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COMPREHENSIVE PROTECTION AND SOLUTIONS STRATEGY: PROTECTION THRESHOLDS AND PARAMETERS FOR REFUGEE RETURN TO SYRIA

February 2018

EXECUTIVE SUMMARY

The conflict in Syria continues to drive the largest displacement crisis in the world. There are over 5.4 million refugees across the region and over six million people remain internally displaced. While fighting continues in some parts of Syria, recent developments on the ground have also meant that people have returned to areas where fighting has receded. There were over 840,000 returns in Syria in 2017: the self-organized return of over 77,000¹ Syrian refugees, as well as over 764,000 IDPs.

UNHCR's overall approach towards Syrian refugees is anchored in a **comprehensive protection and solutions strategy**. This seeks to: i) support host country resilience; ii) enable refugee self-reliance; iii) expand access to resettlement and other safe pathways to a third country, and; iv) plan for voluntary repatriation of refugees to Syria when conducive conditions are in place. The approach is, by design and necessity, grounded in partnership and collaboration with all stakeholders.

UNHCR's position is that **present conditions in Syria are not conducive for voluntary repatriation in safety and dignity**. Significant risks remain for civilians across the country. UNHCR is neither promoting nor facilitating refugee returns at this stage. However, as people are returning on their own, it is critical to continue planning for eventual UNHCR-assisted repatriation to Syria, including for a potential larger-scale facilitation of voluntary repatriation when conditions for a safe and dignified return are in place.

The purpose of this document is to outline current planning efforts related to repatriation. It includes **UNHCR's policy and operational response for actual and future refugee returns**, both self-organized and organized by other governments or UNHCR, back to Syria. It is developed in the context of UNHCR's protection and solutions mandate under international law for refugees from the time they are displaced until they return voluntarily, safely and in dignity, in a sustainable manner, back to Syria.

UNHCR's planning for return in Syria is characterized by two phases:

Phase 1 is the current phase, where the necessary conditions are not in place for safe and dignified return, but there are some self-organized returns occurring. During this phase, return should not be encouraged. UNHCR engagement on return during this phase is limited to planning, monitoring, counselling, advocacy, and ongoing analysis of obstacles to and conditions necessary for return, and identifying the necessary actions to address them. Self-organized returnees are assisted through ongoing humanitarian programmes.

Phase 2 will occur when conditions have substantially changed and large-scale voluntary repatriation can be facilitated by UNHCR and partners. A shift to phase 2 would be governed by four criteria:

1. Legal framework(s), guaranteeing rights of returnees and unhindered access to them and return areas, is in place;
2. There is clear evidence of Protection Thresholds (see pages 7 & 8) being met in the place(s) of return;
3. There is an improvement in conditions in return areas;
4. Refugees actively request support from UNHCR to return, in large numbers.

This document outlines the planning assumptions, operational stance and activities that would be carried out by UNHCR for each phase. For both phases, UNHCR would take a needs-based approach consistent with the ongoing humanitarian response inside Syria for IDPs, host communities, IDP returnees, and others in need. In both phases, assistance would be based on careful analysis so as to not incentivize returns or create pull factors. More broadly, UNHCR will seek to ensure voluntary repatriation and reintegration of refugees fits within longer-term development plans and coordination structures inside Syria.

¹ Refugee return figures and methodologies for collecting them are being reviewed and updated as necessary. With regard to Turkey, UNHCR observed the voluntary return interviews of 19,366 returnees in 2017.

BACKGROUND

The conflict in Syria continues to drive the largest displacement crisis in the world. There are over 5.4 million refugees across the region and over six million people remain internally displaced. While fighting continues in some parts of Syria, recent developments on the ground have also meant that people have returned to areas where fighting has receded. There were over 840,000 returns in Syria in 2017: the self-organized² return of over 77,000³ Syrian refugees, as well as over 764,000 IDPs.⁴ Refugee and IDP returns need to be framed within the wider context of continued large-scale displacement (2.6 million people in 2017) and ongoing conflict in many parts of Syria.

