3,664 Syrian nationals have been reported to be evicted from around 13 municipalities between early 2016 to early 2018, and 'almost 42,000 Syrian refugees remained at risk of eviction in 2017' (Human Rights Watch, 2018b). Despite being 'illegal and unjustified as they are not enforced by relevant security authorities for valid security reasons' (The Araby Weekly, 2016). Still, no fair, effective, independent monitoring and accountability mechanisms have been established (WGPASDCL, 2017). On the contrary, literature indicates how Lebanese state security agencies not only tolerate the emergence of informal actors and/or measures, but sometimes even rely on them (Lebanon Support, 2016d), severely restricting refugees to access basic human rights, enshrined in the constitution.

Combined with a lack of legal redress measures have created a constant atmosphere of fear among Syrians, going to extremes in order to seek refuge.[80] As opposed to prolonged arbitrary detention, a lack of legal status and precarious living conditions now appear to be used to encourage refugees to return, circumventing the principle of *non-refoulement* (Frangieh, 2014).

Indeed, increasing numbers of Syrians are reported to have returned in convoys organised by General Security to Syria[81] although perspectives on whether or not the necessary

[79] By August 2017, 7,000 Syrians in the Arsal area returned to Syria (Enders, 2017).

[80] In January 2018, 15 refugees were found frozen to death while trying to cross the mountainous border into Lebanon (BBC, 2018).

[81] For example, in April 2018, around 500 Syrians have returned Chebaa (Southern Lebanon) to Bait Jan, Syria (The Daily Star, 2018f). In June 2018, some 400 Syrians are reported to have returned to Syrian territories from Arsal (Northern Lebanon), whereas around 3,000 refugees in Arsal have

conditions for voluntary return to Syria have been met differ vastly within the international community (The Daily Star, 2018b; Foreign Affairs & International Relations, 2018).[82] UNHCR, that has been focusing on the resettlement and return of Syrian refugees since the eruption of the crisis in 2011, denied to have had a leading role in these returns, emphasising its role in assessing refugees' intentions, as well as conditions under which these returns took place (Refugees Lebanon, 2018).[83] In this vein, UNHCR investigates, amongst others, whether all family members have the wish to return, whether or not they possess property in Syria and whether this property is still intact after war violence, as it aims to prevent 'secondary' (internal) displacement in Syria. Moreover, UNHCR representatives emphasised that UNHCR has no access to areas where Syrians returned to, limiting UNHCR's protection role.[84] This standard UNHCR policy[85] was condemned by Foreign Minister Gebran Bassil, as it would discourage Syrian refugees from returning (The Daily Star, 2018c). As a result, Bassil ordered a freeze on the renewal of UNHCR staff residency permits in June, 2018 (The Daily Star, 2018d).

Contrastingly, although statistics are generally unavailable, it is noteworthy that Lebanon also hosts western, often highly-skilled 'expatriates' (UNDP, n.d.). Although their access to the labour market, too, is restricted to particular professions, and they require a work permit as well, anecdotal evidence suggests their lawful presence is Lebanon is constituted by tourism purposes, leading them to leave the country on a three monthly basis. Those who reside illegally in the country in most cases do not have to fear punitive measures,[86] and they generally are not subject to arbitrary arrests, or curfews: 'When asked whether French people are required to respect the curfew, one municipal representative found the question a bit provocative and argued that they don't bother with '"these types of foreigners", because they do not cause any problems like the migrant workers do' (El Helou, 2014).

The Lebanese judiciary: a voice unheard

Although the Lebanese judiciary, as well as the international community, have long condemned practices violating the constitution, international treaties – including bilateral

submitted their names to the Lebanese authorities to return Syria (Perry & Creidi, 2018). In July 2018, around 720 people have returned (The Daily Star, 2018g). Following the Helsinki conference, in which Russian president Putin encouraged the return of Syrian refugees in Lebanon, Turkey, and Jordan, Russia has proposed to facilitate the return of 890,000 Syrian refugees from Lebanon (Al Jazeera, 2018) – a proposal that was embraced by Lebanese Forces leader Samir Geagea (The Daily Star, 2018e).

[82] Whereas president Aoun appealed to the Arab countries (United Arab Emirates, Egypt and Saudi Arabia) for assistance in the return of refugees (The Daily Star, 2018b), the United Nations and European Union share the opinion that 'conditions for returns, as defined by the UNHCR and according to international refugee law standards, are not yet fulfilled' (Brussels Conference, 2017b).

[83] Ministry of Foreign Affairs demanded UNHCR to refrain in the future from issuing statements on refugee return (The Daily Star, 2018b).

[84] Confirmed during a meeting with UNHCR senior management and representatives of civil society and academia, Beirut, June, 2018.

[85] Given that settlement in Lebanon is prohibited, and resettlement occurs only in a limited number of cases, UNHCR Lebanon has always considered refugees' return as a viable option, conditions permitting. Confirmed during a meeting with UNHCR senior management and representatives of civil society and academia, Beirut, June, 2018.

[86] As was confirmed during an informal interview with several officers of the General Directorate of General Security (GSO), Beirut, March, 2018.

agreements – and domestic legislation, refugees and migrants too often find themselves deprived from access to basic human rights.

Refugees, asylum seekers, and migrant workers, notably after the expiry of their judicial sentences, are held in administrative detention and/or without being referred to a judge (Frontiers-Ruwad, 2010). Moreover, many fear to come forward to go to trial. The director of a human rights organisation explains: 'That is the problem: because you have people who are vulnerable, they would not present charges themselves.'[87] Yet, even in case they do present charges, they are reported to be tried in swift, mass hearings, oftentimes without being able to express their motives for seeking refuge (Frontiers-Ruwad, 2008).

Still, despite explicit condemnations by the judiciary, the General Directorate for General Security has 'contested judges' competence and jurisdiction, evaded the receipt of judicial orders, and refused to execute them once received. It has deported detainees in spite of rulings blocking their deportation and ordering their release' (Frontiers-Ruwad, 2010:X).

