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World Refugee Survey 2009 - Lebanon

Introduction

Lebanon hosted about 333,500 refugees and asylum seekers, including some 278,000 Palestinians, who arrived after the 1948 creation of Israel, and over 50,000 Iraqis. The UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) had registered roughly 422,000 Palestinian refugees, but this figure included many who had acquired Lebanese citizenship or resided outside Lebanon. Most Palestinian refugees lived in 12 refugee camps and informal settlements throughout the country.

2008 Summary

During 2008, Lebanon deported at least 180 Iraqis to Iraq, always maintaining they returned voluntarily. Lebanon had detained them for several months in overcrowded prisons mixed with criminal detainees before they chose to return, opening the voluntary nature of their return to question.

At the beginning of the year, Lebanon was detaining more than 700 asylum seekers and refugees, including more than 320 Iraqis registered with the Office of the UN High Commissioner for Refugees (UNHCR). By the end of the year, in part due to a limited amnesty program (see below), Lebanon held roughly 150, fewer than 100 of whom were arrested solely for immigration violations. Despite a reduction in arrests, refugees and asylum seekers continued to be arrested for illegal entry, and detention remained a major source of fear for refugees. Violence was common during arrests, interrogations, and in detention centers.

The Directorate General of the General Security (GSO) received 156 requests for circulation permits from refugees and asylum seekers, but only granted one during 2008.

Throughout the year, authorities required Palestinian refugees wishing to enter or leave Nahr al Bared camp to obtain permits from the Lebanese Armed Forces. Permits were available to those who lived or worked in the camp. The permit requirements made it difficult for refugees to visit relatives in other camps and caused some to miss funerals, although the Army grew more lenient in granting them during the year.

While roughly 40 percent of Iraqi children could not attend school because they were working or their families could not afford supplies and fees, around 1,100 enrolled in schools with UNHCR assistance during the 2007-08 school year. In 2008, the Government opened all schools

LEBANON	
Refugees and Asylum Seekers	333,500
Former Palestine	278,000
Iraq	50,600
Sudan	4,500
1951 Convention: No	
1967 Protocol: No	
UNHCR Executive Committee: Yes	
Population: 4 million	
GDP: \$28.9 billion	
GDP per Capita: \$7,230	

to refugees with UNHCR certificates. Refugees had to pay fees, as did nationals, but UNHCR provided grants to cover the cost; 81 percent of children aged 4 to 17 enrolled (95 percent among those of primary school age). Additionally, UNRWA operated 83 primary, preparatory, and secondary schools for Palestinians, as well as 28 primary health care clinics.

In February, the Government opened a three-month (eventually extended to six) window for foreigners to regularize their status in the country. Foreigners first had to pay £1,950,000 (about \$634) to regularize their status for three months, during which time they had to legalize their status in the country. To legalize, Iraqis not enrolled in school or do not have a Lebanese spouse or parent have to find sponsors, obtain work authorizations, pay \$300 residency fees, present proof that a sponsor has paid a \$1,000 bank deposit on their behalf, and pay for medical tests and insurance. UNHCR paid the fee to secure the release of 230 refugees in detention. Former employers secured the release of some refugees, but others returned to Iraq. By May between 120 and 140 Iraqis remained in detention. Lebanon continued to arrest Iraqi refugees throughout the year, although less frequently than in 2007, detaining 25 between February and April. Many employers did not wish to sponsor refugees, preferring to hire them illegally, and many refugees did not wish to work formally because employers took the cost of the work permits out of their pay.

Clashes between Fatah and the fundamentalist, reportedly al Qaeda-inspired group Jund al-Sham in Ein al Hilweh camp killed several Palestinians. Fighting killed three a Jund al-Sham leader and two other Palestinians in July. Three died and three were wounded in a gun battle in mid-September, and about a week later an explosion killed one and wounded four.

In August, the Government began allowing Palestinians and their families who fled to Lebanon after 1948 to obtain identification cards. Around 2,500 Palestinians signed up for this program initially, although the Palestinian Consul to Lebanon suggested the number could ultimately double.

In October, a group of human rights organizations presented the Government with a list of 27 detainees who had died in Lebanese custody since January 2007, including several Palestinians, one Iraqi, and one Sudanese national. The groups reported that some of the deaths suggested abuse by guards, and others negligence and lack of medical care.

As of November, 27,000 Palestinians driven from Nahr al Bared camp by fighting in 2007 remained in temporary housing. Roughly 40 percent of those who had returned to the camp were unemployed, as were 26 percent of the displaced. Before the 2007 fighting, 88 percent had held jobs.

