
FRONTIERS CENTER

Providing professional, sustainable assistance to marginalized people to assist them to understand and access their rights.

Refugee Protection in Lebanon: ACTIVITY REPORT 2003



December 2003

CONTENTS

I. REFUGEE PROTECTION AND FC WORK: 2003 SUMMARY	3
II. OVERVIEW OF REFUGEE PROTECTION IN LEBANON IN 2003	4
a. Summary and Analysis	4
b. Statistical Profile	5
c. Lebanese Government Policy and Practice	7
Less deportation, but for how long?	7
In practice, continuing risks	7
d. The role of the UNHCR	8
e. UNHCR Accessibility, RSD Procedures and the Right to Counsel	9
Accessibility and dignified treatment	9
RSD procedures	9
Information, advice, and the right to counsel	10
III. FC WORK OVERVIEW	11
a. Counseling	11
b. Raising awareness among refugee communities	11
c. Legal advocacy — <i>pro bono</i> lawyers network	12
d. Research and Advocacy	14

Copyright: Material from FC Publications may be freely reproduced but please acknowledge the source.

I. REFUGEE PROTECTION & FC WORK: SUMMARY

Frontiers Center (FC) was founded 27 February 2003, and began its work 3 March 2003. FC is dedicated to developing sustainable, professional assistance to vulnerable people. FC has focused its work on refugees and asylum-seekers and through its actions it has sought to allow them to understand and access their rights.

FC was founded in the wake of the Ad Hoc Committee for the Support of Refugees and Asylum-Seekers (ACSRA)'s decision to disband in December 2002. ACSRA had campaigned since 1999 to end abuses of refugees, documenting and reporting detentions, mistreatment and deportation of refugees in Lebanon. Lebanese General Security accused ACSRA members of tarnishing Lebanon's reputation, and of operating an "illegal" organization, and threatened prosecution. A small group of Lebanese human rights defenders founded FC after determining that ACSRA's closure left a vacuum in the sphere of refugee protection.

In 2003, the refugee protection situation in Lebanon changed considerably. At the beginning of the year the United Nations anticipated hundreds of thousands of new Iraqi asylum-seekers in the Middle East as war approached in Iraq. In the event, the Iraq war nearly ended the outflow of Iraqi asylum-seekers, shifting protection concerns in Lebanon to the plight of refugees already in the country. Many were living in a state of limbo – in danger of detention in Lebanon - but stymied in their search for resettlement. Iraqi refugees who had been in Lebanon for years faced the danger of return to Iraq before their country became stable and secure.

On paper, Lebanese government refugee policy in 2003 showed signs of improvement. A Memorandum of Understanding (MOU) with UNHCR, long sought by both UNHCR and refugee advocates, included some important advances. Yet the agreement does not fully embrace the international principle of *non-*

refoulement. Basic security from arbitrary detention and *refoulement* remains a concern.

FC responded to this changing environment by shifting its focus from new asylum-seekers to the needs of refugees already in Lebanon. FC continued to provide advice and case preparation assistance to new asylum-seekers who arrived in Lebanon and provided individual counseling to more than 100 refugees and asylum-seekers.

A member of FC lawyers' network won a major victory in court, blocking the deportation of a refugee, the first time this had been achieved in a public decision by a first instance court, and the first time the Convention Against Torture (CAT) had been invoked in Lebanon in the case of a Sudanese refugee. FC conducted and published a short research study on the fate of Iraqi refugees who had been left in limbo in Lebanon by resettlement delays.

On the negative side, FC's work was temporarily disrupted by the 10 September arrest of its director, Samira Trad, by Lebanon's General Security. She was held overnight, and faces charges for "libel" against state officials, a "crime" carrying up to two years imprisonment.

Nevertheless, FC work continued. From October through December, FC focused on collaboration with other organizations. FC spearheaded a national platform of Lebanese groups and individuals who drafted a paper on migration issues for the Euro-Med Civil Forum. The UN High Commissioner for Human Rights–Beirut office invited FC to participate in writing the Lebanon "shadow report" on racial discrimination for the Committee on the Elimination of Racial Discrimination. Despite the slowing down of its activities, the Center also provided counseling in a small number of individual cases, including one case in which FC filed a petition with UNHCR headquarters in Geneva for exceptional review of a case involving alleged mistreatment by UNHCR-Beirut personnel.

II. OVERVIEW OF REFUGEE PROTECTION IN LEBANON IN 2003

a. Summary and Analysis

Non-Palestinian refugee protection in Lebanon changed substantially in the first half of 2003, mainly as a result of the U.S./U.K. invasion of Iraq. Early in the year, the U.N. anticipated that 600,000 Iraqis would flee the country in the event of war. The Levant region braced to receive a substantial number of these asylum-seekers, but they did not come. By the middle of the year, few had arrived. Nevertheless, refugee protection in Lebanon is still in a substantial state of flux. Basic security from arbitrary detention and *refoulement* remains a concern. A refugee population – counting only those registered at UNHCR – of around 9,000 people remains in Lebanon, while it is unclear whether Lebanon will continue receiving significant numbers of asylum-seekers in the future.

Following the invasion and so far during the occupation period, Iraqi asylum-seekers – who had been more than 60 percent of the refugee population in Lebanon – have apparently stopped arriving in significant numbers. In addition, non-Iraqi refugee claims slowed to a trickle – a rate of 13 per month. (This figure includes only those asylum-seekers who register at UNHCR.)

While these changes have taken place, decisions by governments – both domestic and foreign – have perpetuated a state of insecurity and limbo for refugees in Lebanon. On paper, Lebanese government refugee policy in 2003 showed signs of improvement. In practice, systematic arrests and arbitrary detention of refugees and asylum-seekers continued. At the same time, decisions by the U.S. government to halt or slow resettlement since September 11, 2001 have drastically cut the numbers of refugees who can be resettled from Lebanon. As a result, any gains in official Lebanese policy have been off-set by erosion in durable

solutions prospects and continuing insecurity for refugees in Lebanon.

Whereas in past years the main refugee protection concern in Lebanon was direct violation of the principle of *non-refoulement*, the most urgent concern in 2003 has been indefinite detention. UNHCR officials say they have had a more effective partnership with Lebanese General Security since September 2002.

In September 2003, Lebanese authorities signed a MOU with UNHCR. The Memorandum, long sought by both UNHCR and refugee advocates, included some important advances. In particular, Lebanese authorities for the first time officially acknowledged that refugees and asylum-seekers have a temporary right to remain in Lebanon. But the text on the whole was disappointing. The agreement does not embrace the international principle of *non-refoulement*; indeed, *non-refoulement* is not even mentioned in the text. It guarantees refugees only the right to stay for 12 months, and does not protect them from deportation or detention after this time. It involves General Security in UNHCR refugee status determination. It imposes on UNHCR unrealistic expectations of fast resettlement for all refugees, and pressures UNHCR to take unspecified measures to prevent refugees from remaining in Lebanon more than one year. It forces asylum-seekers to provide their full personal information to General Security, which could put them at risk without additional safeguards against arrest and detention. It also involves UNHCR in scrutinizing the work of NGOs and independent refugee advocates.

FC is already aware of one case in which a rejected asylum-seeker appears to have been arrested after UNHCR provided identifying details to General Security.

There are reasons for concern that prolonged detention could pressure refugees to agree to leave Lebanon by means other than resettlement, for instance by agreeing "voluntarily" to return home despite risks of persecution. Prolonged detention could pressure UNHCR to

resolve cases quickly, whether by resettlement or by refusing refugee recognition. In other words, there is reason for concern that we may be seeing a shift in Lebanon from *de jure refoulement* to *de facto refoulement*, coupled with systematic arbitrary detention.

b. Statistical Profile

Statistics published by UNHCR in July and August 2003 (the last available at time of writing) show that the number of new refugee claims in Lebanon has been dropping steadily since 2001. The post-war rate has not been published, but if we assume Iraqis are arriving only in small numbers, the rate of new claims may now be 80 or 90 percent below the 2001 level. New refugee claims in Lebanon in 2003 likely will not reach 1000 for the first time in more than five years. Moreover, the rate of new applications dropped dramatically from 2002 to the first quarter of 2003.

In 2001, there were approximately 191 total new refugee claims per month in Lebanon (approximately 2300 for the

year). In 2001 there were 125 Iraqi refugee claims per month (1500 per year) in Lebanon, and approximately 65 claims per month by other nationalities (800 refugee claims per year, nearly 600 of them Sudanese).² According to UNHCR statistics, in 2003 the rate of new claims was 87 per month, at least in the period before the most recent Iraq war.

