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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Syria: Treatment of returnees upon arrival at Damascus International Airport and international land border crossing points, including failed refugee claimants, people who exited the country illegally, and people who have not completed military service; factors affecting treatment, including age, ethnicity and religion (2014-December 2015) [SYR105361.E]

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

The UNHCR's *International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic Update IV*, published in November 2015, "appeals to ensure that civilians fleeing from Syria are protected from *refoulement* and afforded international protection" (UN Nov. 2015, para. 34). Furthermore, the UNHCR considers that "most Syrians seeking international protection are likely to fulfil the requirements of the refugee definition ... of the 1951 Convention" (*ibid.*, para. 36). Amnesty International (AI) likewise states that forcible returns of Syrian refugees and asylum seekers "puts them at risk of serious human rights abuses and is a violation of the principle of non-refoulement" (AI Apr. 2013, 12). An article by the Australian Broadcasting Corporation (ABC) about returns to Syria notes that the UN and the International Organisation for Migration (IOM) "do not facilitate the return of Syrians to the war zone" (ABC 1 Oct. 2015).

Nonetheless, sources indicate that there have been cases of forcible return of people to Syria by Turkey (AI Apr. 2013, 12; CIVIC 11 Dec. 2015), Jordan (*ibid.*; Human Rights Watch Jan. 2015) and Lebanon (CIVIC 11 Dec. 2015; Human Rights Watch 7 Nov. 2014).

Sources also indicate that some people have voluntarily returned to Syria from neighbouring countries (UN 10 June 2013; NRC and IRC Aug. 2013, 12). According to a joint report by the Norwegian Refugee Council (NRC) and the International Rescue Committee (IRC), "[t]he lack of economic options and legal protection outside of Syria has led significant numbers of refugees to decide to return to the country, most often on a temporary basis, despite the on-going violence and deprivation" (NRC and IRC Aug. 2013, 12). The same source indicates that, according to estimates made by the UN and the governments of refugee hosting countries, "hundreds of thousands of refugees are traveling to Syria each year, most often to check on property, retrieve or renew documents or provide vital support to family members and friends before re-entering neighbouring countries" (*ibid.*). According to an article by the UN Integrated Regional

Information Networks (IRIN), the UNHCR states that the reasons for which people return include "improved security in some border villages, safeguarding property or checking on farms, reuniting with family members in Syria, or travelling to collect and bring back vulnerable family members" (UN 10 June 2013). The same source notes that the organization suspects that most of the Syrians who go back to Syria subsequently return to Jordan, while others go back because they cannot afford to rent in neighbouring countries and cannot adapt to "the harsh life in the desert camps" (ibid.).

2. Screening Procedures and Treatment by Border Officials

Sources indicate that there is a standard security procedure at Damascus International Airport and land border crossings for those returning to Syria, which involves screening the documents of the person and checking computer databases to see if the person is wanted by authorities (CIVIC 11 Dec. 2015; Executive Director 14 Dec. 2015; Emeritus Professor 11 Dec. 2015). In a telephone interview with the Research Directorate, the Executive Director of the Syria Justice and Accountability Center (SJAC) [1], providing information based on his personal views and experience, explained that the security check includes verifying with law enforcement authorities whether the person is wanted for committing a crime, as well as with the intelligence community, regarding whether the person is wanted for involvement with the opposition, for journalism, and/or involvement with an NGO (Executive Director 14 Dec. 2015).

In a telephone interview with the Research Directorate, an emeritus professor of anthropology and forced migration at Oxford University, who is also the former director of Oxford's Refugee Studies Centre, and who is a specialist in forced migration issues in the Middle East, explained the process at Syrian points of entry as follows:

At the land border crossing between Lebanon and Syria, the person is required to get out of their car and go to the Immigration Office, where the official takes their documents and conducts a computer check. The process takes approximately 10-15 minutes. At the airport, officials conduct a very careful check and often people, particularly internationals, are refused entry. (Emeritus Professor 11 Dec. 2015)

In a telephone interview with the Research Directorate, a program officer with the Center for Civilians in Conflict (CIVIC) [2], who specializes in humanitarian and refugee issues in Syria and Iraq, said that the screening process by border officials may include looking through phones and other personal items to check for any "signs of dissent" that might implicate the person, but that there are "no hard and fast rules" for the way in which officials treat returnees (11 Dec. 2015). A visiting senior research fellow with Kings College London, who specializes in Syria and has provided expert testimony in Syrian asylum cases in the UK, similarly said that security officials at the airport and other entry points "have a *carte blanche* to do whatever they want if they suspect someone for any reason," and noted that "anything can happen and there are no safeguards" (Visiting Senior Research Fellow 15 Dec. 2015). The same source said that if a security official suspects someone, "they might detain the person immediately, in which case the person could disappear and be tortured" or the official "might allow the person to enter Syria but require that the person report to them at a later time," at which point "the person might disappear" (ibid.). The source further stated that, in addition to people wanted by authorities, "[i]f a security official takes a dislike to a returnee, the returnee could be subject to mistreatment even if there is no valid reason," and that the system is "very unpredictable" (ibid.). The Program Officer noted that for people crossing border points to return to Syria, "sometimes people who have nothing to do with the revolution get arrested and detained" (CIVIC 11 Dec. 2015).

