

REGIONAL OPERATIONAL FRAMEWORK FOR REFUGEE RETURN TO SYRIA

Regional Durable Solutions
Working Group for the Syria Situation,
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INTRODUCTION

The Syria crisis has displaced nearly 5.7 million¹ Syrian refugees into Turkey, Lebanon, Jordan, Iraq, and Egypt, and over six million people within the Syrian Arab Republic (Syria). During 2018, the situation inside Syria evolved, leading to the cessation of large-scale fighting in much of the country. Nevertheless, refugees² continue to require international protection and humanitarian support. Given the protracted crisis, opportunities for durable solutions are urgently needed so refugees can look to the future with hope and dignity. The **comprehensive protection and solutions approach** seeks to: i) support host country resilience; ii) ensure refugee protection, including access to basic social services, well-being and enable their self-reliance; iii) expand access to resettlement and other safe pathways (complementary pathways) to a third country, and; iv) plan for and support voluntary, safe, and dignified return of refugees to Syria. This document focuses on the fourth of these pillars, providing the regional interagency direction for protection, operations and planning related to refugee return.

In February 2018, the [*Comprehensive Protection and Solutions Strategy: Protection Thresholds and Parameters for Refugee Return to Syria \(CPSS\)*](#)³ was issued, laying out the protection thresholds and parameters for refugee return to Syria. Over the last two years, there has also been a modest, but growing number of returns, with some 1.25 million IDPs and over 56,000 refugee returns in 2018.

Considering the potential increase in the scale of refugee returns, the interagency community has stepped up its preparedness efforts. Between November 2018 and February 2019, through the interagency fora coordinating refugee return,⁴ *Interagency Preparedness Plans on Refugee Returns* were developed at the regional and country levels in order to: 1) Detail ongoing actions and activities for refugee return, and; 2) Prepare for a possible increase in the scale of the return and/or shift to large-scale facilitation, ensuring the interagency aid community's readiness to be able to support a large-scale operation.

The **Regional Operational Framework for refugee return** presented herein consolidates the common elements of those preparedness plans covering protection, operations and planning. While each country has specific plans and interventions relevant to its context, the framework provides an overview of these plans including specific sectoral objectives, activities, and existing standards and policies as related to refugee return. Though the country plans have elements that support the sustainability of returns, they do not encompass activities for reintegration support and early recovery in Syria.

This document is developed in full recognition of the primary role and responsibility of the concerned States in relation to refugee protection and assistance. It has been developed with the specific aim of coordinating the interagency aid community's response in support of and complementing national efforts. It therefore focuses on refugee return efforts (ongoing and planned) by interagency actors, as coordinated by UNHCR.

While this document represents a regional framework of refugee return operational planning, it notes that each country's response and engagement will have unique elements based on their specific context, and each country is engaging with the concerned authorities in its planning for and implementation of return-related activities.

¹ As of 31 January 2019.

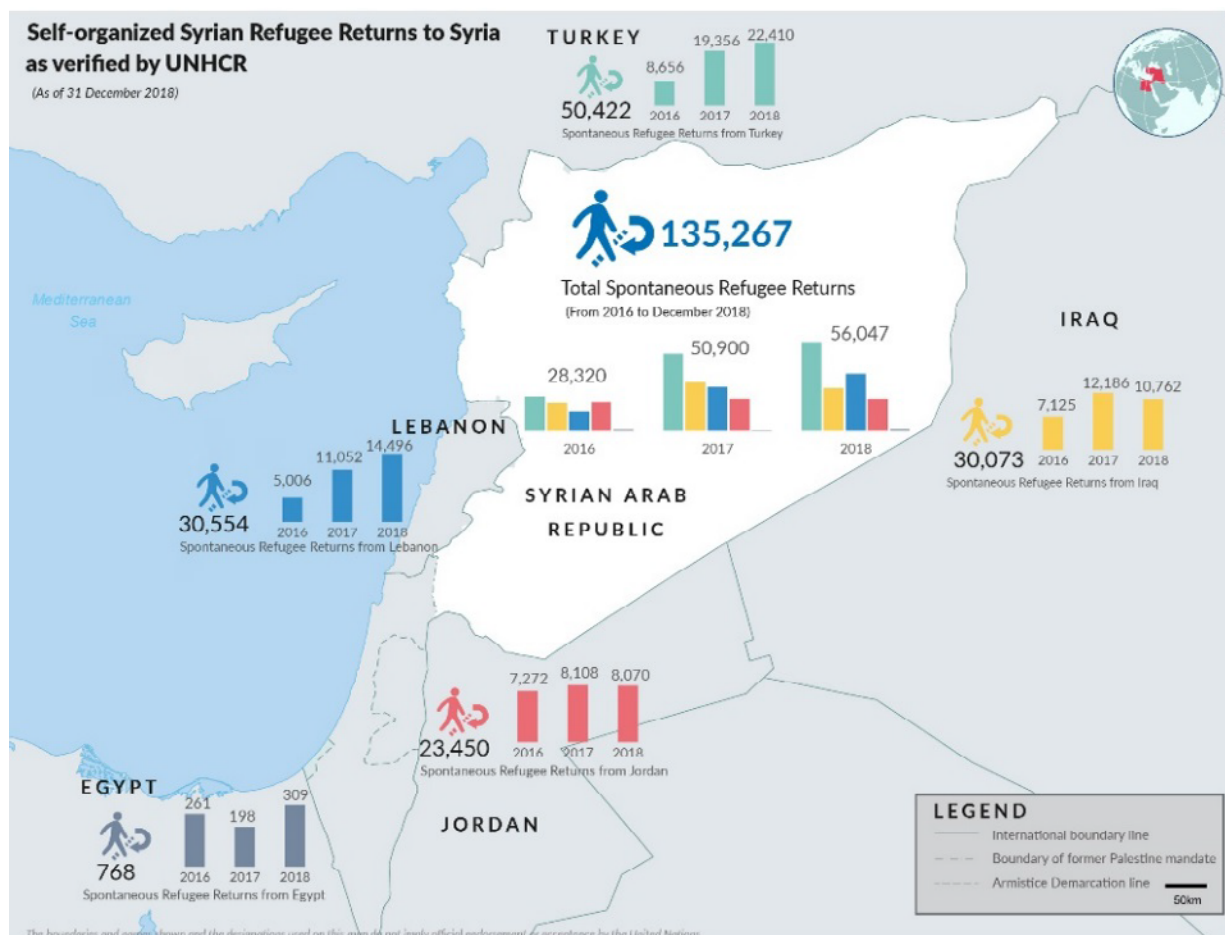
² Reference to refugees and returnees in this document refers to any citizen or habitual resident of Syria who is currently outside the country, irrespective of their legal status in the country of asylum, e.g. Palestine refugees, stateless persons.