UNHCR's overall approach towards Syrian refugees is anchored in a comprehensive protection and solutions approach for the region, in line with the New York Declaration for Refugees and Migrants and the Comprehensive Refugee Response Framework (CRRF).⁵ While the focus of this document is on the major refugee-hosting countries in the region, the principles of voluntary repatriation in safety and with dignity and the physical, legal and material safety considerations are applicable elsewhere.

With the 2018-2019 Refugee and Resilience Response Plan (3RP)⁶ as its cornerstone, the comprehensive approach:

- i) Supports host countries in the region, building the resilience of national institutions and host communities;
- ii) Enables self-reliance of refugees, including access to services, legal work opportunities and livelihoods;
- iii) Expands access to resettlement in third countries and other complementary pathways, and;
- iv) Plans for the repatriation of refugees to Syria, on a voluntary basis, when conditions for a safe, dignified and sustainable return are in place.

The rationale for such an approach is clear and compelling. While most Syrian refugees intend to return home, even in the best case scenario, it will take several years for necessary conditions to be in place that would allow the majority to return in safety and dignity. **It is, therefore, imperative that the international community stay the course and expand their support to host countries**, both to the benefit of host communities and to maintain protection space for refugees. In parallel, UNHCR continues to pursue an expansion of resettlement places and complementary forms of legal admission, as both a responsibility-sharing measure and in recognition that some Syrian refugees will not be able to return home.

Partnership underpins the comprehensive approach. The international community, UNHCR, NGOs, refugees, UN agencies, host communities and national governments, private sector and International Financial Institutions each have an important part to play. To ensure consistency with ongoing humanitarian operations inside Syria, the comprehensive approach builds upon existing collaboration between the 3RP and the Whole of Syria Humanitarian Response Plan for Syria, and will seek linkages with the UN Strategic Framework for the Syrian Arab Republic and future reintegration coordination structures.

UNHCR's position is that present conditions in Syria are not conducive for voluntary repatriation in safety and dignity as significant risks remain for civilians across the country.⁷ Premature return, induced by negative push factors, could have a devastating impact on refugees and further destabilize Syria and the region. UNHCR is neither promoting nor facilitating refugee returns at this stage. However, as people are returning on their own and/or in returns organized by host countries or other actors, it is critical that contingency planning is conducted so any response is principled and structured should large-scale refugee repatriation become more likely. Planning should be centered on refugees' own intentions and concerns, guided by a well-informed individual choice, and based on an objective assessment of conditions in return areas.

² UNHCR voluntary repatriation guidelines refer to 'spontaneous' or 'self-organized' returns, when refugees travel on their own to the country of origin, and 'organized', where they are supported to do so, either on an individual basis or through a larger-scale repatriation operation. See <http://www.refworld.org/volrep.html>

³ See footnote 1.

⁴ The reference to refugees and returnees throughout this document refers to any citizen or habitual resident of Syria, who is currently outside the country, irrespective of their legal status in the country of asylum, e.g. Palestine refugees, stateless persons.

⁵ For more information see, UNHCR Comprehensive Refugee Response Framework, at <http://www.unhcr.org/comprehensive-refugee-response-framework-crrf.html>

⁶ See the Refugee and Resilience Response Plan (3RP) platform, at <http://www.3rpsyriacrisis.org/>

⁷ UNHCR, International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update V, 3 November 2017. See <http://www.refworld.org/country,...SYR,,59f365034,0.html>, P. 70.

UNHCR's engagement on returns is based on its mandated responsibilities in international refugee and human rights law and policy.⁸ UNHCR's responsibilities include working with authorities to establish and arrange for guarantees in areas of return, and - based on unhindered access to returnees and return areas - providing up-to-date and objective information to refugees and the international community on conditions in these areas, including determining whether conditions meet protection thresholds. UNHCR has the responsibility to accompany refugees before, during, and after the return process and to provide early reintegration support on a community and individual basis. Finally, UNHCR advises and acts as a catalyst for medium and long-term rehabilitation assistance provided by NGOs, specialized development agencies and bilateral donors toward the continued durability of return.

Programmes supporting refugee returnees must be needs-based and fully coherent and integrated with the operations, assistance, and protection efforts for the wider population in need of humanitarian assistance in Syria – including IDPs, IDP returnees, and host communities. As such, programmes must also be based on careful analysis so as to not incentivize returns or create pull factors for refugees or IDPs, or create tensions through inequities in assistance for people in need. The return of refugees is part of a much broader assistance, protection and development programme inside Syria.

