

AMERICAN UNIVERSITY OF BEIRUT

A NEW LAYER OF REFUGEE POLITICS AT UNHCR  
BIOMETRIC TECHNOLOGY: SYRIAN REFUGEE  
BIOMETRIC REGISTRATION BY UNHCR IN LEBANON

by  
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# ABSTRACT OF THE THESIS OF

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Title: A New Layer of Refugee Politics at UNHCR Biometric Technology: Syrian Refugee Biometric Registration by UNHCR in Lebanon

Over the past decade, biometric technology has started to emerge as a component of the politics of empowerment, notably in international aid situations like UNHCR. Considering, the development of digitalized, biometric refugee data adds a new layer of complexity to UNHCR's already problematic relationship with the host state. Hence, this thesis intends to provide a detailed descriptive analysis on the landscape of UNHCR's biometric registration operation in response to the Syrian crisis in Lebanon. In addition, I analyze the data-sharing discussion between UNHCR and Lebanon while reflecting on the political climate in Lebanon. As a methodology, I review pertinent academic publications, policies, news pieces, and publications on reports that look at biometric instruments and the numerous uses of biometrics in humanitarian situations. The approach also entails five expert interviews with individuals involved in refugee issues in Lebanon. The research makes use of the concepts of function creep to explore biometrics data usage and implementation in Lebanon and its implications. The study indicates that the UNHCR biometric operation in Lebanon has attracted new players to improve the efficiency of the UNHCR operation. However, these new actors, such as the UNHCR, WFP, and Iris Guard, take up a position in Lebanon's governance of Syrian refugees. The transfer of responsibility between the GoL and these new actors occurred for political and financial reasons.

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## ABBREVIATIONS

BIMS Biometric Information Management System

GoL Government of Lebanon

GS General Security

HRC Higher Relief Council

HRW Human Rights Watch

IO International Organization

MOSA Ministry of Social Affairs

MOU Memorandum of Understanding

MPCA Multipurpose cash assistance

PM Prime Minister

UNHCR United Nations High Commissioner for Refugees

WFP World Food Programme

# CHAPTER I

## INTRODUCTION

### **A. Background**

Biometrics is a visualization technology that detects a person's biological or physiological characteristics, such as fingerprints, facial scans, and iris scans, to provide a reliable method of forming identities through automatic recognition (Arendt-Cassetta, 2021). A valuable feature of biometric data is that it is specific to an individual and stable over time (Loescher, 2002). Since the September 11 attacks, academics have been interested in the sociocultural and political implications of biometrics in settings such as biometric use in the "war on terror" (Baldaccini, 2008; Amoore, 2006; Amoore & Goede, 2008); airports (Sparke 2006); and asylum application processing (Broeders, 2007). However, they have yet to be examined in refugee and humanitarian contexts.

Over the past decade, biometric technology has emerged as a component of the politics of empowerment, notably in international aid situations (Weitzberg et al., 2021). In the mid-early 2000s, the United Nations High Commissioner for Refugees piloted refugee biometric registration with the goal of refugee repatriation in several pilot cases in camps in Tanzania, Djibouti, Kenya, and Ghana (Jacobsen, 2017). For that reason, UNHCR in 2010 announced an official policy to include biometric refugee registration as an integral part of refugee registration process (Lodinová, 2016). The main objective of biometric registration is to ensure automatic identification and refugees' access to social protection programs and humanitarian services, such as cash-out assistance (UNHCR, 2019). Consequently, UNHCR and its beneficiaries benefit from biometric

registration (Rahman et al., 2018). A biometric registration system allows the organization to accurately identify and register refugees while providing them with access to essential services such as healthcare and education (UNHCR Global Report, 2013). Equally important, the system also helps ensure that refugees fail to register multiple times, thus reducing identity fraud and mismanagement of resources (UNHCR Global Report, 2013).

With the large-scale biometric technology within the scope of refugee registration, UNHCR requires a wide range of expertise and skills from other international organizations and non-humanitarian actors such as Technology Companies (Lodinová, 2016). First, UNHCR seeks to collaborate with humanitarian organizations, such as WFP and UNICEF, to ensure a strategic and efficient response to refugees' needs (Robbin, 2022). Second, UNHCR seeks collaboration with non-humanitarian actors from commercial organizations, such as Iris Guard and Microsoft, to ensure technological technical support (Lodinová, 2016).

