



Decentring the Study of Migrant
Returns and Return Policies

Country Dossier Lebanon

WP4: Return migration governance in the African and Middle Eastern regions and the role of the EU

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Table of Contents

List of abbreviations	2
Summary.....	1
GAPs Project	2
Acknowledgements	3
Funding acknowledgement.....	4
Introduction.....	5
Methods	5
Context.....	5
Drivers of Migration from Syria to Lebanon.....	5
Arrival and Reception of Syrians in Lebanon	6
Social, economic, and political drivers of return migration for Syrians in Lebanon.....	7
Findings	8
Characteristics of Return Migration Governance from Lebanon to Syria.....	8
Scale and Types of Return	9
Return Migration Policy	12
Operational Infrastructures for Return Migration Governance	16
Return Migration Governance Actors	17
Return Migration Practice.....	22
Drivers of Return Migration Governance from Lebanon to Syria.....	23
Interests Driving Return Migration Governance	23
Capacities for return migration governance.....	26
Role of the EU in relation to the governance of return migration from Lebanon to Syria	27
Consequences of Return Migration Governance from Lebanon to Syria	33
Consequences for regional return migration	33
Consequences for interregional return migration.....	36
Conclusion	37
References and sources.....	39
About the Authors.....	47
Copyright Clause.....	47
GAPs Consortium	47

List of abbreviations

ABRS	Area-Based Return Support
ACHR	Access Centre for Human Rights
CAT	Convention Against Torture
CSOs	Civil Society Organizations
DG-ECHO	Directorate-General for European Civil Protection and Humanitarian Aid Operations
DG-HOME	Directorate-General for Migration and Home Affairs
DG-NEAR	Directorate-General for Neighborhood and Enlargement Negotiations
EU	European Union
Euromed Rights	Euro-Mediterranean Human Rights Network
GSO	General Security Office
HDC	Higher Defence Council
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
ISF	Internal Security Forces
LAF	Lebanese Armed Forces
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
SARC	Syrian Arab Red Crescent
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council
US	United States
VASYR	Vulnerability Assessment of Syrian Refugees

Summary

This Country Dossier investigates the interplay between regional return governance and the European Union's external migration policies. It aims to address the prevalent Eurocentric bias in return migration studies by emphasizing the perspectives of neighboring Global South countries, which are often neglected in academic discourse. Utilizing document analysis and expert interviews, the project examines how regional return systems influence migration dynamics, particularly in Lebanon concerning its Syrian refugee population.

Return migration governance from Lebanon to Syria is characterized by fragmented policies and unreliable data due to the absence of centralized monitoring and differing agendas among various stakeholders. Modalities of return include self-organized individual returns, facilitated group returns, deportations, and pushbacks, with indications of a decline in voluntary returns alongside an increase in forced returns. These shifts are largely driven by legal, socio-economic, and political pressures exerted by Lebanese authorities, as well as the complexities of the Syrian government's ambivalent stance toward accepting returnees.

Lebanon's governance of return migration is marked by informal and securitized practices that marginalize Syrian refugees through socio-economic exclusion, irregularization, and arbitrary enforcement measures. Procedures for facilitated returns, deportations, and pushbacks are often carried out without transparency or due process and involve extralegal enforcement mechanisms.

Lebanon's capacity to manage return migration is severely constrained by inadequate financial and operational resources, a porous border, and insufficient institutional infrastructures. The state's inability to control entries, coupled with disorganized refugee registration processes, significantly hampers its (coerced) return migration efforts. External factors, including Syria's ongoing socio-economic and security crises, exacerbate the challenges faced in return migration governance.

The EU primarily influences refugee returns from Lebanon to Syria through financial support, which implicitly conditions Lebanon's refugee hosting on preventing onward movement and upholding non-refoulement principles. However, the EU's approach de facto prioritizes geopolitical containment over the protection of refugees, in some instances turning a blind eye to the informal and fragmented return governance that jeopardizes the safety and rights of Syrian refugees.

In conclusion, despite significant pressure from Lebanese authorities, return migration from Lebanon to Syria remains limited, with most Syrian refugees unwilling to return. The governance of returns is characterized by informal and fragmented modalities that create a coercive environment, driven by domestic political interests and compounded by the EU's focus on regional containment at the expense of refugee rights. This situation underscores the need for enhanced monitoring of return safety, assurance of due process, and increased support for asylum pathways and refugee-led organizations.

Keywords: Return Migration, Governance, Syrian Refugees, European Union, Lebanon

GAPs Project

GAPs is a Horizon Europe project that aims to conduct a comprehensive multidisciplinary study on the drivers of return policies and the barriers and enablers of international cooperation on return migration. The overall aim of the project is to examine the disconnects and discrepancies between expectations of return policies and their actual outcomes by de-centring the dominant, one-sided understanding of “return policymaking.” To this end, GAPs:

- examine the shortcomings of EU’s return governance;
- analyse enablers and barriers to international cooperation, and
- explore the perspectives of migrants themselves to understand their knowledge, aspirations and experiences with return policies.

GAPs combines its decentring approach with three innovative concepts:

- a focus on return migration infrastructures, which allows the project to analyse governance fissures;
- an analysis of return migration diplomacy to understand how relations between EU Member States and with third countries hinder cooperation on return; and
- a trajectory approach that uses a socio-spatial and temporal lens to understand migrant agency.

GAPs is an interdisciplinary 3-year project (2023-2026), co-coordinated by Uppsala University and the Bonn International Centre for Conflict Studies with 17 partners in 12 countries on 4 continents. GAPs' fieldwork has been conducted in 14 countries: Jordan, Lebanon, Sweden, Nigeria, Germany, Morocco, the Netherlands, Afghanistan, Poland, Georgia, Turkey, Tunisia, Greece and Iraq.

This country dossier has been compiled in the context of the GAPs Work Package on ‘Return Migration Governance in the African and Middle Eastern Regions and the Role of the EU.’

Since the vast majority of migrants and refugees move and reside in and among countries in the immediate region of their origin countries, return migration will also predominantly take place within the region of countries in crisis. Yet, scholarly concerns have overwhelmingly focused on the minority of migrants who travelled further afield, in particular to the European Union, and return from there to their regions of origin. Relatively little attention has been given to return policies of neighbouring receiving states in the Global South.

Disregarding this regional dimension puts a Eurocentric bias on the study of return migration governance. Regional return governance, moreover, both shapes and is shaped by the externalization and return migration policies of the EU. On the one hand, the EU’s deterrence and externalization ‘partnerships’ fundamentally affect return diplomacies, infrastructures, and trajectories in its neighbouring regions. On the other hand, the governance of regional returns has repercussions the migration dynamics the EU seeks to control, for its engagement with ‘third countries,’ and for the international norms it claims to uphold.

To address this knowledge gap, therefore, this Work Package has the aim to better understand the intersections between (i) return migration governance within the African and Middle Eastern regions and (ii) the role of the European Union and its external migration policy. To this end, it asks three core research questions: (i) What characterizes return migration governance within African and Middle Eastern regions? Specifically: how are these modalities shaped by the EU’s external migration policy?; (ii) What are the driving forces behind these types of return migration governance? Specifically: how are these drivers affected by the EU’s

external migration policy?; and (iii) What are the effects of these drivers and modalities of regional migration governance, for both people and policy? Specifically: what are the implications of specific regional return migration governance for the EU's external migration policy? The Work Package answers these questions for eight 'host countries' (Iraq, Jordan, Lebanon, Türkiye, Iran, Morocco, Tunisia, Libya) focused on three 'origin countries' (Syria, Afghanistan, Nigeria).

Research in this Work Package is carried out in an embedded-multiple case study design, in which cases are selected for diversity (encompassing variation in return types) and representativeness (including main host countries in return systems that are salient to Europe, i.e., Africa, the broader Middle East). Data are generated through document analysis (a minimum of 20 documents – including academic papers, expert report, and media coverage – has been analyzed in-depth per country dossier) and 10 (semi-structured, in-depth) expert interviews (with state authorities, international organizations, and civil society actors) have been conducted. Data was coded iteratively. First deductively, through a common codebook based on a shared conceptual framework developed to answer the three core questions listed above. Particular attention here is paid to modalities (legal, policy and operational infrastructures), drivers (capacity and interests of actors), and outcomes (monitoring mechanisms and expert views on sustainability of returns). Second, data was coded inductively, highlighting emerging themes that were not included in the codebook but that nevertheless surfaced as contextually relevant. Research has been subject to ethical review of the host institutions of the individual researchers conducting the country-specific research. The core concern here has been to ensure (oral) informed consent for interviews on the basis of full anonymity of interlocutors. Document and interview analysis have been synthesized through two workshops dedicated to these specific research phases.

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Refugee return to Syria is a volatile dynamic. New policies and practices are emerging on a daily basis. As this report engages with ongoing dynamics, it is important to stress that our empirical analysis was concluded in April 2024. Our dossier therefore inevitably excludes any developments that have occurred since then.

The topic of refugee return is also extremely politically contentious and sensitive, the reasons for which are explained throughout this country dossier. Our analysis is empirical rather than

normative and based on what we assessed as reliable interlocutors and sources, which we have sought to critically interrogate. Human rights and international law standards have been the key benchmarks when discussing legality of returns.

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Introduction

Refugee return from Lebanon to Syria is a complex, multi-directional, multi-scalar phenomenon that is highly informal, ad hoc, and irregularized. Its governance is politicized and securitized and precludes systematic monitoring of the various return processes and initiatives. This country dossier aims to describe and analyse the context of the governance of refugee return – exploring why Syrian people fled to Lebanon, how their presence in Lebanon was governed, and what drives some of them to return now; the characteristics of refugee return from Lebanon to Syria – identifying various modalities of return and discussing relevant policies, practices, infrastructures, and actors; the interests and capacities determining return migration governance; and the consequences – in terms of legality, sustainability, and diplomacy – of these specific forms of governance. In all this, the role of EU actors and the impact of the EU’s external migration policy on these characteristics, drivers, and consequences of return migration governance are of specific interest.

Methods

For this Lebanon country dossier, two researchers, Maissam Nimer and Sherry Ebrahim, selected the 20 most relevant documents to be coded (these are referenced throughout the report and included in the reference list at the end) and have each coded half of these according to the codebook described above. In the subsequent phase, two researchers, Maissam Nimer and Nora Stel, conducted 10 expert interviews with relevant representatives from Lebanese ministries, UN agencies, international organizations, local refugee rights organizations, EU member state embassies in Lebanon, and Brussels-based EU institutions. These interlocutors were sampled based on the categories established for the entire Work Package, snowball recommendations throughout the interviewing phase, and the networks of the researchers, who both have been conducting research into the Syrian refugee presence in Lebanon for more than a decade. Interviews were conducted online and in-person in Beirut between December 2023 and March 2024. Most of the interviews were recorded and transcribed before being coded, with the exception of two interviews that were not recorded, but where extensive notes were taken during the interview and developed right after.

Context

Drivers of Migration from Syria to Lebanon

Syrian people have been fleeing to Lebanon since the outbreak of war in Syria in 2011 for various reasons. Some – especially those involved in the political protest that eventually sparked the war – fled individual persecution; others fled the indiscriminate violence and unsafety of war or the related threat of conscription. As the war in Syria has become more protracted and the Syrian economy and society have been all but destroyed, these direct security-related drivers for migration to Lebanon have increasingly interacted with other motivations to move to Lebanon that are related to livelihoods (Asharq Al-Awsat, 2024).

UNHCR estimates that the Syrian War forcibly displaced over 13 million people (UNHCR, 2023). This includes an estimated 7 million internally displaced people inside Syria and some 5 million refugees. Lebanon hosts an estimated 1.5 million of them. These are mostly people

from the border region with Lebanon, from cities like Damascus, Homs, Al Qusair, Hama, Idlib and Aleppo. Syrian people that fled to Lebanon often did so based on the social connections they already had there. In the early days of the Syrian War, the approximately 200,000 Syrian people already in Lebanon as (seasonal) labourers often brought their families over for Syria and stayed longer term (Balanche & Verdeil, 2019). Since then, new arrivals have also often rejoined (distant) family or friends in Lebanon.

Arrival and Reception of Syrians in Lebanon

By far the largest number of Syrians in Lebanon lives in the North (the Akkar region) and East (the Bekaa Valley) of the country, but many people also reside in the districts south and east of Beirut (UNHCR, 2023b). Many live in informal refugee camps in more rural areas and the large majority is 'self-settled' in largely sub-standard urban settings. Because Lebanon did not allow for formal UNHCR refugee camps to avoid a repetition of the emergence of 'permanent' camps as the country had seen with its Palestinian refugee population, refugees had to pay for their shelters. In combination with extremely restrictive and exploitative labour regulations and the near absence of legal residency (only 19.7% of Syrians in Lebanon had such status in 2023) that puts people at the mercy of landlords and bosses, this led to extreme deprivation. In 2022, 42% of Syrian households in Lebanon were food insecure and over three quarters did not meet the 'survival minimum expenditure basket' criteria (VASYR, 2023).