Potential Return Areas

The Syria crisis has displaced over 5.4 million Syrian refugees into Turkey, Lebanon, Jordan, Iraq and Egypt, while there are an estimated 6.15 million internally displaced people within Syria at the beginning of 2018. Based on available information from various sources, a breakdown of present and pre-conflict populations in Syria is found in Box 1 below.

Box 1: Present and Pre-conflict Populations in Syria

Governorate	Pre-Conflict Pop. 2011	IDPs Pop. 2018	Resident Pop. 2018	Refugee Place of Origin
Aleppo	4,754,060	961,845	2,608,695	1,568,910
Al-Hasakeh	1,251,254	229,023	878,136	354,950
Ar-Raqqa	833,293	157,483	282,793	454,363
As-Sweida	369,440	63,344	265,108	15,995
Damascus	1,754,000	647,602	1,277,785	215,532
Dar'a	1,025,357	330,118	568,792	345,310
Deir-ez-Zor	1,237,413	151,800	744,078	168,398
Hama	1,619,330	287,803	1,178,439	370,771
Homs	1,724,882	355,291	1,060,514	409,698
Idlib	1,490,523	984,515	1,101,536	862,607
Latakia	967,926	427,057	659,724	321,247
Quneitra	89,328	48,720	51,841	13,771
Rural Damascus	2,819,642	1,303,622	1,957,624	311,495
Tartous	800,028	201,782	629,740	6,817
Total	20,736,476	6,150,005	13,264,805	5,419,864

⁸ International refugee and human rights law and policy inform UNHCR's responsibility with regard to voluntary repatriation, including (but not limited to) the following: The UNHCR Statute; 1951 Convention relating to the Status of Refugees; General Assembly Resolutions and Executive Committee Conclusions including Conclusion No. 18 (XXXI) – 1980 on voluntary repatriation, Conclusion No. 40 (XXXVI) – 1985 on voluntary repatriation and Conclusion No. 101 (LV) – 2004 on legal safety issues in the context of voluntary repatriation of refugees and General Conclusion 74 (XLV) – 1994 emphasising UNHCR's leading role in promoting, facilitating and coordinating voluntary repatriation, and; The New York Declaration.

UNHCR data for refugees in Egypt, Iraq, Jordan and Lebanon shows that the majority (63.7% or 1.3 million persons) originate from four governorates: Aleppo (17.2%), Homs (17.5%), Dara'a (16.7%), and Rural Damascus (12.2%). Significant numbers also originate from Hassakeh (8.5%), Damascus (7.4%), Idlib (7.3%), and Hama (5.7%). For the 3.4 million refugees in Turkey, where data is held by the government, samples confirm that a significant percentage originate from northern Syria – in particular Aleppo, Homs, Hama and Idlib, with proportionately fewer from Damascus, Rural Damascus and Dar'a.

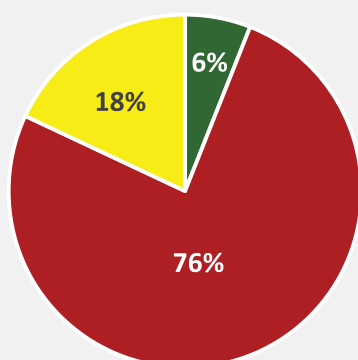
Aleppo, Homs, Dar'a and Rural Damascus governorates are priority areas for operational expansion due to the humanitarian needs of IDPs, host/receiving communities, and potential IDP and refugee returnees. Returns of the predominantly Kurdish refugees in Iraq are likely to focus on Hassakeh. The majority of refugees in Jordan are likely to return to Dar'a, Rural Damascus, Homs and Aleppo; and from Lebanon to Homs, Aleppo, Idlib and Rural Damascus. The majority of spontaneous movement from Lebanon, including temporary visits, are currently to Damascus and other areas under control of the Government of Syria (GoS). From Turkey, based on UNHCR's monitoring of the voluntary nature of returns in collaboration with the Government of Turkey, the main intended destinations of returns in 2017 were Al-Bab, Azaz, Jarablus, and Menbij.