By year's end, roughly 4,000 Palestinians who had received Lebanese citizenship under a 1994 decree awaited a decision from the Ministry of the Interior (MOI) as to whether they would lose citizenship pursuant to the 2003 order of the State Consultative Council.

Law and Policy

Refoulement/Physical Protection

Authorities do not allow independent monitoring of returns and do not regularly inform UNHCR in advance.

Lebanon is not party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, and does not have a functioning refugee law in accord with international standards. The 1962 Entry and Exit Law prohibits *refoulement* of "political refugees" and allows any foreigner, whose life or liberty is in danger for political reasons, to seek asylum. In theory, an inter-ministerial committee headed by the MOI handles political asylum cases, but few apply for asylum. The Government granted political asylum in only one known case in 2000 to a member of the Japanese Red Army. Lebanon's Memorandum of Understanding (MOU) with UNHCR declares that "Lebanon does not consider itself an asylum country" and, under its mandate, UNHCR carries out all refugee status determinations.

The MOU covers only refugees who enter the country after it went into effect and precludes persons already in the country legally from applying. It also does not cover Iraqis under UNHCR's temporary protection regime. Lebanon permits asylum seekers and refugees to remain on the condition that UNHCR repatriate or resettle them. Of those who enter illegally, the MOU covers only those who apply for asylum with UNHCR within two months of entry. A 2006 Ministry of Justice advisory generally affirms that the Government should not return refugees recognized by UNHCR. UNHCR has three months to make status determinations and has to hand in the list of names of rejected applicants to the GSO. If UNHCR grants refugee status, the MOU gives UNHCR six months to find countries to accept the refugees for resettlement. During this time, the Government issues circulation permits, which it renews only once "for a final period of three months after which time the General Security would be entitled to take the appropriate legal measures." UNHCR rarely is able to complete registration, status determination, and resettlement within a year.

In February 2007, UNHCR began granting all Iraqis from central and southern Iraq *prima facie* recognition unless they fell under one of the 1951 Convention's exclusion clauses and did not register them under the MOU as it does for other refugees.

A 1962 decree recognizes most Palestinians as "foreigners without identity documents from their countries of origin residing in Lebanon on the basis of residence cards issued by the GSO or by the General Directorate of the Administration of Palestinian Refugee Affairs [renamed the Directorate of Political Affairs and Refugees in 2000 (DAPR)]."

Lebanon is party to the Convention Against Torture, and judges frequently block deportations of refugees and asylum seekers on the basis of its Article 3 protection against returning people to countries where they are in danger of torture.

Lebanese police typically do not enter Palestinian camps or provide security there.

Detention/Access to Courts

Lebanon's regulations state that prison authorities should refer foreign detainees who complete their sentence to the GSO, who would then decide to release or deport. In the case of refugees and asylum seekers, authorities give them the option of remaining in prison or returning to their countries of origin. There is no administrative mechanism to review these detentions. Authorities release refugees from detention when UNHCR intervenes if they have resettlement prospects.

UNHCR, the International Committee of the Red Cross, and nongovernmental organizations (NGOs) have access to detained refugees and asylum seekers. The 2003 MOU directs the GSO to notify UNHCR of asylum seekers detained "at its premises" and UNHCR can send "an explanatory letter with the proper documents" if it wishes to interview other detainees.

Based on the 2003 MOU, the GSO can issue circulation permits valid for six months and renewable for three months to refugees and asylum, allowing them to move freely in the country while UNHCR handles their cases.

Palestinian groups in the refugee camps operated their own system of justice outside Lebanon's control, resolving disputes in traditional, tribal fashion. They occasionally turned suspects in killings over to Lebanon's justice system, however.

The 1926 Constitution, amended in 1990, assures protection from arbitrary arrest, imprisonment, and custody to all persons. The 1962 Entry and Exit Law directs the GSO to issue special identity cards to political refugees.

Although refugees and asylum seekers technically have access to courts, those without legal status often avoid them for fear of arrest. In a 2008 child custody case involving a Sudanese refugee, a Lebanese court stressed the importance of allowing access to courts even for refugees without legal status in the country.

Lebanon grants immigration hearings to dozens at a time, during which the judge calls on them to respond to questions about the legality of their entry or stay by raising their hands or nodding. In criminal proceedings, Lebanon provides legal aid to foreigners whose home country provides the same to Lebanese nationals, which exclude all Palestinians. UNHCR does provide legal aid in some cases, however.

Freedom of Movement and Residence

Most non-Palestinian refugees cannot move freely within the country for fear of arrest. The Government restricts movement mostly at checkpoints, where many police and military officials do not respect UNHCR documents, especially after the conflict in Nahr al Bared.