The Program Officer indicated that border officials at crossing points check to see if the person who is entering Syria has a family member who is wanted by authorities and can also face arrest and detention if the family member is wanted (ibid.). She explained that it is difficult for people to know if they, or a family member, are on the "wanted list" (ibid.). AI reports that the Syrian government has subjected the family members of people wanted by authorities to enforced disappearances, meaning that they are arrested and detained at unknown locations by state agents, in order to dissuade the wanted person from further activities (AI Nov. 2015, 7). Human Rights Watch likewise reports that security forces have detained family members to pressure people to turn themselves in to authorities (Human Rights Watch 29 Jan. 2015, 3).

The Visiting Senior Research Fellow explained that there is "no redress" for mistreatment by border authorities, such as "via complaints mechanisms or the courts" (15 Dec. 2015). According to AI, the Syria-based monitoring group Syrian Network for Human Rights, has documented over 58,000 cases of civilians who were "forcibly disappeared" by the Syrian government between March 2011 and August 2015, and were still missing as of 30 August 2015 (AI Nov. 2015, 7). The same source further notes that all four branches of the Syrian security forces, comprised of Military Intelligence, Air Force Intelligence, Political Security, and General Intelligence (also called State Security), have carried out enforced disappearances and there are detention facilities throughout the country (ibid.). AI explains that these detainees are "placed outside of the protection of the law and denied access to a lawyer or fair trial"; detainees are kept in overcrowded conditions and "are regularly subjected to a catalogue of torture" (ibid., 8). Human Rights Watch and the UNHCR report on the widespread use of enforced disappearance, detention and torture by Syrian authorities (UN 14 Apr. 2014, 1; Human Rights Watch 29 Jan. 2015, 2-3).

AI reports on cases in which people were forcibly disappeared by Syrian agents at the Damascus International

Airport and at border crossings (AI Nov. 2015, 33, 42, 52). AI reports that three Syrians were arrested at the Damascus airport at an Air Force Intelligence checkpoint on 20 September 2012, and were still missing as of 6 October 2015 (ibid., 33). AI also reports a case in which a former Syrian border guard who defected to Turkey in June 2014 was abducted by the pro-government militia when he was crossing the border into Syria to visit his family; in 2015, a released detainee told the family that the man was being held by military intelligence in Damascus (ibid., 52). AI also reports on a 2014 case in which a Syrian man who volunteered with the Red Crescent was arrested at the Syrian-Lebanon border when leaving Syria on 5 September 2014; he was reportedly told that he was wanted by the government and transferred to a branch of Military Intelligence the following day, after which his whereabouts were unknown (AI 16 Dec. 2014, 42-43). AI indicates that one of his relatives was later given a death certificate stating that he had died of a heart attack in detention on 5 April 2015, but they were not given the body or location of the grave (ibid., 43). AI also reports that on 31 October 2014, two Syrians, a journalist and a director of an NGO, were stopped and held by Syrian immigration officials at the Lebanon-Syria border while on their way back into Syria after spending one week in Lebanon (AI 10 Nov. 2014). They were reportedly handed over to the Political Security intelligence agency (ibid.). The 2014 AI report states that the reasons for their arrest remained unknown, though both men had previously been arrested for activities involving "peaceful activism" (ibid.).

Human Rights Watch reports on a 2014 case in which the Lebanese government "forcibly returned" a Syrian man from Lebanon to Syria, after he was released following completion of a six month jail term in Lebanon on a conviction for transporting weapons (Human Rights Watch 7 Nov. 2014). Relatives of the man indicated that he had fled Syria because he was wanted by the authorities for allegedly participating in anti-government demonstrations in Damascus, and that he had expressed fear of being tortured and killed if "forcibly returned" to Syria (ibid.). A former detainee told the man's family that he saw the man in the custody of the Syrian army (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In correspondence with the Research Directorate, an associate legal officer with UNHCR Canada, who contacted UNHCR colleagues in the field, said that there is "limited" information on the treatment of Syrian returnees since 2011, but noted that they are "subject to strict security screenings" at the airport in Damascus, which the source described as "government controlled" (UN 5 Jan. 2015). Similarly, the Emeritus Professor said that since the start of the war, it is "very hard" to obtain information about the treatment of returnees by border officials, as the press is not able to report on it (Emeritus Professor 11 Dec. 2015). However, she said that she heard anecdotal accounts from Syrians in Damascus of people who returned to Syria and then disappeared; in some cases, they told their relatives of their plans to return but then never arrived when they were supposed to and could not be reached again (ibid.). Without providing details, in a 2012 article, a Syrian woman in Lebanon told the news source Al-Monitor that two of her uncles were arrested and disappeared when they returned to Syria (Al-Monitor 4 June 2012).