³ The CPSS can be accessed at <https://data2.unhcr.org/en/documents/details/63223>.

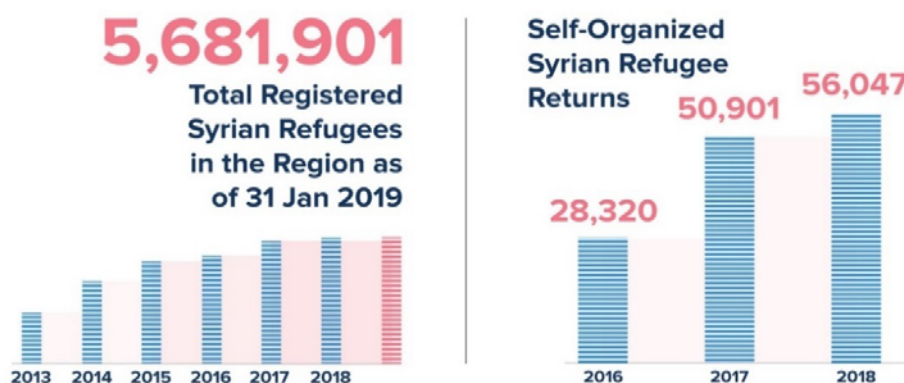
⁴ The interagency bodies coordinating refugee return are led by UNHCR and consist of: Regional and host country Durable Solutions Working Groups in the framework of the 3RP, and the Return and Reintegration Working Group inside Syria.

SITUATIONAL CONTEXT

Although significant security challenges remain in certain areas of Syria and sufficient guarantees are not yet in place as to allow for large-scale facilitated voluntary repatriation, the pace of returns to and within Syria has increased over the last two years. Some 107,000 refugee returns were verified by UNHCR from the beginning of 2017 through December 2018. Meanwhile, it is noted that over 871,000 IDPs returned in 2017, and 1.25 million in 2018.



While there has been a relative uptick in return, overall conditions in Syria remain extremely challenging, including related to security and socio-economic conditions. In addition to the 5.7 million refugees, over six million people remain displaced within Syria.



Given the protracted crisis, opportunities for durable solutions are urgently needed.⁵ As per the repeated findings of UNHCR return intention surveys, voluntary repatriation in safety and dignity remains the preferred durable solution and eventual hope for the great majority of Syrian refugees in the region.⁶

Between November 2018 and January 2019, UNHCR conducted its fifth Refugee Perceptions and Intentions Survey in Egypt, Iraq, Jordan and Lebanon. The majority (75%) of refugees continue to hope to return to Syria one day. Only 5.9% intend to return to Syria in the next 12 months, which represents a slight increase from the survey conducted in June 2018 (from 4.4% to 5.9%). For those who are planning to return to Syria, the vast majority expressed their intention to go back with their family members (85%) and to their place of origin (93%). Refugees planning to return continue to highlight improvements in the security situation, family reunification, and having livelihood opportunities in Syria as the top reasons influencing their decision to return.

For the 84% who intend to remain in host countries in the next year, as well as the 10% who were undecided, the top reason influencing their decision continues to be safety and security in Syria (including fears related to detention and military recruitment). Other top reasons were: limited livelihood opportunities and lack of shelter and basic services.

Refugee Return Intentions⁷



With some variation between countries, findings remain relatively aligned with previous surveys conducted over the last 18 months. UNHCR will continue to periodically survey refugees to understand their plans, concerns and needs while ensuring that these inform the planning and programming process for assistance.

POSITION ON RETURN AND PROTECTION CONSIDERATIONS

All refugees have the fundamental human right to return in safety and dignity to their country of origin at a time of their own choosing. This is codified in several international instruments, including the *Universal Declaration of Human Rights* (Art. 13) and the *International Covenant on Civil and Political Rights* (Art. 12). Refugee return should be based on a voluntary, free and informed decision. It should not be coerced either overtly through forced return, or indirectly through changes of policies that restrict refugee rights or by limiting assistance to refugees in the country of asylum which in effect affects refugees' ability to take free decisions.⁸

Aligned with the CPSS, this operational framework covers two phases of refugee return:

- **Phase 1 - Self-organized/spontaneous return:** During Phase 1 (current phase), refugees are returning in relatively small numbers in a self-organized manner or in movements not organized

⁵ See also: [UNHCR, Comprehensive Protection and Solutions Strategy: Resettlement and Complementary Pathways \(April 2018\)](#).

⁶ UNHCR, *Fifth Refugee Perceptions and Intentions Survey (Nov. 2018 – Jan. 2019)*. Publication forthcoming.

⁷ *Ibid.*

⁸ While this document focuses on an operational framework as related to *voluntary* return of refugees, also recalled is the principle of *non-refoulement*, a rule of international customary law. The essence of the principle is that a State may not oblige a person to return to a territory where s/he may be exposed to persecution.

or assisted by the interagency aid community. Support is focused on counselling, being present at cross-border movements, analysis of return trends, advocacy, and removing obstacles to those making a free choice to return. Where refugees exercise their right to return, in a well-informed and voluntary manner, support can be provided to ensure this return is made in dignity, without this being understood as an incentive. Inside Syria, the humanitarian community responds to the needs of returnees as part of regular humanitarian programmes.

In line with UNHCR guidelines and practice, UNHCR can facilitate the voluntary repatriation of individual refugees on an exceptional basis even during a phase where it is not promoting or facilitating large-scale return movements. A decision to facilitate in such circumstances is made on case-by-case basis and where clear and compelling reasons exist that such facilitation would be critical for the safety and dignity of the refugee returning. Facilitation in these instances can cover the assistance that refugees may require in order to return, including financial means, support with exit formalities, securing of guarantees, or other interventions needed to improve protection outcomes. Facilitation may only be provided when UNHCR is satisfied that the refugee's wish to return is voluntary.

- *Phase 2 – Large-Scale Facilitated repatriation:* In Phase 2 a large-scale, facilitated refugee repatriation operation will be supported by the international community, UN, NGOs, host governments and the Government of Syria, including reintegration programmes inside Syria, in line with programmes for IDPs, returning IDPs and other populations of concern. In order to shift to Phase 2, three⁹ criteria must be met:
 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 the Protection Thresholds being met, including a substantive and sustainable improvement in conditions in return areas;
 3. 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.