Even though refugee biometric registration in aid operations improves aid recipients and the organization's operational activities, it also creates issues that academics should explore. Especially with the widespread of biometric technology usage, humanitarians should be aware of the possible risks. These risks involve more severe problems than merely technological failure (Holloway et al., 2021).

In practice, UNHCR views digital identification technologies as instruments of inclusion and recognition of refugees (Lodinová, 2016). Nevertheless, biometrics is not a technological solution detached from political debates (Jacobsen, 2019). According to Jacobsen (2019), the UNHCR's widespread use of biometric refugee registration in

humanitarian settings invites new forms of intervention and non-humanitarian actors, such as technology companies and the private sector.

In this discussion, UNHCR's stance varies between guards of the confidentiality of biometric refugee data and as a potential starting point for governments searching to broaden the reach of their measures to novel realms of refugee governance. (Jacobsen, 2019). With this in mind, it means the development of biometric refugee data adds a new complex layer to UNHCR's already problematic relationship with the host state government (Jacobsen, 2019). In most host countries where UNHCR operations are present, host state consider refugees as a source of security threats and political unrest. (Jacobsen, 2015). As a result, host governments view biometric technology with the intention of surveillance and exclusion, which puts refugees at risk of exploitation or abuse (Huszti-Orbán & Aoláin, 2020; Sandvik et al., 2017). In 2021, numerous instances of biometric data misuse in humanitarian settings (Jacobsen, 2022). Most famous is the Human Rights Watch investigation of the UNHCR and the Bangladesh government's Rohingya refugee biometric data misuse (HRW, 2021).

With so many different biometric cases, research shows that interpretations of biometrics are highly context-specific and vary from country to country (Olwig et al., 2019). To better understand the biometric refugee registration risks that may emerge I shall contextualize it in a host country's particular political climate (Jacobsen, 2015). This thesis intends to provide a descriptive analysis of UNHCR's biometric registration operation in response to the Syrian crisis in Lebanon. Also, chronologically analyze the data-sharing discussion between UNHCR and the Lebanese government.

Since late 2013, UNHCR has used iris recognition technology provided by Iris Guard Company in response to the Syrian crisis in Lebanon (Lutz, 2014). The GoL as a host state twice publically requested data sharing with UNHCR in 2014 and 2023 (Annahar, 2023; Lutz, 2014; Schoemaker et al., 2021). Most recently, on late April 2023 the Lebanese Minister of Social Affairs requested UNHCR to share data within a one week maximum (Annahar, 2023; LBCI, 2023; MTV Lebanon, 2023). Back then, in 2014, the Lebanese government raised the issue of data sharing with the UNHCR, arguing that it had the right to access biometric data collected by the UNHCR on its territory (Lutz 2014; Robbin, 2022). Rashid Derbas, who was serving as the ministry's minister of social affairs at the time, said that the government "was working with UNHCR to set up a system that would turn over the data... Why shouldn't they [UNHCR] give it to us? They're doing their work on Lebanese soil" (Robbin, 2022). However, in both cases UNHCR refused to give the authorities in Lebanon access to its biometric database due to data privacy of refugees (Annahar, 2023; Jacobsen, 2015; Schoemaker et al., 2021).

## **B. Goals and Research Questions**

This study aims to contribute to the ever-developing body of knowledge on the UNHCR's biometric data management and governance. Due to the diversity of biometrics and the range of cases, this study will only look into one specific instance, namely UNHCR's biometric registration response to Syrian Refugees in Lebanon. The primary research inquiry is as follows:

- What does Syrian Refugees' biometric registration by UNHCR show on refugee governance in Lebanon?
- How biometrics influences the governance model in Lebanon and vice versa?

- Sub-questions:
  - Who are the actors involved in UNHCR's biometric registration in Lebanon?
  - How are these actors involved in UNHCR's biometric registration in Lebanon?
  - What are the benefits of UNHCR's biometric registration in Lebanon?
  - What are UNHCR's biometric registration implications in Lebanon?

### **C. The History and Origins of Biometrics: Biometrics Usage Part of the Fight against Terrorism.**

It is important to understand the history and origins of biometrics in order to put the issue of refugees' biometric registration and the role of host state into perspective.

Biometrics were widely used in the former colonial world, with colonial officials advocating for the use of fingerprints for identity purposes (Loescher, 2002).