3. Treatment of Failed Refugee Claimants

Specific cases of the treatment of failed refugee claimants returning to Syria since the start of the war were scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

In 2015, ABC interviewed a Syrian man who had sought asylum in Australia in 2013 and was held in a detention facility on Manus Island before being "persuaded" by Australian authorities to return to Syria in August 2015 (ABC 1 Oct. 2015). According to the source, government officials "singled [him] out" when his flight landed in Damascus because he was from Al-Harra in Daraa province, the province where the war began, which marked him as a "dissenter" (ibid.). Syrian officials reportedly accused him of being a "financier of the revolution" when they found cash given to him by the Australian government for his return, and "tortured" him for 20 days, including hitting his face, back and chest (ibid.). Further and corroborating information about this case could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In a November 2013 statement, Human Rights Watch reports that, according to the UNHCR, approximately 35 Palestinians from Syria who fled to Egypt during the Syrian conflict were returned to Syria, and some were "detained upon arrival at the airport" (Human Rights Watch 11 Nov. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Regarding the likely treatment of failed refugee claimants by Syrian border authorities, the Emeritus Professor stated the following:

[A] failed refugee claimant would be subject to arrest and detention. They would also be tortured in order to get a statement of why they left.

Assad made a statement that any Palestinians who leave Syria would be arrested if they return. People fear that this would be applied to others in the country. Some people who leave Syria are reluctant to ask for refugee protection for fear of what would happen to them if they are sent back to Syria. (11 Dec. 2015)

The Executive Director of the Syria Justice and Accountability Center said that

a failed refugee claimant would definitely be subject to arrest and detention. He or she would be charged with broadcasting false information abroad and would also be treated as anti-government or opposition. He or she would be subject to torture in an attempt by authorities to get information about other refugee claimants or opposition. The failed refugee claimant risks being tortured to death or being tortured and then sent to prison for a very long time. (Executive Director 14 Dec. 2015)

According to the US Department of State's *Country Reports on Human Rights Practices for 2014*, Syrians who unsuccessfully sought asylum abroad face prosecution on their return to the country (US 25 June 2015, 39). The source explains that

[t]he law provides for the prosecution of any person who attempts to seek refuge in another country to evade penalty in Syria. The regime routinely arrested dissidents and former citizens with no known political affiliation who attempted to return to the country after years or even decades of self-imposed exile. (ibid.)

The Visiting Senior Research Fellow said that a failed refugee claimant could be subject to arrest and detention for making a refugee claim abroad, but further expressed the opinion that it is "not automatic" (15 Dec. 2015). He stated that:

[t]he more traditionally-minded Syrian officials believe that all asylum seekers are anti-government, in which case they could be subject to arrest, detention and torture, but there are also officials who recognize that some people may have left for economic reasons. Nothing is automatic or predictable. However, the conflict has probably raised the suspicion levels of officials. (15 Dec. 2015)

In a 2012 UK court decision before the Upper Tribunal (Immigration and Asylum Chamber), in the case *KB vs. Secretary of State for the Home Department*, which set new country guidance for cases regarding Syrian asylum claimants in the UK, the court found that, in the case of a Syrian whose claim for refugee protection was initially rejected,

[i]n the context of the extremely high level of human rights abuses currently occurring in Syria, a regime which appears increasingly concerned to crush any sign of resistance, it is likely that a failed asylum seeker or forced returnee would, in general, on arrival face a real risk of arrest and detention and of serious mistreatment during that detention, as a result of imputed political opinion. That is sufficient to qualify for refugee protection. The position might be otherwise in the case of someone who, notwithstanding a failed claim for asylum, would still be perceived on return to Syria as a supporter of the Assad regime. (UK 20 Dec. 2012, 2)

In a 2015 case before the European Court of Human Rights, concerning the impending expulsion of three men from Russia to Syria (two Syrian nationals and one stateless Palestinian from Syria, all of whom applied for refugee status in Russia but did not receive it), the Court unanimously found that "the applicants' forced return to Syria would give rise to a violation of Article 2 (right to life) and/or Article 3 (prohibition of torture and of inhumane or degrading treatment) of the European Convention on Human Rights" (Council of Europe 15 Oct. 2015, 1-2).