Refugee intentions related to return

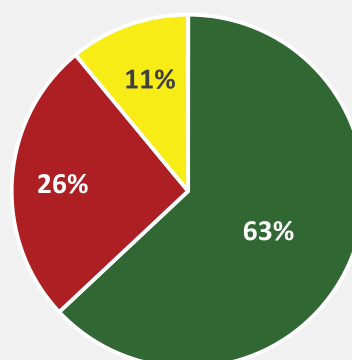
UNHCR is monitoring intentions of refugees in the region. Quantitative surveys were conducted in Jordan, Egypt and Iraq, with qualitative methodologies applied in all five countries. As Box 2 shows below, 76% of the respondents stated they do not plan to return to Syria in the next 12 months and 18% were undecided/did not know, 63% hope to return one day, with another 11% being undecided/did not know. The surveys showed that the key factors likely to influence the decision to return are the security situation, livelihood/work opportunities, access to shelter/housing and access to basic services. Respondents also suggested that a political solution to the conflict was a minimum requirement for returnees to be able to enjoy physical safety and security.

Box 2: Results of Intention Survey - October 2017

Do you plan to return to Syria in the next 12 months?



Do you hope to return to Syria one day?



■ Yes ■ No ■ I am undecided/I do not know

Note: UNHCR has been conducting surveys and focus group discussions on Syrian refugees' perceptions and intentions on return since early 2017. The above results are from the third and latest (October 2017) quantitative survey of 3,049 Syrian refugees in Egypt, Iraq and Jordan.

STRATEGIC OBJECTIVES

In partnership with national governments, UN agencies, NGOs, donors, civil society, refugees and receiving communities, UNHCR will:

- 1) **Deliver a Comprehensive Protection and Solutions response**, which includes support to host governments and communities, protection, assistance and self-reliance for refugees, resettlement and complementary pathways, emergency response for new displacement, and should conditions allow, voluntary return to Syria.
- 2) **Ensure that return planning is grounded in protection standards and principles**, including that refugee returns should be well-informed, voluntary and in safety and dignity.
- 3) **Monitor and provide limited assistance to self-organized refugee returns**, including sharing with refugees objective and up-to-date information on conditions in return areas, returnee counselling, and verification of the voluntary character of return, followed by limited reintegration assistance post-arrival in Syria within ongoing humanitarian programmes.
- 4) **Facilitate voluntary repatriation in safety and dignity to specific areas of Syria**, where there is clear evidence that violence has durably ceased and protection thresholds in accordance with international refugee law and standards are met.
- 5) **Support the reintegration of refugee and IDP returnee communities on a needs basis** through regular humanitarian programmes and in collaboration with the broader international and national programmes inside Syria.

Phases 1 & 2

UNHCR's planning for voluntary return is characterized by two "phases," which correspond to the **operational stance** of UNHCR toward the return movement.

In Phase 1, the current phase: conditions are not conducive for return in safety and dignity, relatively small numbers of refugees are returning without UNHCR assistance. Some exercise their free will to return, while varying degrees of coercion are evident in some cases. UNHCR and partners' engagement is limited to counselling, monitoring cross-border movements, analysis of return trends, and advocacy, with returnees accessing ongoing humanitarian programmes inside Syria, based on need. Inside Syria, UNHCR and partners respond to the needs of returnees as part of regular humanitarian programmes.

In order to shift to Phase 2: four criteria govern UNHCR and partners consideration of supporting government-organized return or to organize directly large-scale facilitated repatriation:

1. Legal framework(s), guaranteeing rights of returnees and unhindered access to them and return areas, is in place (see full list of **Protection Thresholds** on pages 7 & 8)⁹;
2. There is **clear evidence of Protection Thresholds being met**;
3. There is **a substantive and sustainable improvement in conditions in return areas**;
4. **Refugees actively request support from UNHCR to return**, in large numbers, with UNHCR able to provide counselling, and confirm the voluntary character of return through access to areas of return and monitoring.