On 4 July, UNHCR published statistics for the first quarter of 2003 (January through March), essentially covering the period before the war.³ This is the last period for which UNHCR statistics have been published for Lebanon. During this period, UNHCR reported the following statistics:

Trends in RSD for the UNHCR-Beirut, 1st quarter 2003

	Pending on 1 January	New applications 1 Jan – 31 March	Recognize d	Rejected	Otherwise closed
TOTAL	162	263	1	44	57
IRAQIS	128	222	0	20	25
NON- IRAQIS	34	41	1	24	32

(Cases pending on 1 April 2003: 323 TOTAL, 305 Iraqis)

These figures show that non-Iraqis made new applications to UNHCR in 2003 at a rate of just 13 per month, or 164 per year. We have no firm basis on which to estimate the number of new Iraqi claims after the war. As a working estimate, we

could safely assume that there are at most 25 total refugee claims made in Lebanon each month since the war, and likely fewer.

Because the Lebanese Government has not recognized any refugee right to asylum in Lebanon, refugee protection continues to depend on third country resettlement.

The United States had been by far the largest refugee resettlement country from Lebanon through 2001, and it maintains the largest resettlement program worldwide. After the September 11, 2001 attacks, the U.S. Government halted refugee resettlement worldwide in order to implement new security screening. In March 2002, they resumed elsewhere in the Middle East, but by December 2003, they have not returned to Lebanon nor made any commitments about when they will return. In the meantime, most refugees tentatively approved by the U.S. in 2001 have remained in Lebanon.

As a result of these changes in American policy and practice, refugee resettlement from Lebanon dropped 80 percent from 2000 to 2002, according to figures announced on 22 May by UNHCR's Deputy Regional Representative.⁴ In 2000, 1522 refugees were resettled from Lebanon, 904 in 2001, and 312 in 2002.

UNHCR has yet to find resettlement opportunities to fully compensate for the loss of the U.S. refugee program in Lebanon, although the situation did appear to be improving from 2002. UNHCR reported that it was able to resettle 408 refugees in the first nine months of 2003.⁵ UNHCR arranged for a brief delegation from Norway in June 2003. The UNHCR's Deputy Regional Representative announced on 22 May that the delegation would take up to 170 African refugees. However, a number of reports received by FC before and after the delegation's visit indicated that only a minority of those screened by UNHCR for submission to the Norwegians were actually interviewed. According to FC information, Norway declined to accept some long-staying refugees from West Africa.

For refugees referred to the U.S. but never interviewed by American officials in 2001, UNHCR has the option of withdrawing the applications and transferring them to another government (i.e. Australia or Canada). According to American diplomats, UNHCR officials asked American officials for guidance about whether to do this, and the Americans gave no clear answer. UNHCR has so far refrained from transferring most of the U.S. referrals. It should be noted, however, that processing for both Australia and Canada is already extremely slow, and transferring U.S. referrals to either country would likely make matters worse in terms of delays. On the other hand, refugees referred to the U.S. and whose cases have not yet been transferred are still waiting in Lebanon, while refugees who arrived in Lebanon later have been traveling to other countries. This seems to be partly due to the UNHCR's delay in transferring their case.

An FC report documented that Iraqi refugees who had been tentatively approved to travel to the U.S. in 2001 had not received accurate or complete advice about their situations from either the U.S. government or UNHCR. See *Promises without Solutions: Iraqi Refugees in Limbo in Lebanon* (June 2003).

A concern remains that, post-September 11, there may be too few resettlement opportunities for refugees in Lebanon, especially if instability in the region leads to and increase in new arrivals. The problem is particularly acute since both government and UNHCR policy depend on resettlement as the main durable solution. Unless resettlement processing improves dramatically or the number of refugees drops substantially, refugees must be able to spend several years secure in Lebanon. If this is impossible, they may feel increasing pressure to find irregular means to leave Lebanon, especially to Europe.

c. Lebanese Government Policy and Practice

Less deportation, but for how long?

Official Lebanese policy toward non-Palestinian refugees has been the area of greatest improvement in 2003, and the area where the most continued improvement is anticipated for the rest of the year.

Most visible was the September 2003 signing of the UNHCR-General Security MOU, the first time the executive branches of the Lebanese Government have recognized in writing a refugee's right to remain even temporarily in Lebanon. However, as noted in the summary above, the residency granted is for only one year, and lacks important protections from deportation after this period. It also creates new mechanisms for General Security to be involved in

UNHCR RSD procedures, which are cause for concern.

The broadest official commitments to refugee rights have so far come through the Lebanese courts, which have recognized the principle of *non-refoulement* without any time limit. In 2001, the Beirut Court of Criminal Appeals halted the deportation of an Iraqi refugee on the basis of the CAT Article 3 (Decision 580/2001, re: Sajed Yukhanna Eliya). In May 2003, in a case defended by a member of FC's legal network, a Beirut first instance Criminal Court blocked the deportation of Makir Bit Betout, similarly citing the CAT, the first time this has been done in a public first instance decision or in a case involving a Sudanese refugee.

In practice, continuing risks

Advancements in Lebanon official policy have not eliminated concerns for basic refugee security. Detention of migrants – often for indefinite periods -- regardless of their refugee status -- continues. Authorities sometimes detained migrants in disregard of judicial decisions.

FC received several reports of arrests of recognized refugees in 2003, indicating that whatever changes have occurred in Lebanese refugee policy, there has been no halt in arrests. Lebanese authorities continue to disregard migrants' refugee status when they make arrests, and refugees continue to be prosecuted for illegal entry.

Arbitrary and in some cases indefinite detention remained a concern. Length of detention varied considerably from case to case. In some cases, refugees were released in less than a month. But in other cases, detention had no apparent end or justification. In one case, a judge ordered only one month imprisonment and blocked

deportation for a refugee arrested 20 May. By the end of the year, more than 220 days after he should have been released, he remained detained by General Security.

In detention, Lebanese authorities reportedly asked migrants to agree to leave the country "voluntarily" and threatened them with deportation, raising concerns that indefinite detention is used as a means of coercing repatriation. FC has received three specific reports of this occurring. In one case, where the reported detention occurred in September 2002,⁶ General Security officers reportedly told a detained refugee to visit a delegation from the Sudanese Embassy in order to process deportation. When he refused, authorities reportedly told him they would give his name to the Sudanese delegation anyway. In another case, a woman refugee seeking to visit her detained husband in June 2003 reported that a General Security officer "asked me if I want to go back to Iraq with my husband" and said that his UNHCR ID

meant only that his deportation would be "postponed."

Finally, during the Iraqi repatriation convoy at the end of June 2003, an Iraqi refugee signed a statement stating: "The immediate factor that made me decide to want to go back is my continuous imprisonment. I was sentenced to one month's prison term but was kept in detention for two months and a half in Rumieh Prison. ...If I were released [from detention], I would not go back to Iraq... "I would have been kept in detention and be tortured if I had not registered my name [for repatriation]."

d. The role of the UNHCR

UNHCR officials report that they have developed a close working relationship with General Security since the fall 2002, enabling them to intervene to stop the deportation of refugees and to have access to detained asylum-seekers. This relationship is critical to the effectiveness of the new MOU between the government and UNHCR.

Refugees reported to FC that when they informed UNHCR in 2003 about the arrest of a friend or relative, UNHCR staff informed them that nothing could be done about upcoming trials for illegal entry, or about the one month prison sentences. UNHCR did not usually seek legal aid for detained refugees with pending trials, and in one case UNHCR disputed a refugee's right to obtain counsel on her own (see below). UNHCR staff informed refugees that UNHCR would write letters to General Security asking for their release.

One refugee reported that he was released from detention after 20 days with UNHCR intervention. Two other detailed reports by refugees suggest that coordination between UNHCR and General Security in 2003 may prevent deportations, but is less than smooth in some cases.

In light of concerns about arbitrary detention and coerced repatriation, Lebanon's emerging embrace of short term residence for refugees appears encouraging, but half-hearted at best. It appears that Lebanon may be making a strategic choice to avoid the criticism and international pressure that grows from flagrant formal *refoulement*. Instead, Lebanon, at least for now, may have opted for a system of systematically detaining refugees and pressuring them to accept their own deportations. Hence, Lebanon has not fully embraced even a temporary right for refugees to remain in the country, and may be said to be pursuing a policy of *de facto refoulement*.

