

**INTERNATIONAL PROTECTION AND SAFE
LEGAL PATHWAYS IN TRANSIT COUNTRIES:
LEBANON, JORDAN AND TURKEY
DOCUMENT ON CONCLUSIONS
AND PROPOSALS**

CEA(R)

Comisión Española
de Ayuda al Refugiado

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The Spanish Commission for Refugees (CEAR) is a non-profit organisation founded in 1979 and engaged in voluntary, humanitarian, independent and plural action. Our objective is to work with citizens to defend the right to asylum. Our mission: to defend and promote human rights and comprehensive development for asylum applicants, refugees, stateless people and migrants in vulnerable situations or at risk of social exclusion. Our work is based on a comprehensive approach: temporary reception and accommodation; legal, psychological and social assistance; training and employment; and social advocacy and participation.

1. Introduction

Lebanon, Jordan and Turkey together are hosts to 6.5 million people in need of international protection (22% of the world's asylum applicants and refugees). Lebanon and Jordan are respectively the first and second countries with the greatest number of refugees per inhabitant in the world¹, while Turkey, which is the third, is also the country sheltering the most refugees in its own territory in absolute terms in the world. Many of them are in transit towards Europe, especially those in Turkey.

Due to their geographic situation bordering Syria, the main nationality among the people in these three countries is Syrian as a result of the conflict that has devastated the country for over eight years. There are also a great many Iraqis, Afghans, Iranians, Somalians, Eritreans and others in need of international protection. Hosting this great number of people from such diverse countries of origin poses a significant challenge for these three countries, which are facing heavy economic and social burdens. That is why their governments have repeatedly asked for collaboration from the international community and commitment from the European Union and its Member States to share and assume responsibilities.

In this context, these three transit countries to Europe are, together with Uganda, Iran and Ethiopia, **the countries with the most people identified by UNHCR as refugees in need of resettlement in the world, and the main ones from which they are resettled in European countries, including Spain.** In this vein, it is interesting to note that UNHCR's multi-year planning for 2019² included the need to resettle 600,000 refugees or international protection applicants in the three countries: 420,000 in Turkey, 113,000 in Lebanon and 72,080 in Jordan.

In addition to the resettlement programmes, these countries have also launched other safe and legal pathways for many people in need of international protection to be able to reach European territory without the need to risk their life in the attempt.

Neither Lebanon nor Jordan are signatories to the 1951 Convention Relating to the Status of Refugees, and although UNHCR has been working with them for years via memoranda of understanding signed by their governments, **they do not have asylum systems that guarantee international protection for people who need it.** Even so, both countries' governments, with the backing of international bodies and organisations from civil society, have demonstrated their commitment to taking in the people that have sought refuge.

For its part, Turkey is a signatory to the 1951 Convention Relating to the Status of Refugees and has set up an asylum system that reflects the European Union's directives. However, it maintains the geographical restriction set out by the original Convention (later removed) and still includes it in its Law on Foreigners and International Protection. Even so, it should be stressed that, again with support from international bodies and civil society organisations, Turkey has taken charge of hosting nearly 4 million people in need of international protection that are currently in the country.

¹ Thousands of Palestinians are also in formal or informal settlements in the two countries in very precarious conditions. This situation prevents them from being able to lead a decent life and exercise their rights. It is important to point out that these people have no access to lasting solutions such as resettlement.

² UNHCR (2018): *UNHCR Projected Global Resettlement Needs*: <https://bit.ly/2umttND>.

³ This number accounts for 43% of the total 1.4 million people around the world in this situation.

In spite of the information given above, nearly 70% of Syrian refugees in the region continue to live in poverty as 2020 begins, with high rates of unemployment and a lack of access to some basic services such as education⁴. In this context, the Regional Refugee and Resilience Plan, headed by UNHCR and UNDP, considers that protection risks such as child marriage, sexual and gender violence, child exploitation and labour, are all prone to worsen in the coming years.

