

DURABLE SOLUTIONS TO THE SYRIA REFUGEE CRISIS

Considerations on possible
Interventions by Caritas Jordan

This scoping paper provides a basis for internal discussion on possible future interventions by Caritas Jordan to further promote durable solutions for the refugees' crises. It recalls the main responses to the refugee crises so far, briefly describes the state of play and the challenges the international community has to face with in promoting durable solutions to the refugee crises. Subsequently, it outlines a number of areas in which Caritas Jordan could focus in the coming period to help address the refugee crises.

INTRODUCTION

Syria Crisis

With the Syria Crisis entering its 10th year, it remains the largest displacement crisis in the world, with over 6.6 million persons internally displaced in Syria and over 5.6 million registered refugees in neighboring countries who fled for their safety.¹

*"Syria Crisis is
the largest
displacement
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world"*

The conflict has resulted in acute humanitarian, security and protection needs both in Syria and in the region. Parties of the conflict destroyed the critical infrastructure, including social infrastructure like hospitals, schools, or housing. Across Syria, Eight in 10 people live below poverty line, and an estimated 11.1 million people are in need of humanitarian assistance². This is the result of continued hostilities in localized areas, new and protracted displacement, spontaneous returns and the sustained erosion of communities' resilience during more than nine years of crisis.

¹ UNHCR, Syria Emergency, please see <https://www.unhcr.org/syria-emergency.html>

² OCHA, <https://www.unocha.org/syrian-arab-republic/about-ocha-syria>

The conflict is yet far from over. In 2020, the landscape in Syria remained complex and dynamic. Hostilities and insecurity continued, most notably in the north-west, which generated additional civilian displacement. Beyond lasting stabilization of the conflict and addressing the security and humanitarian needs, the need for reconstruction is acute, which is essential for development and economic recovery. However, funds required for comprehensive reconstruction are extremely unlikely to become available, given the political and military developments, the economic ramifications of the COVID-19 pandemic, and the geopolitical interests of regional and global powers. Sanctions imposed by the US, previously and most recently³ and the EU⁴; and the EU conditioned funding for reconstruction on genuine progress toward a political transition, as defined by UN Security Council Resolution 2254,⁵ limit prospects for reconstruction.

"The need for reconstruction is acute"

The situation only deteriorated even further with the acute economic crisis worldwide, triggered by the COVID 19 pandemic that also heavily affected the countries hosting most of the Syrian refugees. These are confronting economic recessions and rising levels of unemployment and poverty. In several countries, host governments are facing mounting fiscal challenges to provide services for all those in need. The continuous provision of asylum and protection services to Syrian refugees has put a significant strain on the Jordanian national systems that address the multifarious legal, protection, durable solutions need. Despite the assistance by the international community to those Syrian refugee-hosting

countries, the resources allocated are limited and are in continuous decline. While host countries continue to demonstrate generosity in hosting large numbers of refugees, the pressures are clearly growing at national, community and household levels and there is an urgent need to find durable solutions to the Syria crisis.

Another major impact of the COVID-19 pandemic has been on mobility and migration. Several countries in the region closed their borders and imposed movement restrictions, which led to a considerable decrease in the overall returns. According to UNHCR, by the third quarter of 2020, over 31,000 refugees in the region had spontaneously returned to

³ Source: <https://www.state.gov/syria-sanctions-designations-on-the-anniversary-of-un-security-council-resolution-2254/> (which was suddenly taken out, similar info in the news: <https://sg.news.yahoo.com/u-imposes-fresh-sanctions-syria-163007320.html/> <https://nypost.com/2020/12/23/trump-administration-sanctions-syrian-first-lady-asma-al-assad/>

⁴ See list of sanctions in: https://eeas.europa.eu/headquarters/headquarters-homepage_en/22664/EU%20response%20to%20the%20Syrian%20crisis

⁵ Source: <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/209-ways-out-europes-syria-reconstruction-conundrum#:~:text=Rebuilding%20war-torn%20Syria%20poses%20a%20formidable%20challenge%20for,testing%20an%20approach%20that%20trades%20aid%20for%20reforms.>

Syria, a reduction of around 70% compared to the same period in 2019. Since 2016, a total of 267,170⁶ had returned whereas almost 6 million Syrians are leaving elsewhere⁷.