Had judicial institutions, notably the Cassation Public Prosecution, had played a more active role, the forcible return of refugees and asylum seekers would have been prohibited more often (Saghieh and Frangieh, 2018). Although the Lebanese law includes 'clear remedies for those who have experienced abuse at the hands of the state, creating actionable rights and clear civil and criminal penalties', these are rarely put forward in court, and are virtually never effective in safeguarding the safety, dignity and liberty of refugees and asylum seekers (Frontiers-Ruwad, 2008:7).

At the same time, some positive developments can be witnessed. In February 2018, the State Council – Lebanon's High Administrative Court – issued a decision clarifying that the competent authority to amend conditions for Syrian entry and residency is the Council of Ministers, whereas General Security's role is confined to applying these conditions. In this vein, the restrictive measures, imposed fees, and other requirements introduced by General Security affecting Syrian's legal entry and residency, were annulled. It also stated that 'Any amendment to the conditions of Syrians' entry and residence in Lebanon must respect the international agreements signed with Syria, which guarantee freedom of movement of people between the two countries and freedom of residence and work' (Saghieh and Frangieh, 2018).

The State Council's decision is welcomed as a positive step towards ensuring the rights of all citizens – whether local, foreign, refugee, migrant, or 'expat' – on Lebanese territories, as it clearly outlines the role of the Council of Ministers as the only suitable, and accountable organ to adjust policies, correcting the General Security when 'overstepping' its power (Saghieh and Frangieh, 2018). In reality, however, little progress has been made since January 2018: neither did General Security announce the annulment of the – legally invalid – 2015 implementations, nor did the Council of Ministers issue a new – more appropriate – decision regulating the conditions of Syrians' entry and residence in Lebanon.

[87] Interview with the director and programme manager of a human rights organisation, conducted in April 2018.

8. Conclusion

Lebanon has been historically characterized by continuous circulation of people: waves of immigrants leaving the country to flee national and international conflicts, natural disasters, and economic crises, as well as influxes of persons seeking refuge in the country. Lebanon was a land of refuge for Armenians in the nineteenth century, and in the twentieth to waves of Palestinian, Iraqi, and Sudanese refugees. More recently, more than a million Syrian refugees have put considerable strain on Lebanon's already weak infrastructure, and political and social stability.

Despite its contributions to the establishment of international refugee law, Lebanon has not ratified the 1951 Geneva Convention or its 1967 Protocol. Moreover, a coherent domestic framework constituting the right to asylum has not been established. Indeed, although some provisions in immigration law stipulate the access to asylum, these date back to '60s, and although considered progressive and welcoming at the time, they have seen minor amendments and do not offer a strong legal framework to protect asylum seekers and refugees.

Governmental responses were characterized by a *'laissez-faire'* approach and an absence of strategic decision-making, notably by an *ad hoc* and non-operational inter-ministerial committee adjudicated to grant asylum. Depending on nationality and displacement context, refugees are able – or not – to regularize their status.In addition, the variety of displacement profile of asylum seekers, refugees, and migrants, who – as is especially the case with Syrians – often have been residing in Lebanon long before being classified as 'refugee', adds to the difficulty to differentiate among refugee, asylum seeker, and migrant labels and classifications, and renders migration governance fragmented and cumbersome.

Whereas a directorate was established to regularize the status of refugees for Palestinian refugees by the Lebanese authorities, the main responsibilities of refugee status determination of non-Palestinians has been transmitted to UNHCR. In reality, however, little significance is given to UN refugee statuses by Lebanese authorities. The absence of a clear mandate for actors governing and regulating migration in Lebanon appears to add to a constant state of emergency; asylum seekers and refugees mainly seem to depend on the discretionary power of security apparatus the General Directorate of General Security. Moreover, in the absence of a coherent policy on migration, a policy of intimidation and arbitrariness, notably for those without legal status, appears to be in place.

Furthermore, protracted displacement is rendering aid more difficult. As the crisis endures, what was initiated as a short-term humanitarian and emergency intervention has transformed into a medium-term operation which has lead, seven years into the crisis, to a donor fatigue.

In a context of withering national and international assistance, precarious living conditions, scapegoating discourses by the media and political figures, increased securitization of refugee presence, and minimal resettlement to richer countries, refugees and asylum seekers appear to be presented with the option to endure significant hardships in Lebanon, or to return to their home country. Waves of 'voluntary returns' are on the rise, despite limited access to information on the ongoing conflict or inherent risks in Syria, undermining the mere principle of *non-refoulement*.

9. Appendices

Appendix I: Human Rights Instruments

Human rights instruments

Lebanon is party to a number of international and regional human rights instruments that include stipulations and provisions guaranteeing the right to asylum, and protection from persecution, and prohibiting involuntary return (OHCHR, 2015). Some of those instruments have been signed only or signed and ratified which binds Lebanon legally to commit to them. Among them are the following:

1. **The 1948 Universal Declaration for Human Rights (UDHR)**: On 10 December 1948, Lebanon voted in favor of the UDHR. Although, the UDHR is not a treaty, it is a foundational document of the UN and for international law as it has become part of customary international law. In 1990, the preamble of Lebanese Constitution included clauses that recognize Lebanon's commitments to the UDHR and other UN conventions (Anon, 2004). The UDHR grants in articles 13, 14 and 23 freedom of movement, the right to asylum from persecution, and the right to work in favourable conditions and without any discrimination (United Nations General Assembly, n.d.).

2. **The 1984 Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)**: On 5 October 2000, Lebanon ratified, by accession, the Convention against Torture (OHCHR, 2015). Article (3:1) of the convention stipulates that: 'No State Party shall expel, return ('refouler') or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture' (OHCHR, 2013a). Also, on 22 December 2008, Lebanon also ratified, by accession, the Optional Protocol of the Convention against Torture (United Nations, n.d.a). Although the principle of *refoulement* has also been defined in the 1951 Convention on the Status of Refugees (that Lebanon did not ratify), this agreement includes a number of exclusion clauses for the recognition of refugees. The CAT, however, does not entail exclusion criteria, and thus can be applied to a wider variety of people. Still, it should be noted that the CAT cannot be applied to those who do *not* risk being tortured, or persecuted.