Throughout the British Empire, biometric registration has become an alternative to documentary registration, at times incorporating forceful biometric registration (Loescher, 2002). The application of biometrics was not limited to colonial contexts since then; biometric technology has evolved and is now used for a variety of purposes such as identity verification, border control, and data security (Mayhew, 2018). The use of biometrics in the refugee context began in the early 2000s with the introduction of biometric registration to help identify refugees and ensure their protection (Jacobsen, 2017). Many countries have used this technology to manage their refugee populations (Jacobsen, 2017).

Biometric identification is the collection of refugees' biological or physiological characteristics, such as fingerprints, facial scans, and iris scans, to provide a reliable means of forming identity through automatic recognition (Belliveau, 2016). Orbán and Aoláin (2020) argue that biometric information enable better border management and criminal investigation.

O'Connor (2002) traces the most recent origins of biometrics as a security and migration control method in the global war on terror, which largely targeted "terrorist groups by drawing on September 11". In 2003, the US Department of Defense (DOD) launched a significant biometrics initiative with the objectives of establishing "identity dominance" (Woodward, 2005) and "stripping the enemy of anonymity" (Milley et al., 2016) in Iraq and Afghanistan. "Accenture's 'smart border solution' to the governing of mobilities rests upon just such a system of dataveillance that categorises populations into degrees of riskiness" (Amoree, 2006, p. 4). One Accenture consultant put it: '...the old systems could really only check the single person who is walking out to the plane. Accenture's system will check your associates. It will ask if you have made international phone calls to Afghanistan, taken flying lessons, or purchased 1000 pounds of fertilizer' (cited in "The Price of Protecting the Airways", 2001, p. 1).

Given the rise of biometric border management, Amoree (2006) argues that the politics of border management overlooked its socio-economic dimension and political roots in pursuit of technical solutions like managerial experts and digital tools for regulating bodily mobility. In the immediate months following September 11, the dilemmas of the war on terror were being framed as problems of risk management, clearing the path for an expanding homeland security market that was to have implications far beyond the

US 'homeland' (Heng & McDonagh, 2009). As such, two years after the Accenture initiative, the US Department of Homeland Security (DHS) announced the Smart Border Alliance, headed up by management consultants Accenture, as the prime contractors for US VISIT, a \$US10 billion project to restructure and manage all aspects of US air, land and sea port of entry security (Amoore, 2006). By 2022, the Department of Homeland Security will have amassed the second-largest biometrics database in the world, which will contain the faces, fingerprints, and irises of 259 million people, the majority of whom are not citizens of the United States (Rohrlich, 2019).

The literature interprets the biometric border as symbolic of both decentralized and outsourced forms of governance (Amoore, 2006). It marks a new and significant spatial imagining of the border (Amoore, 2006). The border became portable since it is manifestation within human's moving bodies that are constantly exposed for purposes of monitoring and surveillance at public (Amoore, 2006).

To comprehend how UNHCR is using biometrics as an empowering tool, it is essential to consider the origins and history of the technology (Lyon, 2003). In some aspects, UNHCR's use of biometric technologies in humanitarian circumstances reflects how the US military uses comparable tools overseas (Gow & Gassauer, 2019).

#### **D. Research Relevance**

This research examines the use of refugee biometrics registration by UNHCR in Lebanon. In addition, it provides descriptive analysis on the data-sharing discussion between UNHCR and Lebanon. The purpose is not to judge Lebanon's refugee



governance but to improve understanding of how UNHCR biometric overtime shapes the governance of Syrian refugees in Lebanon.

Because UNHCR biometric registration invites new actors in like other international organizations (WFP) and non-humanitarian actors (IrisGurad company) to improve its operation. However, these new actors increase the risk of power imbalance since these actors enjoy autonomy and expertise, while Lebanon as a host state falls into a unstable political context and limited capacities. Hence, UNHCR's biometric actors create new forms of governance and interventions, which brings in implications on state governance on refugee affairs.

Few academics have studied the recent accelerations in the use of UNHCR biometrics in humanitarian action, specifically in Lebanon. This proposed research adds a reflection on the intersection between Syrian refugees' biometric data, UNHCR, and Lebanon's governance on refugee affairs.

#### **E. Limitation**

Given that Lebanon is a non-signatory to the 1951 Refugee Convention, terminology is one of the various issues that may occur throughout the research. Although the government of Lebanon acknowledged the UNHCR's right to register refugees in the open policy phase, still it refused to use the term "refugee," choosing instead to use the word "displaced," which has less legal and historical significance (Mourad, 2017).

Furthermore, the term "refugees" does not necessarily represent the state's handling of Syrian refugees in the context of my research. However, in terms of international refugee law, still depicts the actual reality.