There was particular reason for concern about lack of adequate access to and attention by UNHCR in cases where refugees reported detention of friends or family members. FC collected five reports indicating that UNHCR asks refugees making such reports to wait several hours before speaking to a staff member. In one case, a refugee asking to discuss the detention of her husband reported that a UNHCR official denied her entry to the office because "it's not a day for the detention problem interviews."

In one case, a woman reported that she met with General Security officials in June 2003 about her detained husband. They told her that her husband's deportation would be "postponed" because he had a UNHCR ID. General Security officials then helped her to obtain a copy of her husband's UNHCR ID, which was expired. She then obtained a lawyer's assistance for the purpose of securing her husband's release. With the lawyer, she visited UNHCR, where she asked for a new ID to take to General Security, as well as a letter stating that her husband had been accepted to resettlement to Canada. The UNHCR staff member told her that she could not be given either her ID or these letters directly, but that they could be forwarded by post to the authorities. She asked again for letters from UNHCR several more times, and

received the same response. Meanwhile, General Security continued to tell her and her lawyer that they needed an up-to-date UNHCR ID. UNHCR officials stated that they had sent the letter to General Security, while General Security officials stated they had not received it.

In another case, a refugee reported that in the first week of June he informed UNHCR that his friend had been arrested on 1 June. A UNHCR staff member told him he would have to wait while UNHCR sent a letter to General Security. He

reported that the UNHCR staff member told him, "You have to wait because some other people have worse situations; they've been detained for four or five months and are still there." Five days after his first visit to UNHCR, General Security reportedly informed someone looking into the case that UNHCR's letter had not arrived. When he informed UNHCR of this, the UNHCR staff member persisted in saying that the letter had been sent. In follow up telephone calls, UNHCR refused to provide him the reference number of its letter to General Security.

e. UNHCR Accessibility, Refugee Status Determination (RSD) Procedures, and the Right to Counsel

Accessibility and dignified treatment

Both in the RSD process and for recognized refugees, there were concerns that UNHCR's Beirut office was not adequately accessible to refugees. FC collected eight reports from refugees regarding an inability to access the UNHCR office. Most typically, refugees were able to speak only to a receptionist, and were not allowed to enter the office compound.⁷

In addition to the reported access problems in cases of detention, FC collected two specific reports (in addition to other general complaints)

from refugees about unprofessional verbal comments by UNHCR staff toward refugees. In one case, a refugee reported that a UNHCR staff member threatened to close his file when he made repeated inquiries about resettlement. In one case, a refugee reported that when he asked at UNHCR why he had been refused for resettlement to Australia, a UNHCR staff member told him, "Oh, you Iraqis, you came here just to cry.

RSD procedures

From 2000 to the first half of 2002, UNHCR's RSD procedures effectively declined in significance because Lebanon failed to recognize any legal significance of UNHCR's refugee recognition. Resettlement opportunities dwindled severely. Social and economic assistance remained minimal. Recognized refugees hence were only marginally better protected than other undocumented migrants.

If Lebanon fully implements the new MOU, UNHCR's RSD procedures will

become the cornerstone of refugee protection. UNHCR's decision on refugee status will determine at least whether a person will be formally deported in his or her first 12 months in the country, and hopefully will determine whether a person can avoid arrest, be released promptly from detention, and in the long term find resettlement to a third country. Hence, the more Lebanese policy and practice improves, the more refugee protection will depend on UNHCR RSD, an activity that in the past has attracted criticism of UNHCR in multiple regions (including

Lebanon and the Middle East).⁸

Reports in three RSD cases in 2003 indicated that UNHCR-Beirut's interviewing in the first half of 2003 was minimally thorough, at least in the very basic respect that UNHCR spent more than half an hour interviewing applicants. However, in this small sample, some substantial problems in RSD interviewing were reported. In one case, an RSD interview was interrupted by a carpenter who came into the room to take measurements. In another case, a Sudanese client who spoke Sudanese Arabic and the Nuba language reported that he was not informed in his RSD interview that he could have an interpreter. He was interviewed in Lebanese Arabic, and reported that he felt he was not always understood by the interviewer. He reported that he frequently asked the interviewer "Do you understand me?" but was nevertheless never offered an interpreter. He stated: "There were many words used by the interviewer that I did not understand. If I did not understand, the interviewer tried to explain in a different

way ... but I am not sure if it was the same question or a different question." Such practice contradict the UNHCR own guidelines for determining refugee status.⁹

Beyond these cases, there are severe systematic gaps in UNHCR procedures: asylum-seekers are given almost no information or advice about the procedures in advance; are subject to systematic use of secret evidence; are not referred to legal counsel; and have no access to an independent appeal. All of these gaps in the procedures are violations of UNHCR official advice to governments about minimum procedural safeguards in RSD.

These concerns about the RSD procedure are heightened by UNHCR report that it had recognized only 1 of 101 refugee claims in the first quarter of 2003. Moreover, there was no evidence that refugees have been recognized after the signing of the MOU in September 2003 and the most recent information available on the UNHCR website regarding refugee recognition in Lebanon only covered the first quarter of 2003.

Information, advice, and the right to counsel

UNHCR-Beirut office in some cases presented obstacles to refugees and asylum-seekers obtaining advice, information, and legal counseling.

In one case a refugee pleading for UNHCR intervention to get her husband released from detention had engaged the services of a lawyer. She reported that when she approached UNHCR office with the lawyer, a UNHCR staff member said to her: "HCR doesn't talk with lawyers. Lawyers are not allowed to talk on behalf of refugees. [The staff member said] that I'm the refugee and [a detained person's wife] and only I should talk to [UNHCR]. [The staff member] said that, outside the UNHCR, my lawyers and I can talk and agree together, but with the UNHCR only I can talk, and the lawyer cannot represent me."

In two cases, UNHCR staff reportedly questioned asylum-seekers in detail about how they obtained legal advice in preparing their RSD cases, including questions about how much they paid.

Paying for advice *per se* cannot be held against an asylum-seeker, particularly given that free legal services are not available to refugees and asylum-seekers in Lebanon. It should be noted that asylum-seekers routinely pay for legal services in many countries, including countries in North America and Europe.

UNHCR can and should protect refugees and asylum-seekers from exploitation by regulating the provision of advice by legal and paralegal professionals. Many governments do this, for instance by establishing competency and ethical requirements, and maintaining

an official register of qualified representatives. UNHCR-Beirut has not done this.

FC has repeatedly solicited contact with UNHCR, and has offered to show UNHCR its offices and explain its procedures and standards. UNHCR has not responded to these invitations, and has not responded to FC's initiatives to establish a regular procedure for legal representation for asylum-seekers in Beirut. UNHCR's protection officer also informed FC that UNHCR-Beirut had turned down another NGO's initiative to provide legal advice to asylum-seekers. In this context, UNHCR-Beirut's scrutiny of legal representation appears mainly to be an obstacle to the right to counsel.

Conversely, in Egypt, where RSD interviews are also conducted by the

UNHCR, a legal aid program has been set up since 2001, based on the principle that refugees have the right to legal representation during the asylum determination process. This program was initiated by Professor Harrell-Bond and coordinated by her under the auspices of the Egyptian Organization for Human Rights (EOHR). The project hosts self-funded volunteers, lawyers, and paralegals from Egypt and overseas who gain experience in preparing cases for refugee status determination interviews and defending rejected cases and closed files for rehearing at UNHCR. It is believed that since the initiation of the Refugee Legal Aid project, over 1,000 individuals have benefited from that program and cooperation with UNHCR to develop means of improving refugee protection policies has been growing and developing.

III. FC WORK OVERVIEW

a. Counseling

As a new organization bringing in people for its counseling program, FC's work began with an extensive training program, lasting two months. FC officially

opened its doors to new clients for the counseling program on 8 April. During 2003, FC received around 500 refugee visits and assisted 136 cases.¹⁰

Chart: Summary of Case Types (Client Requests) through 30 November, 2003

RSD (new refugee claims or RSD appeals)	20
Durable Solutions	59
Closed files (rejected asylum-seekers)	17
Other requests	40
TOTAL:	136

b. Raising awareness among refugee communities

In response to the challenge of contacting clients in disparate refugee communities, FC executed an outreach program designed to introduce FC to refugee communities. FC arranged a series of meetings with refugee community leaders at the FC office, and FC made repeated visits to churches attended by

Sudanese refugees. Outreach meetings also included small group meetings with refugee community members and leaders designed to advise and inform them about their rights, solicit and listen to their concerns, and inform them about FC services. Many such meetings were casual in nature and were solicited by refugee

leaders whose communities faced specific challenges or frustrations in the durable solutions process. In addition to these visits and meetings, FC organized at its offices two social gatherings to which

around 100 refugees attended. FC in partnership with other local NGOs sponsored a public Refugee Day.

c. Legal advocacy — *pro bono* lawyers network

On 22 May, FC received a request for assistance from a young Sudanese woman, 9-month pregnant, whose husband, a UNHCR-recognized refugee, had just been arrested and scheduled for trial. The prosecution accused him of illegal entry to Lebanon, and was asking for one month imprisonment, to be followed by deportation.