3. **The 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD)**: On 12 November 1971, Lebanon acceded to the CERD without recognising the provisions of article 22 which give the option of referral to the International Court of Justice, in the event of a disagreement on the interpretation or the implementation of the convention (OHCHR, 2015; United Nations, n.d.b). The CERD includes in articles 1-5 the right to equal treatment before the law irrespective of 'race, colour, descent, or national or ethnic origin', the

right to freedom of movement and residence, and the right to leave and return to any country (OHCHR, 2013b).

4. **The 1965 Casablanca Protocol for the Treatment of Palestinians in Arab States:** On 3 August 1966, Lebanon has signed the Protocol by the League of Arab States, with reservations on the Protocol's five articles (MPC, 2013; United Nations, 2018). These reservations included:
    a. Modifying article 1 to be: 'Palestinians residing at the moment in Lebanon are granted the right of employment, together with the right of keeping their Palestinian nationality, in accordance with prevailing social and economic conditions in the Republic of Lebanon'.
    b. Adding the phrase 'on equal terms with the Lebanese citizens and in accordance with the laws and regulations in operation' to article 2.
    c. Adding the phrases '(whenever their interests demand it)' and 'allowing Palestinians into Lebanon is conditional upon their obtaining an entry visa issued by the concerned Lebanese authorities' to article 3.
    d. The entirety of article 4 'Palestinians who are at the moment in ..., as well as those who were residing and left to the Diaspora, are given, upon request, valid travel documents. The concerned authorities must, wherever they be, issue these documents or renew them without delay'.
    e. The entirety of article 5 'Bearers of these travel documents residing in LAS states receive the same treatment as all other LAS state citizens, regarding visa, and residency applications'

5. **The 1966 International Covenant on Civil and Political Rights (ICCPR):** On 3 November 1972, Lebanon acceded to the ICCPR (OHCHR, 2015). Article 12 of the covenant obliges Lebanon to grant everyone with lawful presence on its territory the right to 'liberty of movement' and freedom to choose 'residence' (OHCHR, 2018a). Whereas, article 13 limits the conditions of expulsion of an alien with lawful presence in the territory of a state, party to the convention, to 'compelling reasons of national security' while giving him the right to 'submit reasons against his expulsion' to the authority designated to examine such cases (ibid).

6. **The 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR):** On 3 November 1972, Lebanon ratified, by accession, the ICESCR (OHCHR, 2015). The covenant mandates states, party to the covenant, to 'ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant' (article 3) (OHCHR, 2018b). It also obliges them to recognize 'the right to work', and the 'right of everyone to social security, including social insurance' (articles 6 and 9) (ibid).

7. **The 2006 Convention for the Protection of All Persons from Enforced Disappearance (CED)**: On 6 February 2007, Lebanon signed the CED. Although this convention legally binds states, party to the convention, not to 'expel, return

('refouler'), surrender or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance' (article 16:1) (OHCHR, 2015; OHCHR, 2018c), Lebanon did not (yet) ratify this Convention, and is therefore not bound by it.

8. **The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW):** On 16 April 1997, the Lebanese state ratified the 1981 CEDAW, which lays down women's social, economic, political, and civil rights, and stipulates non-discrimination and equality for all women (OHCHR, 2015; United Nations, 2009). However, Lebanon has several reservations against article (9:2), which seeks to give men and women equal rights with regards to the power to pass on their nationality to their children (Anon, 2007). Other reservations were against article (16:1c, 1d, 1f, and 1g), which addresses the eradication of discrimination against women in family and marriage matters, such as the rights and responsibilities in marriage, guardianship, and personal rights, including choosing a 'family name and a profession' (ibid). Additionally, the Lebanese state decreed that it does not commit to article (29:1) which gives the options of referral to a) arbitration or b) the International Court of Justice, in the event of a disagreement on the interpretation of CEDAW clauses (ibid).

9. **The 1990 Convention on the Rights of the Child (CRC):** Lebanon signed the CRC on 26 Jan 1990 and ratified it on 14 May 1991 (OHCHR, 2015). The convention mandates signatory states, in article 27, to 'recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development' (OHCHR, 2018d). This article though refers to the generic wellbeing of a child in his/her family, resettlement can also be considered a threat such wellbeing. Additionally, the convention obliges states to provide protection and care to 'children who are affected by an armed conflict' (article 38:4) (ibid). Lastly, article 39 of the convention requires states to:

   > Promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

10. **The 2006 Convention on the Rights of Persons with Disabilities (CRPD):** On 14 June 2007, the Lebanese state signed the CRPD (OHCHR, 2015). The convention stipulates, in article 11, the obligations of signatory states to 'to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters' (United Nations, n.d.c). It also grants, in article 18, persons with disabilities freedom of movement, of choosing their 'residence and to a nationality,

on an equal basis with others'. Given that Lebanon did not ratify the CRPD, it is not bound to abide by it.

Appendix II: Main legal Provisions on Migration, Asylum and Reception of Asylum Seekers, Refugees and Migrants in Lebanon

Legislation title	Date	Type of law	Object	Link/PDF	Notes
قرار المفوض السامي رقم 15 للعام 1925 بخصوص التابعية اللبنانية **High commissioner's decision No.15 for 1925 Regarding the Lebanese Nationality**	19 January 1925	High Commissioner's Decision	Who is considered Lebanese and who has the right to a Lebanese nationality	Original text of the law is unavailable	This decision laid down the conditions for acquiring the Lebanese nationality.
مرسوم رقم 11657 للعام 1948 لتشكيل لجان مركزية واقليمية للاهتمام بشؤون القادمين من فلسطين الى لبنان **Decree No. 11657 for 1948 to establish the central and regional committees for the affairs of those coming from Palestine**	26 April 1948	Decree	Palestinian Refugees	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=171630	This was the first decree to be issued by the Lebanese state to regulate the status of Palestinians in Lebanon. It stipulated the creation of central and regional committees for the affairs of those coming from Palestine. The main central committee was under the supervision of the Council of Ministers. The institutional structure under the central committee included regional committees in Lebanese governorates. The committees were mandated to count those arriving to Lebanon, secure their shelters and sustenance, and take care of their health conditions.
مرسوم رقم 13070 للعام 1948 فيما يتعلق بشؤون اللاجئين الفلسطينيين	18 September 1948	Decree	Palestinian Refugees	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=189338	Building on decree No. 11657 for 1948, decree No. 13070 detailed how the financial expenses, costs, and subsidies of Palestinian refugees in Lebanon should be managed. Hence, the membership of the central and regional committees for the affairs of those coming from Palestine (created through