Notwithstanding that the thresholds and legal framework(s) within which they would be instilled are under discussion with relevant stakeholders and authorities, the fact remains that they are derived from international standards. On this basis, [Annex 1](#) provides a list of considerations and indicators, for each threshold, which serve to measure progress toward meeting the thresholds. As to when the thresholds can be considered met, the thresholds fall into two broad categories: First, those that can be considered absolute or immediate, with these thresholds having to be fully met before large-scale facilitation can be considered (for example, voluntariness or the adoption of specific legal or administrative provisions). Second, those of a more gradual character, with these thresholds requiring sustained efforts over an extended time-period in order to be fully addressed (for example, non-discriminatory access to and the availability of basic services). This second category of thresholds can be considered met if genuine commitments are demonstrated by the concerned authorities.

It is acknowledged 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 appropriate in some parts of the country compared to others. Planning and programming of assistance will therefore continue to be revised, adjust and shaped based on the context.

⁹ In the original CPSS paper, four criteria were mentioned. Points 2 and 3 have been merged.

At the same time, it is equally important to recognize that Syrian refugees have been returning home in a self-organized manner since the start of the crisis. Refugees' rights as independent decision makers are to be respected. Therefore, while the interagency aid community is not facilitating large-scale return absent tangible progress towards the aforementioned protection thresholds, the interagency aid community, in full collaboration with host governments, is presently supporting those refugees who are making the choice to return so they can return in dignity. Implementation and scale varies depending on the situation in the country of asylum and intended area of return. For example, support currently provided can include: pre-departure counselling, voluntariness, and protection assessments, identifying and assisting individuals with specific needs (e.g. unaccompanied children, older refugees), and assistance with documentation.

Inside Syria, returning refugees are supported through ongoing humanitarian programmes through a community-based approach and on the basis of need and equal to other populations, including IDPs and returning IDPs. These programmes are subject to access constraints as mentioned throughout.

UNHCR is engaging with the Government of Syria and other stakeholders to help gradually address the issues that refugees say inhibit their return, including through legislation or administrative processes, protection mechanisms and advocacy, and strengthening ongoing programmes. A legal framework (be it on a bilateral or tripartite basis), between the Government of Syria, host countries and UNHCR which sets out guarantees, rights and obligations of all parties, including unhindered access to returnees and return areas, is also a key area of further advocacy.

At this juncture, the interagency aid community's involvement in refugee returns to Syria is based on respect for the refugees' right to return and must not be interpreted as an indication of adequate security for all. Under no circumstances should the fact of self-organized return be invoked as a ground for denying continued stay in host countries to those refugees who remain behind, or for refusing the admission of Syrians needing international protection.

REFUGEE RETURN COORDINATION

The Regional Refugee and Resilience Plan (3RP) and the Humanitarian Response Plan (HRP) are the primary humanitarian planning and response frameworks for host countries and inside Syria, respectively. This operational framework was developed with due regard to, and under the overall auspices of, these more comprehensive frameworks as a means of addressing refugee return in a coordinated and comprehensive manner between host countries and country of origin.

The present operational framework was developed within the regional and country-specific fora responsible for the coordination of refugee return among aid actors. At the regional level and in the five major Syrian refugee-hosting countries in the region (Egypt, Iraq, Jordan, Lebanon, Turkey) return-related discussions and planning are coordinated through interagency Durable Solutions Working Groups, which are integrated into the 3RP structure. UNHCR leads the Durable Solutions Working Groups. In Syria, the Resident and Humanitarian Coordinator leads a Return and Reintegration Working Group (RRWG); UNHCR is the secretariat, with OCHA, UNDP and UNHCR responsible for sub-pillars on IDP return, reintegration, and refugee return, respectively. The development of this operational framework was fundamentally based upon the interagency preparedness plans drafted regionally and in-countries, and is aligned with both the 3RP and HRP in terms of objectives, standards, and approaches both at the strategic and sectoral levels.

PLANNING PARAMETERS

Based on the current context and intentions survey findings, it is expected that – in 2019 – there will be increasing small and medium-scale return movements totalling 250,000 refugee returns from the region. The interagency aid community developed preparedness plans for up to 500,000 refugee returns from the region; if this figure is surpassed in 2019, the plans will be revisited.

The key **planning assumptions** for 2019 are that:

- Refugee return during 2019 will likely remain self-organised/spontaneous return movements or movements not organized or assisted by the humanitarian community, although much will depend on the situation inside Syria.
- As stated in the *Joint 3RP-HRP Regional Planning Assumptions*: “In terms of refugee returns, it is likely that the overall number of returns from neighbouring host countries will exceed previous years although the scale and pace will vary across the region. The major factors impacting refugee returnees will continue to include security, protection concerns, shelter, access to basic services, and livelihoods, as well as the prevailing situation in host countries.”¹⁰

Further planning assumptions remain as those published in the *CPSS*, including:

- Conflict will continue in some parts of the country, with potential for further escalation, while other areas remain relatively calm compared to previous years;
- The Government of Syria is increasingly consolidating control over the territory. Some areas remain under the control of non-state actors, though these may be shrinking due to military operations, and in some cases, local political processes.
- Protection concerns in some areas remain significant for returning IDPs, returning refugees and the resident population. Fear of retaliation, military conscription, security screening, arrest, charges illegally applied at crossing points, and associated limitations on freedom of movement are major obstacles to safe, dignified and sustainable returns;
- Destruction of property, infrastructure and disruption of services is enormous, and will remain an obstacle to large-scale sustainable return. Explosive hazards continue to affect a high number of communities, causing death and injuries, but also limiting delivery of aid, access to farmland, and rehabilitation of services and infrastructure;
- While progress is noted, needs for, and difficulties in, accessing civil documentation, accompanied by related high costs, delays in accessing documents to prove Housing, Land and Property (HLP) rights, and lack of resolution mechanisms for HLP compensation or restitution remain obstacles for return;
- Access of humanitarian actors, including to areas of return, remains selective and restricted in certain parts of the country, and generally highly regulated, thereby limiting *inter alia*, the ability to assess conditions and safety in these areas.

SECTORAL OVERVIEW

The following section provides a summary overview of the content – by sector – from the regional and country-based refugee return preparedness plans. Those plans outline key operational issues including specific sectoral standards, policies, objectives and activities by location (i.e. country of origin and/or host country) and phase (either phase 1 or 2). The below sector summaries include detail on: 1) Sector-specific context(s)/challenges; 2) Relevant policies/standards/approaches, and; 3) Activities as related to the region, host countries, and inside Syria.

¹⁰ 3RP-HRP Regional Planning Assumptions 2019.