FC responded by referring the case to one of its lawyers network who took the case on a *pro bono* basis. The lawyer defended the man in his trial, arguing against his deportation. On 12 June, a Beirut judge agreed, sentencing him to one month in prison, but blocking deportation

on the ground that returning him to Sudan would violate the CAT. This marked the first time such a decision had been issued in Lebanon by a first instance court, or in a case concerning a Sudanese refugee. Unfortunately, the refugee remained in detention, pointing to concerns about arbitrary detention of refugees in Lebanon.

Also in May, FC began planning an effort to expand its *pro bono* legal network by conducting a survey of Lebanese lawyers about their interest in providing *pro bono* legal service. From this initial stage, FC found 11 lawyers interested in participating in a *pro bono* network to defend refugees.

d. Research and advocacy

Research became an increasing priority for FC since an internal quarterly assessment at the beginning of June. FC therefore has been developing short term and long-term research and advocacy programs to both enhance counseling and to build a better protection environment in Lebanon over the long term.

Over this year, FC disseminated information on refugee protection in Lebanon by sending out a number of communications and updates to international organizations about individual cases or refugee protection issues in Lebanon. Following researches were also undertaken:

Iraqi resettlement

Responding to the concerns of its Iraqi clients, FC conducted in May and June a small scale research and advocacy project to document the state of limbo in which Iraqi refugees found themselves after being tentatively approved for resettlement to the US in 2001. These refugees were approved to resettlement to the U.S. before the U.S. suspended its refugee program in Lebanon after the September 11, 2001 attacks. In spring 2003, nearly all remained in Lebanon without any right to residence or work and without any answer

about if or when they could leave Lebanon.

FC analyzed the legal and policy gaps which led to this situation, and conducted 20 qualitative interviews to document the impact that it had had on their lives.

FC reported its findings in a report, *Promises without Solutions: Iraqi refugees in limbo in Lebanon* (June 2003), which recommended changes in the way UNHCR and resettlement governments communicate with refugees.

The report was distributed to refugees, embassies, UNHCR, and the U.S. Government. Following the report, FC representatives met with an official at the U.S. Embassy in Beirut, who agreed to communicate the concerns to refugee

agencies within the U.S. Departments of state and Homeland Security to improve their communication with refugees in Lebanon. An abbreviated version of the report was published in the international journal *Forced Migration Review*.¹¹

Iraqi repatriation

The fall of the Ba'ath regime in Iraq stimulated a pressure from governments for Iraqi refugees and asylum-seekers to return to Iraq. Almost immediately after the end of the war, the Lebanese Government began organizing repatriation convoys from Beirut. UNHCR officials initially stated that it planned to complete Iraqi repatriation from Lebanon by the end of 2003.

Responding to this emerging need, FC initiated in June a research program to

measure whether such repatriations met the protection standards set out by UNHCR in its Voluntary Repatriation Handbook.

By the end of the year, FC had completed 95 research questionnaires in this ongoing research project. The research is pending, as UNHCR has not yet begun organizing voluntary repatriations to Iraq from Lebanon.

Family re-unification

In order to bolster the advice we can provide to clients in the counseling program, FC conducted a legal research project on family re-unification immigration in 25 countries or regional entities.¹²

The project produced a handbook for counselors to use in working with individual refugee clients who have family living in third countries.

Arbitrary detention

Arbitrary detention is emerging as one of the most urgent areas of concerns for refugee protection in Lebanon.

In July, FC conducted initial internal legal studies on international law governing detention of migrants. This will

be followed by a study of Lebanese law on arbitrary detention, and research to document cases/patterns of detention of refugees and asylum-seekers in Lebanon. FC aims to use this research in publications or advocacy.

Discrimination against Refugees and Asylum-Seekers

FC was invited by the UN High Commissioner for Human Rights–Beirut office to participate in writing the Lebanon "shadow report" on racial discrimination for the Committee on the Elimination of Racial Discrimination. This report was going to be presented before that Committee in March 2004.

The report mainly covered refugees and asylum-seekers who because of their *de jure* non-recognition by the Lebanese State suffer discrimination in almost every aspect of their lives. The report stressed that the core discrimination from which the denial of basic and fundamental rights (such as right to education, work, health,

etc.) derives today is Lebanon's simple non-recognition of refugee status. Through non-recognition, foreigners in danger of persecution in their country of origin become by default a discriminated and marginalized class within Lebanon and are

unable to avail themselves of international protection.

Migration Issues in the Euro-Med Civil Forum

During the fall of 2003, FC spearheaded a national platform regrouping Lebanese groups and individuals who drafted a paper on migration issues for the Euro-Med Civil Forum. This paper represented an attempt by members of Lebanese civil society to generate discussion about migration issues. The purpose was to place relevant concerns and ideas about migration on the Euro-Med civil forum agenda, and to provide a foundation from which to engage other parts of civil society in the future.

The discussion paper addressed the role

of regional migration in historical context in the Mediterranean region and Europe; Migration and the Euro-Med process; the North-South imbalance in the region; and ways forward in the region. The paper concluded with immediate and long-term measures to move toward an integrated migration policy that develops hand-in-hand with economic, cultural, and political integration. This paper was subsequently distributed at the Euro-Med Civil Forum in Naples in November 2003 and the final statement of that meeting even included a resolution supporting the rights of minorities and refugees.¹³

¹ The General Security or *Sûreté générale* is the Lebanese state unit with the authority to work in 4 main areas: security function, media censorship, foreigners' service, and technical function. For more information, see www.surete-generale.gov.lb.

² UNHCR (2003). "2001 UNHCR Population Statistics (Provisional)." Geneva, UNHCR, (August) [www.unhcr.ch], page viewed 15 August, 2003.

³ UNHCR (2003). "Trends in Refugee Status Determination 1 January – 31 March 2003." Geneva, UNHCR, (July) [www.unhcr.ch], page viewed on 4 July 2003.

⁴ This announcement was made by the UNHCR's Deputy Regional Representative, Mohamed Hantoush, at the Reach Out Workshop in Beirut on 22 May 2003.

⁵ UNHCR, Quarterly Resettlement Trends Jan-Sep 2003 (13 February 2004).

⁶ Included here because FC received this report in 2003, because it occurred after cooperation between General Security and UNHCR had reportedly improved, and because the report appears consistent with a continuing pattern of behavior by Lebanese authorities.

⁷ These reports do not include the results of FC's study of 20 Iraqi refugees awaiting resettlement to the US, where Iraqis nearly uniformly reported that they were able to speak only to the receptionist or security guard when they sought advice about their cases. See *Promises without Solutions* (June 2003).

⁸ For a more detailed account of some of these criticisms, see Alexander, M. (1999). "Refugee Status Determination Conducted by UNHCR." *International Journal of Refugee Law* 11(2): 251-289; Human Rights Watch (2001). *50 Years On: What Future for Refugee Protection?* New York, HRW [www.hrw.org/campaigns/refugees/pdf1.pdf], page viewed on 20 August 2003. Ad-Hoc Committee for the Support of Refugees/Asylum Seekers in Lebanon (ACSRA), Beirut, Lebanon: *Report on Refugee Protection and Activities in Lebanon: July 1, 2001 to December 31, 2002*.

⁹ See UNHCR (1992). *Handbook on Procedures and Criteria for Determining Refugee Status*. Geneva, UNHCR, reedited (January), 49-56.

¹⁰ Clients often visited FC more than one time.

¹¹ S. Trad, M. Kagan and B. Osmat (2003). "Promises without Solutions: Iraqi refugees in the lurch in Lebanon." *Forced Migration Review* no 18 (September 2003): p. 42-43.

¹² Australia, Austria, Belgium, Canada, Denmark, Ethiopia, European Union common policy, Finland, France, Germany, Greece, Iceland, Italy, Luxemburg, New Zealand, Netherlands, Norway, Philippines, Portugal, Spain, Sri Lanka, Sweden, Switzerland, United Kingdom, and USA

¹³ Euro-Med Civil Forum (2003). "Building Bridges, not Walls," *Declaration*. Naples, Euro-Mediterranean Civil Forum (28-30 November).