If return reduced, the same happened with resettlement, which was already in decline and under criticism as a potential “solution” to the Syria crises (UNHCR, 2020). Between 2014 and 2020, there were 176,561 resettlement submissions and since 2016, numbers have only declined.⁸

Meanwhile, there was no major influx recorded in 2020 as borders and admissions procedures remained closely managed, even before the COVID-19 restrictions. The modest net increase in registered refugees across the region is linked to the registration of new-borns. In addition to registered Syrian refugees, additional Syrians are present in host countries, along with refugees of other nationalities, asylum seekers, and stateless persons (UNHCR, 2020).

1. WHAT HAS BEEN DONE IN SYRIA TO STABILIZE THE SITUATION AND PROMOTE RETURN AND REINTEGRATION OF SYRIAN NATIONALS?

1.1 Stabilization and Political Reform

A call for a political reform was launched by the international community, with the implementation of the Syrian Constitutional Committee, a UN facilitated constituent assembly process that seeks to reconcile the Syrian Government headed by President Bashar al-Assad and the opposition, in the context of the Syrian peace process, by amending the current or adopting a new Constitution of Syria. The UN hopes that this will lead to negotiations, which will subsequently lead to a peaceful end of the Syrian Civil War. The Constitutional Committee was formed with the formal approval of both parties involved—namely the Government of the Syrian Arab Republic and the opposition Syrian Negotiations Commission, with the facilitation of the United Nations. The fifth round of talks toward revising the country's constitution started in Geneva on January 25, 2021. The UN Special Envoy for Syria lamented the slow progress of the peace process following the meeting of the UN-facilitated Syrian Constitution Committee, and noted that given the current state of the talks, he was not able to announce a date for a sixth session⁹.

⁶ UNHCR. Source: https://data2.unhcr.org/en/situations/syria_durable_solutions

⁷ UNHCR. Source: https://data2.unhcr.org/en/situations/syria_durable_solutions

⁸ UNHCR. Source: https://data2.unhcr.org/en/situations/syria_durable_solutions

⁹ <https://news.un.org/en/story/2021/01/1083412>

Meanwhile, the main political players or donors in the context of the Syria Crisis, the EU and the USA, are urging for political reform, without which, sanctions are not going to be lifted, and might only increase¹⁰.

1.2 Return and Reintegration

All refugees have the fundamental human right to return to their country of origin at a time of their own choosing, as codified in several international instruments, including the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights. Refugee repatriation should be based on a voluntary decision. It should not be coerced either directly or indirectly through changes of policies that restrict refugee rights or by limiting assistance to refugees in the country of asylum.

"Additional challenges to durable solutions to the Syria crisis..."

The pandemic has brought additional challenges to durable solutions to the Syria crisis, including voluntary return. Therefore, UNHCR, IOM, and partners are not engaging in large-scale returns. According to UNHCR's Strategy¹¹, engagement on return is limited to planning, monitoring, counseling, advocacy, and ongoing analysis of obstacles to and conditions necessary for return, and identifying the necessary actions to address them. In the last regional survey on Syrian refugees' perception and intentions on return, 72.5% of the interviewees declared that they hope to return one day, among which 69.3% do not intend to return in the next 12 months.¹²

According to the UNCHR Large-scale voluntary repatriation can be facilitated by UNHCR and partners once there is clear indication that: ¹³

1. **Legal framework(s)**, guaranteeing rights of returnees and unhindered access to them to return areas, is in place;
2. There is clear evidence of **Protection Thresholds** being met in the place(s) of return, which means (inter alia):

¹⁰ Source: <https://www.state.gov/syria-sanctions-designations-on-the-anniversary-of-un-security-council-resolution-2254/> (which was suddenly taken out, similar info in the news: <https://sg.news.yahoo.com/u-imposes-fresh-sanctions-syria-163007320.html/> <https://nypost.com/2020/12/23/trump-administration-sanctions-syrian-first-lady-asma-al-assad/>

¹¹ *This is the Phase 1 under the UNHCR, Comprehensive Protection and Solutions Strategy: Resettlement and Complementary Pathways (April 2018)*. Available at: <https://data2.unhcr.org/en/documents/details/63223>

¹² Source: <https://reliefweb.int/report/turkey/fifth-regional-survey-syrian-refugees-perceptions-and-intentions-return-syria-rpis>

¹³ *This is the Phase 2 under the UNHCR, Comprehensive Protection and Solutions Strategy: Resettlement and Complementary Pathways (April 2018)*. Available at: <https://data2.unhcr.org/en/documents/details/63223>

- **Significant and durable reduction of hostilities.**
- **Conclusion of a formal agreement** with the government, host countries, and other actors as required, receiving 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.
- **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.
- **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.
- Government of Syria 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.