UNHCR acknowledges that Phases 1 and 2 may be far from distinct periods. In reality, the length of each phase, and the overlap between them, may vary depending on security developments, the evolution of conditions in return areas, and the situation in host countries. The decision to move from Phase 1 to Phase 2 may not necessarily be uniform across Syria, as conditions may be more conducive in some parts of the country compared to others.

A third phase on "Promotion" of voluntary return will be developed at a later stage.¹⁰

⁹ The Protection Thresholds listed below are the requirements in terms of the protection situation and guarantees for returnees. In the case of organized returns facilitated by UNHCR, there are additional aspects that would be included in a legal framework agreed with the Government of Syria, Host Governments, and other actors as required. Such aspects are customary to tripartite frameworks for return and include, for example, return logistics and exemptions from customs duties.

¹⁰ See UNHCR Handbook on Voluntary Repatriation, 1996, at <http://www.unhcr.org/partners/guides/4164f6404/handbook-voluntary-repatriation-international-protection.html>.

Protection Thresholds

While assistance to individual returns in Phase 1 will be decided on a case-by-case basis, the decision to consider a formal shift towards facilitating organized large-scale repatriation (Phase 2) will be guided by the meeting of the following Protection Thresholds:

- **Significant and durable reduction of hostilities.**
- Conclusion of a **formal agreement** with the government, host countries, and other actors as required, to receive returnees.
- **The government / actors in control of the return area provide genuine guarantees** that returnees will not face harassment, discrimination, arbitrary detention, physical threat or prosecution on account of originating from an area previously or currently under de facto control of another party to the conflict; for having left Syria illegally; for having lodged an asylum claim abroad, or; on account of any (individual or family) diversity characteristic.
- Every individuals' decision to return is **informed** and **genuinely voluntary, without any coercion**.
- Acceptance by the government / entity in control of the return area of **returnees' free choice of destination and place of residence and right to freedom of movement**.
- The **physical, legal and material safety** of refugees and returnees is ensured.
- Measures are in place so that **the specific needs of women, girls, men and boys are met**, that SGBV is prevented and responded to, that access to assistance is safe and dignified and that protection, care and assistance is provided throughout all phases of the return and reintegration process. Refugees and returnees with specific needs (including, but not limited to older persons and persons with disabilities) receive protection and support, through age and gender-sensitive approaches.
- Identified **unaccompanied or separated children** are not returned prior to tracing of family members and formal best interests of the child determinations have been undertaken.
- The principle of **family unity** is upheld, including a right to enter and remain for dependents who are not Syrian citizens.
- Refugees and returnees can **effectively participate** in the planning and implementation of the return and reintegration process.
- **Activities by any entity that impede the informed, voluntary, safe and dignified return** of refugees and displaced persons to their places of origin or of choice are prevented and addressed.
- Returnees **fully benefit from an amnesty** in Syria, except for those that are charged with a serious violation of international humanitarian law, or a crime against humanity, or a crime constituting a serious violation of human rights, or a serious common crime involving death or serious bodily harm, committed prior to or during exile. The amnesty includes **those who evaded compulsory military service or reservist service**, have deserted from the armed forces, have joined a non-state armed group, and who left Syria illegally and/or lodged an asylum claim abroad.
- GoS **commits to recognizing changes in returnees' personal/civil status** occurred, during the conflict, including in displacement and abroad (e.g. births, deaths, marriages, adoptions, divorces, custody – including the extension of Syrian nationality to returnee children born abroad and residence status with the possibility of it leading to naturalization for non-Syrian spouses). All returnees have access to affordable civil registration and documentation and validation of education certificates obtained abroad. Documentation issued by a competent authority indicating such changes is validated or re-issued.