Decree No. 13070 for 1948 regarding the affairs of Palestinian Refugees					decree No. 11657) was to include general directors of public finance whose task was to regulate and supervise those expenses, costs, and subsidies.
مرسوم اشتراعي رقم 42 احداث إدارة لشؤون اللاجئين الفلسطنيين في وزارة الداخلية **Decree No. 42 Regarding establishing the Department of Palestinian Refugee Affairs at the Ministry of Interior and Municipalities**	31 March 1959	Legislative Decree	Palestinian Refugees	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=168894	This legislative decree mandated the Ministry of Interior and Municipalities to establish the Department of Palestinian Refugee Affairs.
مرسوم رقم 927 للعام 1959 لتحديد مهام ادارة شؤون اللاجئين الفلسطينيين في وزارة الداخلية **Decree No. 927 for 1959 regarding the tasks of the Department of Palestinian Refugee Affairs at the Ministry of Interior and Municipalities**	31 March 1959	Decree	The Department of Palestinian Refugee Affairs	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=168895	This decree detailed the tasks and duties of the Department of Palestinian Refugee Affairs among which were: • Communicating with the UNRWA to secure the subsidies and shelter, and provide healthcare for Palestinian refugees. • Receiving and evaluating passport applications for travelling outside Lebanon. • Registering birth, marriage, divorce, annulment, death certificates, change of residency, and conversion of religion or sect. • Approving family reunification requests in accordance with the stipulations of the Arab League.

					• Allocating lands for camps and undertaking land lease and acquisition.
قانون رقم صفر للعام 1960 يختص بالتابعية اللبنانية **Law No. 0 for the year 1960**	11 January 1960	Law	Who is considered Lebanese and who has the right to a Lebanese nationality	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=172156	Law No. 0 for 1960 amended Article 5 of the High Commissioner's Decision No. 15 for 1925 to allow foreign women married to Lebanese men to acquire the Lebanese nationality.
مرسوم رقم 3909 للعام 1960 لإنشاء هيئة عليا للشؤون الفلسطينية **Decree No. 3909 for 1960 to establish the Higher Committee for Palestinian Affairs**	26 April 1960	Decree	Palestinian Refugees	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=172293 http://www.aidoun.org/en/wp-content/uploads/2014/01/No-ID-E.pdf	This decree stipulated the creation of the Higher Committee for Palestinian Affairs under the supervision of the Minister of Foreign Affairs and Emigrants. The committee was of 'political nature rather an administrative one'. Its members were the directors of the Civil Chamber in the Lebanese Presidency, the Department of Palestinian Refugee Affairs, the head of the Palestine Department at the Ministry of Foreign Affairs and Emigrants, among others. The committee's mandate was to manage all matters related to the Palestinian plight whether political, economic, and military-related, etc. It was also mandated to follow Zionist activities abroad and prepare effective measures to combat them. The decree highlighted that the mandate of the committee shall be separate from the mandate of the Department of Palestinian Refugee Affairs.
قانون رقم صفر لعام 1962 الدخول الى لبنان والاقامة فيه والخروج منه **1962 Law No. 0 for regulating the entry of foreigners into Lebanon, their stay and exit**	10 July 1962	Law	Foreigners (any person who does not have the Lebanese nationality)	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=179943	In 40 articles, this law regulates the entry, the stay and the exit of foreigners in Lebanon. One of the most important articles is: • Article 27 which stipulates that the right to asylum is granted to individuals through an administrative committee that is composed of the Minister of Interior (who serves as the chairman of the committee), the directors at the Departments of Justice, Foreign Affairs, and the General

					Security (who serve as members). In case of a tie, the chairman shall have a casting vote.
مرسوم 10188 تطبيق قانون رقم صفر لعام 1962 المتعلق بالدخول الى لبنان والاقامة فيه والخروج منه **Decree No. 10188 Regarding the implementation of Law No. 0 for 1962 regulating the entry of foreigners into Lebanon, their stay and exit**	28 July 1962	Decree	Foreigners (any person who does not have the Lebanese nationality)	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=183411	In 28 provisions, this decree lays down the conditions and requirements (documents and permits), foreigners need to have in order to enter, stay or leave Lebanon. Some of the most significant articles are: ● Article 6 which stipulates that consulates are able to grant visas, without referring back to central authorities, to all individuals except those who are on the list of people declared persona non grata, foreign artists who need work permission by the Ministry of Labour, foreign workers, holders of transit passports, and other categories designated by the Ministry of Foreign Affairs and Migrants. ● Article 21 which was amended four times states that the following categories of individuals can be granted courtesy residence permit: the Arab or foreign children of a Lebanese mother (as long as they do not work), the Arab or foreign wife of a Lebanese (as long as she does not work), the Arab or foreign who is born in Lebanon for non-Lebanese parents (as long as s/he is studying), the Arab or foreign from Lebanese origin who holds another nationality which requires him/her to obtain the Lebanese residency, and diplomats who have worked in Lebanon and desired to live in it after their retirement. ● Article 28 which allows the Minister of Interior to issue a decision that exempts the following individuals from using their passports: Palestinian refugees in Lebanon or Syria when travelling between the two countries, foreigners residing in Lebanon or Syria when travelling between the two countries, travellers by air or sea who wish to visit the country during transiting in Lebanon, tourists, students,