2. Main challenges in matters of protection

Difficulties in accessing international protection in Lebanon and Jordan

In both Lebanon and Jordan, UNHCR is responsible for registering people in need of international protection and granting it to them. Although this organisation has different offices throughout the countries and runs two camps in Jordan, since much of this population in need of protection are unaware of the possibility of applying for it and they lack the means to travel to the registration centres, many people cannot register as applicants or renew their documents. Moreover, official registration of people of Syrian origin has remained suspended by request from the Government since mid-2015. This also makes it difficult for many people who arrived in the country afterwards to access safe and legal pathways to reach other countries where they may be protected.

Lack of specific reception and accommodation resources to attend special needs

Women, children, LGBTIQ+ people, and people with functional diversity are the people in a situation of greatest vulnerability in these countries. One of the main common challenges as regards protection is the lack of specific reception and accommodation resources to attend to these population groups' special needs, especially for LGBTIQ+ people and children with functional diversity. Although there are some organisations from civil society specialising in attending to these groups, the public resources available in the three countries are very limited, giving rise to a situation of increasing vulnerability.

Difficulty in generating a stable income and dependency on humanitarian aid

Access to the job market for asylum applicants and refugees in these three countries is subject to compliance with requisites that include applying for a work permit, observing vetoes when opting for certain jobs, and in the case of Turkey complying with companies' participation quotas. In the three countries, the restrictions on free movement and the negative social perception of refugees are also barriers hindering access to economic opportunities, too. In addition, the black market economy accounts for a high percentage of the population, especially in Turkey, which increases the possibility that the job opportunities for international protection applicants and refugees will come from this sphere, where they are exposed to abuse and exploitation.

This situation, combined with the particular circumstances of each person and family, means that the population of international protection applicants and refugees in these countries are dependent on humanitarian aid and assistance from international and civil society organisations, whose funding ultimately comes from abroad. This often gives rise to a situation that differentiates them from the

⁴ 3RP Regional Refugee & Resilience Plan in Response to the Syria Crisis: Regional Strategic Overview 2020-2021, p. 6: <http://www.3rpsyriacrisis.org/>.

local population without resources, who see this as a form of discrimination, leading the locals to feel rejection towards them.

Insufficient funds to attend to everybody in a vulnerable situation

A common situation in these countries is that people in need of international protection but who are not Syrian are highly vulnerable. Most public and private resources by far, whether national or international, concentrate on Syrian people who have found themselves needing to flee their homes to seek refuge. Although the Syrian population is the most numerous group, the scarcity of funds and the resulting need for the different humanitarian aid bodies operating in the country to prioritise their investment means that people of other nationalities are left unattended. This in turn means that access to aid and its distribution are often more linked to nationality than to strict criteria of vulnerability. This is why there is a need for more funding and programmes to be aimed at attending to people of other nationalities.

Lack of access to private housing in decent conditions

There are three official camps in Jordan, in which 16% of the refugee population live with all of their basic needs covered. In Turkey, only 2% of the population lives in camps, whose good standards of reception and accommodation have been acknowledged. In Lebanon, the only official camps are for Palestinians, but in reality they are settlements.

Given this context, another of the main challenges as regards protection in the three countries is access to private housing in decent conditions. As a result of the low level of resources and the difficulties in earning sufficient income in the job market, many international protection applicants and refugees, who depend on humanitarian aid, find themselves obliged to look for shared accommodation with other families, especially in big cities such as Beirut (Lebanon), Amman (Jordan), Istanbul and Gaziantep (Turkey). This accommodation is usually low quality with cramped conditions arising within it, which has an overwhelming effect on families, especially children.

Furthermore, in the case of Lebanon, given that it is forbidden for foreigners to settle permanently (including refugees), the accommodation available to these people is limited to the unstable, informal kind: shacks, buildings under construction, garages, etc., with no services such as water and electricity. Otherwise, they find themselves exposed to eviction or destruction of the home.

3. Durable solutions

3.1. Local integration

One durable solution to the situation of forced displacement is local integration. However, in these countries **local integration is not a feasible possibility**. Lebanon rejects it outright, as well as the idea of becoming an asylum country; whereas the Government of Jordan does not consider it to be a long-term option; and in Turkey it only appears to be a plausible solution for people of European origin who obtain international protection within the country.