- **Appropriate evidentiary value is given to civil documentation issued by non-state entities** and documentation issued in non-government controlled areas by local actors (e.g. birth attestation); and legitimate documentation issued by the competent Syrian authorities is recognized. **For those not holding identity documentation**, alternative forms of evidence is accepted. **Documentation from UNHCR** or other internationally-mandated organizations is recognized.
- **Legislative measures allow for issuance of documents** necessary to establish identity, family composition and nationality. To prevent statelessness, legislative measures are undertaken to ensure refugees born to a Syrian parent — female or male — are considered citizens of Syria, and birth certificates are issued to refugee children who are not in possession of such documents.
- **The equivalency of academic/professional/vocational diplomas/certificates/degrees** during displacement is recognized by GoS, as appropriate.
- The Government sets up **efficient, accessible, and affordable mechanisms to address housing, land and property (HLP) issues** and to provide for property restitution and compensation in line with international law. Particular attention needs to be paid to the rights of returnee women heads of households and the rights of secondary occupants of refugees' property.
- **Returnees enjoy free access to law enforcement bodies**, courts of law, competent administrative authorities and other relevant entities.
- **UNHCR's supervisory responsibility**, which includes but is not limited to monitoring the voluntariness of the repatriation, the reintegration of returnees, and all interventions aimed at ensuring repatriation in safety and dignity, **is respected**.
- Both Syria and host countries take all appropriate steps to ensure the **security and safety of UNHCR staff and all other personnel** engaged in the repatriation process.
- **Removal of/markings of areas contaminated** by landmines and other unexploded ordnance on main routes of return and in return areas is ensured. Mine awareness programmes are established in affected areas.
- **UNHCR is granted free and unhindered access to all refugees and returnees** to monitor the conditions of reception and reintegration. Similarly all refugees and returnees, wherever located, including in detention centres and prisons (in liaison with ICRC), have access to UNHCR.

PLANNING ASSUMPTIONS, OPERATIONAL STANCE AND ACTIVITIES

PHASE 1:

Phase 1: Planning Assumptions

- **The status quo.** Conflict continues to affect some parts of the country, with continued potential for further escalation, while other areas remain relatively calm compared to previous years.
- **Refugees are returning back to Syria in relatively small numbers,** with transport and de-registration self-organized (Lebanon, Iraq) or organized by host governments (Turkey, Jordan). Some returns are only temporary, with returnees seeking out family members, attending family events, and checking on property. Others are pushed by deteriorating circumstances in host countries. There are no specific incentives for declaring, upon return, one's returnee status.
- **Inside Syria, significant numbers of IDPs are returning home,** in particular to Aleppo, Homs and Damascus Governorates. However, IDPs continue to be displaced due to ongoing fighting. Given border restrictions, the vast majority of those newly displaced will stay inside Syria.
- The **GoS is increasingly consolidating control.** Several areas remain under control of non-state actors, though these may be shrinking due to military operations, and in some cases, local political processes.
- **Protection concerns in return areas are significant** for returning IDPs, returning refugees and the resident population. Fear of retaliation, military conscription, security screening, arbitrary arrest, and associated limitations on freedom of movement are major disincentives to return.
- The **destruction of property, infrastructure and disruption of services is enormous.** Lack of shelter in areas most affected by the conflict, livelihoods, food security and the general disruption of public services (health, education) are major impediments to return. Explosive hazards continue to affect a high number of communities, causing death and injuries, but also limiting the safe delivery of humanitarian aid, access to farmland, as well as the rehabilitation of services and infrastructure.
- **Needs for, and difficulties in, accessing civil documentation, delays in accessing documents to prove HLP rights, and lack of resolution mechanisms for HLP compensation or restitution** remain obstacles for return. Children born outside Syria may not have any recognized documentation of their identity, family composition or nationality, rendering them at heightened risk of statelessness.
- **Access of humanitarian actors, including to areas of return, will remain restricted,** for security and/or administrative reasons, or because conditions for the provision of humanitarian assistance based on humanitarian principles are not in place, limiting the ability to monitor self-organized returns.
- **In host countries, push and pull factors** influencing refugees' decision to return include: difficult protection and economic conditions in displacement, implicit and/or explicit pressure from host countries, and a desire to return home even in the face of major challenges in Syria. Pressures on refugees to return will be more pronounced in some countries compared to others.

Phase 1: UNHCR and partner operational stance

- **UNHCR and partners' activities are limited** to ensuring refugees are well-informed and counselled on the consequences for their status in host countries of returning, monitoring return trends and the voluntary character of return, without incentivizing or encouraging return, while simultaneously advocating against coerced returns.
- **UNHCR could still exceptionally facilitate the return of individuals** or small groups (in terms of providing limited assistance), on a case-by-case basis where refugees express a strong desire to return, UNHCR is assured of the voluntary character, and refugees are well informed, even to areas where conditions may not yet be conducive for return.¹¹
- Inside Syria, **refugee returnees are integrated into existing humanitarian programmes** in return areas and provided **assistance based on need**.