This situation is the direct result of Lebanon's specific governance of the Syrian presence in the country. Legally, Lebanon is not a party to the 1951 Convention Relating to the Status of Refugees and has not signed its 1967 Protocol (European Parliament, 2017). It does not have a functional national asylum law or system either. The Lebanese government, therefore, importantly does not consider Syrians in the country as refugees, but regards them as 'displaced.' This means that the law that governs refugees in Lebanon is the 1962 Law Regulating the Status of Foreign Nationals in Lebanon. Crucially, Article 31 of that law enacts the general customary international law principle of nonrefoulement – an obligation to which it is also bound by its signing of the International Convention Against Torture (CAT) (European Parliament, 2017).

Lebanon's formally rejectionist position vis-à-vis Syrian refugees is rooted in various political and historical realities, including the politicization of sectarian demographics (Stel, 2020). Lebanon's political system is organized around a sectarian quota system and the arrival of a large number of people who are overwhelmingly from one sectarian background (the great majority of Syrian people in Lebanon identifies as Sunni Muslim) is feared to threaten this precarious stability. In addition, the country's 'Palestinian trauma' has created broadly shared anxiety about any protracted refugee presence becoming a destabilizing factor: the politicized and militarized presence of Palestinian refugees in the country has played a significant role in sparking the country's infamous 1975-1990 Civil War. Previous Syrian occupation of Lebanon – from 1976 to 2005, Syria had an extensive military presence in Lebanon and significant political sway – moreover has further fueled resentment towards Syrian refugees. As a result, all political actors in Lebanon insist refugees' stay should be temporary and integration in any form or shape has been denounced explicitly across the political spectrum (European Parliament, 2017). Return and resettlement have been seen as the only durable solutions from the beginning and have always been explicitly encouraged (European Parliament, 2017; Jagarnathsingh, 2019).

Notwithstanding the above, building on extensive socio-economic ties between the two countries, Lebanon maintained an open-door policy vis-à-vis Syrian refugees. The relevance of its return discourse and practice has only become evident since this situation was terminated in October 2014. Since then, a new ‘policy’ was adopted with the aim to ‘reduce the number of Syrians in the country by all possible means’ as one of its main objectives (Stel, 2020: 72; see also European Parliament, 2017; Jagarnathsingh, 2019). From 2015 onwards, stringent entry regulations have, at least theoretically, made return less open-ended because legal re-entry has become very hard (Council of the EU, 2018). This has also had implications for legal residency, since before this regulation many people renewed their residency through re-entering the country. After this regulation, this is no longer possible, and people are subject to payment of an annual US\$200 renewal fee – an impossible amount for many refugees – as well as Kafkaesque bureaucracy (Jagarnathsingh, 2019).

This resulted in the vast majority of Syrians in Lebanon lacking legal residency. In essence, aiming to control refugees’ entry and stay through irregularization became the foundation for the country’s encouragement of return of Syrian refugees. Not issuing residence permits undermines refugees’ rights and pushes them to return and/or makes them deportable (ACHR, 2022). This becomes all the more evident through accounts of GSO confiscating passports or issuing expulsion orders when Syrians do try to regularize their legal situation (Euromed rights, 2021). It is further illustrated by the fact that the Lebanese government has prohibited UNHCR to register any Syrian that has entered the country since May 2015 (to discourage new refugees from coming), withholding not merely legal residency but also refugee status in a bid to make Syrians deportable.

Social, economic, and political drivers of return migration for Syrians in Lebanon

The drivers of return migration for Syrians in Lebanon are twofold. The first regards the above-described regime of deliberate irregularization and repression meant to encourage refugees to leave the country. The second regards the crippling economic and financial crises that have devastated Lebanon since 2020. As a result of both, there has been real competition over diminishing resources and jobs as well as extreme intensification of hostile speech and xenophobic rhetoric against refugees from authorities seeking to obscure the role of their own corruption and mismanagement in generating these crises, resulting in social tensions and enmity against Syrians (Icduygu and Nimer, 2022 and RPW, 2021). Lebanon’s economic crisis and the related precarity; the country’s marginalization of Syrians in terms of work, housing, and mobility; and fear of deportation were cited among refugees’ main reasons to return (RPW, 2021).

Lebanese authorities often refer to Syrian people residing in Syria and regularly visiting Lebanon to benefit from humanitarian aid or Syrians living in Lebanon and regularly crossing the border to Syria. They see these forms of cross-border mobility as indicative of the absence of danger in Syria. Such ‘going back and forth’ is one of their key arguments for claiming Syria is safe for return. This position is disputed by civil society and EU representatives we spoke with, who explain that safety considerations vary per person and per area and per moment in

time and that while such border crossings may occur for some people, they therefore cannot be used to deduce that Syria is safe for all or even most refugees.¹

Indeed, it is important to stress at the outset of this report that Syria is not safe for many if not most returnees – who are often subjected to gross human rights violations (OCHA, 2024: 2; Kheshen, 2024; EUAA, 2024; United Nations, 2024, 2024b). There is ongoing violence in almost all of Syria despite reduced military operations. In addition, in a context of complete lack of impunity, there have been several reported cases of human right violations that specifically affect returnees (in comparison with Syrians who never left the country). These violations include arbitrary arrest and detention as well as torture. The ones who are especially affected are those who are believed to have been involved in anti-government activities. In addition, men at the age of conscription were also taken in. There are also issues among returnees with regards to freedom of movement, the ability to regain adequate housing, and land and property rights. As a result, monitoring reports show that the vast majority of Syrian refugees in Lebanon (78%) do not consider returning (UNHCR, 2023). Notably, this figure is down from 92% previously, arguably due to refugees' worsening situation following a peak in hostile rhetoric as well as more internal displacement away from South of Lebanon.²

Findings

Characteristics of Return Migration Governance from Lebanon to Syria

Because there is no structural centralized monitoring of return dynamics, as discussed in greater detail in section 4.1.3, it is notoriously hard to find reliable statistics on the number of people that have returned from Lebanon to Syria over the last 13 years. According to UNHCR, almost 400,000 Syrians returned from neighboring countries to Syria between 2016 and 2014 (OCHA, 2024: 5). From Lebanon specifically, the UNHCR (2021a, 2021b) reported in 2021 that about 63,752 registered Syrian refugees have returned since 2016. The Lebanese government, however, claimed that return numbers were as high as 390,000 already in 2019 (Sewell, 2020a).

Clearly, and this was repeatedly observed by various interlocutors as well, data on returns provided by Lebanese authorities (most notably GSO), international organizations (UNHCR), and CSOs differ extremely. This is partly due to a lack of centralized and systematic monitoring of returns and the complexities of, for instance, accounting for the fact that many people have crossed the Syrian-Lebanese border many times and have been pushed back each time and so risk being counted as different individuals being deported.³ The absence of reliable return numbers is also partly due to diverging agendas of relevant stakeholders. Whereas Lebanese authorities tend to favor high return numbers to show that Lebanon is taking control of the 'refugee influx,' other organizations tend to be more cautious, assuming that return will be minimal because Syria is not safe.⁴

¹ verbatim transcription, international policy maker, Teams, 12 February 2024; verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

² verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

³ verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

⁴ verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

Overall, our research suggests that return numbers are relatively small for several core reasons that will be further unpacked in this report. First, as also evidenced by the annual return intentions survey conducted among refugee communities by the UN, most refugees (over 90% in 2023) currently do not want to return (UNHCR, 2023). Second, the EU and US do not currently want to encourage or facilitate return because they believe that conditions for safe, voluntary, dignified, and informed return are currently not in place. Third, the Syrian government itself is, at best, ambivalent on allowing return. And, fourth, Lebanese capacities to organize and implement collective return on a significant scale are minimal.

Scale and Types of Return

In analyzing the characteristics of refugee return dynamics and governance from Lebanon to Syria we can distinguish between different modalities of return that help to understand the diverse return initiatives and developments on the continuum between ‘voluntary’ and ‘forced’ return on the one hand and ‘individual’ and ‘collective’ return on the other. While returns are inherently complex, fragmented, non-linear pathways, for the Lebanese context we therefore identify four core types of return modalities.

Although, as noted above, return numbers are notoriously problematic and it is therefore hard to identify trends and developments in return dynamics, the general tendency until 2024 seems to be a decrease in self-organized individual returns and facilitated group returns and an increase in pushbacks and deportations (PAX, CLDH and ACHR, 2024). As of 2024, anecdotal evidence suggests, these forced returns might have in turn spurred a rise in individual, self-organized returns.⁵

- *Self-organized Individual Returns* (or ‘pushed’ returns)

Self-organized individual returns concern returns that people have arranged and conducted individually without support from state agencies. While, as noted in the previous section, quantifying returns is difficult, it is generally understood that by far most people who return do so on an individual basis and organize their return independent from Lebanese authorities. UNHCR observed 87,218 of such returns between 2016 and 2023, with an absolute peak in 2019 (22,728 returns) and an uptick in 2023 (10,130 returns) (UNHCR, 2024).

People returning in this way often seek various forms of safety guarantees with different Syrian authorities, trying to figure out if they would face any issues if they would return.⁶ Independent individual returns are also enabled or accompanied by an elusive ‘reconciliation’ process in which Syrian traditional and local authorities in Lebanon liaise with Syrian embassies and security agencies to ‘clear’ individuals or families for return.⁷ This is known as ‘settling one’s status’ (*taswiyat al-wada’*) (OCHA, 2024: 12-23).

These returns are often called ‘voluntary’ returns, but considering Lebanon’s extensive de facto policy of creating legal and socio-economic marginalization as a push factor, as further discussed in sections 4.1.2. and 4.1.5, we could also classify them as forms of soft deportation or self-deportation (Nassar, 2023; Waslin, 2012; Kalir, 2017).

⁵ informal conversation with regional protection specialist, WhatsApp, Summer 2024

⁶ interview notes, protection expert for international organization, Teams, 29 February 2024

⁷ interview notes, protection expert for international organization, Teams, 29 February 2024

- *Facilitated Group Returns* (or ‘incentivized’ returns)

Building on earlier facilitated return initiatives, for instance by Hezbollah, GSO has taken a role in facilitating returns. Since May 2018, GSO has offered Syrian people in Lebanon the opportunity to register for return (Jagarnathsingh, 2019). GSO then checks with their Syrian counterparts if the people who registered would be allowed to return. The degree of return requests that are granted by Syrian authorities is highly disputed. One informed expert suggested that the majority of names that were submitted (90%) were cleared and approved by the Syrian side.⁸ Other sources indicate that not even half of the people who registered received the Syrian green light for return.⁹ Notably, not all people who register and are ‘cleared’ for return eventually actually show up to be escorted for return, likely because the process is also used by refugees to obtain more information about their ‘security status’ in Syria.

For refugees who are pre-approved for return by Syria, Lebanon waives exit fees and outstanding fines (Fakhoury and Ozkul, 2019). They are then escorted – sometimes by busses chartered by GSO, sometimes through their own transportation – by GSO and sometimes LAF to the border. UNHCR is present to monitor this process. UNHCR also receives the list of people registered for return in advance – 24 hours in some cases, 48 hours in other (RPW, 2022) – and inquires through random checks with refugees via telephone whether their return decision is voluntary.¹⁰ On two occasions in 2022, UNHCR could also access people post-return in their places of return and was able to offer assistance and advice there.¹¹ UNHCR also provides documentation when needed, such as documents related to birth of children, or education attainment certificates among others.¹²

Since 2018, we have been able to find reference to eight of these facilitated return ‘convoys.’ In January 2019, 83 people returned from Saida and Nabatieh under GSO support; between August and December 2019, 4,352 people returned through facilitation by GSO in four convoys (Sewell, 2020); in February 2020 1,093 people returned via GSO facilitation (Sewell, 2020b); in October 2022, between 1,500 and 1,800 people returned through the GSO program (ACHR, 2022); in November 2022 some 100 people returned in the same way (ACHR, 2022).

In addition to GSO-facilitated returns, there are also reported practices by informal actors such as local committees and religious actors that liaise with Lebanese political parties and initiate small-scale returns (Fakhoury and Ozkul, 2019).

- *Deportations* (or ‘imposed/coerced’ returns)

Deportations regard returns where people have been deported by mean of physical force through various modalities. Syrians in Lebanon can be forcibly returned on two grounds: for illegal entry or presence and for committing criminal offences seen to pose a threat to national security (Jagarnathsingh, 2019; Frontiers-Ruwad, 2006: 6). Officially, people arrested on these grounds then face three stages of imprisonment: pre-trial detention, criminal imprisonment upon conviction, and detention while awaiting removal (Jagarnathsingh, 2019; GSO, 2023). UNHCR is informed when arrested people are registered with UNHCR and then

⁸ verbatim transcription, ministry of social affairs, in-person, 21 December 2023

⁹ verbatim transcription, ministry of social affairs, in-person, 21 December 2023

¹⁰ verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

¹¹ verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

¹² verbatim transcription, UNHCR, Zoom, 19 February 2024

has the opportunity to interview the person in question. UNHCR, however, is not able to check whether or not they are indeed informed in each case pertaining a person registered with them. If they find reasonable fears for persecution, UNHCR then requests from the general prosecutor to prevent the deportation. Such requests are sometimes granted, but also often ignored without explanation.