Under the MOU, GSO can issue circulation permits to non-Palestinian refugees and asylum seekers who enter illegally pending UNHCR's determination of their status. The Government can also issue circulation permits pending resettlement, which it renews only once for a maximum of 12 months. UNHCR no longer requests circulation permits from the GSO for the Iraqis recognized *prima facie*. They are given certificates but they do not afford the same benefits and do not grant exemption from penalties for illegal presence.

The Government gives all UNRWA-registered Palestinian refugees and their descendants renewable five-year travel documents. Palestinian refugees registered with DAPR receive travel documents valid for one year. In 2006, GSO stated that refugees who obtain foreign passports can still keep their travel documents.

The Government does not issue international travel documents to non-Palestinian refugees except for resettlement.

except for resettlement.

The 12 refugee camps in Lebanon reportedly are not only overcrowded, but have open sewers, polluted drinking water, and poor electrical wiring. Lebanon does not allow camp boundaries to be expanded, and prohibits both new construction and repairs within the camps.

Lebanon requires that refugees residing in camps north of the Litani River to obtain written permission before being able to travel south.

Right to Earn a Livelihood

Under Lebanese law, courts can sentence anyone who enters the country and works illegally to at least one month in jail in addition to a fine.

In 2005, the Ministry of Labor (MOL) partially repealed restrictions prohibiting Palestinian refugees from working in 70 types of jobs. The edict covers about two-thirds of the occupations previously restricted, generally the low- to medium-skilled ones. To obtain a work permit, a Palestinian has to have been born in Lebanon, have registered with the MOI, and have a contract with a specific employer. Annual fees for work permits range from £L240,000 (about \$160) for workers earning below the minimum wage of £L300,000 (about \$200) per month, to £L960,000 (about \$640) for workers earning twice the minimum. Consultants, experts, general directors, or heads of accounts must pay an annual fee of £L1,800,000 (about \$1,200). Registered Palestinians have to pay only a fourth of those fees, but are ineligible for social security because of the requirement of foreigners' home states to give reciprocal benefits to Lebanese. Since the Palestinians have no home state, they are automatically ineligible but still have to contribute to it. The edict does not change a 1964 law which imposes another reciprocity condition on the membership in professional syndicates – a precondition for employment in professions such as law, medicine, engineering, and journalism. This also effectively excludes Palestinians.

Non-Palestinian refugees in the country legally have to apply to the MOL for work permits as foreigners. They have to be experts or professionals in a field where no Lebanese candidates are available, residents of Lebanon since 1954, or work for a company at least nine consecutive months during the year. Professions practiced through association, such as medicine, law, and accounting, are open only to Lebanese with few exceptions. Lebanon also offers work permits to foreigners married to Lebanese women for at least a year, who have Lebanese mothers, or are of Lebanese descent. The Government does not allow refugees and asylum seekers to hold both work permits and a legal refugee status. The Government requests refugees and asylum seekers who obtain work permits withdraw their refugee claims with UNHCR when they obtain work permits or apply for residence permits.

Most non-Palestinian refugees work in the informal sector in typically in unskilled positions, earning less than nationals and working longer hours,. Many families send their children to work, in hopes that they would be treated more leniently than adults if arrested.

The amended Constitution of 1926 promises protection of property rights to all people. Foreigners, including refugees, can own limited plots of land while fulfilling special legal requirements, including the approval of five different district offices. An amendment made in 2001 to the Property decree of 1969 allows foreigners to acquire property only if they come from countries who grant reciprocal rights to Lebanese. This excludes Palestinians from acquiring or bequeathing property to their heirs. Banks require nonresident foreigners to have a valid entry visa to open an account but refugees can register vehicles in their names at the MOI.

Public Relief and Education

Refugees are ineligible for public medical assistance. The 2003 MOU requires UNHCR to provide "the necessary assistance" to refugees holding circulation permits to avoid being "a burden on the Lebanese Government." Palestinian refugees are not eligible for Government health services or education but UNRWA provides health clinics.

A 1999 Ministry of Education decree grants all refugee children access to primary and secondary schools if space is available. The schools require all refugee children to have identification certificates issued by UNHCR. UNHCR and its partners provide educational grants to refugee families with primary school-aged children. UNHCR aids non-Palestinian refugee children in primary and secondary schools.

A 2002 decree reclassified Palestinians as "foreign student," subjecting them to increased tuition fees at universities. The fees made attainment of any education beyond secondary schooling, which is only achieved by few Palestinians, even more difficult.