Phase 1: Activities

- **Engage and seek partnership with GoS and host governments** on return to Syria, outlining conditions required for sustainable returns in safety and dignity, while furthering advocacy against coerced returns.
- **Create an inclusive inter-agency coordination space:** Establish light interagency/donor Return Coordination groups at the regional level and in host countries, as part of existing 3RP coordination, focused on analyzing data on return dynamics, setting common protection advocacy messages and principled approaches to spontaneous returns.
- **Provide return analysis as a coordination service:** Expand Information Management and Coordination capacity in the UNHCR MENA Director's Office in Amman, with enhanced capacity at the country level, to analyze return dynamics alongside refugee profiles, intentions, and information from inside Syria on conditions in places of return.
- **Monitor conditions in return areas:** Strengthen UNHCR Syria and cross-border monitoring of conditions in return areas. Seek partnership with governments, key UN agencies and NGOs on collection, compilation and analysis of data.
- **Analysis of return obstacles and conditions:** Ensure ongoing analysis of obstacles to return and of the conditions necessary for return, identifying necessary actions to address them.
- **Engage with refugee communities:** Strengthen Communication with Communities in host countries, further tailoring information products for refugee audiences. Monitor spontaneous returns, provide counselling, and verify the voluntary character of return.
- **Enhance programming inside Syria:** In partnership, expand multi-sector programmes supporting IDPs and IDP returnees, and improving conditions in potential return areas. Seek the inclusion of spontaneously returning refugees in ongoing humanitarian programmes, and provide protection support and targeted assistance for persons with specific needs. UNHCR will not provide individual return packages for spontaneous refugee returnees during this phase.
- **Prepare for Facilitated Return and Reintegration:** Initiate technical assessments of information required for planning of facilitated return, and design legal frameworks on which facilitated return would be structured. Eventually initiate structured planning processes involving key stakeholders. Encourage discussions with development actors and the World Bank on how recovery interventions in the main potential return areas could gradually remove obstacles and create conditions for sustainable return.
- **Mitigate push factors through continued and enhanced protection and assistance in host countries:** In partnership, sustain and advocate for increased host country support - from the countries and donors - to ensure push factors toward premature return are mitigated.

¹¹ See footnote 10.

Summary of Progress in Phase 1 (Jan 2017 to Jan 2018)

- A summary **Operational Plan** was developed by UNHCR and shared with donors, agencies, partners and some host governments in March 2017.
- **Engagement with donors, ambassadors** is ongoing at HQ, regional and country levels.
- A **legal framework** for Phase 2 has been drafted by UNHCR and has been shared with the Government of Syria. This framework, which contains protection safeguards relevant to all phases of refugee return, contains Protection Thresholds similar to those listed above.
- **With the 3RP, Durable Solutions Working Groups are set up in country operations and regionally.** Terms of reference have been agreed, advocacy and trends analysis developed. Discussions are ongoing to establish an appropriate coordination structure inside Syria.
- **Advocacy papers** have been developed by DSWGs, and independently by NGOs, research institutions and ICRC, emphasizing key principles that should guide return planning.
- **Border monitoring, monitoring of the voluntary nature of ongoing spontaneous returns, refugee and IDP movement tracking** were strengthened, in host countries and inside Syria.
- **Intentions surveys** have been conducted with refugees in the five countries.
- **Durable Solutions Updates**, including return trends, refugee intentions, have been issued by UNHCR.
- **CwC workshops** have been held, both by UNHCR and other stakeholders. Key information needs of refugees have been captured in some countries, and are being compiled in others.
- **Research into HLP, Civil Documentation** has been conducted, both supported by UNHCR and independently.
- **UNHCR Syria** staffing, office and programme structures and capacity have been reorganized and expanded.