The terminology debate between refugees and displaced people became apparent during my fieldwork because each participant used the term differently depending on their political stance.

Moreover, this study is limited to exploring the specified digital technologies, which is biometric data collection. In addition, this study looks at the opportunities and risks of biometric registration from the refugee protection and host country political aspect. It does not attempt to discuss the technical aspects of the biometric machines themselves, which is beyond the scope of this study. Other limitations related to the lack of clarity over UNHCR's activities. Uncertainty surrounds how long the UNHCR retains biometric data, despite the fact that it disseminated its Data Protection Policy in 2015 (O'Donovan, 2015). Additionally, UNHCR does not publicly disclose every deal with host governments and businesses. Moreover, I received no response from UNHCR upon my expert interview invitation. As a result, it is impossible to predict what decisions UNHCR makes with these parties and how they will specifically handle their biometric data (Jacobsen, 2017).

## CHAPTER II

### CONCEPTUAL FRAMEWORK

#### **A. Biometric Visualization Technologies**

Biometrics refers to the biological or physiological characteristics usable for automatic recognition or to the automated process of recognizing individuals based on such characteristics (Belliveau. 2016). These characteristics include fingerprints, facial structures, iris or retinal patterns, and deoxyribonucleic acid (DNA). Recognition can take place through either authentication or identification (Farraj, 2010). Authentication is the process by which a recently collected biometric is compared to a previously collected biometric obtained from the same individual (Farraj, 2010). Whereas, Identification refers to the comparison of recently collected biometric against all biometric information stored in a database (Farraj, 2010).

With the widespread of biometrics, humanitarian organisations typically deploy biometrics for identification purposes (OCHA, 2021). Indeed, biometrics have been used for a variety of purposes, such as to aid humanitarian efforts by allowing interested parties to more accurately identify the size of refugee populations and more effectively deliver aid to those who need it most. (Farraj, 2010)

#### **B. Function Creep**

Function creep is a phenomenon that entails that misuse of data for another purpose than that for which it was originally processed (Jacobsen, 2017). For example, function creep include selling data for a financial gains, using data for surveillance purposes by

other governments, or using data to weaken humanitarian organizations (Rahman et al., 2018).

## CHAPTER III

### LITERATURE REVIEW

The most relevant studies to this thesis look at biometric technology from diverse angles. First, it presents the benefits and drawbacks of biometric implementation in humanitarian settings alongside the involvement of non-humanitarian actors such as the private sector and host country. Moreover, this thesis discusses the bio-political and humanitarian securitization debate surrounding biometrics and the human rights concerns regarding how biometrics affect the humanitarian sector and its beneficiaries.

#### **A. UNHCR Adoption and Process of Biometric Registration throughout the Years**

Since the end of World War II, the United Nations has been heavily involved in refugee affairs, establishing the United Nations High Commissioner for Refugees (UNHCR) in 1950 (Lodinová,2016). According to the 1951 Geneva Refugee Convention, UNHCR's core mandate is to “ensure the international protection of uprooted people worldwide”. There are a large number of studies on UNHCR services over the years. However, since the focus of this research is on refugees' registration as a service, these will not be reviewed in detail and will only be referred to as appropriate.

Registration protects refugees from exclusion and exploitation since it provides them with a legal identification (Lodinová, 2016). Given its significance, over the decades the UNHCR is eager to develop and test progressive registration methods in its

humanitarian response (Belliveau, 2016). In the late 1990s, the concept of using biometrics in refugee management first emerged (Mordini, 2016). In a 2001 report, the UNHCR Executive Committee encouraged States and UNHCR to rethink registration system into a uniform global registration system through biometric methods (UNHCR, 2001). In the early to mid-2000s, the UNHCR piloted biometrics in a few trial cases in Afghanistan–Pakistan borderlands, Tanzania, Djibouti, Kenya, and Ghana camps (Jacobsen, 2017). I will elaborate on Afghan refugees since it was “the first field use of such iris technology anywhere in the world” (UNHCR, 2003b). In 2002, UNHCR introduced as a mandatory component of UNHCR repatriation of Afghan refugee (Jacobsen, 2015; Gow & Gassauer, 2019). Given the trail in humanitarian contexts, the United Nations High Commissioner for Refugees (UNHCR) sees the use of biometric registration technology (fingerprinting or iris scanning) as marking ‘a new direction in refugee registration’ (UNHCR, 2006c).