FRONTIERS CENTER

Providing professional, sustainable assistance to marginalized people to assist them to understand and access their rights.

Refugee Protection in Lebanon: ACTIVITY REPORT 2003



December 2003

CONTENTS

I. REFUGEE PROTECTION AND FC WORK: 2003 SUMMARY	3
II. OVERVIEW OF REFUGEE PROTECTION IN LEBANON IN 2003	4
a. Summary and Analysis	4
b. Statistical Profile	5
c. Lebanese Government Policy and Practice	7
Less deportation, but for how long?	7
In practice, continuing risks	7
d. The role of the UNHCR	8
e. UNHCR Accessibility, RSD Procedures and the Right to Counsel	9
Accessibility and dignified treatment	9
RSD procedures	9
Information, advice, and the right to counsel	10
III. FC WORK OVERVIEW	11
a. Counseling	11
b. Raising awareness among refugee communities	11
c. Legal advocacy — <i>pro bono</i> lawyers network	12
d. Research and Advocacy	14

Copyright: Material from FC Publications may be freely reproduced but please acknowledge the source.

I. REFUGEE PROTECTION & FC WORK: SUMMARY

Frontiers Center (FC) was founded 27 February 2003, and began its work 3 March 2003. FC is dedicated to developing sustainable, professional assistance to vulnerable people. FC has focused its work on refugees and asylum-seekers and through its actions it has sought to allow them to understand and access their rights.

FC was founded in the wake of the Ad Hoc Committee for the Support of Refugees and Asylum-Seekers (ACSRA)'s decision to disband in December 2002. ACSRA had campaigned since 1999 to end abuses of refugees, documenting and reporting detentions, mistreatment and deportation of refugees in Lebanon. Lebanese General Security accused ACSRA members of tarnishing Lebanon's reputation, and of operating an "illegal" organization, and threatened prosecution. A small group of Lebanese human rights defenders founded FC after determining that ACSRA's closure left a vacuum in the sphere of refugee protection.

In 2003, the refugee protection situation in Lebanon changed considerably. At the beginning of the year the United Nations anticipated hundreds of thousands of new Iraqi asylum-seekers in the Middle East as war approached in Iraq. In the event, the Iraq war nearly ended the outflow of Iraqi asylum-seekers, shifting protection concerns in Lebanon to the plight of refugees already in the country. Many were living in a state of limbo – in danger of detention in Lebanon - but stymied in their search for resettlement. Iraqi refugees who had been in Lebanon for years faced the danger of return to Iraq before their country became stable and secure.

On paper, Lebanese government refugee policy in 2003 showed signs of improvement. A Memorandum of Understanding (MOU) with UNHCR, long sought by both UNHCR and refugee advocates, included some important advances. Yet the agreement does not fully embrace the international principle of *non-*

refoulement. Basic security from arbitrary detention and *refoulement* remains a concern.

FC responded to this changing environment by shifting its focus from new asylum-seekers to the needs of refugees already in Lebanon. FC continued to provide advice and case preparation assistance to new asylum-seekers who arrived in Lebanon and provided individual counseling to more than 100 refugees and asylum-seekers.

A member of FC lawyers' network won a major victory in court, blocking the deportation of a refugee, the first time this had been achieved in a public decision by a first instance court, and the first time the Convention Against Torture (CAT) had been invoked in Lebanon in the case of a Sudanese refugee. FC conducted and published a short research study on the fate of Iraqi refugees who had been left in limbo in Lebanon by resettlement delays.

On the negative side, FC's work was temporarily disrupted by the 10 September arrest of its director, Samira Trad, by Lebanon's General Security. She was held overnight, and faces charges for "libel" against state officials, a "crime" carrying up to two years imprisonment.

Nevertheless, FC work continued. From October through December, FC focused on collaboration with other organizations. FC spearheaded a national platform of Lebanese groups and individuals who drafted a paper on migration issues for the Euro-Med Civil Forum. The UN High Commissioner for Human Rights–Beirut office invited FC to participate in writing the Lebanon "shadow report" on racial discrimination for the Committee on the Elimination of Racial Discrimination. Despite the slowing down of its activities, the Center also provided counseling in a small number of individual cases, including one case in which FC filed a petition with UNHCR headquarters in Geneva for exceptional review of a case involving alleged mistreatment by UNHCR-Beirut personnel.

II. OVERVIEW OF REFUGEE PROTECTION IN LEBANON IN 2003

a. Summary and Analysis

Non-Palestinian refugee protection in Lebanon changed substantially in the first half of 2003, mainly as a result of the U.S./U.K. invasion of Iraq. Early in the year, the U.N. anticipated that 600,000 Iraqis would flee the country in the event of war. The Levant region braced to receive a substantial number of these asylum-seekers, but they did not come. By the middle of the year, few had arrived. Nevertheless, refugee protection in Lebanon is still in a substantial state of flux. Basic security from arbitrary detention and *refoulement* remains a concern. A refugee population – counting only those registered at UNHCR – of around 9,000 people remains in Lebanon, while it is unclear whether Lebanon will continue receiving significant numbers of asylum-seekers in the future.

Following the invasion and so far during the occupation period, Iraqi asylum-seekers – who had been more than 60 percent of the refugee population in Lebanon – have apparently stopped arriving in significant numbers. In addition, non-Iraqi refugee claims slowed to a trickle – a rate of 13 per month. (This figure includes only those asylum-seekers who register at UNHCR.)

While these changes have taken place, decisions by governments – both domestic and foreign – have perpetuated a state of insecurity and limbo for refugees in Lebanon. On paper, Lebanese government refugee policy in 2003 showed signs of improvement. In practice, systematic arrests and arbitrary detention of refugees and asylum-seekers continued. At the same time, decisions by the U.S. government to halt or slow resettlement since September 11, 2001 have drastically cut the numbers of refugees who can be resettled from Lebanon. As a result, any gains in official Lebanese policy have been off-set by erosion in durable

solutions prospects and continuing insecurity for refugees in Lebanon.

Whereas in past years the main refugee protection concern in Lebanon was direct violation of the principle of *non-refoulement*, the most urgent concern in 2003 has been indefinite detention. UNHCR officials say they have had a more effective partnership with Lebanese General Security since September 2002.

In September 2003, Lebanese authorities signed a MOU with UNHCR. The Memorandum, long sought by both UNHCR and refugee advocates, included some important advances. In particular, Lebanese authorities for the first time officially acknowledged that refugees and asylum-seekers have a temporary right to remain in Lebanon. But the text on the whole was disappointing. The agreement does not embrace the international principle of *non-refoulement*; indeed, *non-refoulement* is not even mentioned in the text. It guarantees refugees only the right to stay for 12 months, and does not protect them from deportation or detention after this time. It involves General Security in UNHCR refugee status determination. It imposes on UNHCR unrealistic expectations of fast resettlement for all refugees, and pressures UNHCR to take unspecified measures to prevent refugees from remaining in Lebanon more than one year. It forces asylum-seekers to provide their full personal information to General Security, which could put them at risk without additional safeguards against arrest and detention. It also involves UNHCR in scrutinizing the work of NGOs and independent refugee advocates.

FC is already aware of one case in which a rejected asylum-seeker appears to have been arrested after UNHCR provided identifying details to General Security.

There are reasons for concern that prolonged detention could pressure refugees to agree to leave Lebanon by means other than resettlement, for instance by agreeing "voluntarily" to return home despite risks of persecution. Prolonged detention could pressure UNHCR to

resolve cases quickly, whether by resettlement or by refusing refugee recognition. In other words, there is reason for concern that we may be seeing a shift in Lebanon from *de jure refoulement* to *de facto refoulement*, coupled with systematic arbitrary detention.

b. Statistical Profile

Statistics published by UNHCR in July and August 2003 (the last available at time of writing) show that the number of new refugee claims in Lebanon has been dropping steadily since 2001. The post-war rate has not been published, but if we assume Iraqis are arriving only in small numbers, the rate of new claims may now be 80 or 90 percent below the 2001 level. New refugee claims in Lebanon in 2003 likely will not reach 1000 for the first time in more than five years. Moreover, the rate of new applications dropped dramatically from 2002 to the first quarter of 2003.

In 2001, there were approximately 191 total new refugee claims per month in Lebanon (approximately 2300 for the

year). In 2001 there were 125 Iraqi refugee claims per month (1500 per year) in Lebanon, and approximately 65 claims per month by other nationalities (800 refugee claims per year, nearly 600 of them Sudanese).² According to UNHCR statistics, in 2003 the rate of new claims was 87 per month, at least in the period before the most recent Iraq war.