Most activities are implemented in both Phases 1 and 2, with differences being the scale or modality of implementation. In the case of a notable difference or exclusive implementation in a single phase, this is explicitly mentioned. As mentioned above, assistance provided inside Syria in both Phases 1 and 2 will continue to be needs-based and integrated into existing programming. It is worth noting that many of the ongoing activities outlined below are fully included in programmatic and budgetary terms in either the 3RP or HRP.

While the below provides sectoral overviews of the regionally-coherent approach across the Syria situation, the implementation of activities is country-driven as illustrated in the country-specific plans.

Protection

Protection is at the cornerstone of the response and focuses on addressing the returnees' protection needs that are linked to the effects of the conflict, their protracted displacement in the host country and their journey back to Syria. While protection considerations are mainstreamed throughout all sectors, there are also specific interventions required to support a safe and dignified return in Phases 1 and 2. These include *inter alia* access to: objective information on the conditions inside Syria, non-discriminatory provision and access to protection services, accessible and affordable civil documentation, and targeted assistance for individuals with specific needs. While humanitarian access is essential throughout all sectors, and unhindered access to returnees and returnee areas is one of the protection thresholds, it is of particular importance as a key to protection follow-up and delivery.

To address specific protection needs, core protection-related activities are ongoing and being expanded, such as counselling related to return and information on the situation in return areas (including explosive hazard risk education), legal awareness, and counselling and assistance in obtaining civil documentation (particularly birth, marriage, divorce, and death certificates, as well as family booklets and national ID card) and travel documents including passports. Due attention is provided to persons with specific needs in particular on the availability of the services available in their intended return area. Inside Syria, returned refugees benefit from the existing and ongoing protection engagement in the provision of integrated protection services. This includes networks of community centres, outreach volunteers, mobile teams, working groups with authorities, and other integrated and stand-alone programmes.

Every individual's decision to return has to be informed and genuinely voluntary, without any coercion. A critical activity is verification of a free and informed decision through voluntariness assessment and ensuring that refugees are provided unbiased and detailed information on conditions in areas of intended return. The interagency community endeavours to be in a position to provide refugees as much objective and detailed information as possible on the prevailing situation as well as the status of services, including their availability and access to them. Continued access constraints and restrictions throughout Syria limit the ability to provide detailed and granular information across all sectors.

While select protection activities remain within UNHCR's mandated scope of action (e.g. voluntariness assessment, registration issues such as ensuring timely and appropriate inactivation in the UNHCR database, and – during Phase 2 – issuance of voluntary repatriation forms), others are a shared responsibility with the wider interagency community, such as communication on the return processes or advocacy to waive exit and entry formalities. Information-sharing between concerned agencies is being strengthened, including for technical and sensitive protection activities, such as family tracing and support to SGBV survivors. To ensure transparency and accountability, feedback and response mechanisms are being expanded for people of concern, including confidential complaint mechanisms.

Moreover, based on individual assessment for returnees with compelling humanitarian and/or protection profiles, individuals with specific needs will require special assistance both during Phases 1 and 2, ranging from referrals of cases from humanitarian actors in host countries to those in Syria, to specific needs-based transportation and/or tailored assistance.

Recognising the role of civil documentation as a foundation for the effective enjoyment of a broad range of rights, as well as the prevention of statelessness, the response will sustain advocacy and interventions to promote the recognition of civil documentation wherever issued, e.g. issued in countries of asylum, and waive fees and fines to access documentation, while seeking to resolve situations where the civil documentation of returnees is missing, incomplete or expired.

Basic Assistance

Basic assistance refers to specific material assistance not covered by other sectors (e.g. core relief items), as well as transportation assistance to be provided to returnees (persons and goods).

As stated above, during Phase 1, refugees' voluntary return can be facilitated on an exceptional and case-by-case basis with a focus on the most vulnerable refugees, while inside Syria returning refugees are supported on a needs basis through regular humanitarian programmes. Core relief items will continue to be provided to the returnee population in Syria, including seasonal items such as winter clothing and blankets. In special circumstances (e.g. extreme cold weather during the movement) core relief items such as blankets can be provided to those in need before departure.

In Phase 2, when large-scale facilitated repatriation is appropriate, the interagency community would provide transportation support for all returning refugees and their assets, either in-kind or through cash, to cover their entire journey; transit and related infrastructure/expenses would be avoided wherever possible. The parameters of the Phase 2 transportation will be defined at the regional level to ensure coherence across the region, while the delivery modalities and coordination with other assistance (including cash assistance) will be determined at country level.

During Phases 1 and 2, in order to support safe and dignified movement for those who voluntarily decide to return, institutional support can be provided to host countries and Syria, as needed, on management of persons and goods across borders. In this context, specific, humanitarian support is provided in a carefully calibrated manner, aligned with the phases and needs of refugees.

Education

The challenges faced by returned refugees as related to education include difficulties obtaining recognition in Syria of educational achievements in host countries, limitations in being able to adequately document qualifications, lack of access to educational programmes, and for some, having been educated in another language than Arabic.

In consideration of the above, interventions focus on minimizing barriers to learning by: providing returnees with school certificate/degrees prior to departure; providing information on availability of education services and facilities inside Syria, including the ability to be enrolled in the school feeding programmes; ensuring individual assistance for those with specific learning needs (e.g. assistive devices support for children with disabilities), and; ensuring that learners benefit from a structured transition to/continuity of education and a fair recognition of achievements.

In order to enable children and youth to access recognized and certified quality education, in both Phases 1 and 2, aid actors will continue to advocate for equivalency and recognition of educational attainments in exile. This includes advocacy for availability at national level of necessary protocols in Syria for accreditation and certification of learning. Advocacy will also focus on facilitating the (re-) entry to learning for children who have only been able to access non-formal learning environments, or none at all, including those lacking identity and civil documentation.

Other important activities include the provision of information on education-related documents to acquire before return; interventions which facilitate issuance of school certificate/degrees prior to departure including equivalency and placement tests on return; support for accredited bridging or catch-up programmes; continued promotion of access to documentation, as national ID cards are required to sit for official school exams, and; sharing of educational status and specific needs of refugee children in host countries in order to inform education programmes and support in Syria.

Health and Nutrition

Ensuring that the health and nutrition status of returnees is not destabilised or worsened by the return movement and that basic health and nutrition needs are addressed is a fundamental responsibility of the concerned states with the support of the interagency aid community.¹¹ The support detailed below is required during both Phases 1 and 2.

Key health activities that should take place include basic health care services, pre-departure health screening (including fit-to-travel health checks), immunization services, emergency healthcare at critical points of the return journey, and provision of updated health documentation, ensuring that returnees have access to medical records and certificates.