Next Steps in Phase 1 (2018)

- Working with host governments and partners, continue to **situate discussions on return within a comprehensive approach to protection and solutions.**
- **Expand engagement with host governments and the Government of Syria**, in particular on Protection Thresholds.
- **Expand analysis of obstacles to and conditions necessary for return**, and identification of concrete actions to address them.
- **Expand Coordination on return planning in host countries:** DSWG functions starting at the Regional Level to include: 1) agreement on Planning framework (Planning Assumptions and Phases); 2) agreement on Principles of Engagement/Red Lines; 3) begin basic inter-agency contingency planning for a future phase 2 (return component).
- **Define Coordination on return planning inside Syria:** Agree with the RC/HC Syria and stakeholders the return coordination system for refugee returns in Syria.
- **Strengthen Information Management products and monitoring systems** in partnership with host governments and other stakeholders.
- **Enhance Communication with Communities**, including through structured focus group discussions on intentions; expansion of community outreach in host countries, and; developing information products on the situation in Syria for counselling of refugees.

PHASE 2

Phase 2: Planning Assumptions

- The four criteria for shifting to Phase 2 (see page 6) are assessed positively.
- These developments may be in place **in some parts of the country before others**, implying facilitated return happens to the former areas first.
- **The humanitarian and reintegration needs of IDPs and receiving communities will be huge**, and will only have been partly addressed by the humanitarian response. All populations will require additional humanitarian and reintegration support. Large numbers of IDPs will return home first, burdening already overstretched services and government capacity to resolve civil documentation and HLP issues.
- **Capacity of international and national partners (NGOs, etc.) will be limited** and will affect implementation of return and reintegration programmes. The GoS will continue regulating aid agency presence and programmes. National partners have gaps in their implementation capacity.
- Greater engagement of International Financial Institutions, development donors, partners and actors as the situation stabilizes.
- Even with positive developments, **conditions in return areas will not be fully conducive for return**. Some protection concerns in return areas will remain. Large-scale destruction of property and infrastructure, and limited services will remain a disincentive to return.
- **Pressures will increase in host countries** for refugees to return, but will not outweigh the disincentives to return.
- **The majority of refugees may still be in host countries at the end of phase 2**. Support to host countries as well as third country solutions will continue to be required.

Phase 2: UNHCR and partner operational stance

- **UNHCR and partners engage in facilitation of return**, organizing or supporting government-organized return operations. UNHCR is not actively promoting return but responding to refugees' requests to return.
- Noting conditions for return are not fully in place, **UNHCR will strengthen counselling and receive consent** from refugees on the consequences of returning and conditions in return areas. UNHCR will further scale up monitoring of returns and the voluntary character of returns.
- UNHCR and partners will provide **assistance for the return process** and support legal and socio-economic **reintegration of returnees** based on needs – in a manner consistent with assistance to other populations including IDP returnees – and based on a careful analysis to not incentive returns or create pull factors.

Phase 2: Activities

- **Define Legal Frameworks for return, such as tripartite agreements**, with governments and communities on which to structure the return process and provide sufficient protection safeguards for refugees on return.
- **Establish a robust return operation, in partnership**: Provide technical and capacity support to host governments and the GoS for the return process; options include training, staffing, return infrastructure, de-registration, transport, and needs-based assistance. Develop partnerships with specialized UN agencies and NGOs, including on transport to persons with specific needs, referral systems to service providers inside Syria, return assistance packages and returnee monitoring.

- **Establish protection and return monitoring** systems in host countries, during the return process, and in places of return inside Syria with the aim to ensure protection standards are met, and operational design is continuously improved.
- **Advocate for the inclusion of returnees in reintegration and rehabilitation programmes inside Syria**, in harmony with assistance provided to IDPs, IDP returnees and receiving communities.
- **Engage directly and through partners on initial reintegration activities**, focusing on specific areas, including shelter, social infrastructure, multipurpose cash, civil documentation and protection services – including legal counselling, support to persons with specific needs, livelihoods support and community mobilization. Expand/adjust UNHCR Syria's network of community centres and mobile units/outreach volunteers.
- **Ensure sufficient capacity of UNHCR offices and staffing both in host countries and inside Syria** to be orientated towards return and reintegration programming, while ensuring sufficient capacity for ongoing refugee assistance, internal displacement, and durable solutions operations.