On 4 July, UNHCR published statistics for the first quarter of 2003 (January through March), essentially covering the period before the war.³ This is the last period for which UNHCR statistics have been published for Lebanon. During this period, UNHCR reported the following statistics:

Trends in RSD for the UNHCR-Beirut, 1st quarter 2003

	Pending on 1 January	New applications 1 Jan – 31 March	Recognize d	Rejected	Otherwise closed
TOTAL	162	263	1	44	57
IRAQIS	128	222	0	20	25
NON- IRAQIS	34	41	1	24	32

(Cases pending on 1 April 2003: 323 TOTAL, 305 Iraqis)

These figures show that non-Iraqis made new applications to UNHCR in 2003 at a rate of just 13 per month, or 164 per year. We have no firm basis on which to estimate the number of new Iraqi claims after the war. As a working estimate, we

could safely assume that there are at most 25 total refugee claims made in Lebanon each month since the war, and likely fewer.

Because the Lebanese Government has not recognized any refugee right to asylum in Lebanon, refugee protection continues to depend on third country resettlement.

The United States had been by far the largest refugee resettlement country from Lebanon through 2001, and it maintains the largest resettlement program worldwide. After the September 11, 2001 attacks, the U.S. Government halted refugee resettlement worldwide in order to implement new security screening. In March 2002, they resumed elsewhere in the Middle East, but by December 2003, they have not returned to Lebanon nor made any commitments about when they will return. In the meantime, most refugees tentatively approved by the U.S. in 2001 have remained in Lebanon.

As a result of these changes in American policy and practice, refugee resettlement from Lebanon dropped 80 percent from 2000 to 2002, according to figures announced on 22 May by UNHCR's Deputy Regional Representative.⁴ In 2000, 1522 refugees were resettled from Lebanon, 904 in 2001, and 312 in 2002.

UNHCR has yet to find resettlement opportunities to fully compensate for the loss of the U.S. refugee program in Lebanon, although the situation did appear to be improving from 2002. UNHCR reported that it was able to resettle 408 refugees in the first nine months of 2003.⁵ UNHCR arranged for a brief delegation from Norway in June 2003. The UNHCR's Deputy Regional Representative announced on 22 May that the delegation would take up to 170 African refugees. However, a number of reports received by FC before and after the delegation's visit indicated that only a minority of those screened by UNHCR for submission to the Norwegians were actually interviewed. According to FC information, Norway declined to accept some long-staying refugees from West Africa.

For refugees referred to the U.S. but never interviewed by American officials in 2001, UNHCR has the option of withdrawing the applications and transferring them to another government (i.e. Australia or Canada). According to American diplomats, UNHCR officials asked American officials for guidance about whether to do this, and the Americans gave no clear answer. UNHCR has so far refrained from transferring most of the U.S. referrals. It should be noted, however, that processing for both Australia and Canada is already extremely slow, and transferring U.S. referrals to either country would likely make matters worse in terms of delays. On the other hand, refugees referred to the U.S. and whose cases have not yet been transferred are still waiting in Lebanon, while refugees who arrived in Lebanon later have been traveling to other countries. This seems to be partly due to the UNHCR's delay in transferring their case.

An FC report documented that Iraqi refugees who had been tentatively approved to travel to the U.S. in 2001 had not received accurate or complete advice about their situations from either the U.S. government or UNHCR. See *Promises without Solutions: Iraqi Refugees in Limbo in Lebanon* (June 2003).

A concern remains that, post-September 11, there may be too few resettlement opportunities for refugees in Lebanon, especially if instability in the region leads to and increase in new arrivals. The problem is particularly acute since both government and UNHCR policy depend on resettlement as the main durable solution. Unless resettlement processing improves dramatically or the number of refugees drops substantially, refugees must be able to spend several years secure in Lebanon. If this is impossible, they may feel increasing pressure to find irregular means to leave Lebanon, especially to Europe.

c. Lebanese Government Policy and Practice

Less deportation, but for how long?

Official Lebanese policy toward non-Palestinian refugees has been the area of greatest improvement in 2003, and the area where the most continued improvement is anticipated for the rest of the year.

Most visible was the September 2003 signing of the UNHCR-General Security MOU, the first time the executive branches of the Lebanese Government have recognized in writing a refugee's right to remain even temporarily in Lebanon. However, as noted in the summary above, the residency granted is for only one year, and lacks important protections from deportation after this period. It also creates new mechanisms for General Security to be involved in

UNHCR RSD procedures, which are cause for concern.

The broadest official commitments to refugee rights have so far come through the Lebanese courts, which have recognized the principle of *non-refoulement* without any time limit. In 2001, the Beirut Court of Criminal Appeals halted the deportation of an Iraqi refugee on the basis of the CAT Article 3 (Decision 580/2001, re: Sajed Yukhanna Eliya). In May 2003, in a case defended by a member of FC's legal network, a Beirut first instance Criminal Court blocked the deportation of Makir Bit Betout, similarly citing the CAT, the first time this has been done in a public first instance decision or in a case involving a Sudanese refugee.

In practice, continuing risks

Advancements in Lebanon official policy have not eliminated concerns for basic refugee security. Detention of migrants – often for indefinite periods -- regardless of their refugee status -- continues. Authorities sometimes detained migrants in disregard of judicial decisions.

FC received several reports of arrests of recognized refugees in 2003, indicating that whatever changes have occurred in Lebanese refugee policy, there has been no halt in arrests. Lebanese authorities continue to disregard migrants' refugee status when they make arrests, and refugees continue to be prosecuted for illegal entry.

Arbitrary and in some cases indefinite detention remained a concern. Length of detention varied considerably from case to case. In some cases, refugees were released in less than a month. But in other cases, detention had no apparent end or justification. In one case, a judge ordered only one month imprisonment and blocked

deportation for a refugee arrested 20 May. By the end of the year, more than 220 days after he should have been released, he remained detained by General Security.

In detention, Lebanese authorities reportedly asked migrants to agree to leave the country "voluntarily" and threatened them with deportation, raising concerns that indefinite detention is used as a means of coercing repatriation. FC has received three specific reports of this occurring. In one case, where the reported detention occurred in September 2002,⁶ General Security officers reportedly told a detained refugee to visit a delegation from the Sudanese Embassy in order to process deportation. When he refused, authorities reportedly told him they would give his name to the Sudanese delegation anyway. In another case, a woman refugee seeking to visit her detained husband in June 2003 reported that a General Security officer "asked me if I want to go back to Iraq with my husband" and said that his UNHCR ID

meant only that his deportation would be "postponed."

Finally, during the Iraqi repatriation convoy at the end of June 2003, an Iraqi refugee signed a statement stating: "The immediate factor that made me decide to want to go back is my continuous imprisonment. I was sentenced to one month's prison term but was kept in detention for two months and a half in Rumieh Prison. ...If I were released [from detention], I would not go back to Iraq... "I would have been kept in detention and be tortured if I had not registered my name [for repatriation]."

d. The role of the UNHCR

UNHCR officials report that they have developed a close working relationship with General Security since the fall 2002, enabling them to intervene to stop the deportation of refugees and to have access to detained asylum-seekers. This relationship is critical to the effectiveness of the new MOU between the government and UNHCR.

Refugees reported to FC that when they informed UNHCR in 2003 about the arrest of a friend or relative, UNHCR staff informed them that nothing could be done about upcoming trials for illegal entry, or about the one month prison sentences. UNHCR did not usually seek legal aid for detained refugees with pending trials, and in one case UNHCR disputed a refugee's right to obtain counsel on her own (see below). UNHCR staff informed refugees that UNHCR would write letters to General Security asking for their release.

One refugee reported that he was released from detention after 20 days with UNHCR intervention. Two other detailed reports by refugees suggest that coordination between UNHCR and General Security in 2003 may prevent deportations, but is less than smooth in some cases.

In light of concerns about arbitrary detention and coerced repatriation, Lebanon's emerging embrace of short term residence for refugees appears encouraging, but half-hearted at best. It appears that Lebanon may be making a strategic choice to avoid the criticism and international pressure that grows from flagrant formal *refoulement*. Instead, Lebanon, at least for now, may have opted for a system of systematically detaining refugees and pressuring them to accept their own deportations. Hence, Lebanon has not fully embraced even a temporary right for refugees to remain in the country, and may be said to be pursuing a policy of *de facto refoulement*.