People deported on the ground of illegal entry or residency are returned through an ‘administrative’ deportation process. Considering the fact that only 20 percent of Syrian refugees in Lebanon currently have legal residency status (VASYR, 2023) and that it is notoriously hard to renew or obtain such a residency, by far the largest number of Syrians in Lebanon would therefore in theory be deportable. In practice, there is no systematic identification and apprehension of illegalized Syrians in Lebanon, however. It is mostly those refugees unlucky enough to be ‘caught’ at checkpoints, at instances of paper renewal, or through raids or those reported by others that are actually arrested. Some of them are then deported and others are not, suggesting significant discretionary power and arbitrariness in this process. Official figures on administrative deportations are largely unavailable, but between 13 May and 9 August 2019 alone, approximately 2,447 Syrians were deported to Syria (ACHR, 2019).

People arrested and deported on criminal or security grounds face a so-called ‘judicial deportation,’ whereby their deportation order is an addition to the verdict (here, too, numbers are unavailable). In reality, however, Syrians are often deported without going through these official procedures or remain in indefinite detention (Jagarnathsingh, 2019). The Lebanese Armed Forces have been carrying out discriminatory raids in neighborhoods across Lebanon on the houses of Syrian refugees and deporting them without giving them the opportunity to seek representation or challenge the deportation decision (Amnesty International, 2023). Again, numbers are not systematically provided, but it was reported that during April-May 2023 alone, around 1,800 people were deported. Further, respondents estimate around hundreds more people have been sent back to Syria, through ad-hoc deportations before and after this peak moment (Amnesty International, 2023; Orient Net, 2023).

BOX 1 → THE APRIL-MAY 2023 DEPORTATION PEAK

In a series of over 100 raids on informal tented settlements in April and May 2023, 2200 Syrian people were arrested and 1800 of them were subsequently summarily deported to Syria without any legal process or opportunity to contact a lawyer, UNHCR, or any other organization (Amnesty International, 2023; Human Rights Watch, 2023; Syria Direct, 2023; ACHR, 2023). Deportees included people ‘known to’ (i.e. registered or recorded with) UNHCR and people with legal residency (Syria Direct, 2023). This, according to most rights organizations, amounts to refoulement (HRW, 2023). Various people deported were subsequently arrested and detained by Syrian security agencies (Syria Direct, 2023). Remarkably, these raids, arrests and deportations were conducted by the LAF, rather than by GSO, who usually oversees deportations (Kheshen and Safi, 2023). Moreover, they focused on areas of Lebanon in and around Beirut that had not previously been subject to such large-scale attacks (Amnesty International, 2023).

Official explanations for this sudden and blatant peak in extra-legal deportations referred to security threats (HRW, 2023). Analysts we spoke with instead emphasized domestic politics incentivizing such obvious and visible crackdown on refugees, noting that the head

of LAF used this episode to bolster his popularity in public opinion and underscore his power vis-à-vis the international community in light of his potential candidacy for the presidential election.¹³ Experts also pointed out that this peak in deportations might be a form of ‘migration diplomacy’ to highlight the relevance of Lebanese demands to be made in the EU-hosted Brussels VII conference for the Future of Syria and the Region organized in June of that year.¹⁴

The deportation spree stopped as suddenly as it had erupted, although interlocutors stress that summary deportations continue to happen by the hands of both GSO and LAF, albeit in smaller numbers and more under the radar. Official accounts state that the deportations stopped because the security threat that instigated them was apprehended. Other sources indicate that behind the scenes pressure by major donors forced LAF to cease this practice and go back to handing over deportees to GSO.

These developments poignantly illustrate several important characteristics of governance of refugee return by the Lebanese state; first, the largely informal, illegal and ad hoc nature of return governance and second, the extreme political instrumentalization of the ‘refugee file’ in Lebanon and the use of forced return as a political tool. Here, the general xenophobic scapegoating of refugees by Lebanon’s political elites, who largely determine media content, created a conducive popular opinion for such increasingly aggressive return governance (Amnesty International, 2023). Third, the interconnectedness between different return modalities is also an important characteristic of return governance. Considering that a large number of people ‘re-return’ to Lebanon after being deported to Syria, violent deportations may be less about the direct aim to forcibly return specific individuals and more about the indirect aim of ‘encouraging’ more ‘voluntary’ individual and group returns through heightening the hostile environment in Lebanon. Fourth, the possibility and effectiveness of EU political pressure depends on the concerted political will to use it.

- *Pushbacks* (or ‘imposed/coerced’ return)

Pushbacks are situations in which Lebanese authorities are involved in preventing Syrian people from entering Lebanon at the border with Syria. While there is very little official information on this available, respondents indicate that this is a routine practice in the North, close to the Wadi Khaled border crossing, but also towards the east.¹⁵ Increasingly, Lebanese authorities themselves have been reporting ‘successful interceptions’ at the border of Syrians trying to cross irregularly.¹⁶

Return Migration Policy

The various returns occurring through the diverse modalities identified above are all enabled through particular ‘policies,’ meaning a wide array of laws, decisions, agreements, and programs, on different scales (local, regional, national, regional, and interregional). In this section we provide an overview of the most important ones.

National Policy

¹³ verbatim transcription, ministry of social affairs, in-person, 21 December 2023

¹⁴ verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

¹⁵ interview notes, protection expert for international organization, Teams, 29 February 2024

¹⁶ verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

Lebanon is notorious for its policy inaction and ambivalence in terms of regulation or organization of refugees' stay (Stel, 2020). Its policy regarding refugee return is equally fragmented, ad-hoc, and politicized. In many instances, Lebanese 'policy' can be deduced through political statements and practices on the ground rather than through official documentation (ACHR, 2022). As we reflect on in section 4.1.5 below, the line between de jure policy and practice – or de facto policy – is often hard to draw in the Lebanese context.

Building on earlier proposals by the then Ministry of State for Displaced Affairs, the 2020 National Return Plan formulated by the Ministry of Social Affairs and adopted by the Cabinet considers the 'right' of Syrians to return, proposes to uncouple such return from a political settlement in Syria, suggests various collaboration and coordination mechanisms between relevant stakeholders (mainly Lebanese and Syrian authorities and UNHCR), and reiterates respect for human rights and the principle of non-refoulement (Lebanese Republic Ministry of Social Affairs, 2020).

It is important to stress, however, that this plan has by and large not been officially put in practice (Fakhoury and Stel, 2023), although its overarching logic informs the various return modalities described above. The Ministerial Committee tasked with operationalizing the policy and overseeing its implementation has been mostly inactive and the proposed committee of general directors at line ministries coordinating with UN agencies and NGOs has not materialized. A census to be conducted by the Ministry of Social Affairs and the related reclassification of Syrian nationals in Lebanon has so far not been undertaken (Lebanese Republic Ministry of Social Affairs, 2020). The plan, then, has apparently mostly served to put pressure on partners and donors to recognize Lebanon's emphasis on return as the only viable durable solution (absent significant resettlement schemes) (ACHR, 2019). At the same time, as evident in the various return modalities described in section 4.1.1 above, the more repressive elements of the government's strategy to encourage return (enforcing residency and labor laws, extradite convicted Syrians, and 'supervise' international actors working with Syrian refugees) have been enforced, albeit haphazardly and arbitrarily (Lebanese Republic Ministry of Social Affairs, 2020).

Various Lebanese authorities have also sought to develop policy proposals to 're-categorize' Syrian people in Lebanon according to various classifications, most often sub-categories of 'political' refugees and economic migrants.¹⁷ This was, for instance, the case in a 'roadmap' presented at the 2023 Brussels VII conference and a recent proposal by the Ministry of Social Affairs (L'Orient Today, 2024). Such exercises are usually motivated by the explicit understanding that political refugees will need to be resettled to third countries, economic migrants deemed beneficial to the country should have their stay regularized, and all other Syrian people will need to return to Syria.

Although it is unclear on the basis of which criteria such categorization will take place, it can be expected that the irregularization that Lebanon has levelled towards Syrians in the country since the 2014 October policy and the 2015 suspension of UNHCR registration will be used as grounds for deportability. Indeed, while the administrative capacity necessary to conduct such surveys and status determination is mostly lacking in Lebanon, it is important to note that these plans are increasingly used to threaten Syrians in Lebanon with forced return (Refugees International, 2024). Such categorization attempts follow years in which 'the government has

¹⁷ verbatim transcription, ministerial representative, in-person, 21 December 2023 (x2)

deliberately blurred the lines between different categories of Syrians, even seeking to transform de facto refugees into economic migrants, with a profound impact on protection.’ (Janmyr, 2023; Janmyr and Mourad, 2018)

Local Policy

Due to Lebanon’s highly fragmented and deadlocked national policy arena, de facto governance of refugees’ presence has fallen to local governance authorities, mostly municipalities (Fakhoury, 2020). This is a default consequence of capacity deficits and political paralysis, but also serves as a disciplinary strategy vis-à-vis refugees that enhances their precarity to the extent that it functions as a push factor for various return modalities (either ‘encouraging’ them to return on their own or sign up for facilitated group return or making them deportable) (Nassar and Stel, 2019; Stel, 2020).

Both autonomously, to deal with bottom-up societal tensions and requests for restrictive measures, and top-down, in the spirit of national marginalization and to encourage return, municipalities across the country continuously impose discriminatory practices against refugees, such as limitations on movement, curfews, and restrictions on renting houses (Amnesty International, 2023). There are also reports of local authorities requiring Syrians to share ID cards and proof of residence (Amnesty International, 2023). In the absence of the operationalization or implementation of the National Return Policy, respondents predict that municipalities will take on an ever more important role in return, for instance by stepping up evictions and curfews.¹⁸

Regional Policy

On a regional level, several political initiatives and processes affect refugee return from Lebanon to Syria. The first is the proposition of ‘safe zones’ inside Syria (and sometimes in the ‘no-man’s-land’ in the Syrian-Lebanese border zone) to which people could safely return – these could be either areas identified as already safe or areas identified to be pacified and then declared safe. All political parties in Lebanon as well as the previous Lebanese President have been advocating for such safe zones to be able to return Syrian refugees with the support of international organizations, in coordination with the Syrian government (European Parliament, 2017). Protection experts point out that currently there are no areas in Syria where there would be reliable and capable actors to guarantee such safety.

The second regional initiative relevant to refugee returns from Lebanon to Syria is the ‘reconciliation process’ that the Syrian General Intelligence services have put in place in 2016 to assess the status and previous records of people who wish to return to areas under its control that we briefly mentioned in section 4.1.1 above. This process, however, is characterized by an opaque vetting process and is accompanied by risk of being subjected to arrest and detention upon return regardless of guarantees provided to the contrary (OCHA, 2024: 12-23). Some of our interviewees also highlighted cases when people were greenlighted, but then still got detained or disappeared, which is attributed to either lack of good faith on the Syrian side or lack of communication between different and competing security agencies in Syria that operate beyond the control of the government.¹⁹

¹⁸ interview notes, ministerial representative, in-person, 20 December 2023

¹⁹ interview notes, protection expert for international organization, Teams, 29 February 2024

An important third guideline or initiative that shapes refugee returns from Lebanon to Syria and operates on a regional level is the UNHCR's 'Protection Thresholds and Parameters for Refugee Return to Syria' published in 2018 (UNHCR, 2018).²⁰ These parameters underpin the EU's positioning on refugee return to Syria (more on which in section 4.2.3. below). This UNHCR document identifies two phases for planning for return to Syria. In phase one, in which conditions for safe, voluntary and dignified return are not in place, UNHCR's role is limited to planning, monitoring, counselling, advocating, and analyzing obstacles to and conditions necessary for return, and identifying the required actions to address them as well as assisting self-organized returnees through ongoing humanitarian programs. Phase two, in which UNHCR and its partners may facilitate large-scale voluntary repatriation, depends on four criteria being met: (i) a legal framework guaranteeing rights of returnees and unhindered access to them and return areas is in place; (ii) clear evidence of protection thresholds being met in the place(s) of return is available; (iii) improvement in conditions in return areas is evident; and (iv) active request for support by refugees to return is expressed in large numbers. As UNHCR and its donors maintain that such conditions have not been met, their support for return in any shape or form is precluded.

In addition to the above-described dual national policy (the October 2014 measures to push for return and the 2020 Return Plan); the pervasive local policies undercutting refugee protection; and regional security clearance mechanisms for prospective returnees, there are various other policies that mainly inform or underpin some of the four modalities identified. We discuss these respectively below.