The earthquake in Haiti in 2010 is widely regarded as a key moment in the history of humanitarian technology (Sandvik et al., 2014). As a result, the UNHCR officially announced its biometrics policy in refugee registration and verification processes in December 2010 (Lodinová, 2016). The actual policy is not made available to the public, but the policy is clearly referenced in a number of UNHCR statements and interventions. (Jacobsen, 2017).

By the end of 2019, UNHCR aimed to have all refugee biometric data in a single population database (Madianou, 2019b) – confirming what one academic referred to as ‘the use of biometrics more generally has become a goal in itself’.

However, UNHCR biometric policy receives critique over its terms and conditions.

Jacobsen (2016) argues against UNHCR's ambiguous approach toward data protection, in which after more than a decade of using biometrics, the UNHCR still lacks a publicly known policy defining the terms and conditions for its usage in sensitive areas.

## **B. Humanitarian access context**

### ***1. Benefits of Refugees' Biometric Identity in Humanitarian Context***

In an effort to normalize the usage of biometric data collection on refugees, humanitarian actors highlight the success stories of biometrics. OCHA's (2021) technology report argues that new and emerging technologies, such as Biometrics Digital Identity, maintain fast and effective humanitarian action in humanitarian crises. Belliveau (2016) explains that biometrics in humanitarian assistance widen the range of access by identifying recipients, classifying beneficiaries, and improving the quality of aid programs. These studies are useful because they compare and contrast the use of biometric digital ID in a humanitarian context by looking at the operational efficacy of biometric instruments. Less notable, however, is that they discuss general new technologies instead of examining specific case studies. Evidence proves that understanding biometrics is highly context-based (Olwig et al., 2019). In contrast, Paragi and Altamimi (2022) study the Jordanian context concerning the ethical dilemmas surrounding UNHCR collecting and using biometric data of Syrian refugees living in Jordan. Paragi and Altamimi (2022) find that biometric data ensure refugees' right to access goods and services, for example, Syrian refugees in Jordan visit a local supermarket named Sameh chain to purchase their goods through their iris scan as an automatic recognition. Syrian refugees testify that access to aid through biometrics is an

effective approach since they have more agency and autonomy over their choices and it preserves their dignity unlike traditional food box distributions (Paragi & Altamimi, 2022). Other relevant resources have considered the relationship between COVID-19 prevention and biometrics implementation in a humanitarian context. Robbin (2022) states that the Covid-19 pandemic increased the use of biometrics among humanitarian actors and relevant stakeholders. Robbin (2022) provides a list of Jordanian entities that used biometrics in their humanitarian efforts during the COVID-19 pandemic, including Cairo Amman Bank, various NGOs, and World Food Programme. Other relevant resources link between child protection and refugee biometric registration. (Lodinová, 2016) explains that biometrics legally protects children from military recruitment and re-unites separated children with their families.

## ***2. Disadvantages of Refugees' Biometric Identity in Humanitarian Context***

Despite the large-scale use of biometrics in the humanitarian context, in 2015 Oxfam banned the usage of biometrics in its humanitarian response, and assigned a research team to examine the benefits and risks of biometrics to develop recommendations for the appropriate handling of such sensitive information (Rahman et al., 2018). In 2018, Oxfam published the “Biometrics in Humanitarian Sector” report, which argues that there is a risk of false matches, reuse of data by external parties, misuse of data, and the risk of power imbalances, which cause social exclusion of certain groups. Furthermore, Iazzolino (2021) makes a noteworthy contribution on the refugees experience in light of biometric registration using a case study and fieldwork in Kenya's Kakuma camp. Findings reveal that Somali refugees at the Kakuma camp expressed worry that BIM would be used to track their movements, especially given that the Kenyan government



had just announced new deportation plans for Somali refugees at the same time as BIMS was being introduced (Iazzolino, 2021). Likewise, Rahman et al. (2018) remarks cultural rejection of biometric systems, an anecdotal evidence notes that over 70 percent of veiled Muslim women in Bangladesh refused to give in to iris scans or have pictures taken.

### **C. Development of Partnerships with non-humanitarian actors in humanitarian action context**

Building on Part B's overview of the advantages and disadvantages of using refugees' biometric data for humanitarian purposes, this section will go into more detail about literature's findings on the involvement of non-humanitarian actors', such as private sector and host country governments, in refugees' biometric data collection and usage by UNHCR. The debate in this section is extremely related to my case study because this thesis will address the data-sharing discussion between UNHCR and the Lebanese government.