There was particular reason for concern about lack of adequate access to and attention by UNHCR in cases where refugees reported detention of friends or family members. FC collected five reports indicating that UNHCR asks refugees making such reports to wait several hours before speaking to a staff member. In one case, a refugee asking to discuss the detention of her husband reported that a UNHCR official denied her entry to the office because "it's not a day for the detention problem interviews."

In one case, a woman reported that she met with General Security officials in June 2003 about her detained husband. They told her that her husband's deportation would be "postponed" because he had a UNHCR ID. General Security officials then helped her to obtain a copy of her husband's UNHCR ID, which was expired. She then obtained a lawyer's assistance for the purpose of securing her husband's release. With the lawyer, she visited UNHCR, where she asked for a new ID to take to General Security, as well as a letter stating that her husband had been accepted to resettlement to Canada. The UNHCR staff member told her that she could not be given either her ID or these letters directly, but that they could be forwarded by post to the authorities. She asked again for letters from UNHCR several more times, and

received the same response. Meanwhile, General Security continued to tell her and her lawyer that they needed an up-to-date UNHCR ID. UNHCR officials stated that they had sent the letter to General Security, while General Security officials stated they had not received it.

In another case, a refugee reported that in the first week of June he informed UNHCR that his friend had been arrested on 1 June. A UNHCR staff member told him he would have to wait while UNHCR sent a letter to General Security. He

reported that the UNHCR staff member told him, "You have to wait because some other people have worse situations; they've been detained for four or five months and are still there." Five days after his first visit to UNHCR, General Security reportedly informed someone looking into the case that UNHCR's letter had not arrived. When he informed UNHCR of this, the UNHCR staff member persisted in saying that the letter had been sent. In follow up telephone calls, UNHCR refused to provide him the reference number of its letter to General Security.

e. UNHCR Accessibility, Refugee Status Determination (RSD) Procedures, and the Right to Counsel

Accessibility and dignified treatment

Both in the RSD process and for recognized refugees, there were concerns that UNHCR's Beirut office was not adequately accessible to refugees. FC collected eight reports from refugees regarding an inability to access the UNHCR office. Most typically, refugees were able to speak only to a receptionist, and were not allowed to enter the office compound.⁷

In addition to the reported access problems in cases of detention, FC collected two specific reports (in addition to other general complaints)

from refugees about unprofessional verbal comments by UNHCR staff toward refugees. In one case, a refugee reported that a UNHCR staff member threatened to close his file when he made repeated inquiries about resettlement. In one case, a refugee reported that when he asked at UNHCR why he had been refused for resettlement to Australia, a UNHCR staff member told him, "Oh, you Iraqis, you came here just to cry.

RSD procedures

From 2000 to the first half of 2002, UNHCR's RSD procedures effectively declined in significance because Lebanon failed to recognize any legal significance of UNHCR's refugee recognition. Resettlement opportunities dwindled severely. Social and economic assistance remained minimal. Recognized refugees hence were only marginally better protected than other undocumented migrants.

If Lebanon fully implements the new MOU, UNHCR's RSD procedures will

become the cornerstone of refugee protection. UNHCR's decision on refugee status will determine at least whether a person will be formally deported in his or her first 12 months in the country, and hopefully will determine whether a person can avoid arrest, be released promptly from detention, and in the long term find resettlement to a third country. Hence, the more Lebanese policy and practice improves, the more refugee protection will depend on UNHCR RSD, an activity that in the past has attracted criticism of UNHCR in multiple regions (including

Lebanon and the Middle East).⁸

Reports in three RSD cases in 2003 indicated that UNHCR-Beirut's interviewing in the first half of 2003 was minimally thorough, at least in the very basic respect that UNHCR spent more than half an hour interviewing applicants. However, in this small sample, some substantial problems in RSD interviewing were reported. In one case, an RSD interview was interrupted by a carpenter who came into the room to take measurements. In another case, a Sudanese client who spoke Sudanese Arabic and the Nuba language reported that he was not informed in his RSD interview that he could have an interpreter. He was interviewed in Lebanese Arabic, and reported that he felt he was not always understood by the interviewer. He reported that he frequently asked the interviewer "Do you understand me?" but was nevertheless never offered an interpreter. He stated: "There were many words used by the interviewer that I did not understand. If I did not understand, the interviewer tried to explain in a different

way ... but I am not sure if it was the same question or a different question." Such practice contradict the UNHCR own guidelines for determining refugee status.⁹

Beyond these cases, there are severe systematic gaps in UNHCR procedures: asylum-seekers are given almost no information or advice about the procedures in advance; are subject to systematic use of secret evidence; are not referred to legal counsel; and have no access to an independent appeal. All of these gaps in the procedures are violations of UNHCR official advice to governments about minimum procedural safeguards in RSD.

These concerns about the RSD procedure are heightened by UNHCR report that it had recognized only 1 of 101 refugee claims in the first quarter of 2003. Moreover, there was no evidence that refugees have been recognized after the signing of the MOU in September 2003 and the most recent information available on the UNHCR website regarding refugee recognition in Lebanon only covered the first quarter of 2003.

Information, advice, and the right to counsel

UNHCR-Beirut office in some cases presented obstacles to refugees and asylum-seekers obtaining advice, information, and legal counseling.

In one case a refugee pleading for UNHCR intervention to get her husband released from detention had engaged the services of a lawyer. She reported that when she approached UNHCR office with the lawyer, a UNHCR staff member said to her: "HCR doesn't talk with lawyers. Lawyers are not allowed to talk on behalf of refugees. [The staff member said] that I'm the refugee and [a detained person's wife] and only I should talk to [UNHCR]. [The staff member] said that, outside the UNHCR, my lawyers and I can talk and agree together, but with the UNHCR only I can talk, and the lawyer cannot represent me."

In two cases, UNHCR staff reportedly questioned asylum-seekers in detail about how they obtained legal advice in preparing their RSD cases, including questions about how much they paid.

Paying for advice *per se* cannot be held against an asylum-seeker, particularly given that free legal services are not available to refugees and asylum-seekers in Lebanon. It should be noted that asylum-seekers routinely pay for legal services in many countries, including countries in North America and Europe.

UNHCR can and should protect refugees and asylum-seekers from exploitation by regulating the provision of advice by legal and paralegal professionals. Many governments do this, for instance by establishing competency and ethical requirements, and maintaining

an official register of qualified representatives. UNHCR-Beirut has not done this.

FC has repeatedly solicited contact with UNHCR, and has offered to show UNHCR its offices and explain its procedures and standards. UNHCR has not responded to these invitations, and has not responded to FC's initiatives to establish a regular procedure for legal representation for asylum-seekers in Beirut. UNHCR's protection officer also informed FC that UNHCR-Beirut had turned down another NGO's initiative to provide legal advice to asylum-seekers. In this context, UNHCR-Beirut's scrutiny of legal representation appears mainly to be an obstacle to the right to counsel.

Conversely, in Egypt, where RSD interviews are also conducted by the

UNHCR, a legal aid program has been set up since 2001, based on the principle that refugees have the right to legal representation during the asylum determination process. This program was initiated by Professor Harrell-Bond and coordinated by her under the auspices of the Egyptian Organization for Human Rights (EOHR). The project hosts self-funded volunteers, lawyers, and paralegals from Egypt and overseas who gain experience in preparing cases for refugee status determination interviews and defending rejected cases and closed files for rehearing at UNHCR. It is believed that since the initiation of the Refugee Legal Aid project, over 1,000 individuals have benefited from that program and cooperation with UNHCR to develop means of improving refugee protection policies has been growing and developing.

III. FC WORK OVERVIEW

a. Counseling

As a new organization bringing in people for its counseling program, FC's work began with an extensive training program, lasting two months. FC officially

opened its doors to new clients for the counseling program on 8 April. During 2003, FC received around 500 refugee visits and assisted 136 cases.¹⁰

Chart: Summary of Case Types (Client Requests) through 30 November, 2003

RSD (new refugee claims or RSD appeals)	20
Durable Solutions	59
Closed files (rejected asylum-seekers)	17
Other requests	40
TOTAL:	136

b. Raising awareness among refugee communities

In response to the challenge of contacting clients in disparate refugee communities, FC executed an outreach program designed to introduce FC to refugee communities. FC arranged a series of meetings with refugee community leaders at the FC office, and FC made repeated visits to churches attended by

Sudanese refugees. Outreach meetings also included small group meetings with refugee community members and leaders designed to advise and inform them about their rights, solicit and listen to their concerns, and inform them about FC services. Many such meetings were casual in nature and were solicited by refugee

leaders whose communities faced specific challenges or frustrations in the durable solutions process. In addition to these visits and meetings, FC organized at its offices two social gatherings to which

around 100 refugees attended. FC in partnership with other local NGOs sponsored a public Refugee Day.

c. Legal advocacy — *pro bono* lawyers network

On 22 May, FC received a request for assistance from a young Sudanese woman, 9-month pregnant, whose husband, a UNHCR-recognized refugee, had just been arrested and scheduled for trial. The prosecution accused him of illegal entry to Lebanon, and was asking for one month imprisonment, to be followed by deportation.