- *Self-organized Individual Returns*

While self-organized returns occur on an individual basis, this category of returns is clearly shaped by the de facto policy of marginalization and irregularization put in place by the October 2014 policy. This regards restrictions on Syrian labor laws, which were further intensified through the anti-foreign labor campaign launched by the Minister of Labor since November 2018, focusing on Syrian workers and Syrian shops (ACHR, 2019). While becoming a recognized 'migrant worker' is de facto the only way for Syrian people to ensure legal long-term stay in Lebanon, Syrians are only allowed to work in construction, agriculture, and 'environment' under a sponsorship system that is more often than not exploitative (Jagarnathsingh, 2019). GSO often arbitrarily arrests Syrians who have no work permit and closed their businesses (Fakhoury, 2020). Making legal stay dependent on recognition as a 'migrant worker,' moreover, has barred Syrian people from the protection and services, however minimal, that UNHCR registration (or even recording) as a refugee could offer (Janmyr, 2023).

In addition to the de facto irregularization and marginalization policy, all of the policies and practices that have contributed to the other return modalities can be understood as a push factor for individual self-organized return as well.

- *Facilitated Group Returns*

In 2022, a scale-up of the 2020 National return Plan was proposed, apparently to rekindle momentum to return (HRW, 2022; The Tahrir Institute for Middle East Policy, 2023; Refugee Protection Watch Report, 2022). Amid quite some inter-ministerial political disputes, the

²⁰ verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

minister of displaced affairs announced a new policy proposal, this time to return – safely but not necessarily voluntarily – 15,000 Syrian people per month. No official documentation was released and the plan was not followed through, retaining the status of ‘announcement’ rather than a ‘policy.’ The announcement did, however, have the effect to reinitiate the facilitation of group returns by GSO, which proceeded with two convoys in 2022 that were branded as part of the ‘Aman (Safety) Project’ supposedly launched by the Lebanese Minister of Social Affairs (ACHR, 2022).²¹

Interestingly, while, as also noted in section 4.1.1 above, these group returns are very small scale and do not occur on an ongoing basis, it is this modality of return that is seen as most aptly reflecting the logics of National Return Plan and therefore as offering the basis for future returns.²²

- *Deportations*

As explained in section 4.1.1 above, administrative and judicial deportations are enabled by Lebanese law. They were further facilitated by a much-disputed decision made on 15 April 2019 by Lebanon’s Higher Defense Council (ACHR, 2019; Jagarnathsingh, 2019). This decision, for security reasons, is not publicly available. GSO’s interpretation and operationalization of it, however, was published on 13 May 2019. This statement stipulated that all Syrians who entered Lebanon irregularly – which since the October 2014 decision was de facto the only way to enter Lebanon at all – after 24 April 2019 could be deported based on merely a verbal order from the Public Prosecution, without a trial. Right after, between 13 May and 9 August 2019, approximately 2,447 Syrians were deported to Syria in this fashion (ACHR, 2019).

Operational Infrastructures for Return Migration Governance

We use this section to point out two important structures that shape refugee return from Lebanon to Syria. The first, in fact, regards the *absence* of an operational infrastructure: the lack of monitoring refugee return. While, as we have described throughout in the above, different actors are involved in the various return modalities and, in some cases, provide data on it, there is no central, structural, systematic monitoring of return. Such monitoring would entail both pre-return investigations of reasons for return and voluntariness of return; the quantity and characteristics of actual border crossings from Lebanon back to Syria; and post-return observation of the conditions of returnees. Due to lack of resources, the vast and open border between Lebanon and Syria, and – for some actors – limited incentives to monitor, there is no single actor that has systematic access to refugees in Lebanon, at the border, and in Syria.²³ Information on these matters is therefore incomplete, fragmented, and dispersed across various actors that do not tend to systematically share or publish such information.

While UNHCR has the mandate and obligation to observe this role, it is in practice dependent on Lebanese and Syrian authorities to arrange and guarantee their access to refugees, the border, and returnees. It does unofficially monitor GSO’s facilitated group returns in terms of the voluntariness of participants, which it observes upon departure from Lebanon (L’Orient Today, 2022). It was also in some cases, although apparently not systematically, able to

²¹ verbatim transcription, ministerial representative, in-person, 21 December 2023

²² verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

²³ verbatim transcription, displacement expert for international organization, Teams, 27 February 2024 and verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

informally monitor subsequent returns at the actual border crossings (Fakhoury and Ozkul, 2019). After that, UNHCR Syria merely engages with the government, but not with security agencies, who seem to be dominant in the return processes.²⁴

As evidenced in the descriptions of different return modalities in section 4.1.1, then, access to refugees in the process of returning is partial at best and absent at worst (Orient Net, 2023; Fakhoury and Ozkul, 2019)²⁵ In short, self-organized individual returns are not monitored; facilitated group returns are monitored up until crossing the border; deportations are partially monitored; and pushbacks are hardly monitored. In the current situation, some respondents went as far as calling monitoring ‘delusional’, as international organizations working cross border are not able to compromise their relation with the authorities in Syria by demanding access.²⁶ UNHCR monitoring and figures, then, are based on self-reporting by refugees rather than empirical observation by UNHCR itself.²⁷ The absence of systematic monitoring described here explains the absence of return statistics as well as limited insights into the voluntary and safe nature of some returns.

While the first operational structure concerned monitoring, mostly in regards to returns on the voluntary end of the spectrum, the second operational structure is mostly relevant regarding forced returns (i.e., deportations and pushbacks). This structure is related to the coordination between Lebanese and Syrian security agencies to arrange for the ‘hand over’ of refugees at the border. Not much is known about these collaborations which are all in the mostly extra-legal realm of ‘security.’ What we do know is that GSO and sometimes LAF and their Syrian counterparts, often the Syrian Army’s Fourth Division,²⁸ coordinate about who can return and when and where specific people will be put over the border (al-Ayoubi, 2024). Some interlocutors also indicated that there are suspicions that Syria asks the LAF to arrest and deport specific individuals listed for political or security accusations or military service.²⁹

As refugee returns from Lebanon to Syria are mostly irregularized (i.e. informal and ad hoc) so are the operational infrastructures that work to facilitate them – in the case of security collaboration between Syrian and Lebanese border control actors – and that are supposed to trace and assess them – in the case of various monitoring initiatives.

Return Migration Governance Actors

In this report, we identify five core categories of actors relevant to refugee return. First, Lebanese authorities (including political parties), who mostly seek to facilitate different return modalities. Second, Syrian authorities, who appear ambivalent in their simultaneous professed support for and effective undermining of refugee return. Third, the ‘international community’, where allies of the Syrian government (predominantly Russia and Iran) seek to support refugee return to legitimize the Syrian government while the EU and US up until recently mostly sought to constrain return. Fourth, local and national civil society, where different actors aim to respectively enable and caution return. And, fifth, ‘smugglers’ involved in helping refugees irregularly cross from Syria to Lebanon.

²⁴ verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

²⁵ interview notes, protection expert for international organization, Teams, 29 February 2024

²⁶ interview notes, protection expert for international organization, Teams, 29 February 2024

²⁷ verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

²⁸ interview notes, human rights expert, Zoom, 15 February 2024

²⁹ interview notes, human rights expert, Zoom, 15 February 2024

Lebanese Authorities – Pushing Return Migration

Lebanon's governance landscape is characterized by highly fragmented and antagonistic politics. Sectarian political parties hold each other in continuous deadlock, thereby paralyzing most policy-making processes (Stel, 2020). Over the last decade, agreement on the necessity and urgency of Syrian refugee return, however, has emerged as a rare point of consensus. At the same time, vying for control of such a politically important issue, Lebanon's political parties have failed to adopt a unified and actionable policy (Fakhoury and Ozkul, 2019; Fakhoury and Stel, 2023). As a result, Lebanon does not have a coherent formal organizational structure for return migration governance. Instead, various return migration modalities are enabled and enacted by a broader ecosystem of political parties, ministerial institutions, and security agencies of which we give a basic overview below. Important to note, however, is that despite their fragmentation and despite the lack of formal institutional capacity and despite initial antagonistic positioning on the issue of return, this assemblage of state and semi-state actors have come to all work towards the formulated aim of minimizing the number of Syrian people in the country. In doing so, however, they are constrained by the absence of support from the international community, civil society actors, and Syrian counterparts – as the remainder of this section illustrates.

Officially, various ministries have a role regarding refugee return. Planning and policy-making for return falls under the Ministry of Social Affairs, which has absorbed a previous Ministry of State for Displaced Affairs dedicated to addressing the Syrian refugee crisis. This role is disputed, however, by the Ministry of Displaced Affairs, whose mandate officially regards internally displaced Lebanese. Coordination on return with international actors falls under the Ministry of Foreign Affairs. Under the auspices of the Prime Minister, these ministries (as well as a range of other ministries concerned with the refugee presence in Lebanon, if not their return) supposedly coordinate in an inter-ministerial committee on refugee return. Due to political infighting and limited resources in the face of Lebanon's tremendous financial and economic crisis, however, this committee, according to respondents, has largely been dormant.³⁰

Mostly, however, rather than developing a formal legal or policy framework for return, Lebanese authorities have delegated the 'encouragement' of return to security agencies, thereby 'implicitly consent[ing] to return initiatives with no official anchor' (Fakhoury, 2020). As we have seen in the above, these predominantly regard GSO, LAF, ISF, and the HDC. We will use this section to provide some more background on each of them.

The General Directorate of General Security, more broadly known as the General Security Office (GSO) is the main actor in terms of overseeing and implementing the various return modalities identified above. While officially under the Ministry of Interior, in practice it operates highly autonomously in facilitating returns and organizing deportations. It is the main security and intelligence actor when it comes to the legal entry, residence, and exit of foreigners – including refugees – in Lebanon through all official border crossing points and it is responsible for visas and residence permits (Jagarnathsingh, 2019). As a security agency, GSO has significant discretionary authority to act as it sees fit in response to actors or developments it considers a security threat, an authority it routinely refers to when it comes to return migration governance.

³⁰ interview notes, ministerial representative, in-person, 20 December 2023

The Lebanese Armed Forces (LAF) falls under the Ministry of Defense. Where GSO is responsible for border crossings, the LAF is responsible for controlling all border areas between such border crossings (Jagarnathsingh, 2019). Whereas before the LAF would always hand over Syrian people they arrested in-country or found crossing Lebanese borders to GSO, an important recent development is the involvement of LAF in pushbacks and deportations (specifically in the April-May 2023 deportation peak; see BOX1) (Amnesty International, 2023). This has been contested by EU actors, who have pleaded for returning the file to GSO.

The Internal Security Forces (ISF), which fall under the Ministry of Interior, is not present at the border. As the country's national police force, however, it does play a role in enforcing the law on foreigners in Lebanon, which includes arresting Syrian refugees without residency or in breach of labor or housing laws (Jagarnathsingh, 2019). As with the LAF, in most cases, they hand over Syrians to GSO which then subsequently often proceeds with deportation.

The Higher Defense Council is headed by the president and includes commanders from all relevant security agencies. It operates largely in confidentiality and its decisions are rarely made public.

In Lebanon's confessional political system, political parties play a crucial role in all governance. Officials' allegiances often lie primarily with their political party and sectarian constituency rather than their institutional mandate. Thus, party politics – often determined by regional geopolitical alliances – have a significant impact on state policy and practice. GSO's facilitated group returns built on and replaced earlier return facilitation organized by Hezbollah and the Free Patriotic Movement, and even smaller parties like the Christian-based Lebanese Promise Party, who reportedly created local registration offices for return as early as 2017 (Fakhoury, 2020; Sewell 2019; İçduygu and Nimer, 2020; Fakhoury and Ozkul, 2019).³¹ Hezbollah was also involved single-handedly in arranging some large-scale group returns in 2017 that incentivized the then Prime Minister to develop the National Return Plan we discussed earlier (OCHA, 2017; EU Neighbors South, 2017; EU External Action, 2017; Al Mashareq, 2017; Human Rights & IHL, 2017). Due to its close military and political ties with the Syrian regime, Hezbollah has a unique position to coordinate with them on return clearance and facilitation. It does so autonomously as well as through GSO, with which it is supposedly in close coordination. Local and municipal initiatives to 'encourage' refugee return also often originate in and are implemented through party structures.

Concrete facilitation of small-scale, individual returns has at times been enabled by a range of local committees and religious actors close to the Syrian-Lebanese border where they work with local state and security agencies on the Lebanese and Syrian side (Fakhoury and Ozkul, 2019; İçduygu and Nimer, 2020).

Syrian Authorities – Stalling Return Migration

For Lebanese authorities, engagement with Syrian authorities is the key to refugee return in terms of two dimensions: politics and security. In its 2020 National Return Plan, the Lebanese government announced it will collaborate with the Syrian state to 'develop a roadmap' for return, exchange data, coordinate movement of Syrian people, and launch joint media campaigns to encourage return (Lebanese Republic Ministry of Social Affairs, 2020). In the political domain, various Lebanese ministers have been visiting Damascus to solicit support

³¹ verbatim transcription, ministerial representative, in-person, 21 December 2023

for their return plans. In terms of security, Lebanese security agencies interact with Syrian border authorities on a daily basis when they return Syrian people which they hand over to Syrian authorities, specifically the Republican Guard of the 4th Division and the 18th Brigade Border Guard.