Health formalities related to return movements are presently supported by host country institutions and/or on-the-ground aid actors, including referral mechanisms for persons with specific medical needs. With reference to the latter, the special medical needs of refugees are to be met with essential drugs, including for chronic conditions, provided before departure to bridge possible gaps before arrival in the home country. Support to health systems are in need of further development given the potential scale of operations. Information on the healthcare situation and services in areas of intended return, including available facilities, doctors and medication, as well as ability to be enrolled in the prevention and treatment of malnutrition programmes for children under 24 months is included in the counselling to refugees, noting that the situation in Syria is evolving, and related information continues to change. The needs of particularly vulnerable cases therefore receive individualised feedback, such as mapping health care plans and information for treatment for those planning to return, including clarifying when no such information is available.

In respect to nutrition, support to nutrition needs and care particularly for severe and moderate malnourished refugees is factored into the country-specific planning and return operations (e.g. required counselling and support for pregnant and lactating mothers and children in need, such as supplements provided prior to return).

¹¹ See UNHCR, [Guidance for Public Health Interventions for Repatriation](#).

Water, Sanitation and Hygiene

In the context of return, refugees require access to safe drinking water and adequate and gender-sensitive sanitation facilities during the entire duration of their journey. WASH interventions play a crucial role in limiting the risk of contracting infectious diseases and ensuring the dignity and safety of the returnees, especially women, through the provision of hygiene supplies and set-up of secure and private WASH facilities.

While the scale of the intervention depends on the level of return and the specific support needs of the countries, the type of WASH assistance planned, during Phases 1 and 2, encompasses a range of activities, from ensuring sanitation facilities in waiting areas according to SPHERE standards, to ensuring during the return movement adequate quantity and quality of drinking water, and upon return providing hygiene items, including diapers and women's sanitary pads.

In the case of large-scale facilitated return, preparatory steps include identifying and planning for adequate water and sanitation measures. Wherever possible, water and sanitation response is combined with the promotion of good personal and environmental hygiene. Host and return country operations coordinate closely on WASH assistance in order to guarantee WASH coverage and continuity of assistance throughout the entire return journey. Planned activities also include decommissioning of the distributed WASH installations in informal settlements where returning refugees resided (e.g. water tanks, latrines).

Shelter

When asked about their intentions to return, refugees reported the need for information on availability of shelter and status of their property as among their top three information needs.¹² The core shelter activities, during both Phases 1 and 2, focus on aiming to ensure that those deciding to go back have the needed information on the general shelter conditions in locations of anticipated return inside Syria, the Housing, Land and Property requirements to reclaim their property, the status of the shelter services available, and are granted with access to safe physical space (e.g. reception points or waiting areas where needed) to receive needed assistance during the journey. As stated above, the scope of this framework does not cover reintegration inside Syria.

Eventual Phase 2 transport assistance would aim to ensure point of departure to point of arrival support, and therefore avoid the need for transit/reception-related structures. However, these structures might need to be established/built in limited instances depending on the routes/distances, contexts, and country of asylum/origin requirements. In such case, these spaces may be used as overnight shelters and must ensure the physical safety of returned refugees, especially women, by adopting relevant measures as per guidelines on preventing and responding to GBV.¹³ In cases where transit-related facilities are required, support can be provided to authorities during Phases 1 and 2 to ensure that transit facilities and reception centres meet standards, ultimately toward the safety and dignity of returnees. (As with WASH, the planned activities include decontamination and decommissioning of sites in the country of asylum, such as dismantling of temporary structures and waste management).

¹² Refugee Perceptions and Intentions Survey (5th round, surveyed Nov. 2018 to Jan. 2018), publication forthcoming. To note, the intentions surveys were carried out in Egypt, Iraq, Jordan and Lebanon.

¹³ See e.g. IASC, [Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action](#).

Food

In the context of return, food assistance remains a priority intervention in both Phases 1 and 2 and will continue to be provided based on needs. Inside Syria, returning refugees will have access to a one-time package of Ready-to-Eat food (equal to that provided to returning IDPs) with an extension of dry rations based on vulnerability level. Returnees will also be integrated into ongoing needs-based assistance targeted at Syrians meeting vulnerability criteria.

During both Phases 1 and 2, specific assistance given in host countries to targeted returnees will include the extension, and possible top-ups, of the ongoing cash-based support to those vulnerable refugees deciding to return and other specific food-related assistance to be determined in consultation with relevant stakeholders.

Information on markets, prices and availability of specific goods and commodities in different areas of Syria will be integrated in the counselling to refugees, and used for analysis to inform the development of food security programming.

Interagency coordination systems to allow for retrieving food-cards and/or deactivate beneficiaries' assistance within the region mitigate possible misuse and ensure efficiency by reallocating related funds to extend existing programmes for the remaining refugees.

Livelihoods

It has been demonstrated that refugees with the highest chances of being self-reliant upon return are likely to return first.¹⁴ Therefore, returned refugees' specific needs related to livelihoods encompass both the need for information on availability of livelihoods opportunities in Syria based on their respective professional expertise, and the expectation for recognition of their academic/training certificates toward continuing education in Syria and facilitating their labour market integration.

In consideration of the above, the response includes provision of information on ongoing livelihood programming, income generation opportunities, and subsequent training opportunities inside Syria. Also, during both Phases 1 and 2, advocacy efforts with relevant Syrian authorities will continue toward recognition and validation of vocational training certificates obtained in host countries. Efforts to resolve missing, incomplete or expired civil documentation will enhance efforts to promote access to livelihoods in the formal sector. As the pace of returns scales up, further programming that increases employment and self-employment opportunities will be of utmost importance to promote social cohesion and increase self-reliance, with a particular focus on women.

Communication with Communities

Refugees need to be provided with consistent, clear and unbiased information on the situation inside Syria, the conditions and level of assistance in the intended areas of return, the administrative and legal processes to be followed and the modalities of the journey. While refugees have their own sources of information about the situation inside Syria, the interagency aid community, and particularly UNHCR have a responsibility to provide objective and detailed information which is responsive to refugees' questions and needs for informed decision-making. Therefore,

¹⁴ World Bank, *The Mobility of Displaced Syrians: An Economic and Social Analysis*. 2019. (This report focused on refugees in Iraq, Jordan and Lebanon).

Communication with Communities (CWC) is an integral part of planning, essential and relevant to all sectors and both Phases 1 and 2.

CWC aims to establish an effective two-way communication with persons of concern, grounded on community-based protection, tailored for specific groups of all ages, gender and background. Planning includes the scaling-up and establishment (where they do not already exist) of feedback mechanisms and confidential complaint mechanisms to ensure feedback on the return process.

