

## Return to Syria after evading conscription

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**Syrian refugees who have evaded military service face barriers to return which call into question the viability and sustainability of other refugee returns.**

The evasion of conscription has emerged as one of the primary reasons for which young men over the age of 18 have fled Syria. It is also one of the primary reasons they cannot return. With the Syrian government promoting instances of return as a validation of its stability and authority, and with increasing international pressure for refugees to return, this issue could be a useful angle through which to assess the readiness of Syria to offer its people sustainable return. It begs the question: if these men cannot return safely, should the international community encourage others to do so?

A 2014 decree stipulates that military-aged men (including the growing number of young men who have reached the age of service outside Syria) who are unwilling to serve but who wish to return to Syria must remain outside the country for at least four years and pay an exemption fee of US\$8,000. The same decree also requires men over 42 years old (that is, who are above the age of military service) who have not served to pay an exemption fee of the same amount – in general, an impossible sum for refugees. Estimates indicate that up to 75% of Syrian refugees wish to return<sup>1</sup> but issues around military conscription prevent a sizeable group of refugees who would otherwise voluntarily return from doing so. The numbers are indeed considerable: as of 19 September 2019, UNHCR had registered 1,866,881 male Syrian refugees aged between 18 and 59.<sup>2</sup>

Evasion of military conscription interacts with other factors that affect decisions both to flee and to return. Numerous studies identify family, friends and social networks to come second only to safety and security – which includes the risks of military conscription and risks faced on return following evasion – in such decisions. Although it is difficult to confirm numbers, reports estimate that thousands of refugees returned to Syria in 2018 and early 2019. There are no concrete numbers of how many military-aged men returned,

but there are numerous stories of such men choosing to return to Syria, despite great risk, because they have been unable to secure family reunification in countries of asylum. Decisions around return pose other dilemmas that affect the whole family. For example, refugee women and children may either choose to stay displaced with their husband/father/son or to return to Syria without them, which – quite apart from the emotional impact of separation – may expose them to greater risk on their journey and even when back in Syria.

A number of countries do not consider evasion of military conscription alone to be grounds for granting refugee status for Syrians, despite the overwhelming evidence of risk upon return for this group and an analogous case in Eritrea. There, a 2016 UK appellate tribunal found that refugees of conscription age would face persecution and abuse if returned to Eritrea. This ruling led to an amendment to the UK's immigration policy and provided further evidence that the treatment of men who return having evaded conscription prevents them returning in safety and therefore gives grounds for their continued asylum.

### Granting amnesty

In an attempt to address such concerns, in October 2018 Syria issued an unprecedented decree granting amnesty to all military service violators, on the condition of their physical surrender to a military office – within four months for those inside the country and six months for those outside. Although many expressed distrust of the decree, a great number of people submitted their names. However, they then found themselves back on conscription lists in as little as seven days, after the government exploited a loophole in the decree. This reflects the perpetuation of the status quo not only of the last eight years of conflict but also of the conditions that precipitated and triggered the crisis in 2011.

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To avoid this happening again, and to support sustainable return, a successful, comprehensive amnesty in the Syrian context would need to include:

- dismissal of past crimes related to military service evasion and desertion
  - exemption from future military service (including any civil alternative), either unconditionally or by instituting a reasonable exemption fee
  - a 'grace period' that is long enough to ensure true voluntary return in conditions of security and dignity – or no period specified at all
  - release of all individuals currently under investigation or imprisoned as a result of military service evasion and desertion
  - permission for international authorities to observe and document returnee situations
- across Syria in order to determine national compliance with the amnesty
  - a targeted strategy of State-sponsored community cohesion activities to mitigate possible backlash against those who did not serve
  - a gradual discharge of those who have served their required term, alongside a range of benefit levels for the men and their families to honour those who served.

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1. UNHCR (March 2019) *Fifth Regional Survey on Syrian Refugees' Perceptions and Intentions on Return to Syria*  
<https://reliefweb.int/sites/reliefweb.int/files/resources/68443.pdf>
2. <https://data2.unhcr.org/en/situations/syria>