It seems that Syrian authorities are less cooperative than Lebanese authorities make them out to be, however. While there appears to be routine security interaction, much to the chagrin of Lebanese authorities, Syrian authorities do not waylay Syrians trying to re-enter Lebanon after they have been returned and are often involved in the ‘smuggling’ operations such re-entries entail.³² Moreover, while on a national policy level the Syrian authorities have promised various safeguards for returnees that should incentivize return, as we will elaborate on in section 4.3 its continuing terror towards all Syrians, including returnees, does Lebanese return attempts a clear disservice.

Unpacking the ‘Syrian regime,’ however, is notoriously difficult. Different parts of the country are under different control; civil and security agencies hardly coordinate with each other; and there is limited capacity and will to follow-up formal guidelines. As a humanitarian expert explained:

You can have a very good relation with someone in the Ministry of Foreign Affairs of Syria, but then what happens to these people is decided by the different branches of the security service. You know how the country... how they work. And even the security services between themselves don't necessarily collaborate. Each one is a power base, sometimes geographically based.³³

Syrian authorities, then, seem ambivalent when it comes to refugee return, with their deeds often not matching their words.

The ‘International Community’ – Cautioning Return Migration

The ‘international community’ is a vague notion that was nevertheless often referred to in our interviews. As we discuss the position and role of the EU in a separate section (4.2.3.) below, here we focus on three main actors: UNHCR, the Arab League, and Russia.

UNHCR is the main international organization when it comes to refugee return. It has the mandate to inform refugees on return options and prospects and to support and facilitate return, both individually and collective, when conditions are conducive (UNHCR, 2004, 2018). When it comes to refugee returns from Lebanon to Syria on a regional level, UNHCR has supposedly been concerned primarily with monitoring return and with setting and upholding conditions for return. UNHCR in Lebanon is relevant to the pre-return phase and states that it has aimed to inform refugees on return, monitor specific return modalities (sometimes together with the International Committee of the Red Cross), and advocate with other relevant stakeholders (Lebanese authorities, donors, and civil society) for meeting conditions for safe, voluntary, dignified, and informed return. UNHCR Syria is concerned with the post-return phase and has occasionally sought to follow-up with returnees. It also claims to work towards creating conditions for return, for instance through area-based return initiatives.³⁴ In line with the 2018 protection thresholds and parameters for return document, here the official UNHCR position is: no encouragement and no facilitation, just support (in

³² verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

³³ verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

³⁴ verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

terms of documentation; housing, land and property rights; livelihoods; and education) in places of return, when people have already returned there.³⁵

UNHCR receives extensive criticism for its operation, ranging from lack of access to and representation of refugees to detrimental lack of coordination between different country offices.³⁶ It also faces opposing accusations of either obstructing return (from Lebanese and Syrian authorities that claim that UNHCR discourages refugees to return and fails to meet its mandate in terms of supporting voluntary return) or encouraging return (from civil society actors that see UNHCR is not outspoken enough in denouncing forced returns and the creation of push factors for returns and makes itself too dependent on the goodwill of state authorities).³⁷ Experts have pointed out that UNHCR has failed to fulfil its mandate in crucial ways by not engaging in systematic monitoring and by creating de facto pull factors for premature return.³⁸ To navigate these tensions, UNHCR in practice seems to work on the notion of an ‘interim phase,’ (SACD, 2022) between the two phases central to the 2018 thresholds and parameters for return document. This, however, has only further fed suspicions by civil society that UNHCR is ‘shifting,’ a contention that first emerged when a 2019 Regional Operational Framework for Return (UNHCR, 2019) seemed to undercut much of the thresholds central to the 2018 document.³⁹ Especially since 2017, UNHCR is under increasing pressure from Lebanese authorities to more pro-actively organize or at least endorse return (Jagarnathsingh, 2019; ACHR, 2019). It has so far not officially done so, even putting out statements that it is ‘not part of any plan to return refugees from Lebanon to Syria en masse’ (L’Orient Today, 2022). But concerns that UNHCR is nevertheless increasingly cornered to facilitate return abound.⁴⁰

As the overarching representation of regional states, including those hosting large numbers of Syrian refugees, the Arab League is a potentially relevant actor for refugee return. This became especially evident in Spring of 2023 when the League allowed Syria back into its fold after it was expelled in 2012. This was allegedly partly done in the hope of securing more support from the Syrian government to make refugee return happen (Heydemann, 2023).

As a major international ally of the Syrian government, Russia has also been involved in discussions on refugee return to Syria, which it has generally sought to encourage as a way to legitimize normalization with the Assad regime and fuel acceptance of its endurance (Middle East Institute, 2019). In 2020, the so-called ‘Russian Initiative’ proposed concrete steps for the return of the refugees in Lebanon, organizing related conferences to generate international support (from Europe, the Gulf, the United States and the UN agencies) for investment in Syria’s infrastructure that was to generate return (Middle East Institute, 2019). Not much came of this initiative, although its logics were reflected in various other Lebanese return plans and practices.

Civil Society – Constraining Return Migration

³⁵ verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

³⁶ verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

³⁷ verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

³⁸ Informal conversations with international refugee protection expert – Summer 2024

³⁹ interview notes, protection expert for international organization, Teams, 29 February 2024

⁴⁰ informal conversations with international refugee protection specialists, Summer 2024

A wide range of Lebanese, Syrian, and international NGOs and human rights organizations continuously emphasizes the illegal nature of Lebanon's various return modalities and their undercutting of refugee protection standards (see section 4.3. for more details). These organizations thereby try to constrain the current forms of return, which they see as involuntary, unsafe, and undignified and thereby premature and instead argue for alternative durable solutions – such as resettlement –, continuous temporary stay, and truly voluntary returns.

This 'civil society' consists of Syria-based organizations; refugee-led organizations inside Lebanon; Lebanese rights organizations and humanitarian and development NGOs; and international human rights organizations and refugee organizations (RPW, 2022).

Smugglers

A final relevant category of actors in terms of return migration are those individuals and networks engaged in helping refugees irregularly cross the border from Syria to Lebanon, often after refugees have returned 'voluntarily,' been deported, or pushed back. Little is known about the identity and modus operandi of these 'smugglers' other than that they are routinely referred to as comprising a significant 'business' and probably being heavily embedded in both Syrian and Lebanese security agencies involved in the 'hand over' of refugees described above in section 4.1.3 (Kalam, 2022; Ezzi, 2002; ACHR, 2023).⁴¹ Without them, however, returns and re-returns would likely occur in different ways.

Return Migration Practice

As the above sections have established, Lebanon's return migration governance is not guided by traditional forms of policy – official, written laws and government decisions with technical and administrative implementation protocols – per se, but rather by a combination of political proposals and plans that have only been partially followed through in a highly securitized and informal return ecosystem in which we identified four main return modalities. This is perhaps most evident when it comes to the modality of *self-organized individual returns*. Here a continuum of municipal and national practices serves to create consistent marginalization that functions as an all-encompassing push factor (Fakhoury, 2020; RPW, 2021). Most recently, to give but one example, there has been confiscation of water tanks for refugees to get clean water, or solar panels for electricity by a mix of security agencies, political parties and municipal agencies (Fakhoury, 2020).⁴²

Such policies and practices towards socio-economic marginalization and irregularization are legitimized by Lebanese politicians' scapegoating Syrians for all the country's woes. Such largely unsubstantiated hate speech has led to increased intercommunal tension and subsequently to local vigilante politics and measures to evict and expel Syrians locally that in turn feed into national return incentives (ACHR, 2022; Euromed rights, 2021; PAX, 2022; Fakhoury, 2020). This has been further bolstered by Lebanese religious authorities framing return as a 'sacred right' and calling on Syrian communities to go back to Syria (Fakhoury and Ozkul, 2019). This amalgamation of practices that constitute push factors – irregularization and undercutting protection and access to services and livelihoods, repressive measures like

⁴¹ verbatim transcription, refugee expert for international organization, Teams, 23 January 2024 / interview notes, ministerial representative, in-person, 20 December 2023

⁴² verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

curfews, raids, arbitrary detention – are considered by experts to constitute a ‘de facto’ policy.⁴³

When it comes to *facilitated group returns* organized by General Security, these same push factors come into play and are accompanied by the informal ‘recruitment’ of Syrians for these voluntary return convoys that have attracted increasingly less ‘volunteers.’ The practices surrounding the registration for such voluntary returns, moreover, are opaque and often change, with many people who signed up indicating that they are not aware of the precise procedures and implications. This return modality, moreover, reportedly was highly dependent on the personal stature of and the relations between the main security commanders on Lebanese and Syrian side and has changed when these were replaced.⁴⁴ It is particularly unclear how and on what ground Syrian people in Lebanon that register are, or are not, ‘cleared’ for return by Syrian authorities (Fakhoury and Ozkul, 2019). This also holds for the ‘return programs’ operated by various political parties, Hezbollah and the Free Patriotic Movement specifically, preceding facilitated return by GSO (Fakhoury and Ozkul, 2019).

Individual returns may also have been stimulated by UNHCR ‘go-and-see visits’ to Syria and their financial support for returnees.⁴⁵ Other initiatives in Syria, such as the UN’s Area-Based Return Support (ABRS) initiative,⁴⁶ are also evaluated as potential pull factors for return.⁴⁷ This involves evaluating areas that individuals are already returning to. The same goes for increasingly expansive understandings of early recovery support in Syria (Syria in Transition, 2024).

When it comes to *deportations*, as described above in section 4.1.2, some deportations follow specific procedures outlined in law or policy. Mostly, however, such deportations are extra-legal, informal, and ad hoc. Syrians in Lebanon that do not have a residency permit, which means the vast majority of all Syrians in the country, also face increasing arbitrary arrests and detention often enacted through raids on camps or residences or through apprehensions at checkpoints. UNHCR registration offers no solace in such instances (ACHR, 2022; Orient Net, 2023). Such arrests might either lead to direct deportation or contribute to push people to return on their own account.

When it comes to *pushbacks*, these are in some instances part of broader policy reflected in Lebanon’s entry and stay regulations pertaining to people from Syrian. Considering the absence of an asylum system for Lebanon, however, such non-entrée measures are often extralegal.

Drivers of Return Migration Governance from Lebanon to Syria

Interests Driving Return Migration Governance

The different actors described above have different interests in supporting or cautioning different modalities of return at different moments of time. Many of these interests have already been explicitly and implicitly mentioned in the above. In this section, they will be

⁴³ verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

⁴⁴ verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

⁴⁵ interview notes, protection expert for international organization, Teams, 29 February 2024

⁴⁶ verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

⁴⁷ interview notes, protection expert for international organization, Teams, 29 February 2024

briefly reiterated along with an analysis of the ways in which domestic and external interests are intertwined.

Domestic

Lebanon's political actors as represented in its state institutions are notoriously conflictual and the country's political institutions are characterized by deadlock, paralysis, and crisis. There is one thing, however, these actors agree on and this is the necessity of refugee return. Return has been considered the only durable solution from the start of the Syrian refugee crisis and the call for return has become ever more prevalent. In calling for such return, Lebanese actors point to a wide array of issues. These include security and stability concerns, connecting refugees to terrorist infiltration and organized as well as petty crime (Fakhoury and Stel, 2023). Concerns also relate to political and nationalist considerations, pointing to the risks of upsetting the sectarian demographic balance that has, barely, upheld post-Civil War calm in Lebanon and the threats to Lebanon's unique cultural make-up (European Parliament, 2017). Socio-economic issues – competition over scarce resources, livelihoods, services, and jobs – also underpin calls for return (Içduygu and Nimer, 2020). Over the last decade, Syrian refugees in Lebanon have been utterly securitized and their presence in the country is now painted as an existential threat to Lebanon.

One of the main interests of Lebanese authorities to call for return is the fact that they have so systematically scapegoated Syrian refugees for the countries coalescing crises to divert attention from their own corruption and failure that demanding return is the only consistent political option available to them (Amnesty International, 2023). Respondents indicated that the various policies, initiatives, and practices to encourage and initiate the various return modalities discussed in this dossier mostly serve a domestic purpose of avoiding scrutiny and accountability for political leaders' own mismanagement and follow populist logics to appease a public that has been systematically indoctrinated by their leaders' xenophobia.⁴⁸ Such interests have only been fueled by the financial and economic crises Lebanon faces and current regional violence. Different actors – ranging from ministers, governors, mayors, and security agencies – have their own internal logics and motives to play this 'refugee return card' at various times. As demonstrated by the peak in deportations in April-May 2023 (see BOX1), such interests tend to spike in times of elections (municipal, presidential, parliamentary) where Lebanese authorities aim to demonstrate a capacity to enforce the refugee return that is so coveted as well as the ties with Syrian authorities that are needed to make returns happen (Euromed rights, 2021).

This also illustrates how domestic political incentives driving return are tied to regional geopolitics, where the preferred modalities of return and partners for return are dependent on Lebanese actors' geopolitical affiliations (Euromed rights, 2021; Middle East Institute, 2019; Fakhoury and Ozkul, 2019; Fakhoury, 2020; İçduygu and Nimer, 2020). Whereas some parties insist of the central role of UNHCR in a tripartite format for return, others promote direct bilateral return coordination with the Syrian government. Where refugee return was initially something most heavily promoted by those Lebanese actors seen as close to Syria and Iran and Russia as a way to legitimize the Assad regime, by now the call for refugee return has become common across the political spectrum.