FC responded by referring the case to one of its lawyers network who took the case on a *pro bono* basis. The lawyer defended the man in his trial, arguing against his deportation. On 12 June, a Beirut judge agreed, sentencing him to one month in prison, but blocking deportation

on the ground that returning him to Sudan would violate the CAT. This marked the first time such a decision had been issued in Lebanon by a first instance court, or in a case concerning a Sudanese refugee. Unfortunately, the refugee remained in detention, pointing to concerns about arbitrary detention of refugees in Lebanon.

Also in May, FC began planning an effort to expand its *pro bono* legal network by conducting a survey of Lebanese lawyers about their interest in providing *pro bono* legal service. From this initial stage, FC found 11 lawyers interested in participating in a *pro bono* network to defend refugees.

d. Research and advocacy

Research became an increasing priority for FC since an internal quarterly assessment at the beginning of June. FC therefore has been developing short term and long-term research and advocacy programs to both enhance counseling and to build a better protection environment in Lebanon over the long term.

Over this year, FC disseminated information on refugee protection in Lebanon by sending out a number of communications and updates to international organizations about individual cases or refugee protection issues in Lebanon. Following researches were also undertaken:

Iraqi resettlement

Responding to the concerns of its Iraqi clients, FC conducted in May and June a small scale research and advocacy project to document the state of limbo in which Iraqi refugees found themselves after being tentatively approved for resettlement to the US in 2001. These refugees were approved to resettlement to the U.S. before the U.S. suspended its refugee program in Lebanon after the September 11, 2001 attacks. In spring 2003, nearly all remained in Lebanon without any right to residence or work and without any answer

about if or when they could leave Lebanon.

FC analyzed the legal and policy gaps which led to this situation, and conducted 20 qualitative interviews to document the impact that it had had on their lives.

FC reported its findings in a report, *Promises without Solutions: Iraqi refugees in limbo in Lebanon* (June 2003), which recommended changes in the way UNHCR and resettlement governments communicate with refugees.

The report was distributed to refugees, embassies, UNHCR, and the U.S. Government. Following the report, FC representatives met with an official at the U.S. Embassy in Beirut, who agreed to communicate the concerns to refugee

agencies within the U.S. Departments of state and Homeland Security to improve their communication with refugees in Lebanon. An abbreviated version of the report was published in the international journal *Forced Migration Review*.¹¹

Iraqi repatriation

The fall of the Ba'ath regime in Iraq stimulated a pressure from governments for Iraqi refugees and asylum-seekers to return to Iraq. Almost immediately after the end of the war, the Lebanese Government began organizing repatriation convoys from Beirut. UNHCR officials initially stated that it planned to complete Iraqi repatriation from Lebanon by the end of 2003.

Responding to this emerging need, FC initiated in June a research program to

measure whether such repatriations met the protection standards set out by UNHCR in its Voluntary Repatriation Handbook.

By the end of the year, FC had completed 95 research questionnaires in this ongoing research project. The research is pending, as UNHCR has not yet begun organizing voluntary repatriations to Iraq from Lebanon.

Family re-unification

In order to bolster the advice we can provide to clients in the counseling program, FC conducted a legal research project on family re-unification immigration in 25 countries or regional entities.¹²

The project produced a handbook for counselors to use in working with individual refugee clients who have family living in third countries.

Arbitrary detention

Arbitrary detention is emerging as one of the most urgent areas of concerns for refugee protection in Lebanon.

In July, FC conducted initial internal legal studies on international law governing detention of migrants. This will

be followed by a study of Lebanese law on arbitrary detention, and research to document cases/patterns of detention of refugees and asylum-seekers in Lebanon. FC aims to use this research in publications or advocacy.

Discrimination against Refugees and Asylum-Seekers

FC was invited by the UN High Commissioner for Human Rights–Beirut office to participate in writing the Lebanon "shadow report" on racial discrimination for the Committee on the Elimination of Racial Discrimination. This report was going to be presented before that Committee in March 2004.

The report mainly covered refugees and asylum-seekers who because of their *de jure* non-recognition by the Lebanese State suffer discrimination in almost every aspect of their lives. The report stressed that the core discrimination from which the denial of basic and fundamental rights (such as right to education, work, health,

etc.) derives today is Lebanon's simple non-recognition of refugee status. Through non-recognition, foreigners in danger of persecution in their country of origin become by default a discriminated and marginalized class within Lebanon and are

unable to avail themselves of international protection.

Migration Issues in the Euro-Med Civil Forum

During the fall of 2003, FC spearheaded a national platform regrouping Lebanese groups and individuals who drafted a paper on migration issues for the Euro-Med Civil Forum. This paper represented an attempt by members of Lebanese civil society to generate discussion about migration issues. The purpose was to place relevant concerns and ideas about migration on the Euro-Med civil forum agenda, and to provide a foundation from which to engage other parts of civil society in the future.

The discussion paper addressed the role

of regional migration in historical context in the Mediterranean region and Europe; Migration and the Euro-Med process; the North-South imbalance in the region; and ways forward in the region. The paper concluded with immediate and long-term measures to move toward an integrated migration policy that develops hand-in-hand with economic, cultural, and political integration. This paper was subsequently distributed at the Euro-Med Civil Forum in Naples in November 2003 and the final statement of that meeting even included a resolution supporting the rights of minorities and refugees.¹³

¹ The General Security or *Sûreté générale* is the Lebanese state unit with the authority to work in 4 main areas: security function, media censorship, foreigners' service, and technical function. For more information, see www.surete-generale.gov.lb.

² UNHCR (2003). "2001 UNHCR Population Statistics (Provisional)." Geneva, UNHCR, (August) [www.unhcr.ch], page viewed 15 August, 2003.

³ UNHCR (2003). "Trends in Refugee Status Determination 1 January – 31 March 2003." Geneva, UNHCR, (July) [www.unhcr.ch], page viewed on 4 July 2003.

⁴ This announcement was made by the UNHCR's Deputy Regional Representative, Mohamed Hantoush, at the Reach Out Workshop in Beirut on 22 May 2003.

⁵ UNHCR, Quarterly Resettlement Trends Jan-Sep 2003 (13 February 2004).

⁶ Included here because FC received this report in 2003, because it occurred after cooperation between General Security and UNHCR had reportedly improved, and because the report appears consistent with a continuing pattern of behavior by Lebanese authorities.

⁷ These reports do not include the results of FC's study of 20 Iraqi refugees awaiting resettlement to the US, where Iraqis nearly uniformly reported that they were able to speak only to the receptionist or security guard when they sought advice about their cases. See *Promises without Solutions* (June 2003).

⁸ For a more detailed account of some of these criticisms, see Alexander, M. (1999). "Refugee Status Determination Conducted by UNHCR." *International Journal of Refugee Law* 11(2): 251-289; Human Rights Watch (2001). 50 Years On: What Future for Refugee Protection? New York, HRW [www.hrw.org/campaigns/refugees/pdf1.pdf], page viewed on 20 August 2003. Ad-Hoc Committee for the Support of Refugees/Asylum Seekers in Lebanon (ACSRA), Beirut, Lebanon: Report on Refugee Protection and Activities in Lebanon: July 1, 2001 to December 31, 2002.

⁹ See UNHCR (1992). Handbook on Procedures and Criteria for Determining Refugee Status. Geneva, UNHCR, reedited (January), 49-56.

¹⁰ Clients often visited FC more than one time.

¹¹ S. Trad, M. Kagan and B. Osmat (2003). "Promises without Solutions: Iraqi refugees in the lurch in Lebanon." *Forced Migration Review* no 18 (September 2003): p. 42-43.

¹² Australia, Austria, Belgium, Canada, Denmark, Ethiopia, European Union common policy, Finland, France, Germany, Greece, Iceland, Italy, Luxemburg, New Zealand, Netherlands, Norway, Philippines, Portugal, Spain, Sri Lanka, Sweden, Switzerland, United Kingdom, and USA

¹³ Euro-Med Civil Forum (2003). "Building Bridges, not Walls," Declaration. Naples, Euro-Mediterranean Civil Forum (28-30 November).