3. Refugees actively request support from UNHCR to return, in large numbers.

4. There is **an improvement in conditions in return areas**, which leads to the second pillar for durable solutions to the Syria crisis, which is reconstruction.

The above mentioned factors are not likely to be secured in the near future, which warrants humanitarian agencies like Caritas to offer some of its services in the areas where refugees stay. Caritas services are delivered until durable solutions for refugees are available and attainable. Given the large number of refugees and poor willingness to return home, amid unclear resettlement opportunities, these services are temporarily offered as if refugees are staying a third country or willing to return.

However, not all services are attainable or adequately secured without sufficient support from international bodies.

1.3 Reconstruction

The armed conflict in Syria has had disastrous consequences for the country's population, infrastructure and economy. Syria faces enormous challenges. It will also need assistance to restart its economy and renew its public services, in particular education, health, electricity and water. It is estimated that reconstruction will cost US\$250 to US\$400 billion or even US\$1 trillion, depending on the source. The enormous challenges extend far beyond mine clearance and physical rebuilding of infrastructure and housing: a huge loss of (skilled) labor, contraction of the economy, currency devaluation and the collapse of public services head the list.

Reconstruction has already begun in some parts of the country. But this is not a comprehensive nation-wide Programme, centrally planned and managed with international funding. Rather, diverse actors implement projects, mainly at the local level. The regime has been mainly employing selective reconstruction as a means to consolidate its power through building and consolidating a patronage network.¹⁴ At the same time, the legal and political framework for international assistance established by the regime ensures that, in the areas it controls, humanitarian and development organizations cannot operate in-dependently.

Meanwhile, most of the work done on the ground through the support of the international community is focused on providing emergency relief for the population. The US and, the EU and its Member States are the largest donors of humanitarian assistance to Syria and provide 90 percent of U.N. humanitarian assistance.¹⁵

¹⁴ Source: <https://www.dandc.eu/en/article/reconstruction-syria-challenges-and-possible-courses-action>

¹⁵ Source: <https://www.mei.edu/blog/syria-faces-looming-crisis-over-humanitarian-aid-access/> <https://warontherocks.com/2020/12/in-syria-put-humanitarian-aid-ahead-of-a-political-solution/>

2. HOW CAN CARITAS HELP ADDRESS THE SYRIA REFUGEE CRISIS?

2.1 Advocate more focus for a settlement, which would ensure overcoming challenges

A sustainable political settlement to end the multiple conflicts in Syria will not be possible without a real focus on the challenges of refugee returns. Ensuring long-term peace requires a more focused attention on the challenges for effective return of refugees, including significant security and protection guarantees. Without these, and irrespective of the eventual shape of a political solution, their return may be neither possible nor sustainable—with significant repercussions for peace in Syria, neighbouring countries, and states beyond.

That would require in particular targeting humanitarian aid more effectively where refugees are currently residing, this would represent a more effective contribution to improving living conditions and avoiding further erosion of decent services.

Within this scope, possible interventions by Caritas could include the following:

- a) Lay the grounds for better services extended to Syrian refugees and others, and get prepared for a long stay of refugees in Jordan in terms of durability and sustainability of quality and dignified services.
- b) Participate and/or organize platforms in cooperation with the international community, donors and Government bodies, to advocate for better refugee integration in the public and social life through extending quality services, as part of resilience.
- c) Advocate for targeting humanitarian aid more effectively and seek to promote resilience and social cohesion in Jordan.

2.2 Promote a comprehensive and complementary approach on durable solutions for Syrian refugees

It is evident that the pursuit of durable solutions is the key to resolving a refugee crisis. However, in the case of tangible steps in achieving durable solutions, the nexus between the peace & security, humanitarian assistance and development pillars must go in tandem as they are inherently interrelated and complimentary with each other. The same goes for classical pillars of durable solutions for refugees, namely voluntary repatriation, integration and resettlement.

A comprehensive protection and durable solutions approach should seek to:

- i) Support host country resilience;

- ii) Ensure refugee protection, including access to basic social services, well-being and enable their self-reliance;

2.3 Assess existing conditions and identify standards to be met for voluntary return of Syrians

Caritas has been actively working in countries hosting Syrian refugees. In the case of Jordan, Caritas projects have been focusing on resilience promotion until durable solutions start to appear.

The past decade in crisis has shown that all efforts, especially policy efforts, should be all-encompassing and pave way to each other in order to create a system of balance that works for the host governments involved, and the Syrian people. Only a holistic undertaking and analysis of the Syria situation may lead to positive results. Moreover, while there are funds for the Jordanian government in better provision of care to refugees, the waning international support often fail to consider that these developing countries have exhausted their own systems of care for their citizens and refugees. Thus, a consolidated effort that brings together the government, UN agencies and NGOs is highly warranted to at least keep the current level of services, not to minimize it.