⁴⁸ verbatim transcription, diplomat, Teams, 24 January 2024; verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

At the same time, interlocutors also observed that Lebanon significantly economically benefits from the Syrian refugee presence, both through the extensive international aid provided not just to refugees but also to Lebanese state institutions and host communities affected by the refugee presence as well as the exploitation of Syrian labor.⁴⁹ Lebanese authorities vehemently deny that such economic benefits match the costs the country has incurred in bearing the ‘burden’ of hosting Syrian refugees. Some observers, however, nevertheless suggest that Lebanon has more interest in *calling* for refugee return than in *actual* refugee return. This might ironically particularly regard those actors close to Syria, as they have to walk the fine line between accommodating domestic popular calls for refugee return and appeasing the ambivalence of Syria vis-à-vis large-scale return.

External

In addition to domestic concerns, Lebanese authorities point to developments inside Syria to legitimize their interest in return. Since the regime regained the upper hand in conflict since 2016, they have emphasized that Syria is safe for return for most refugees (those not personally and publicly invested in political opposition), a call that has only been strengthened since (Fakhoury, 2020; HRW, 2022). In 2022, Lebanon’s minister for displaced persons declared that ‘the war in Syria is over and Syria is safe.’ (PAX, 2022). A peak in returns in 2018/2019 was also associated with (professed) stabilization within Syria.⁵⁰

Yet regardless of security developments, refugee return requires at least acceptance and ideally support of Syrian authorities. As we noted in section 4.1.4, such support is highly ambivalent. Syria, with Russian support, organized various international conferences to put return on the agenda.⁵¹ Officially, it welcomes return and gives formal guarantees and safeguards for returnees (Skynews, 2023; Middle East Monitor, 2023).⁵² At the same time, such public promises have often not been seen through on the ground and most practical barriers to return, such as imposing fees on people who return, have not been addressed; many prospective returnees have not been ‘cleared;’ and a lot of actual returnees, even those ‘cleared’ (i.e. having received security guarantees), have faced persecution to the extent that it has become an obvious disincentive for other refugees to consider return.⁵³

This ambiguity is illustrated by the intricate ‘reconciliation’ process for Syrian people abroad to ‘clear’ their security file that the Syrian government has put in place since 2016, supposedly to enable return, which they present as ‘reconciliation’ (OCHA, 2024: 12-23; see section 4.1.1). As noted, this process is opaque and does not provide returnees with any actual guarantees either in writing or in reality. Some respondents therefore consider this process, which requires significant fees from prospective returnees, as a way to make money for the regime rather than a genuine investment in facilitating return. In any case, Syrian authorities are eager to gatekeep returns and are very selective about who they allow to return – often either people specifically ‘wanted’ by the government (which are allowed to return only to be apprehended) or those they see as harmless.⁵⁴

⁴⁹ verbatim transcription, international policy maker, Teams, 12 February 2024

⁵⁰ interview notes, protection expert for international organization, Teams, 29 February 2024

⁵¹ interview notes, protection expert for international organization, Teams, 29 February 2024

⁵² verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

⁵³ verbatim transcription, UNHCR, Zoom, 19 February 2024; verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

⁵⁴ interview notes, protection expert for international organization, Teams, 29 February 2024

Syrian authorities' interests in return, then, are complex and perceptions on the extent to which and ways through which the Syrian government would welcome return of refugees vary extremely among stakeholders. On the one hand, return of refugees could signal international legitimacy for the regime and its victory over the opposition (Euromed rights, 2021; Middle East Institute, 2019). The consolidation of the Assad regime, however, is ever less disputed and refugee return thus becomes less of an interest to demonstrate this. Recently, respondents understand Syrian interests to enable or undermine refugee return as a 'bargaining chip' to exchange for funds for reconstruction and international recognition.⁵⁵

Indeed, the promise – if not (yet) realization – of significant refugee return has featured prominently in Syria's recent return to the Arab League, which was understood as a deal in which Arab states recognized the regime's continued supremacy and reestablished ties in exchange for the Syrian government's efforts to control captagon trade and facilitate refugee return. So far, Syria does not seem to have followed through on its side of this 'bargain,' however. Many observers consequently argue that the Syrian government is not in favor of large-scale return because it fears return of opposition; is involved in demographically re-engineering Syria and hence has no appetite for the return of largely Sunni communities; or because it does not have the economic resources to provide services and livelihoods to current residents let alone returnees.⁵⁶

In addition to the interests of the host and home countries, respondents referred to the significance of considering the interests of international organizations relevant to return, specifically UNHCR. In this regard, some interlocutors suggest that in order to ensure their condonement by host governance authorities and maintain their relevance to donors – and hence funding – UNHCR is eager to take a leading role in return and push for a 'constructive' position on return.⁵⁷

Capacities for return migration governance

Internal

The lack of capacity of the Lebanese state to return refugees is a recurring theme, in addition to supposedly ambivalent interests in returning Syrian refugees.⁵⁸ Due to the financial crisis in the country and the related lack of state resources, Lebanese authorities are seen as unable to organize large-scale return. As described, there have been return facilitation programs as well as various forms of forced deportation, but these are emphasized as relatively small in scale. Lack of financial and operational resources of the state actors and security agencies involved and the absence of a legal or institutional infrastructure to organize return are relevant here (Fakhoury, 2019; Jagarnathsingh, 2019). This is exacerbated by an extremely porous border that Lebanese state authorities cannot control (Jagarnathsingh, 2019), meaning they have a hard time preventing (re-)entries.

An infamous lack of registration of Syrian refugees, which means Lebanese authorities apparently have no centralized, systematic overview of Syrians currently in the country,

⁵⁵ verbatim transcription, diplomat, Teams, 24 January 2024; verbatim transcription, UNHCR, Zoom, 19 February 2024

⁵⁶ verbatim transcription, ministerial representative, in-person, 21 December 2023; verbatim transcription, international policy maker, Teams, 12 February 2024

⁵⁷ verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

⁵⁸ verbatim transcription, international policy maker, Teams, 12 February 2024

further impedes capacities for return.⁵⁹ Here, efforts to collect biometric data at the borders (Jagarnathsingh, 2019), arrangements for municipal registration, a new program to smoothen birth registration for Syrians in Lebanon,⁶⁰ and negotiations with UNHCR about sharing data about refugees⁶¹ have all been initiated with reference to their necessity for planning for future large scale return. Importantly, however, some analysts also caution not to take such lack in capacity at face value. They point out that security agencies may have a much better overview of Syrians in the country than formal registration records or public statements let on.

External

When considering capacities for refugee return, the Syrian context is crucial. The socio-economic as well as security situation in Syria is extremely dire. This impedes voluntary return and even incentivizes further out-migration (also to Lebanon). Syrian practices of persecuting and harassing Syrians, also and sometimes especially those who returned, often despite guarantees to the contrary, belie formal claims of the Syrian regime that it encourages return. Fragmentation between Syrian civil and security state institutions as well as among the wide array of Syrian security services further impedes any form of coordination with Syrian authorities on safety guarantees for returnees (even if there would be the political will to do so).

Lebanese and Syrian authorities seem to specifically look to UNHCR and its donors when it comes to building return capacity.⁶² As long as these agencies are unwilling to finance and organize return, return capacities are therefore minimal. This works directly, but also indirectly: the fact that major potential donors (Gulf countries, EU, US) do not want to fund rebuilding and reconstruction can also be seen as an important lack of capacity for return. Lebanese officials encourage the humanitarian funds that are going to support displaced Syrians, to focus on ‘human development’ within Syria, as ‘a great tool for building a future Syria’⁶³ in the form of basic health, basic education and services for them to return.⁶⁴ Such contestations on the ways in which humanitarian, development, and reconstruction aid in both countries affect the political economy of refugee return were a recurring theme among experts, who agreed that aid allocation would drive return in important ways.

Role of the EU in relation to the governance of return migration from Lebanon to Syria

We will use this section to provide an overview of the main EU actors concerned with refugee return from Lebanon to Syria and outline their relevant interests and capacities to explore to what extent and in what way the EU – implicitly and explicitly, directly and indirectly, consciously and unconsciously – shapes regional refugee returns in this case.

⁵⁹ interview notes, ministerial representative, in-person, 20 December 2023; verbatim transcription, ministerial representative, in-person, 21 December 2023

⁶⁰ verbatim transcription, ministerial representative, in-person, 21 December 2023

⁶¹ verbatim transcription, ministerial representative, in-person, 21 December 2023

⁶² interview notes, ministerial representative, in-person, 20 December 2023; verbatim transcription, ministerial representative, in-person, 21 December 2023

⁶³ verbatim transcription, ministerial representative, in-person, 21 December 2023

⁶⁴ verbatim transcription, ministerial representative, in-person, 21 December 2023; verbatim transcription, UNHCR, Zoom, 19 February 2024

The EU is an immensely complex assemblage that can hardly be considered a unitary actor. ‘EU’ policy, politics, or diplomacy is therefore in practice always fragmented, dynamic, and inconsistent. In navigating geopolitical interests and stated moral commitments, such diplomacy, moreover, became increasingly more ‘informal, local and pragmatic’ and less ‘legally binding and formal’ (Fakhoury, 2020: 7). In the below, we nevertheless aim to highlight the main considerations and positions on refugee return both of and within the EU.

The extent to and ways in which the EU drives return migration governance in Lebanon and Syria follows from an extensive migration diplomacy process, where such impact takes the shape of carrots and sticks in terms of funding, issue linkage, and political support or critique. Such diplomacy emerges through, for instance, bilateral meetings between Lebanese state actors and EU representatives (ambassadors and delegation heads); mutual country visits by relevant institutions; and international conferences such as the EU-organized Brussels Conferences for the Future of Syria and the Region or the Global Refugee Forum.⁶⁵

The following EU actors appear most relevant in EU migration diplomacy regarding refugee return from Lebanon to Syria. First, there are the EU institutions: the European Parliament and various relevant departments of the European Commission – most notably DG-HOME (on migration), DG-NEAR (on neighborhood policy), and DG-ECHO (on humanitarian aid) – that operate in Brussels, but also have representation (specifically in the case of DG-ECHO) in Lebanon and Syria. In addition, the EU’s external action service, responsible for EU foreign policy, plays an important role through its high representative and its delegations to Syria and Lebanon, both based in Beirut. Second, there are the member state institutions, both governments and ministries of foreign affairs at home and their embassies in Lebanon – of which major donors to Lebanon (France, Germany, the Netherlands) appear dominant.

Because Lebanon does not have the independent capacity to return people, they consider themselves dependent on the western donors – amongst which the EU – to realize return on any significant scale. In its 2020 National Return Plan and in virtually all other communication with the EU, at the Brussels Conferences and on the Beirut level, Lebanon asks the EU to endorse and ideally facilitate returns through, first, reallocating refugee support to Syria and thereby incentivizing the Syrian government to facilitate return and, second, declaring parts of Syria safe for return to open the way for UNHCR to coordinate such return (Fakhoury and Stel, 2023; Lebanese Republic Ministry of Social Affairs, 2020; ACHR, 2019).⁶⁶ As we elaborate below, Lebanon has been increasingly outspoken in demanding this, referring to stabilization in Syria and crisis in Lebanon to ask the EU to reconsider its rejection of return.⁶⁷

Lebanon’s partners and donors officially have not heeded those calls. The EU’s official position – reiterated on many occasions (Delegation of the European Union to Syria, 2024; European Union External Action, 2023) – remains that conditions for safe, voluntary, dignified, and informed return are not in place and depend on a political transformation inside Syria as proposed in UNSC Resolution 2254 (Fakhoury and Ozkul, 2019). This means that while EU institutions take an agnostic position vis-à-vis self-organized individual returns they will not endorse or support facilitated group returns (although they tend to admit their voluntariness

⁶⁵ interview notes, ministerial representative, in-person, 20 December 2023

⁶⁶ interview notes, ministerial representative, in-person, 20 December 2023

⁶⁷ interview notes, ministerial representative, in-person, 20 December 2023; verbatim transcription, UNHCR, Zoom, 19 February 2024; verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

and hence their potential legitimacy) and denounce deportations and pushbacks (although mostly not publicly) and in general refrain from engaging with any plan for large scale return.⁶⁸ Thus, while the EU sees refugee return as a desirable durable solution to Syrian displacement, this is only the case under certain conditions that are not (yet) met (European Parliament, 2017).