Country offices, which are responsible for the direct interface and communication with refugees, ensure that the regionally-coherent position and information is translated into clear messaging through the appropriate modalities for their respective contexts and populations of concern. This includes not only providing answers to refugees' questions, but also providing guidance on where to receive information on return, and roles and responsibilities of the various entities in the return and information dissemination process. Country plans ensure that key messages on return are disseminated and shared with responsible frontline community workers, including outreach volunteers and support committee members. Any communications and awareness campaigns related to the process or assistance, in all countries, are to apply best practices and should be implemented in close coordination with refugees and local authorities, community leaders, and civil society.

Civil Society engagement

Civil society must be utilized to inform the perceptions that various groups such as host governments and communities, displaced persons, and the aid and diplomatic community have relating to return. As the situation in Syria is dynamic and fluid, information needs to be regularly updated and maintained. Neutral civil society actors who are on the ground and most directly in touch with changing contextual realities are key to ensure accurate information. Noting access constraints, qualitative and quantitative assessments in Syria will continue to be carried out by civil society actors in order to identify specific needs of refugee and IDP returnees. Specific engagement with safe and dignified voluntary return to Syria is, at present, under discussion with a range of civil society partners, including through the MENA Civil Society Network for Displacement and will be further elaborated in the months ahead.

Coordination

Coordination is particularly challenging in the context of refugee return, where a mix of regional, in-country and cross-border cooperation between humanitarian agencies, national authorities, local partners, and persons of concern plays a critical role in most activities. Returnees need to be assisted through responsible, inclusive and well-coordinated structures. UNHCR will continue to lead existing refugee return coordination efforts through the regional and country-level DSWGs and RRWG, with readiness to shape and adjust the coordination fora in line with the needs of the response.

Specific coordination activities implemented during Phase 1 and planned to take place in Phase 2, include: i) ensuring shared approaches, policies, communication, and messaging; ii) developing information-sharing protocols among coordination units and members; iii) having a coordinated approach between Refugee and IDP returns; iv) ensuring coordination between country and regional actors through regular and structured engagement on operational issues, e.g. cash-related coordination; v) strengthening regional coordination and establishing effective referral mechanisms among country operations and response plans (HRP-3RP), and; vi) promoting coordinated advocacy efforts among all stakeholders.

REVIEW AND REVISION

This operational framework, as well as the region-specific and country-specific interagency refugee return preparedness plans upon which this is based, is subject to regular review and revision. This can be done at any time in line with the changing context in Syria and refugee-hosting countries. The interagency aid community, represented by the 3RP structures in refugee-hosting countries, including the network of Durable Solutions Working Groups and the Return and Reintegration Working Group in Syria, ensure the coordination of this process and that the interagency aid community is well-prepared for a coherent and effective response to the current self-organised returns, as well as a future large-scale facilitated repatriation.

March 2019

ANNEX 1: PROTECTION THRESHOLDS

The below lists the 21 Protection Thresholds from the *Comprehensive Protection and Solutions Strategy*, and for each threshold provides **considerations and indicators** which serve to measure progress toward meeting them. Regarding as to when the thresholds can be considered met, the thresholds fall into two broad categories. First, those that can be considered absolute or immediate, with these thresholds having to be fully met before large-scale facilitation can be considered (for example, voluntariness or the passage of specific legal or administrative decree or decision). Second, those of a more gradual character, with these thresholds requiring sustained efforts over an extended time-period in order to be fully addressed (for example, non-discriminatory access to and the availability of basic services). This second category of thresholds can be considered met if genuine commitments are demonstrated by the concerned authorities.

Threshold 1 – *Every individuals’ decision to return is informed and genuinely voluntary, without any form of coercion.*

- Returns of refugees must only take place as a result of their free and individually expressed decision, informed by relevant and reliable knowledge regarding conditions in Syria in general and in the intended areas of return in particular.
- There must be no deadline or time limit to the exercise of the right to return.
- There must be no misinformation about return conditions, and UNHCR must be allowed and in a position to provide refugees regular information about safety/security in the areas of return and related to the journey.
- UNHCR needs to be allowed to monitor returns prior to initiation of any return movements, be it self-organized or facilitated, and monitor the conditions of those who have returned.
- So-called go-and-see visits and/or come-and-tell visits need to be permitted and facilitated, whereby refugees are granted safe access to areas of their prospective return – as well as subsequent safe return to the earlier location in the country of asylum – in order to acquaint themselves with the situation prevailing in their intended areas of return and reporting thereon to refugee communities.
- Any UNHCR support for return is based on respect for the refugees’ individual right to return and cannot be interpreted as an indication of adequate security for all refugee populations; returns must not be invoked as a ground for denying continued stay in host countries to those refugees who remain behind, or for refusing the admission of new refugees.

Threshold 2 – *Everyone has the right to return to their former places of residence or of choice, and to enjoy freedom of movement.*

- Article 12 of ICCPR holds that everyone “have the right to liberty of movement and freedom to choose his residence” and that restrictions on these rights can only be made if provided by law and if necessary *inter alia* to protect national security and public order.
- Similarly, UDHR Art. 13 holds that everyone “has the right to freedom of movement and residence within the borders of each state” and that everyone “has the right to leave any country, including his own, and to return to his country.”
- UNHCR and partners need to be permitted to undertake protection follow-up and assessments, consultation with the population and independent assessments, through which it is assessed whether or not returning refugees are allowed by authorities, or by local communities, to settle in a place of their choosing and move around inside Syria, for example to access schools, hospitals and jobs.

Threshold 3 – *Returning refugees are free from harassment, persecution and discrimination, on account of any (individual or family) diversity characteristic.*

- Refugees need to reintegrate without risk of harassment, intimidation, persecution or discrimination, on account of their real or perceived race, ethnicity, religion, political opinion, age,

gender, marital status, disability, sexual orientation, gender identity, educational and social background, or other diversity characteristics.

- Returning refugees also need to be free from discrimination or retaliation for reasons of having fled their homes and/or sought asylum abroad, or for having lived or stayed in an area under the control of another party to the conflict, or in any area perceived to be favorable to the opposition.