2.4. Current Situation

Non-Syrian refugees

Caritas has always consider bridging the gaps when it comes to extending services to persons in need, regardless of nationalities and any other man-made discriminatory factors. As such, the following services are provided to non-Syrian refugees on equal footing with Syrians, however, international support is highly demanded to keep up the sustainability and durability of resources, otherwise, Caritas responsibility towards neediest people will wane and gradually will be lost:

EDUCATION

Non-Syrian children face administrative barriers to education. The Ministry of Education (MoE) requires non- Syrians to pay fees to enroll in public schools. Furthermore, the waiver circulated by the MoE did not explicitly grant non-Syrian refugees the right to enroll in education and NGOs have reported cases of non-Syrians having difficulties enrolling because schools have demanded proof of residence. A considerable number of Iraqi children and youth (under 18) don't attend school. Among these, the most commonly reported barrier to attendance was the associated expenses, others are related to physical and verbal abuse as the primary barrier. Sudanese and Somalis also name physical and verbal abuse—often racial in nature—as a barrier to school attendance.

LIVELIHOODS

Iraqi and other refugees were not included in the Jordan Compact, therefore, have not benefitted from the opportunity to acquire free work permits that Syrian refugees have enjoyed since 2016. Non-Syrians are considered foreigners under law; such refugees can obtain work permit in specific sectors, but only as migrants with the sponsorship of a Jordanian employer and the umbrella of the Ministry of Labor regulations, provided that they enter the country with an entry visa specifically for the purpose of employment, which is only very rarely the case for refugees. Few non-Syrian refugees who do obtain work permits are often restricted to their sponsoring employer, and face obstacles to changing employers, thus they resort to illegal labor. Non-Syrians working informally/illegally are at higher risk of exploitation, arrest, and detention as a result of the lack of opportunities for legal work; anecdotal reports indicate that exploitative working conditions are not uncommon for those working illegally, with non-payment of wages, unsafe work, and long working hours identified as concerns. The Cabinet decision to allow Syrians to operate home-based businesses was not extended to non-Syrians.

FOOD SECURITY

Food security is low among non-Syrian refugees. The level of food insecurity is particularly high among Sudanese and Somali refugees. This is largely because of the challenges that these population groups face in obtaining access to food, which results, for example, in low consumption of nutritious food groups (protein, dairy, pulses) and high food expenditure shares, underscoring the economic vulnerability of these populations. Food security among Somali and Sudanese refugees is lower than in other refugee groups in Jordan. Average total and per capita monthly expenditures on food and non-food items among these populations are generally low, signifying severe economic vulnerability, increased morbidity rates, which fluctuates by nationality.

SHELTER

Iraqi, Yemeni, Sudanese, Somali, and other refugees face pressing housing needs. Most non-Syrian refugees live in Amman where the cost of rent is higher than in the rest of the country. Almost half of the non-Syrian population receiving UNHCR cash assistance list rent as the most pressing need they are unable to meet.

Since the onset of refugee influxes of different nationalities, almost ten percent have had to move to cheaper housing and two percent have been evicted. Mostly Iraqi and other refugees live in substandard dilapidated housing that needs maintenance, lacking hygienic and vital survival shelter needs. The above described conditions are likely to increase skin and respiratory system diseases, among others if needed maintenance and shelter conditions improvement are not made at once.

Despite high levels of vulnerability and often protracted refugee situations, non-Syrian refugee populations have received comparatively less focus from state actors, including donor agencies.

Unequal access to basic assistance including medical services and primary education and legal work have been raised as concerns by advocates, communities and humanitarians, providing opportunities to ensure that the aid framework in Jordan is adapted and responsive to the conditions and needs of all refugees residing in Jordan, without discrimination on the basis of nationality.

A handful NGOs assist Iraqis, but several only in small numbers or on an ad hoc basis. The NGOs that target Iraqis and other non-Syrian refugees are often over-burdened with referrals from other NGOs and, at the same time, unable to find NGOs able to accept their own referrals of non-Syrians.

As a result, non-Syrian refugees in Jordan are having many difficulties in securing their daily needs and services, namely in terms of health and receiving cash assistance to cover basic needs such as rent, medical treatment, education, food and non-food, legal and psychosocial support, which is very essential for post-traumatic stress disorders cases and psychological wellness.