4. Illegally Exiting Syria

Sources indicate that the security check conducted by border authorities at the Damascus International Airport and other ports of entry includes verifying whether the returnee illegally exited Syria (CIVIC 11 Dec. 2015; Executive Director 14 Dec. 2015; Emeritus Professor 11 Dec. 2015). The Emeritus Professor explained that Syrians are required to obtain an exit permit before leaving Syria, and that women are required to have a male relative's approval before obtaining an exit visa, a requirement that is currently actively applied (ibid.). The SJAC Executive Director noted that "Syrian authorities check people when they exit the country as well as when they enter, and so the dates are in the system of when they leave and return" (Executive Director 14 Dec. 2015). For further information about entering and exiting procedures at Damascus International Airport, see Response to Information Request SYR104767.

5. Military Service

Sources indicate that the security check conducted by border authorities at the Damascus International Airport and other ports of entry includes checking if the returnee completed military service (CIVIC 11 Dec. 2015; Executive Director 14 Dec. 2015; Emeritus Professor 11 Dec. 2015). Several sources state that men of military age are particularly vulnerable to mistreatment by security authorities at the airport and other points of entry (ibid.; CIVIC 11 Dec. 2015; Executive Director 14 Dec. 2015). The Emeritus Professor described military-aged men as "the most vulnerable" group in terms of treatment by Syrian authorities at points of entry, "especially if they never served in the military" (Emeritus Professor 11 Dec. 2015). According to the Program Officer, young men of 16 to 40 are "particularly persecuted" by border authorities and are subject to "forced conscription on all sides," even if they already completed their military service (CIVIC 11 Dec. 2015). A December 2015 article by Syria Deeply, an "independent digital media project" based in New York that aims to advance "foreign policy literacy through public service journalism" (n.d.), reports that Damascus residents have noticed an increase in detentions at government checkpoints in Damascus and that the authorities have

been increasingly checking for evasion of military service (Syria Deeply 16 Dec. 2015). For further information about military conscription in Syria, see Response to Information Request SYR104921.

6. Other Factors Affecting Treatment

The Emeritus Professor said that "everyone" is vulnerable to mistreatment by authorities at the airport and border crossings, and expressed the opinion that "ethnicity and religion are not issues" affecting vulnerability to mistreatment (11 Dec. 2015). However, other sources indicate that the following groups face a greater risk of mistreatment by border authorities:

- Kurds (Executive Director 14 Dec. 2015; Visiting Senior Research Fellow 15 Dec. 2015), as their "loyalty to the regime has traditionally been distrusted" (ibid.);
- Palestinians (CIVIC 11 Dec. 2015);
- Sunnis (ibid.; Executive Director 14 Dec. 2015);
- "Known Islamists" (Visiting Senior Research Fellow 15 Dec. 2015); and
- People who appear to be religious based on their dress (ibid.; CIVIC 11 Dec. 2015)

Sources indicate that anti-government activists face a greater threat of mistreatment by airport and border authorities (Visiting Senior Research Fellow 15 Dec. 2015; CIVIC 11 Dec. 2015), as do the family members of activists (ibid.). In addition, sources note that there is a greater risk of harsh treatment for returnees who are from regions with more opposition activity (ibid.; Executive Director 14 Dec. 2015) or fighting (ibid.). For example, there may be a greater risk for people from Homs (ibid.; CIVIC 11 Dec. 2015) and Daraa province, than to people from Damascus, where there is less fighting (Executive Director 14 Dec. 2015).

According to AI, the Syrian authorities' "campaign of enforced disappearances" has targeted peaceful opponents of the government and those considered "disloyal," such as defectors, and government employees and soldiers considering defection (AI Nov. 2015, 7). AI notes that there are also "opportunistic actors" in the system who use forced disappearances for financial profit or to settle personal grievances (ibid.). According to a 2014 report on torture in Syria by the UN Office of the High Commissioner for Human Rights (OHCHR), "men and women of varying ages, religious and ethnic backgrounds" were detained and tortured by government forces, including activists, students, lawyers, medical personnel, humanitarian workers, and those who were "in the wrong place at the wrong time" (UN 14 Apr. 2014, 1). According to Human Rights Watch, many of those arbitrarily detained by the government are young men in their 20s and 30s, but there are also women, children and elderly people who are detained (Human Rights Watch 29 Jan. 2015).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The SJAC is an NGO that documents human rights abuses and violations of humanitarian and international law in Syria by collecting information from "trusted individuals and organizations all over Syria" (SJAC n.d.).

[2] CIVIC is a Washington, DC-based NGO that conducts research, interviews those affected by conflict, and advocates for improving protection for civilians caught in conflicts worldwide (CIVIC n.d.).

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Internet sites, including: ecoi.net; Factiva; Institute for War and Peace Reporting; Internal Displacement Monitoring Centre; International Crisis Group; International Organization for Migration; Refugees International; Syrian Network for Human Rights; United Nations – Office of the High Commissioner for Refugees; Office for the Coordination of Humanitarian Affairs; Refworld.

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