This positioning should be situated in the larger context of the EU's external migration policy which is defined by externalization and containment under the paradigm of 'hosting in the region' where humanitarian, development, and security aid to partner countries is instrumentalized in service of preventing onward movement of refugees and migrants towards Europe (Jagarnathsingh, 2019). Since 2011 (and up until the 2024 'deal' – see BOX2 below), the EU claims it has provided over 3 billion Euros to Lebanon, which it considers 'a key partner in managing migration from a distance,' largely to assist hosting Syrian refugees (Fakhoury, 2020; Forster and Knudsen, n.d.; Seeberg, 2017; RESPOND, 2018). This externalization logic also determines the EU's de facto positioning towards durable solutions for the Syrian refugee crisis: EU countries enable only very minimal resettlement – merely 2800 people were invited to relocate from regional host countries to European countries in 2023 (PAX, 2024). As long as return is not a viable solution either, this leaves only integration. Because such integration is adamantly rejected in Lebanon (see section 3.2), the situation of Syrian refugees in Lebanon over the last decade has by and large evolved into a paradoxical condition of protracted temporary hosting that Lebanese actors increasingly perceive as badly disguised de facto integration and that therefore becomes ever more untenable.

Such deadlock is widely recognized by our respondents, which admit that the EU does not seem to have anything to offer to Lebanon beyond endlessly rebranding and repackaging the same de facto deal of money in exchange for continued hosting. In the words of one Lebanon-based expert we interviewed:

The policy, from my view, and I'm sorry to be so cynical, the policy is obviously: plough more money in so people stay. Now, whether that's in host countries or in Syria, I don't care. They just stay in the region. [...] It's containing. It's not really solving... There is no durable solution. There is just: 'Let's try and keep them happy as much as we possibly can so that less of them are coming our way.' So that's unfortunately where we stand. So there isn't a real discussion around actual durable solutions for people that are the most vulnerable.⁶⁹

The EU faces increasing pressure from Lebanon to enable return. This comes in a general context of growing fatigue with the lack of progress regarding a political settlement in Syria and hence the increasingly protracted nature of the crisis and diminishing prospects for any durable solution. As a result, while the EU's official position remains unchanged, much is apparently in motion behind the scenes. This also entails ostensibly growing divergence in the position of EU member states on regional refugee return. Some are perceived by Lebanese authorities as 'more pragmatic' or 'more understanding' of the situation of Lebanon (such as Mediterranean countries and those who do not want to receive migrants themselves), meaning they are open to pushing for more return. Others are described by Lebanese authorities as more 'blocked in their views' or 'hardline' (such as Germany, France, Belgium, and the Netherlands), meaning they refuse to soften on conditions for return.⁷⁰ In general, the 'refugee file' and the 'return question' are highly affected by the position country hold on Syria. Many

⁶⁸ verbatim transcription, international policy maker, Teams, 12 February 2024

⁶⁹ verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

⁷⁰ verbatim transcription, UNHCR, Zoom, 19 February 2024

countries restarted diplomatic ties with Syria, which regional host countries such as Lebanon interpret as a first step, a necessary but an insufficient condition, for return.⁷¹ In tandem, humanitarian experts in the region observe, over the last year, a tendency to start thinking about, planning for, building capacity towards future returns has emerged among donors and international organizations.⁷²

These intra-EU dynamics were fueled by regional rapprochement with Assad, described in section 4.1.4, that fueled expectations that the normalization with Assad would enable Gulf funding for reconstruction (via the UN) that would drive larger-scale return and Syrian authorities' agreement with such return, which was represented in the Amman Declaration and the Jordan return pilot.⁷³ In the wake of this, in Spring 2023 (around the time of the Brussels VII Conference), there seemed to have been an increasing appetite to start talking and thinking and planning on return 'in the future' to move away from protracted funding obligations and deter onward movement to Europe.⁷⁴ From an EU perspective, the focus seems to have been on encouraging Arab, specifically, Gulf countries to take the lead and make a 'deal' on return that the rest of the international community might then cautiously eventually support in the form of UNHCR involvement.⁷⁵

Hamas' 7 October 2023 terrorist attack and Israel's subsequent 'plausibly genocidal' (Amnesty International, 2024) response have since directed priorities in the region elsewhere.⁷⁶ But experts expect that the previous momentum they saw for increasing pragmatism in terms of talking about and planning for future regional refugee return despite unrelenting adverse realities in Syria will inevitably resurface.⁷⁷ Thus, while EU actors maintain that there is no 'crack in the EU position',⁷⁸ it has become obvious that different member states have different Syria and Lebanon policies which imply different degrees of de facto support for returns from Lebanon to Syria. Such shifting positions are often fed by the domestic priorities of such countries to prevent 'new arrivals' and align with tendencies to endorse or condone returns.⁷⁹ While some member states maintain they are not afraid to be blackmailed through 'weapons of mass migration' because they are confident that Lebanon is too dependent on their aid to do this successfully, other member states do seem susceptible to threats that if return is not endorsed, more onward migration will be pushed by Lebanon.⁸⁰

⁷¹ verbatim transcription, UNHCR, Zoom, 19 February 2024; verbatim transcription, diplomat, Teams, 24 January 2024

⁷² verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

⁷³ verbatim transcription, displacement expert for international organization, Teams, 27 February 2024

⁷⁴ interview notes, protection expert for international organization, Teams, 29 February 2024

⁷⁵ verbatim transcription, diplomat, Teams, 24 January 2024; verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

⁷⁶ verbatim transcription, diplomat, Teams, 24 January 2024; verbatim transcription, international policy maker, Teams, 12 February 2024; transcription, refugee expert for international organization, Teams, 23 January 2024

⁷⁷ verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

⁷⁸ verbatim transcription, international policy maker, Teams, 12 February 2024

⁷⁹ verbatim transcription, diplomat, Teams, 24 January 2024

⁸⁰ verbatim transcription, diplomat, Teams, 24 January 2024

Box 2 → THE EU-LEBANON ‘DEAL’

The EU’s new aid package to help Lebanon with the hosting of Syrian refugees illustrates the core tenets of the EU’s positioning towards the Syrian refugee crisis: the prioritization of containment in ‘the region’ on the one hand and an implicit shift towards condoning or supporting return on the other.

On 2 May 2024, President of the European Commission Ursula von der Leyen visited Lebanon to announce a new 1 billion Euro aid package for Lebanon to help the country provide services to refugees and host communities, ensure reforms, and strengthen border control. This announcement had much of the same characteristics as previous EU ‘migration deals’ with Turkey, Tunisia, Egypt, and Mauritania. It followed a sharp increase in arrivals of Syrian people in Cyprus. Cyprus then took this up with Lebanon, which indicated that it needed more support for border control and an acknowledgement that parts of Syria were safe for refugee return, thereby suggesting that less onward movement to Cyprus would depend on more facilitation of return to Syria. Cyprus subsequently lobbied the EU for such an arrangement, generating support from various EU member states (notably Denmark, Hungary, and the Czech Republic) as well as EU commissioners (Margaritis Schinas).

While the statement by Von der Leyen that announced the aid package did not explicitly state that Syria or parts of it were safe for return, it did state that the EU would explore ‘how to work on a more structured approach to voluntary returns to Syria, in close cooperation with UNHCR’ and indicated that ‘there needs to be strengthened support from the international community, for humanitarian and early recovery programs in Syria’ (European Commission, 2024).

In the context described in this report, this indicates a softening of the EU’s official position that there can be no support for refugee return unless the 2018 UN thresholds have been met and will almost certainly be interpreted by Lebanese authorities as the tacit green light they need to continue their dual policy of hard and soft deportation (ACHR, CLDH and PAX, 2024). This is further substantiated by the fact that both Lebanese caretaker prime minister Mikati and Cypriot president Christodoulides did explicitly reiterate that Syria was safe for return when announcing the agreement and were not corrected by Von der Leyen.

Lebanon’s strategy of pushing the international community to gradually erode the criteria for allowing or supporting refugee return to Syria regardless of realities on the ground in Syria thus seems to have culminated in this new ‘deal,’ which is currently being operationalized and will likely entail significant additional funding for UNHCR to facilitate return (ACHR, CLDH and PAX, 2024; PAX, 2024).

In essence, then, the EU appears to influence refugee returns from Lebanon to Syria through its financing logic. This entails structural implicit conditionalities and occasional explicit conditionalities. The EU’s vast financial support for Lebanon’s hosting of refugees is at least implicitly conditioned on preventing onward movement on the one hand and on upholding minimal principles of non-refoulement on the other (Council of the EU, 2022; Fakhoury and Stel, 2022). In combination with rejecting the idea of investing in reconstruction in Syria, the EU in this way disincentivizes return from Lebanon to Syria – both because there are less pull factors for individual returns and because Lebanese authorities are constrained in forced

returns. As noted above, however, the decrease in readiness to fund Lebanon's hosting of Syrian refugees might incentivize shifts towards quietly endorsing returns as the alternatives – resettlement and continued-hosting/integration – are ever more openly vetoed by the EU and Lebanon respectively (Fakhoury and Stel, 2023).

In addition to Lebanon's general dependence on EU funding that comes with the overall understanding that it cannot too consistently fly in the face of the EU's position against forced or collective return, the EU intervened, in some cases, through different forms of 'silent diplomacy' to prevent specific deportations or stop particular instances of deportation. A good example here is the April-May 2023 peak (see BOX1), when international actors apparently threatened LAF with funding cuts if it would continue with deportations and advocated for General Security to take over the file again.⁸¹

Three caveats are crucial here, though. First, such interventions may help to stem especially blatant forms of collective coerced return, but do not prevent ongoing individual and furtive forms of deportation. Observers note that decreases in one return modality are often offset with increases in other modalities. Since April-May 2023, for instance, some observed a shift from deportations to pushbacks.⁸² The results of such EU interventions, then, seem more cosmetic than substantial, generating shifts in the visibility or modality of return rather than in the ultimate intention and direction of Lebanese return policy and practice.⁸³ Even more so as such interventions are highly circumstantial. For instance, while threats to cut funding to LAF appear to have been effective in halting visible deportations in particular instances, EU leaders have since then in fact explicitly committed to more support to LAF, despite risks of future human rights violations (Council of the EU, 2024; European Council, 2024). Second, due to increasingly flagrant violations of international refugee law by EU member states themselves, the EU loses much moral or political leverage towards regional host states, some interlocutors pointed out.⁸⁴ Third, and related, some sources suggest that these realities of decreasing funding actually at times operate as an incentive for Lebanese authorities to threaten with or actually implement deportations to maintain their relevance in competition over funds and 'blackmail' EU actors in this way.⁸⁵

The EU's impact on refugee returns from Lebanon to Syria is thus paradoxical. Officially and publicly, it uses its financial clout to disincentivize all modalities of return. In practice, it places the geopolitical prioritization of containment of refugees in the region over commitments to condition aid to its 'partners' for such regional hosting on respect for the UNHCR's thresholds and parameters for return. In combination with their own track record in meeting international refugee law, this severely undermines formal commitments to safe, voluntary, dignified, and informed return.

⁸¹ verbatim transcription, international policy maker, Teams, 12 February 2024

⁸² verbatim transcription, diplomat, Teams, 24 January 2024

⁸³ verbatim transcription, diplomat, Teams, 24 January 2024

⁸⁴ SNIS project - Tracing Syrian Refugee Return Dynamics across South/North Divides: The Interrelatedness of European Repatriation Decisions and Regional (Non-)Refoulement. Accessible from: <https://snis.ch/projects/tracing-syrian-refugee-return-dynamics-across-south-north-divides-the-interrelatedness-of-european-repatriation-decisions-and-regional-non-refoulement/>

⁸⁵ verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

Consequences of Return Migration Governance from Lebanon to Syria

The governance of return migration from Lebanon to Syria is highly informal, fragmented and ad-hoc. While Lebanese political actors publicly voice clear and increasing commitment to enforce return, their formal policies are not successfully implemented. Instead, a wide array of practical return modalities varying in degree of coercion complement a blanket de facto policy of encouraging return through imposing marginalization and irregularization. UNHCR and the EU currently do not officially support or facilitate return and provide funding for continued hosting of refugees in Lebanon and at times intervene to halt or prevent particular deportations. At the same time, in the context of an overarching EU external migration policy that prioritizes containment over protection, these actors have failed to counter the extreme socio-economic marginalization and legal irregularization that produce the push factors for premature ‘voluntary’ return and the pretexts for coerced deportation (Fakhoury and Stel, 2022). There are concerns that in the context of a new EU-Lebanon agreement more UNHCR support for less conditional return will be announced. In this section, we outline the multidimensional consequences of this particular form of return migration governance.

Consequences for regional return migration

Legality (protection and non-refoulement)

When reflecting on the legality of current refugee return governance, we address two core issues: protection and non-refoulement. In terms of protection, the way in which Lebanon currently governs refugee return undermines Syrian refugees’ protection situation severely. This relation between return and protection can best be understood as a mutually reinforcing race to the bottom. On the one hand, refugee rights are systematically curtailed to socio-economically ‘encourage’ and legally legitimize return in various forms. On the other hand, Lebanese authorities’ relentless reiteration that return is possible, desirable, and already undergoing serves as a pretext to undercut refugees’ protection space even further, for instance by criminalizing (local) organizations that support refugees. This in turn inspires many of the ‘grassroots’ initiatives evicting, harassing, and arresting refugees.