3.2. Voluntary return

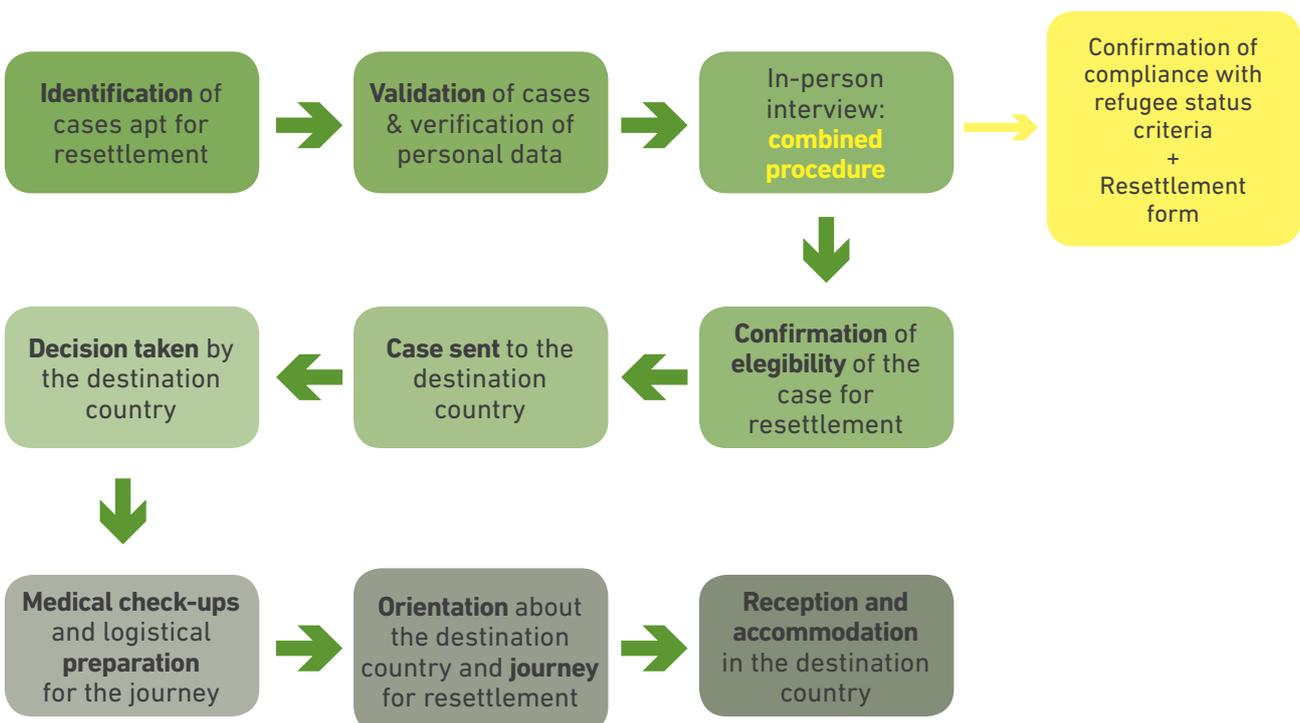
Another possible durable solution is **voluntary return under safe, decent conditions**. Nevertheless, in these three transit countries most of the refugees' countries of origin are in a situation of open or latent conflict, on top of the serious breaches of human rights occurring in them. The Lebanese Government has placed "safe return" at the heart of its policy as the solution for people displaced by the Syrian conflict; the Government of Jordan supports voluntary return programmes; and the Turkish Government has launched a plan to create a "safe zone" in northern Syria so that Syrian nationals may return. However, the situation as regards safety in neighbouring Syria is unstable, and according to different international organisations (including UNHCR) **there is not enough information or the possibility for monitoring in the country to guarantee a safe situation** for people returning.