Threshold 4 – *The physical, legal and material safety of refugees and returnees is ensured.*

- The physical, legal and material safety of returning refugees are the responsibility of the State where the returning refugees find themselves.
- Physical safety entails effective measures being in place to guarantee protection from violence, including sexual violence, or threats to refugees' physical and mental safety and integrity, both en route and in areas of return.
- The areas of return need to be free from conflict-related threats, including military activity or the threat of explosive hazards (e.g. by providing info and/or mine marking). EXCOM Conclusion No. 18 (1980) "called upon governments of countries of origin to provide formal guarantees for the safety of returning refugees."
- In addition to more immediate conflict-related threats, there is a need to ensure that returning refugees are not subjected to unlawful detention, disappearances or summary executions.
- Retaliatory acts, or acts by criminal networks, such as traffickers, must not be undertaken with impunity, and must be subject to investigation and prosecution.
- While it can be useful to distinguish between different areas within Syria that are considered safe from conflict-related threats it needs to be noted what is safe for one person, may not be safe for another.
- Legal safety of returning refugees entails safeguarding non-discrimination in terms of access to essential services, administrative procedures and national protection.
- The legal safety requirement is closely inter-linked with other thresholds as it relates to reestablishment of nationality, the recognition of civil documentation – including, but not limited to, documentation issued abroad, recovery of housing, land and property, access to courts and remedies for rights violations, and amnesty from criminal prosecution as per Threshold 11.
- Material safety entails allowing returning refugees and internally displaced persons to exercise their social, economic and cultural rights, including same access to food, water, housing, material support, and assistive tools/devices for persons with disabilities, income generating opportunities, housing, land and property restitution mechanisms, health care and education, as those who did not leave.
- In order for returns to constitute a sustainable solution, the returning refugees must have the same access to services as the population who was not displaced.

Threshold 5 – *Refugees and returnees with specific needs (including, but not limited to older persons and persons with disabilities) receive relevant protection and support, through establishment of age and gender sensitive approaches.*

- Concrete measures need to be undertaken to ensure that individuals or groups with specific needs (including those who are disabled, elderly, ill, or other vulnerable individuals) receive adequate protection, assistance, and access to relevant support throughout all stages of the return and reintegration process.
- Priority needs to be given to the re-establishment of services and institutions designed to ensure the enjoyments of rights of the population, including those with specific needs, over the long-term.

Threshold 6 – *Measures are in place to ensure that the specific needs of women and girls as well as men and boys are met, that SGBV is prevented, mitigated 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.

- Concrete measures need to be put in place to ensure that the specific needs of men and boys as well as women and girls, and female headed households are met, including through measures to prevent, mitigate and respond to sexual and gender based violence, and increase the safe and dignified access to assistance, protection, and care to be provided through all stages of the return/repatriation and reintegration process.

Threshold 7 – *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.*

- Measures need to be put in place to ensure that unaccompanied or separated children are not returned prior to adequate tracing of family members or without specific and adequate reception and care-taking arrangements in place, and that all such children possess civil documentation confirming their identity.
- No unaccompanied or separated children, or children who are the subject of unresolved custody issues, shall be returned unless a formal best interests of the child determination has concluded the appropriateness of this durable solution, in line with the 2018 UNHCR Guidelines on the Assessment and Determination of the Best Interests of the Child.

Threshold 8 – *The principle of family unity is upheld, including a right to enter and remain for dependents who are not Syrian citizens.*

- Involuntary separation of refugee family members must be prevented throughout all stages of displacement and the voluntary repatriation and reintegration process.
- It is necessary for concerned authorities to provide information needed for tracing of separated family members and undertake to support and facilitate tracing efforts.
- Spouses and children – including minor and adult children – of returnees, as well as other dependents, who are themselves not citizens of Syria must be allowed to enter the country and lawfully remain there in accordance with national law. This should also apply to widowed non-Syrian spouses as well as children of deceased refugees who may wish to enter and remain lawfully in Syria to preserve family links.

Threshold 9 – *Refugees and returnees can effectively participate in the planning and implementation of the return and reintegration process.*

- Refugees and returnees irrespective of their age, gender and other diversities need to engage meaningfully in all stages of the assessment, planning, implementation as well as monitoring and evaluation of the process of return and reintegration.
- Refugees are often best placed to assess risks related to return and how to abridge these. Planning for return to and reintegration in Syria requires making sure return activities will properly serve all refugees and returnees, regardless of their age, gender, and diversity or specific needs.

Threshold 10 – *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.*

- A firm commitment to securing full respect for the human rights and fundamental freedoms of all persons in Syria needs to be achieved and several confidence building measures need to be undertaken, including:
 - Repealing legislation and administrative instructions and practices with discriminatory intent or effect;
 - Preventing and suppressing incitement of any form of political, religious or ethnic hostility or hatred;
 - Preventing and suppressing acts of retribution or revenge;

- Protecting persons with distinct sexual orientation and gender identity, including through immediate and unhindered accesses to such population groups by international organizations and human rights monitors;
- Protecting ethnic and religious minorities including through immediate and unhindered access to these populations by international organizations and human rights monitors; and
- Prosecuting any personal or official acts that incites hostility or hatred or that constitutes a serious violation of the rights of returning refugees.

Threshold 11 – *An amnesty is enjoyed by anyone charged with a crime other than a) a serious International Humanitarian Law violation or crime against humanity, or b) a common crime unrelated to the conflict.*

- An amnesty needs to be issued for all returning refugees charged with a crime, other than a serious violation of international humanitarian law or a crime against humanity as defined in international law since 15 July 2012 or a common crime unrelated to the conflict.
- Criminal sanctions must not be resorted to for political or other inappropriate reasons.
- Any unpaid taxes or administrative fees that refugees have accrued during displacement since 2011 need to be waived.
- [Relevant recent developments]: On 9 October 2018, Legislative Decree No. 18/2018 was issued, providing an amnesty in cases of military desertion and draft evasion though anyone benefitting from the amnesty may still be enlisted for military service. The amnesty waives penalties for desertion and evasion, for those who surrender to their conscription departments within four months (i.e. by 9 February 2019) for those who have remained in Syria and within six months (i.e. by 9 April 2019) for those who are outside the country.

Threshold 12 – *Returning refugees are not discriminated against with respect to military service.*

- Returning refugees must not be discriminated against with respect to conscription into military service or reservist duties.
- In addition to other grounds for exemption under national law, individual circumstances related to previous displacement needs to be positively considered for purposes of exemption from military or other obligatory national service.