					and sportsmen/women when travelling with a delegation or an organised group, air and naval navigators and their assistants who enter Lebanon or Syria with their ships, aircrafts or place of residence, members of foreign armies and international emergency forces (when visiting for tourism), and others.
مرسوم رقم 4186 لعام 2010لتعديل المرسوم رقم 10188 **Decree No. 4186 for 2010 to amend decree No. 10188**	31 May 2010	Decree	Foreign husbands of Lebanese women and children of Lebanese women from a foreign husband	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=225926	Decree No. 10188 was amended several times in 1967, 2001, 2003 and 2010. The last amendment in 2010 by Decree No.4186 which added a provision to Article 21 regarding the stay of the foreign husbands and children of Lebanese women from foreign husbands. The amendment granted the foreign husbands (after a year of marriage) and children of Lebanese women from a foreign husband the right to have a three-year courtesy residence permit (*ikamet mojamala*).
قرار رقم 320 بخصوص ضبط الدخول والخروج من مراكز الحدود اللبنانية **Decision No. 320 Regarding the control of entry and exit from Lebanese border posts**	02 August 1962	Decision	Anyone entering or exiting the Lebanese border posts	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=184976	This law stipulates the conditions for entering and exiting the Lebanese border posts for foreigners and Lebanese persons. It has special stipulations for Palestinians and Syrians who wish to enter or exit Lebanon to neighbouring countries such as Syria and Jordan.
قرار رقم 1 لعام 1970 لتعديل المادة السابعة من القرار رقم 320 لعام 1962 **Decision No. 1 for 1970 to amend Article 7 of Decision No. 320 for 1962**	06 January 1970	Decision	Palestinian Refugees	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=181324	The decision amended Article 7 of Decision No. 320 and allowed Palestinian refugees in Lebanon to go to Syria with their IDs and without a special permission.

مرسوم رقم 17561 لعام 1964 تنظيم عمل الأجانب **Decree No. 17561 for 1964 Regulating the Work of Foreigners in Lebanon**	18 September 1964	Decree	Foreign Workers (in general)	https://goo.gl/HdxaFJ	This law regulates foreign labour in Lebanon and distinguishes between the authority of the Ministry of Labour and the General Security in dealing with foreign workers (depending on their profession type).
مرسوم رقم 1582 لعام 1984 لتعديل المرسوم رقم 17561 **Decree No. 1582 for 1984 to amend decree No. 17561**	25 April 1984	Decree	Foreign Workers (in general)	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=167114	The decree replaced Articles 11, 12 and 13 of Decree No. 17561 with new provisions that delineated the authorities of the Ministry of Labour in granting and approving work permits and the period required for their issuance.
مرسوم رقم 14268 لعام 2005 لتعديل المرسوم رقم **17561** **Decree No.14268 for 2005 to amend decree No. 17561**	4 March 2005	Decree	Foreign Workers (in general)	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=207086	The decree replaced Article 14 with a new provision that allows the extension of foreigners' work permits up to three years (at the max). It also requires foreigners to renew their work permits at least a month before their expiration date.
مرسوم 11614 اكتساب غير اللبنانيين الحقوق العينية العقارية في لبنان **Decree No. 11614 regarding Non-Lebanese acquisition of real property rights in Lebanon**	4 January 1969	Decree	Non-Lebanese persons - foreigners (including Palestinian refugees)	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=173180 http://www.lpdc.gov.lb/property-ownership/the-palestinian-refugee-and-the-property-	This decree allowed foreigners and non-Lebanese persons to own already built real estate or real estate to be constructed. The surface allowed for ownership by foreigners ranged from a maximum of 3,000 square meters in Beirut, to a maximum of 5,000 square meters in the remaining governorates (*muhafazat*).

				ownership/56/en	
قانون رقم 296 لعام 2001 لتعديل بعض مواد مرسوم رقم11614 **Law No. 296 for 2001 to amend some provisions in Decree No. 11614**	3 April 2001	Law	Non-Lebanese persons - foreigners (including Palestinian refugees)	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=169617 http://www.lpdc.gov.lb/property-ownership/the-palestinian-refugee-and-the-property-ownership/56/en	The decree amended Articles 1, 3, 5, 7, 8, 11, 13 and 19. These amendments restricted property rights for non-Lebanese persons in Lebanon. For example, Article 1 after the amendment states that, "No non-Lebanese person, whether natural or legal, and no Lebanese person deemed by this law as foreigner, shall be allowed to acquire, by contract or any other legal act, any real estate right on Lebanese territory or any other of the real rights specified by the present law, before obtaining a prior authorization issued by the Council of Ministers upon motion of the Minister of Finance. No exceptions shall be made to this law, unless in specific situations explicitly provided for by this law or in a specific text. All forms of real estate rights are forbidden to any person who is not holding a nationality of a recognized state, or any person in general – should the ownership be nonconforming to the provisions of the Constitution in terms of rejecting permanent settlement (*Tawteen*)."
قرار رقم 4 لعام 2001 الصادر عن المجلس الدستوري **Decision No. 4 for 2001 issued by the Constitutional Council**	29 September 2001	Decision	Amendment of some articles of the Code of Criminal Procedure	http://www.cc.gov.lb/ar/node/2586	Although this decision is not directly related to the regulation of refugee presence and rights in Lebanon, it was issued to amend some articles of the Code of Criminal Procedure based on the provisions of the Universal Declaration of Human Rights (UDHR) and the Lebanese Constitution. The decision is of significance for its reference to the UDHR. It can be considered among the first legal precedents in Lebanon to use international charters and treaties to amend national and domestic codes.