3.3. Resettlement

The third possible durable solution is resettlement in a third country. Many of the world's resettlements are carried out from Turkey, Lebanon and Jordan, especially to destination countries in the European Union and North America. From 2015 to 2019, there were 156,231 people resettled from these three countries (approximately 40% of all the people resettled around the world in that period).

UNHCR is the body responsible for the process in the three countries, backed mainly by the IOM in preparing the journeys to the destination countries. In the case of Turkey, unlike the others, the Directorate General of Migration Management (Interior Ministry) also takes part in identifying cases apt for resettlement. Also, EASO coordinates a pilot project known as the "Resettlement Support Facility" in Istanbul, tasked with helping procedures for resettlement in European countries, by backing the logistics of the missions to select, prepare and orientate people before travelling to their destination countries.

Basic diagram of the resettlement procedure



Resettlement in Spain

From 2015 to 2019, Spain resettled 832 refugee people from Turkey (57 in 2016; 362 in 2017; 17 in 2018 and 396 in 2019), 506 from Jordan (92 in 2015 and 414 in 2019), and 998 from Lebanon (231 in 2016, 704 in 2017 and 63 in 2018).

3.3.1 Main challenges

It is important to emphasise the high level of responsibility placed on the destination countries' governments: the existing resettlement opportunities depend on the number of vacancies they offer and the individual requirements they lay down (which may favour some profiles and discourage others), as well as the diligence with which they take part in approving the chosen cases. Indeed, one of the main challenges in the resettlement procedures identified in the three countries is found in the **delays by the destination countries in taking a final decision**, which leaves many people facing an uncertain wait. According to UNHCR's protocols, once a person has activated an application procedure, they cannot be referred to other vacancies in other countries. That is the case with one of the main traditional destination countries for resettlement: the United States has significantly reduced the vacancies in its programmes and has put cases on hold for many people in need of international protection, who have thus been waiting for a decision in the three countries since 2016. They are therefore being blocked from participating in other possible resettlement procedures.

Another of the challenges to be tackled is the **scarcity of resettlement opportunities** compared to the number of people that have sought refuge in these transit countries, due to the lack of vacancies offered by the destination countries. In 2019, only 24,418 out of the 42,000 considered by UNHCR as its target in its multi-year planning were effectively resettled in third countries. These figures came to 5,501 out of 10,000 in Jordan, 8,359 out of 12,000 in Lebanon, and 10,558 out of 20,000 in Turkey. According to the latest data from UNHCR, only 4.5% of resettlement needs worldwide were covered. In fact, resettlement opportunities are no higher than 0.5% of the refugee population, compared to the 10% set out by UNHCR as the optimum target in the region, taking into account the great number of people in an especially vulnerable situation.

Furthermore, it is also worth noting the **scarcity of vacancies for people of a nationality other than Syrian**. Many of the destination countries, especially in Europe, have laid down demands or preferences in their resettlement programmes that restrict vacancies to a single nationality (Syrian), disregarding the need for international protection for many other nationalities trapped in these three transit countries.

Similarly, it should also be pointed out that the destination countries also need to extend their resettlement programmes to include people who become **refugees due to situations other than fleeing armed conflict**. These situations include LGBTIQ+ people, whose situation is highly vulnerable in these three transit countries.

In addition to these challenges, another notable one is to improve the general information given to the potential target population about resettlement programmes and how they work. According to the observation missions carried out by CEAR in these three countries, many of the Syrian nationals (especially women) put up **some initial resistance to the resettlement**

programmes or other programmes for humanitarian admission, preferring to stay in the countries where they are even if they are living in critical circumstances. This is due to several factors: in addition to the geographical closeness to Syria and the hope of being able to return there in the medium term, there is a fear of being separated from their immediate family, of culture shock in the destination countries, and a lack of sufficient information about the programmes.