Threshold 13 – *Changes in legal or civil status (birth, death, marriage, divorce, adoption, custody etc.) that occurred during the conflict, including in displacement, are recognized and documentation issued by a competent authority indicating such changes are validated or valid documents are re-issued.*

- Validation or recognition of documentation issued to refugees to certify changes in legal or civil status, including births, deaths, marriages, divorces, adoptions and custody decisions that occurred in host countries needs to be ensured, possibly through collaboration with countries of asylum.
- [Relevant recent developments]: The 2017 amendment of the Syrian Civil Affairs Law (Law No. 4) introduces several positive provisions, including the clarification that civil status documentation obtained by Syrians abroad will be treated as valid in Syria (Article 17).
- Changes in legal or civil status of refugees that occurred in any country while in displacement needs to be recognized, including birth, death, marriage, divorce, adoption and custody decisions.
- Legal or civil status documentation provided to refugees by the competent authorities in countries of asylum needs to be recognized in full.
- Appropriate evidentiary value needs to be granted to civil documentation as well as notification of vital events issued by hospitals, clinics, etc. issued to refugees by non-state entities (inside or outside Syria) since 2011, in establishing relevant facts such as age, identity, nationality and family composition.

- Registration of corresponding civil status events and documents certifying legal or civil status needs to be provided to returnees at no cost, and otherwise applicable fines due to delayed applications and registration of vital events are to be waived.

Threshold 14 – *Documentation from UNHCR or other internationally mandated organizations is recognized.*

- Documentation provided to refugees by UNHCR or other international organizations need to be recognized in full.

Threshold 15 – *For those not holding identity documentation, alternative forms of evidence are accepted.*

- For those refugees who do not hold documentation proving their identity, family composition, nationality or habitual residence, alternative forms of evidence, such as testimonies, needs to be accepted.

Threshold 16 – *Legislative measures are undertaken to allow for issuance of documents necessary to establish identity, family composition and nationality.*

- Legislative or administrative measures need to be undertaken to allow for the issuance of national civil documentation and other legal documents necessary to establish returnees' identity, family composition and nationality at no cost, and will not apply fines or other sanctions for failure to register.
- Documentation must be issued on an equal basis for men and women.
- Refugees must be allowed to correct erroneous/incorrect information contained in civil documents (date of birth, place of birth, date of marriage, etc.) issued during the conflict, without penalty or sanction.

Threshold 17 – *Legislative measures are undertaken to prevent statelessness, including that birth certificates are issued to refugee children who are not in possession of such documents.*

- In order to prevent statelessness as a result of displacement and family separation, legislative measures need to be undertaken to ensure that returning refugees born to a Syrian parent – female or male (inside or outside Syria) – are considered citizens of Syria and receive documentation proving this.
- In the event that birth notifications or certificates have not been issued to refugee children prior to repatriation or return, legislative measures to allow for the issuance of legal documentation, as necessary, at no cost and in waiving any otherwise applicable fines, to ensure that there is no exclusion of returning refugees from nationality.

Threshold 18 – *The validation, recognition and equivalency of academic/professional/vocational diplomas/certificates/degrees during displacement is recognized, as appropriate.*

- As appropriate and in accordance with national laws, the equivalency of academic, professional and vocational diplomas, certificates and degrees acquired by refugees while abroad needs to be recognized and ensure the reintegration of school aged children into the public school system at the appropriate level.
- Equivalency documents of academic and vocational skills, diplomas and certificates needs to be provided to returnees at no cost.

Threshold 19 – *Access is provided to effective legal processes — which adhere to human rights principles— to restore/compensate housing, land and property, with special attention given to the rights of female heads of households and the rights of secondary occupants of refugees' property.*

- Refugees have the right to have access to effective legal processes which function toward restoring to them any housing, land and property of which they were unknowingly, unwillingly,

arbitrarily or unlawfully deprived (de jure or de facto) by any individual or entity since 2011, and to be compensated for any housing, land and property that was destroyed or is otherwise impossible to restore.

- Persons both inside and outside Syria, whose property rights may be affected by new laws must be given sufficient time to file claims and/or challenge decisions in order to protect their property rights.
- The right to restitution is not conditional on a refugee returning to Syria or the area where the housing, land and property is situated.
- There is a need to establish and support equitable, timely, independent, transparent and non-discriminatory procedures, institutions and mechanisms to assess and enforce housing, land and property restitution claims.
- In case existing procedures, institutions and mechanisms can effectively address these issues, adequate financial, human and other resources need to be allocated.
- Besides deciding on (competing) ownership/user claims, the aforementioned procedures, institutions and mechanisms should also have jurisdiction to award compensation for damage to housing, land and property as a result of the conflict. It needs to be recognized that a significant number of refugees may not be able to present official documentation attesting their ownership or user rights over housing, land and property and this must be taken into consideration in respect to the standard of proof that will be adopted by the aforementioned procedures, institutions and mechanisms.
- Any housing, land or property transaction that was made under duress, or which was otherwise coerced or forced, either directly or indirectly, or which was carried out contrary to international human rights standards needs to be rendered null and void.
- Any inheritance, sale, lease or other purchase which was lawfully concluded, without duress or unlawful or arbitrary deprivation needs to be recognized.
- [Relevant recent developments]: Regarding urban redevelopment laws, Law 42 / 2018 amended Law 10 / 2018, inter alia by extending the deadline for proving ownership from 30 days to one year, providing clarification that rights-holders whose property rights are registered in the cadaster need not present a claim (though it remains unclear how situations of destroyed cadastral records will be addressed) and giving claimants who do not file a claim within the deadline the right to submit claims to a Dispute Resolution Committee or to the regular courts for litigation.

Threshold 20 – *UNHCR’s supervisory role is respected.*

- UNHCR’s supervisory role needs to be respected, with this role including (but not being limited to) witnessing the voluntariness of the repatriation, following the reintegration of returnees, and all interventions aimed at ensuring repatriation in safety and dignity.

Threshold 21 – *Staff of international organisations and their partners enjoy cooperation with the authorities as well as full and unrestricted access to returnees and returnee areas; and the safety and security of staff, premises and equipment is ensured.*¹⁵

- Pre-existing obligations towards UNHCR and other international organizations arising from its 29 September 1953 accession to the Convention on the Privileges and Immunities of the United Nations (1946) need to be recognized.
- There needs to be agreement to cooperate with international organisations and facilitate timely, full and unrestricted access for staff of these organisations to all returnees and to all areas where they reside, without administrative impediments. Relief goods, equipment and vehicles of

¹⁵ The original CPSS paper had 22 thresholds. While the content has not changed, thresholds 21 and 22 have been combined here.

humanitarian and development actors need to be exempt from all restrictions, quotas, limitations, taxes, duties and levies.

- The clearance and handling of such items need to be expedited.
- All necessary measures need to be undertaken to respect the 1994 Convention on the Safety of United Nations and Associated Personnel and to ensure the safety and security of staff, premises and equipment of humanitarian and development organizations.
- The free movement of staff of humanitarian and development organizations, as well as vehicles, relief goods and equipment, need to be facilitated.