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Refugee recognition: not always sought

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Some Syrian refugees in Lebanon have chosen not to register with UNHCR, believing – often with good reason – that refugee recognition will hinder their freedom and their family's access to humanitarian assistance.

The road to refugee status determination is often strewn with obstacles, involving multiple interviews and long waiting periods. When refugees are recognised on a group determination basis, the process becomes relatively more straightforward, and can be more efficient for all parties. However, when the recognising authority is UNHCR, disagreements may occur between the organisation and the government over such recognition, including in relation to specific refugee groups.

In Lebanon, for instance, UNHCR provided all asylum seekers from Syria (except Palestinians from Syria and those to whom exclusions may apply) with a refugee certificate after a short screening interview. As the number of Syrian refugees increased, however, tensions between the Lebanese government and UNHCR escalated, and in 2015 the government ordered UNHCR to stop recognising all Syrian nationals. As a result, those who had not arrived or registered with UNHCR in Lebanon before January 2015 were unable to obtain a refugee certificate. UNHCR started issuing appointment slips plus a barcode (*shifra*) to Syrians who approached them after this date. This *shifra* provided access to financial aid and other forms of assistance offered by UNHCR to recognised refugees, but not the UNHCR refugee certificate.

As part of our research project on the legal and political aspects of refugee recognition regimes, we also explored how asylum seekers and refugees perceived the recognition process and made their decisions vis-à-vis registering with the authorities.¹ Interestingly, we found that some Syrians (including those who had had the option of being recognised before 2015) chose not to approach UNHCR.² This article explores the three main reasons for this choice:

concerns over how refugee recognition relates to access to humanitarian assistance; fears about data sharing; and fear of being unable to visit Syria. We acknowledge that these findings are based only on asylum seekers' and refugees' own perceptions.

The effect of recognition on access to humanitarian assistance

In the face of growing numbers of Syrian refugees arriving after 2012, UNHCR introduced 'vulnerability assessments', providing refugees with financial assistance based on specific vulnerability criteria. Refugees in Lebanon told us that UNHCR field officers asked many questions about their access to food, living conditions, employment, health issues and other matters, and that it was unclear to them which criteria mattered more than others. Furthermore, because the precise details of how these assessments are calculated are not published, refugees had to make their own interpretations and to develop strategies aimed at maximising their access to assistance. In interviews, UNHCR representatives told us that assessment for vulnerability is different for each protection mechanism. In the absence of concrete information, however, many refugees drew their own conclusions: that UNHCR provided financial assistance mostly for female-headed households, for families where there was no man of working age and for families with multiple children or children with disabilities.

This had the unintended consequence of some refugee men not registering at all. In our fieldwork, we found many refugee families had chosen not to register the male members of working age with UNHCR because they perceived that doing so would reduce their family's chance of receiving financial assistance. For instance, a Syrian couple explained to us that they had decided

to tell UNHCR that they were separated, although they continued to live together.

Often these decisions were taken based on information that refugees received from their relatives and friends. As a Syrian family explained, they did not register because, after consulting with their friends, they had concluded that eligibility for registration with UNHCR depended on qualifying for humanitarian assistance:

"We came to Lebanon in 2012 but did not register until 2014. We thought that they [UNHCR] would not register us because we were not in need. When we first came, I met many people here who said that families with one or two children were not accepted, so we thought we would not be able to qualify."

Another Syrian refugee in Bar Elias recounted:

"My parents registered with UNHCR. My brothers and I did not register, because we started to hear people saying if we do register, UNHCR will suspend [the aid for] my parents. My parents were in dire need of assistance, so we did not want to put them at risk."

Indeed, when the interviewee's brother tried to register as an additional family member eight months later (because he hoped he and his wife could access resettlement opportunities), his father received a message the following day saying the family's access to food aid was being suspended. A direct link between these events cannot be confirmed but it is clear that concerns about how access to humanitarian assistance might be influenced by refugee recognition have led some refugees not to register at all.

Fears about data sharing

Some of our interviewees chose not to register because they thought UNHCR or the Lebanese authorities might be sharing their data with Syria. As one recounted:

"We did not register as soon as we arrived [because we heard] UNHCR will share your name with the Syrian regime, and you would not be allowed to go back to Syria... the Syrian regime will automatically think of a refugee as someone supporting the opposition."

According to the agreement between UNHCR and the Lebanese government, UNHCR does share registered refugees' names, addresses and other personal information (but not their reasons for arrival in Lebanon) with the Lebanese Ministry of Social Affairs, stating that this helps the authorities to plan and devise better policies for refugees. UNHCR states that data sharing can only happen with refugees' consent, for which there is a protocol advising asylum seekers about data sharing and a consent form they need to sign at the time of registration.³

Despite the Lebanese government's agreement with UNHCR not to share personal data with third parties, including Syria, some refugees in our sample were concerned about the possibility of their personal information being shared, for monetary or other reasons. As another Syrian, who was not registered with UNHCR, added, "I think the Lebanese state is still part of the Syrian government anyway. So, it's all risky." Such concerns about data security are justifiable given the notoriously low degree of the rule of law in Lebanon.

Fear of not being able to visit Syria

A number of our interviewees stated that they chose not to register, or to register only some members of the family, because they had heard that if they registered with UNHCR they would not be able to visit Syria. However, neither in law nor in practice do brief visits to a home country bring refugee status to an end.