قانون 128 لعام 2010 لتعديل المادة التاسعة من قانون الضمان الاجتماعي **Law No. 128 for 2010 to amend Article 9 of the Social Security Law (SSL)**	24 August 2010	Law	Palestinian Refugees registered at Political Affairs and Refugees directorate at the Ministry of Interior and Municipalities	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=227509	The law amended Article 9 of the Social Security Code granting registered Palestinian refugee workers, registered at Political Affairs and Refugees at the Ministry of Interior and Municipalities, end-of-service compensation (in other words to be treated like Lebanese workers).
قانون 129 لعام 2010 لتعديل المادة 59 من قانون العمل اللبناني الصادر بمرسوم رقم 13955 لعام 1946 **Law No. 129 for 2010 to amend Article 59 of the Labour Code No. 13955 for the year 1946**	24 August 2010	Law	Palestinian Refugees registered at the General Directorate for Political Affairs and Refugees (DPAR) at the Ministry of Interior and Municipalities	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=vie&LawID=227510	This amendment exempted Palestinian refugees living in Lebanon from the reciprocity condition imposed on non-Lebanese persons, which had prevented them from receiving end of service gratuity and National Social Security Fund benefits. It also exempted them from the fees that foreigners must normally pay to obtain work permits. Hence, while the third paragraph of Article 59 of the previous version of the Labour Code stipulated that “upon dismissal, foreign wage earners shall enjoy the same rights that Lebanese workers enjoy, provided that the condition of reciprocity is met and they possess a work permit from the Ministry of Labour”, law 129 introduced affirmative action for Palestinians. It added a new clause stating that “Palestinian refugee wage earners duly registered in the records of the Ministry of Interior and Municipalities – Directorate of Political Affairs and Refugees – shall exclusively be exempted from the conditions of reciprocity and the fee for work permits issued by the Ministry of Labour”. Although these amendments improved Palestinian refugee workers’ access to employment and social protection plans, they are still required to acquire an annual work permit which remains dependent on the willingness of employers and a lengthy bureaucratic process.

قانون 164 لعام 2011 بخصوص معاقبة جريمة الاتجار بالأشخاص **Law No. 164 for 2011 Regarding trafficking in persons crimes**	24 August 2011	Law	Trafficked persons including women and children	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=228905	The law penalizes the crime of trafficking in persons. It has implications for forced labour in Lebanon of which women constitute a sizeable population.
القرار 19 للعام 2013 بخصوص المهن الواجب حصرها باللبنانيين فقط **Decision No. 19 for 2013 Regarding the professions exclusive to Lebanese nationals**	2 February 2013	Decision	• Lebanese Nationals • Palestinian refugees born in Lebanon and registered at the General Directorate for Political Affairs and Refugees (DPAR) at the Ministry of Interior and Municipalities • Syrian refugee workers	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=234511	This decision reserved the access of some professions to Lebanese nationals only with the exception of Palestinian refugees born in Lebanon and registered at the General Directorate for Political Affairs and Refugees (DPAR) under the Ministry of Interior and Municipalities (they can take up these professions). Also, the decision restricted Syrian refugee workers to professions such as those involving construction, electricity, and sales. However, some workers can take up the professions reserved to Lebanese nationals if they were qualified to those occupations (according to the laws regulating the work of foreigners - Decree No. 17561).
ورقة أكتوبر 2014 بخصوص سياسة النزوح السوري الى لبنان **October 2014 Policy paper on Syrian Refugee Displacement**	23 October 2014	Policy Paper	Syrian refugees	http://www.pcm.gov.lb/arabic/subpg.aspx?pageid=6118	In session No. 23 on 23 October 2014, the Council of Ministers approved the October 2014 Policy Paper on Syrian Refugee Displacement. The paper aimed at: • Reducing the number of Syrian refugees arriving to Lebanon by restricting their entry into the country excluding exceptional cases, as well as requesting the UNHCR to stop registering Syrian refugees. without the approval of the Ministry of Social Affairs. • Encouraging Syrian refugees to return to their country or to other countries.

					• Increasing regulations regarding displaced Syrians and mandating the municipalities to conduct a regular statistical survey of the displaced. • Relieving the burdens on the Lebanese employment and labour.
قرار الأمن العام بشأن تنظيم دخول السوريين الى لبنان والإقامة فيه **Decision by the General Directorate of General Security regulating the entry and residence for Syrian Refugees in Lebanon**	1 January 2015	Decision	Syrian refugees	http://general-security.gov.lb/ar/posts/33	Shortly after the Lebanese Council of Ministers passed the October 2014 Policy paper on Syrian refugee Displacement, the General Directorate of General Security issued a decision regulating and restricting the entry and residence for Syrian refugees in Lebanon. The decision detailed the measures needed to implement the policy paper goals.
تعميم رقم 2072 للعام 2016 المتعلق بتدابير متصلة بحفظ الاستقرار العام، الصادر عن محافظ جبل لبنان **Circular No. 2072 for 2016 concerning procedures in connection with maintaining public stability, issued by the governor of Mount Lebanon**	July 5, 2016	Circular	Municipalities	Original text of the circular is unavailable. A reference to it could be found in: http://legal-agenda.com/en/article.php?id=3174	This circular was issued by the governor of Mount Lebanon on the occasion of hosting summer art festivals in various regions in Lebanon. The circular required festival organisers to use modern searching equipment at the doors and exits of locations where art festivals are held. It also mandated the municipalities to "complete paperwork for the displaced Syrian people, update it periodically, and to inform owners of rented buildings that they are required to register their rental contracts in accordance with procedure." This circular is one among many others issued by municipal authorities. The issuance of such circulars is deemed, by legal analysts, a breach of the legal mandate municipalities have regarding the regulation of the presence of Syrian refugees in Lebanon.
القرار ٤٢١/٢٠١٧ للعام ٢٠١٨ بخصوص قرار الأمن العام بتعديل شروط دخول وإقامة السوريين في لبنان	8 February 2018	Decision/Ruling	Syrian refugees	http://legal-agenda.com/uploads/قرار%20م%20شورى%20مجلس%20الدولة20.pdf	The State Council, Lebanon's high administrative court, issued a ruling abrogating a 2015 decision by the General Directorate of General Security that amended the conditions of entry and residence for Syrian refugees in Lebanon. The