Spain

In the case of Spain as a destination country, it is important to point out that the annual level of vacancies for resettlement approved by the Government has sometimes not been met. Based on the fieldwork carried out by CEAR in the three countries, the conclusion has been drawn that one of the aspects failing in the procedure also concerns the information given. The **information** received by people who may be candidates for resettlement in Spain is often scant and insufficient according to the candidates themselves. They obtained more information through informal channels, especially via people of the same nationality who are already in Spain. However, such information is not always true or trustworthy. This information includes aspects such as granting subsidiary protection (which involves a ten-year wait to obtain a passport enabling them to visit their families), accommodation in collective reception centres (where there are common spaces they have to share with strangers and people from other countries), the high level of unemployment, difficulties in finding work and the need for women to enter the job market in order to sustain their family's economy, mixed schools, etc.

3.4. Other complementary pathways to protection

Despite their diversity, the complementary pathways to the resettlement programmes that have been launched until now in these three countries are very embryonic and affect barely a few thousand people. The most noteworthy ones are the Canadian and Australian programmes for **private and community sponsorship**, especially for refugees from Syria in Turkey, and **family reunification** programmes such as the one channelled by the German consulates in Turkey and Lebanon.

It is also worth noting the launching of **humanitarian corridors** (a combination of resettlement with a humanitarian visa and community sponsorship) with different European countries. Italy stands out among these, with several humanitarian corridors active with Lebanon and Turkey run by the community of Saint Egidio and Cáritas, with backing from other religious organisations. Following the success of the first humanitarian corridor set up between Lebanon and Italy in 2015, others have been launched in France and Belgium.

Lastly, **labour mobility programmes** such as the United States' Talent Beyond Boundaries initiative (which puts refugees in Lebanon and Jordan in contact with employers in Australia and Canada), New Zealand's Community Organisation Refugee Sponsorship project, and **programmes that facilitate education and training visas** (such as those existing with countries like Germany, France, the United States, Japan and the Czech Republic) also provide sustainable solutions to many people's situation of displacement.

All of these projects may provide inspiration to the Government of Spain and other European governments to explore new complementary pathways to safe and legal access to the European Union for many people in need of international protection in the transit countries.

4. Proposals for the Spanish Government

- Grant refugee status (instead of subsidiary protection) to resettled people.
- Increase the annual vacancies for people arriving via resettlement, and a commitment to a programme with a progressive, obligatory minimum quota.
- Continue opening up resettlement programmes to other nationalities in need of protection, as well as to those in different situations such as LGBTIQ+ people, whose rights are highly exposed in these transit countries.
- Improve information about the reception, accommodation, services and inclusion in Spain during the resettlement process. To do so, it is necessary to include the specialist NGOs that take part in accommodating refugees once they are in Spain, within the selection missions carried out by the Government of Spain, in order to ensure the quality of the information given to candidates in all phases of the procedure.
- Channel the resettlement of refugees in Turkey through the “Resettlement Support Facility” coordinated by EASO in order to streamline the resettlement process from the country as of next year, if this year the pilot project’s effectiveness is demonstrated and it becomes established.
- Explore complementary initiatives and draw up its own programmes for safe and legal pathways that may help comply with the responsibility towards refugees and people in need of protection in the transit countries. These could include a humanitarian passport, in line with the legislative initiative approved by the European Parliament Committee on Civil Liberties, Justice and Home Affairs, in December 2018, and activating the possibility provided for in Article 38 of the Spanish Law on Asylum for people in need of international protection so they may apply for it in Spanish embassies and consulates abroad.
- Improve flexibility in the requisites and shorten approval times in family reunification programmes from those countries, as a complementary pathway to safe and legal access to Spain for the families of refugees in Spain.

Commitments to resettlement in Spain and people resettled each year

	National Resettlement Programme (NRP)	
	No. of vacancies approved	No. of people resettled
2017 NRP	1.000	821
2018 NRP	1.200	9*
2019 NRP	1.200	Expected to be carried out in 2020.

**Implementation of the programme is expected to be completed in the first quarter of 2020.*

Breakdown of the 2017 NRP

Country of asylum	No. of people	Nationalities
Turkey	396	317 Syrian - 77 Iranian
Jordan	414	Syrian
Israel	11	9 Syrian - 2 Others*

**It is presumed that these people, whose nationality is not specified by UNHCR, are Palestinian.*

To find out more, go to: <http://entierradenadie.org/>