The confusion may have been caused because of UNHCR's particular practice of 'deregistering' refugees in Lebanon. From the early days of displacement in 2011, UNHCR, for instance in Northern Lebanon, has periodically deregistered Syrian refugees who were found to have returned to Syria.⁴ UNHCR used data about refugees' exit from Lebanon that were provided by the General Security (the authority responsible for monitoring the entry of foreigners to Lebanon, their stay, residence and departure). Identified individuals were interviewed to find out the reasons for their travel to Syria. Those whose return visits were judged to

November 2020

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demonstrate that they were not in need of international protection or assistance, including those "who failed to keep in contact with the agency", were deregistered.⁵ However, it is unclear how many meetings one has to miss or how many trips to Syria (or their duration) can lead to this practice. Decisions are potentially therefore made at the discretion of individual caseworkers.

Many families we interviewed had to go to Syria occasionally to arrange their paperwork, or continue their trade between Lebanon and Syria, or to look after elderly and remaining relatives. For example, one family we spoke to had to take the risk of visiting Syria in order to arrange the paperwork for their newly born son. Another family chose their 25-year-old daughter to travel back and forth on a tourist visa to take care of all family-related tasks in Syria. In other words, being able to visit Syria was a necessity for many. UNHCR's lack of publicly available information on the bearing that making short return visits has on refugee status has resulted in some refugees misinterpreting UNHCR's practices and has, in turn, influenced their decisions not to apply for refugee status.

Registration and residency

In Lebanon, the main apparent benefit of registering with UNHCR is the degree of protection it offers from *refoulement*, and access to limited health care. Registered refugees still need to apply separately to General Security to obtain a residency permit. Residents (especially men) are often stopped at checkpoints scattered around the country and can be interrogated at any time by security forces. If they fail to show their residency permits, they are at immediate risk of being arrested. Additionally, there are widespread reports of fines being levied of up to US\$200 for each year refugees have lived in the country without a permit. There are no official statistics but it is known that most refugees registered with UNHCR do not have residency permits.⁶

If refugees have a UNHCR registration certificate alone, in practice it appears that it is at the discretion of the security officer

to decide the legitimacy of their residence. This reveals the fragility at the heart of refugee recognition in a State like Lebanon, which has not ratified the 1951 Refugee Convention and does not have a domestic refugee law. UNHCR documents do not create a valid legal right to reside or settle permanently in Lebanon. Lebanon only allows UNHCR to operate in the country on the understanding that it works to resettle refugees to third countries (despite the high number of refugees and the small number of available resettlement places).

Registration with UNHCR has become even more critical since the General Security decision on 13 May 2019 to deport all Syrians who had entered Lebanon irregularly after 24 April 2019. Since then, refugees have been required to show that they were recognised, were registered or held other official documents indicating that they were living in Lebanon prior to April 2019. If they fail to show proof, this is taken to be an indication that they entered the country irregularly after April 2019, and places them at risk of immediate deportation. This decision was widely known among the refugees we interviewed, who indicated they had subsequently further limited their mobility within the country to reduce the risk of being caught by security forces.

Steps towards greater protection

Our research shows that even though registering with UNHCR does bring some practical benefits refugees may nonetheless choose not to register because they consider the disadvantages of registration to outweigh the benefits for them and their families.

The first issue – access to assistance – relates directly to the need for sustainable livelihoods. Refugees who have better access to employment and work permits are likely to have fewer concerns about registering with UNHCR because the perceived consequences of registration for their access to assistance are less significant. Addressing this problem is not an easy task, however, considering that informal employment is widespread in Lebanon; as some refugees attested, for example, the additional financial

costs of work permits often fall on refugees themselves rather than their employers.

The second issue – fears around data sharing – requires profound transformations in both UNHCR and States' approach to personal data in order to build refugees' trust. UNHCR must assess its data-sharing practices, especially in States where the rule of law is consistently low. Even the possibility of data sharing with host governments creates distress for refugees, and any actual data breaches may put their lives at risk.

Finally, UNHCR can address the problems associated with return visits by providing refugees with more details about their entitlements, especially in States where the legal status afforded by being recognised as a refugee is vague and precarious. Given that deregistration requires a full range of procedural standards UNHCR should make

its position on this clearer for refugees so that they may choose their actions accordingly.

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2. Findings in this article are based on 30 in-depth interviews, conducted with asylum seekers and refugees in various parts of Lebanon, in July–September 2019. I'm grateful to Rita Jarrous and Watfa Najdi for their fieldwork assistance.
3. UNHCR (2015) 'Q&A on the data sharing agreement between Government of Lebanon and UNHCR on basic information about Syrian Refugees' bit.ly/GovLeb-UNHCR-data-sharing
4. UNHCR (2011) *Lebanon Update: Situation in North Lebanon*, 7–14 October 2011, p2 bit.ly/UNHCR-Lebanon-Oct-2011
5. Kullab S (2014) 'Borders still open to refugees, UNHCR says', *The Daily Star Lebanon* 23 October 2014 bit.ly/Kullab-2014-10-23
6. See UNHCR, UNICEF and WFP (2019) 'VASyR 2019', which finds only 22% of Syrian refugees over 15 years old have valid Lebanese residency permits.
<https://data2.unhcr.org/en/documents/details/73118>