Decision 421/2017 for 2018 regarding the General Security's decision to amend the conditions of entry and residence for Syrian Refugees in Lebanon					ruling reserved the right to amend these conditions to the authority of the Council of Ministers; in other words the General Security does not have the mandate to make such amendments anymore.
القرار 29/1 للعام 2018 بخصوص المهن الواجب حصرها باللبنانيين فقط **Decision No. 1/29 for 2018 Regarding the professions exclusive to Lebanese nationals**	15 February 2018	Decision	• Lebanese Nationals • Palestinian refugees born in Lebanon and registered at the General Directorate for Political Affairs and Refugees (DPAR) at the Ministry of Interior and Municipalities	https://goo.gl/whD4Kr	This decision restricted some professions to Lebanese nationals only with the exception of Palestinian refugees born in Lebanon and registered at the General Directorate for Political Affairs and Refugees (DPAR) at the Ministry of Interior and Municipalities (they can take up these professions). Unlike every year, the 2018 decision did not specify professions allowed for Syrian workers.
كتاب توضيحي حول القرار 29/1 للعام 2018 **Memorandum illustrating decision 1/29 for 2018**	21 March 2018	Memorandum	• Syrian Workers	https://bit.ly/2BFT3QX	In response to inquiries raised by the International Labour Organisation concerning decision 1/29 for 2018 which did not explicitly mention the professions allowed for Syrian workers, the Ministry of Labour issued this memorandum stating the following: 'Any profession that was not mentioned in the decision [1/29] are allowed to be taken up by foreigners in accordance to the laws regulating the work of foreigners.' It also stated that 'construction, cleaning, and agriculture work and any other profession that was not mentioned in the decision [1/29] are allowed for Syrian workers.'
تسوية أوضاع الرعايا السوريين والفلسطينيين	August 2018	Rules and regulations	• Syrian nationals and Palestinian refugees from Syria	http://www.general-security.gov.lb/ar/posts/36	The Directorate of General Security in Lebanon has been issuing rules and regulation to reconcile the status of Syrian nationals and Palestinian refugees from Syria in Lebanon (particularly in the bordering cities and districts). The last

Reconciling the status of Syrian and Palestinian nationals					updated version of these rules was issued in July/August 2018. It stipulated the fines to paid when existing Lebanon and the conditions for paying them, including the date of legal entry whether before or after May 1, 2015, illegal entry, and the status of registration with UNHCR. It also set forth the conditions for granting temporary residency permits for Syrian workers, minors, and those with expired Syrian passports, and the conditions for extending temporary residency for Palestinian refugees from Syria.

Appendix III: List of Main Authorities on Migration Governance in Lebanon

Authority (English and original name)	Tier of government	General Function	Area of competence in the field of migration and asylum	Link
مجلس الوزراء **The Council of Ministers**	National government	Sets public policies for the Lebanese State, drafts bills, regulatory decrees and decisions. It appoints, dismisses, and accepts the resignation of public office employees, and has the power to dissolve the Parliament upon the request of the president of the republic.	Is the authority competent to amend the conditions of foreigners' entry and residence.	http://www.pcm.gov.lb/arabic/index.aspx?pageid=5
وزارة الداخلية والمحليات **The Ministry of Interior and Municipalities**	National government	Sets and executes internal policies pertaining to Lebanon's public security and order. It also oversees the affairs of governorates (*mohafazzat*), districts, municipalities and their councils, and local elected officials of neighbourhoods (*mokhtars*) and their councils. It has several directorates among which is the General Directorate of Personal Status, the General Directorate of Political Affairs and Refugee (DPAR), and the General Directorate of General Security.	The sub-directorates of the ministry, namely the General Directorate of Political Affairs and Refugees, and the General Directorate of General Security regulate and oversee the affairs of foreigners and refugees (their entry, registration, residence, permits, exit, and others).	http://www.interior.gov.lb/
المديرية العامة للشؤون السياسية واللاجئين **The General Directorate of Political Affairs and Refugee (DPAR)**	National government	Formerly established in 1959 and known as the Department of Palestinian Refugee Affairs, in 2000, the Directorate of Political Affairs and Refugees was created with two subdivisions. The first is the Department of Political Affairs, Parties and Associations	It a) processes requests to reunite separated families, requests for custom exemptions for the purpose of families reunification, b) determines the locations of camps and the necessary land lease and acquisition transactions, c) communicates and coordinates with the the UNRWA to ensure the	http://www.legallaw.ul.edu.lb/LawArticles.aspx?LawTreeSectionID=271281&LawID=244

		which grants licences to political parties, clubs, and associations/ It also issues permissions for protests among others. The second is the Directorate of Refugees which manages the affairs of refugees. For more on the authority of the directorate please see: http://www.legallaw.ul.edu.lb/LawArticles.aspx?LawTreeSectionID=271281&LawID=244764&language=ar	welfare of refugees and the provision of shelter, education, and healthcare for them, d) grants permission to transfer the place of residence from one camp to another, and e) looks into requests for marriage of refugees.	764&language=ar
الإدارة العامة للأمن العام **The General Directorate of General Security**	Local government	Collects social, economic and political data and information for the Lebanese government, contributes to the investigations of violations against interior and exterior state security, oversees security measures and coordination, combats secret associations, contributes to controlling and monitoring land, sea and air borders, and monitors media, broadcast and print platforms. Also, it manages the entry, residence, exist of foreigners in Lebanon, coordinates relations with foreign delegations in Lebanon, protects the security of foreigners in Lebanon, controls the mobility of travelers from and to Lebanon, issues passports, temporary and permanent residence permits, travel documents for Palestinian refugees in Lebanon or coming from abroad, and finally it processes naturalisation requests. For more on the tasks and powers of the directorate, please see: http://www.general-security.gov.lb/ar/posts/3	General Security's role is limited to applying conditions of entry, residency and exit of foreigners coming to Lebanon. It has no right to amend them or impose new fees. General Security decisions pertaining to the conditions of foreigners' entry and residence are subject to judicial oversight.	http://www.general-security.gov.lb/en/posts/2
وزارة المهجّرين والصندوق المركزي للمهجّرين	National government	Is concerned with the affairs of all internally displaced persons in the Lebanese regions as	Together with the Central Fund for the Displaced (CFD), the ministry seeks to improve the social	http://www.ministryofdisplaced