In terms of non-refoulement, what is at stake is the guarantee that people are not returned against their will if they have a reasonable fear of persecution. Relevant international institutions maintain that Syria is not safe (European Parliament, 2023; PAX, 2022; The Tahrir Institute for Middle East Policy, 2023).⁸⁶ Because Syrian people in Lebanon are considered refugees by UNHCR, as per the *prima facie* logic of this understanding, they are likely to have a fear to return. In the eyes of legal experts, therefore, until the contrary (that in the case of a specific individual there is no longer such a risk of persecution) is proven, then, every form of coerced return in this context is potential refoulement. This is because refoulement does not entail the *actual* persecution having taken place (which would be an after the fact assessment), but the *likely prospect* of such persecution (which thus operates predictively).

In this particular situation, then, the core contention is whether return is truly ‘voluntary.’ This is highly disputed and varies per return modality. *Self-organized individual returns* are voluntary in name, but, as detailed throughout, are clearly the result of either extreme socio-

⁸⁶ interview notes, protection expert for international organization, Teams, 29 February 2024

economic push factors and the systematic undercutting of any legal or social protection for refugees and might therefore better be understood as a form of ‘self-deportation’ (Jagarnathsingh, 2019; ACHR, 2019; PAX, 2022). *Facilitated group returns* are also officially voluntary, but rights organizations have raised concerns about the degree of pressure put on people by either security agencies or local authorities or family members (al-Mahmoud, Ibrahim, al-Issa, 2022).

Deportations and *pushbacks* are by definition not voluntary (Amnesty International, 2023; Lebanese Centre for Human Rights, 2023) even if Lebanese authorities sometimes claim the contrary and attempt to uphold such claims by making deportees sign voluntary return forms (Fakhoury and Ozkul, 2019). In the absence of individual assessments of fear of persecution or any form of due process (Jagarnathsingh, 2019) as well as a systematic monitoring of return at the border,⁸⁷ rights organizations consider deportations as cases of potential refoulement (Amnesty International, 2023; The Tahrir Institute for Middle East Policy, 2022; ACHR, 2021) and therefore a violation of Lebanon’s obligations under international law, specifically the Convention Against Torture to which it is a signatory (ACHR, 2022; ACHR, 2021b). International organizations and diplomats are more reluctant to come to this conclusion. An international protection specialist reflected: ‘In any case, we repeat the situation in general is not conducive [for return], so then that’s reason enough. But there is no straightforward answer here. But, indeed, the Lebanese government and the EU are clear that non-refoulement is an issue that needs to be taken into consideration.’⁸⁸

In summary, then, returns from Lebanon to Syria are by and large not really voluntary, either coerced indirectly or directly (RESPOND, 2018; The Tahrir Institute for Middle East Policy, 2023).⁸⁹ An international protection expert concluded:

Now, when you sit down with ministers here, you sit down with the key stakeholders that are going to parliament and do have kind of a stake in this, and that's all decision-making authority, and you say to them: ‘The war in Syria is not over. What do you do with people that don't have a house, don't have livelihood, or are afraid of political persecution or military conscriptions?’ They don't have an answer for you. They don't have an answer for you. But really, generally, they don't see it as their problem. They see it as a problem of the international community to look at that on Syria's side.⁹⁰

Due to the complex and highly informal and securitized organizational dynamics of return and Lebanon’s dysfunctional legal system, it is very hard to hold anyone to account for such violations. To illustrate, the 2019 decision by the High Defense Council that was used a pretext for thousands of deportations was broadly regarded as illegal and undermining protection and non-refoulement principles but has not been revoked (different petitioning organizations, 2019; Fakhoury and Stel, 2023; Forster and Knudsen, n.d.). International community representatives follow-up specific individual cases or instances, but have not successfully addressed the structural administrative and legal infrastructure that enable coerced return. The EU, for instance, approached the Lebanese authorities and enquired about cases of harmed or disappeared returnees and, according to a ministerial representative, also asked

⁸⁷ interview notes, protection expert for international organization, Teams, 29 February 2024

⁸⁸ interview notes, protection expert for international organization, Teams, 29 February 2024

⁸⁹ interview notes, protection expert for international organization, Teams, 29 February 2024

⁹⁰ verbatim transcription, refugee expert for international organization, Teams, 23 January 2024

them for names in order to enquire further with the Syrian authorities, but when their requests were not met, there was no follow-up on the matter.⁹¹

Im/mobility (re-returns)

We also explore the consequences of Lebanon's governance of refugee return to Syria in terms of circularity, i.e. whether refugees that have returned to Syria remained there or 're-return' to Lebanon. While reliable statistics are absent, it appears that – for all the reasons outlined in this report – returns from Lebanon to Syria are relatively minimal. Many if not most people that do return (both those that went 'voluntarily' and those deported) re-enter Lebanon irregularly afterwards (OCHA, 2024: 2). Although such re-entry is officially prevented by Lebanon's strict post-October 2014 entry regulations, this development is enabled by the porosity of the Lebanese-Syrian border and the burgeoning human smuggling industry developing there (PAX, 2022). Most people who 'voluntarily' returned regret going back and indicate they were misinformed about the situation in Syria.⁹² Only 30% of them would recommend others to return and over half of them were actively looking to leave Syria again (RPW, 2021; PAX, 2022).

Diplomacy (Syrian-Lebanese relations)

Return migration governance might also affect relations between the countries affected. As we have observed throughout the report, refugee return to Syria is a source of domestic, regional, and international (geo-)political leverage that allows Lebanese authorities to position themselves vis-à-vis the Syrian government, regional power blocs, and international donors (Fakhoury, 2020). The 'refugee file,' including the 'return question' have been highly politically instrumentalized. Domestically, this was to divert attention away from Lebanese authorities' responsibility for the many crises the country is facing. Internationally, Lebanese political actors have sought to leverage their role as a host country containing refugees for European states into funding and continued support for their rule.

In its bilateral relations with Syria, up until roughly 2020 different Lebanese political actors used the issue of refugee return to position themselves towards Syria in different ways. Parties favorable to the Syrian regime championed coordination on refugee return with the Syrian government to consolidate their strategic alliances and strengthen prospects for 'payoffs once a peace deal is secured in Syria' as well as to 'rehabilitate the contested legitimacy of their staunch ally' (Fakhoury, 2020). Parties with anti-Syrian positionings instead contested such coordination on return with the Syrian government to maintain the regime's international isolation and minimize its influence in Lebanon. As we observed in section 4.2.3, however, since then there seems to be more consensus on the urgency of refugee return and, relatedly, on the inevitable dependence on Syria that this entails.

In a nutshell, then, the question of refugee return seems to have reinstated Syrian power over Lebanon. Lebanese authorities are well aware that to realize their declared intention to return refugees they are dependent on the goodwill of Syria to allow such returns. So far, and despite endless visits of various Lebanese ministers and officials to Damascus to plead for this, such goodwill has not convincingly materialized. Publicly, Syrian officials are all for return,

⁹¹ interview notes, ministerial representative, in-person, 20 December 2023

⁹² interview notes, protection expert for international organization, Teams, 29 February 2024

practically they condition actual facilitation of return on funds for reconstruction as well as formal diplomatic recognition.

Consequences for interregional return migration

Here, we shortly reflect on the potential consequences of the ways in which Lebanon governs return migration to Syria (and the ways in which EU actors engage with this governance) for the EU's external migration policy in terms of legality, 'im/mobility,' and diplomacy.

In terms of legality, our research yields two core concerns. First, if there is, as established in section 4.3.1 above, general consensus that Lebanon's deportations and pushbacks of Syrians are very likely to constitute potential refoulement, the EU's relations with the actors engaged in these practices deserve further scrutiny. EU actors have close relations specifically with the LAF and extensively fund it. This makes the EU potentially complicit in the violations of international law that LAF is engaged in (HRW, 2024).

Second, experts also raised concerns related to potential chain refoulement to Syria that EU actors could become complicit in. This specifically regards the 2020 bilateral agreement between Cyprus and Lebanon discussed in BOX2 which stipulates that Syrian people coming from Lebanon that are apprehended by the Cypriot coast guard will be sent back/handed over to Lebanon. Considering that Lebanon engages in potential refoulement to Syria, this makes Cyprus, an EU member, complicit in such potential refoulement as well. The implementation of an EU-Lebanon migration 'deal' would risk further institutionalizing such chain refoulement.

When it comes to 'im/mobility,' the question that seems relevant is how *regional* return dynamics to Syria and their governance might affect *inter-regional* return dynamics. Here, respondents observed that EU actors' positioning towards return from Lebanon to Syria is sometimes also partially shaped by domestic concerns on not merely preventing 'new arrivals' (reasoning that Syrians that leave Lebanon for Syria are less likely to head to Europe) but also in some cases might reflect the hopes of these countries to eventually return the Syrian people currently in European countries or withhold asylum from those people still making it to Europe (El-Gamal, 2019).

This reflects, for instance, the infamous Danish decision to declare some areas of Syria safe for return (Santos, 2023). Hypothetically, EU member states and EU institutions could use de facto returns from Lebanon to Syria to legitimize their own potential return policies (reasoning that if Syrians 'over there' return, Syrians 'over here' might as well). This goes to further highlight the intricate relations between intra- and interregional return migration governance.

Discussions about an 'EU-Lebanon deal' for migration also touch on the possible consequences of the governance of returns from Lebanon to Syria for diplomatic relations. Diplomatic relations between Lebanon and the EU are already overwhelmingly shaped by migration concerns. As interlocutors repeatedly stated, the EU's extensive humanitarian, development, and security engagement with the country is mostly because of its hosting of refugees. As noted, the overarching interest of such engagement is to contain refugees in 'the region' and prevent onward migration to Europe. This generates a largely transactional geopolitical logic that trumps normative rights-based diplomacy and makes the EU susceptible to migration diplomacy 'blackmail' (Khatib, 2024). The EU's apparent tendency to be increasingly more 'pragmatic' in terms of condoning refugee return from Lebanon to Syria and considerations to declare parts of Syria safe for return under pressure of domestic Lebanese and Cypriot interests – rather than based on assessments of the situation inside

Syria itself –, respondents from rights organizations warned, could set a precedent towards further bargaining with protection guarantees and refugee rights.

Conclusion

Despite intense pressure to return exercised on Syrian refugees by Lebanese authorities, return migration from Lebanon to Syria is currently relatively limited. By far most Syrian refugees in Lebanon have no intention to return at the moment. Despite public encouragement of return, moreover, Syria is in practice very ambivalent on allowing and enabling return. Finally, ‘Western’ states officially do not currently want to encourage or facilitate return because they conclude Syria is still largely unsafe – although debates on re-assessing safety in specific areas in Syria have now started in various EU member states.

The governance of the mobility of the relatively small number of people that are nevertheless returning to Syria can be **characterized** as highly informal, fragmented, and ad hoc. While Lebanese political actors publicly voice clear and increasing commitment to enforce return, their formal policies, most prominently the 2020 National Return Plan and its various spin-offs and reinvigorations, are not successfully implemented. Instead, we identify an array of practical return modalities: self-organized individual returns; facilitated group returns; deportations; and pushbacks. Crucially, these different modalities are intertwined. While they vary in degree of coercion together they constitute a blanket de facto policy of encouraging return through imposing marginalization and irregularization where the fear of one modality (deportation) enables other modalities (individual and group return) and where local practice is legitimized through national decrees (the way in which security agencies forced refugees to demolish their own settlements under the specter of the 2019 Higher Defence Council decision serves as a potent example of the way in which local eviction practices feed into national return directives, for instance) (Içduygu and Nimer, 2020).

This return migration governance is **driven** by the core interests and capacities of the main actors involved. Lebanese authorities overall seek to facilitate different return modalities, apparently using increasing but still relatively small-scale coercive returns to incentivize larger scale ‘voluntary’ returns due to a lack of capacity to realize such larger scale returns directly. This return obsession is mainly inspired by domestic interests, more specifically the way in which Lebanon’s politicians have systematically scapegoated Syrian refugees for the countries coalescing crises. Syrian authorities, who officially support but practically obstruct return, are generally understood to use their ability to enable or undermine refugee return as a ‘bargaining chip’ to exchange for funds for reconstruction and international recognition.

The **effects** of these drivers and modalities of regional migration governance include deteriorating protection for refugees in Lebanon and regular occurrences of potential refoulement – issues that are met with impunity as a result of Lebanon’s complex and highly informal and securitized organizational dynamics of return and its dysfunctional legal system; the (irregular) re-entry of many if not most people that return; and a thorough political instrumentalization of refugee return in regional geopolitics, including a reinstatement of Syrian leverage over Lebanon in this domain.

The EU’s external migration policy affects this return migration governance in various ways. Lebanon wants the EU to approve and ideally support and enable returns through reallocating refugee support to Syria and declaring parts of Syria safe for return. The EU has not agreed to

this. Nevertheless, **the EU's impact on refugee returns from Lebanon to Syria** is paradoxical. Officially and publicly, it uses its financial clout to disincentivize all modalities of return. In practice, it places the geopolitical prioritization of containment of refugees in the region over commitments to condition aid on respect for refugees' rights. This makes it vulnerable to complicity in potential refoulement, through its funding of actors engaging in this, and association with potential chain refoulement, in relation to pushbacks by Cyprus.

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