Ministry of the Displaced and the Central Fund for the Displaced (CFD)		a result of the Lebanese Civil War, the Israeli invasions of 1996 and 2006. The ministry works to ensure the return of the internally displaced to their regions and villages.	and economic conditions of the displaced through providing subsidised loans and funds to help the 'victims of displacement to restore or rebuild their homes'.	.gov.lb/Cultures/ar-lb/Pages/default.aspx http://www.cfd.gov.lb/Compensations/JulyAllowance.aspx?PID=1
وزارة العمل **Ministry of Labour**	National government	Regulates and organises labour related affairs for workers in Lebanon through the issuance of legal codes, bylaws and regulations. Organisational structure of the ministry is available at: http://www.labor.gov.lb/_layouts/MOL_Application/AboutUsPage.aspx?type=3&lang=ar	Drafts, approves and issues labour-related administrative and legal decisions, laws, decrees, and treaties in regards to regulating the conditions and requirements of work permits for foreigners (non-Lebanese persons including refugees). This includes designating professions exclusive to Lebanese nationals and professions to be taken up by foreigners.	http://www.labor.gov.lb/_layouts/MOL_Application/default.aspx
وزارة الشؤون الاجتماعية **Ministry of Social Affairs**	National government	Develops a social development plan for the country and supervises its implementation, oversees the implementation of the state's social projects, provides assistance to family affairs, persons with disabilities, war victims, the wounded, and orphans and orphanages, monitors population movements and the causes behind them, and coordinates with other state institutions emergency and relief efforts. For more information about the organisational structure of the ministry, please see: http://www.socialaffairs.gov.lb/admin/Uploads/	Coordinates and manages relief and volunteer efforts in emergency situations particularly in cases of displacement. Since October 2014, The Lebanese Government adopted a policy paper providing direction for how to manage the displacement of Syrian refugees on Lebanese territories. As a result of a series of international meetings, the Lebanon Crisis Response Plan (LCRP) was devised to respond to the displacement crisis. The main goals of the plan is to a) "ensure humanitarian assistance and protection for the most vulnerable among the displaced from Syria and poorest Lebanese"; b)	http://www.socialaffairs.gov.lb/MSASubPage.aspx?parm=106&parentID=97 For more information about LCRP (2015-2016) https://data2.unhcr.org/en/do

		107_6.pdf	"strengthen the capacity of national and local service delivery systems to expand access to and quality of basic public services"; and c) "reinforce Lebanon's economic, social, environmental, and institutional stability. The Ministry of Social Affairs became the steering ministry for the LCRP in partnership with the UN, other line ministries, national and international NGOs in Lebanon. The LCRP is being carried out over two periods from 2015 to 2016 and from 2017 to 2020.	cuments/download/42701 For more information on LCRP (2017-2020) https://data2.unhcr.org/en/documents/details/53061
وزارة الخارجية والمغتربين **Ministry of Foreign Affairs and Emigrants**	National government	Sustains links with the Lebanese emigrants and their home country and encourages cooperation between them in all fields. The main structure inside the ministry responsible for serving emigrants and emigration is the General Directorate of Emigrants. For more information about the structure of the ministry see: https://bit.ly/2C1lLeW	The General Directorate of Emigrants has several sub departments specialized in serving the interests of emigrants and emigration. For example, the Department of Emigrants provides, studies, and reports on the status of emigrant communities in countries of emigration. It also offers information about the economic sectors where emigrants can invest in Lebanon. Finally, it studies the causes of emigration, its conditions, stages, trends, the regulations and requirements of emigrant-receiving countries, and challenges and the hurdles Lebanese emigrants face in their emigration countries. The General Directorate provides other services such as registration of property, establishment of union, clubs and associations, handling political and cultural affairs of the emigrants, and organization of conferences and conventions.	https://bit.ly/2C1lLeW http://www.migrationpolicycentre.eu/docs/migration_profiles/Lebanon.pdf
الأمم المتحدة لإغاثة وتشغيل اللاجئين	International relief agency	Established in 1949 in response to the plight of Palestinian refugees, the UNRWA has a	In Lebanon, the UNRWA manages the affairs of registered Palestinian Refugees in Lebanon, and	https://www.unrwa.org/

الفلسطينيين **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)**	(UN agency)	mandate to provide assistance and devise protection plans for approximately 5 million Palestinian refugees (registered under the UNRWA). The agency manages the affairs of Palestinian refugees registered in the following geographic areas; Jordan, Lebanon, Syria, West Bank and the Gaza Strip.	Palestinian Refugees from Syria (PRS). Its services range from the provision of education, health care, infrastructure, to emergency assistance.	http://www.refworld.org/pdfid/56cc95484.pdf https://www.unrwa.org/userfiles/2010061093 59.pdf
المفوضية السامية للأمم المتحدة لشؤون اللاجئين **United Nations High Commissioner for Refugees (UNHCR)**	International agency (UN agency)	Established in 1951, the UNHCR became the lead agency for the 'protection, shelter and camp maintenance for conflict-induced' refugees and internally displaced persons all over the world. It operates under the provisions of the 1951 UN Refugee Convention which stipulate two main principles guiding its mandate. The first is to collaborate with states to secure refugees' access to protection from prosecution and access to durable solutions such as '(1) voluntary repatriation to their countries of origin; (2) local integration in a new host country; or (3) resettlement to a third country'.	In Lebanon, the UNHCR, is responsible for the provision and coordination of humanitarian aid with other humanitarian organizations for refugees and asylum seekers from all countries, primarily Syria. They help with birth registration, providing cash assistance, food, shelter, education, water and sanitation, healthcare and community services, resettlement, offering legal information, and with intervention in sexual and gender-based violence. In 2015, the registration of Syrian refugees with the UNHCR was temporarily suspended based on instructions by the Government of Lebanon.	http://www.unhcr.org/lb/ https://bit.ly/2wuq3FF https://bit.ly/2wso8lg
لجنة الحوار اللبناني الفلسطيني **The Lebanese Palestinian Dialogue Committee**	Official committee	In 2005, the Lebanese government issued a decision to create the Lebanese Palestinian Dialogue Committee under the auspices of the Presidency of the Council of Ministers.	The committee became responsible for coordinating between the different ministries and the general directorates to improve the living conditions of Palestinian refugees in Lebanon in collaboration with the UNRWA. Among its tasks is to establish mechanisms to eliminate the presence of Palestinian arms outside refugee camps, regulate and control the possession of arms inside the camps, and to study the possibility of	http://www.lpdc.gov.lb/?lang=en

			establishing diplomatic relations between Lebanon and Palestine.	

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