#### ***1. Private Sector and UNHCR Cooperation on Refugees Biometric Data***

According to Jacobsen and Fast (2019), donors pressure aid agencies like the UNHCR to cooperate with non-humanitarian parties to improve humanitarian response. Given that, UNHCR's global responses are heavily reliant on technology, particularly when it comes to the biometric registration and identification of refugees and asylum seekers (Rahman et al., 2018). For example, Zain Cash, UNHCR, and Iris Guard collaborate to provide refugees cash assistance through iris-scan identification in Iraq (Kuwait Times, 2019). However, Jacobsen and McDonald (2017) argue that private sector values profit,

whereas humanitarian organizations are guided by the humanitarian ‘do no harm’ principle. It was estimated that by 2024, the worldwide biometric market would increase from 33 USD billion to 65.3 USD billion due to contracts in the humanitarian field (Lemberg-Pedersen & Haioty, 2020). Marketization and profiting on the cost of refugees’ biometric data allows new forms of governmentality and non-humanitarian third parties (Londinova, 2016). Similarly, UNHCR's business networks endangers "the institution's autonomy and legitimacy." (Machacek, 2018, p.217).

Moreover, Lemberg-Pedersen and Haioty (2020) traces the origins of tech companies to find that currently active in humanitarian responses root back to security and border control sector. For example, in 2001 IrisGuard was established in Jordan then in 2002 it signed a significant contract for border control with the United Arab Emirates (UAE) (Lemberg-Pedersen & Haioty, 2020). The identification system distinguished between nationals and "expellees," or deported laborers from Bangladesh, Pakistan, and India who are trying to re-enter the UAE with new documents (Lemberg-Pedersen & Haioty, 2020).

## ***2. Host Country Government and UNHCR Cooperation on Refugees Biometric Data***

Technology seems to offer new elements to the politics of refugee protection, including relationships with host governments and UNHCR (Jacobsen, 2017). UNHCR is confronted with a difficult position once host country request access to biometric-data because biometric data is sensitive information (Lodinová, 2016). For instance, the governments of Bangladesh, Lebanon, Malaysia, and the United States sought access to the UNHCR's biometric data on refugees to utilize that information for security checks and the planning of deportations (Martin et al., 2022). However, in case the host country

has a weak data protection law, then UNHCR can refuse data-sharing (Jacobsen, 2017). Jacobsen and Fast (2019) discuss the hazards of employing technology in humanitarian action based on political and security drivers. One of the clearest cases of biometric sharing is the UNHCR and Bangladesh government case (HRW, 2021). UNHCR shared biometric data with Bangladesh government in the purpose of a joint SMART Card initiative (HRW, 2021). However, Bangladesh government shared Rohingya refugees data living in Bangladesh with the Myanmar government—the same body that persecuted the Rohingya (HRW, 2021). Therefore, Rohingya refugees in Bangladesh, the host nation, planned a three-day labor strike (Krishnan et al., 2022). With this in mind, Zara Rahman (2021) notes that “data was taken from the bodies of human beings, and shared with those who explicitly want to cause them harm... [this] is a betrayal of their right to self-determination, of dignity, of their very personhood.” data leakage and misuse is UNHCR operation in Bangladesh.

Although data privacy and protection is that main topic when it comes to data-sharing discussion between UNHCR and host country, in Yemen Houthi authorities present another concern within that discussion scope that is geopolitics and sovereignty concerns (Yaakoubi & Barrington, 2019).

Yemen Houthi authority refused all together WFP biometric operation to take grounds on its territory in belief that data collection is part of an intelligence operation and conspiracy on national security (Yaakoubi & Barrington, 2019). As a result, for the first time ever WFP decided to suspend its food aid operation in some parts of Yemen (Clausen, 2021). WFP justifies that biometric enrollment of beneficiaries ensures

accountability and efficiency in aid operation (Clausen, 2021; Yaakoubi & Barrington, 2019).

### ***3. Turkey's Case***

Turkey has established its biometric practice through the development of the Turkey National Biometric Fingerprint and its Personal Data Protection Law (2016). The law is based on GDPR and prohibits organizations such as UNHCR from collecting biometric data on refugees in Turkey and processing it on servers in other countries (Robbin 2022). This discussion demonstrates the power dynamics between UNHCR and Turkey's independent biometric system in the context of refugee protection and national security. This section has a special connection to my case study because the thesis will discuss the power relationships between the UNHCR's biometric data and Lebanon's on data sharing.

#### **D. Human Rights on Data Protection and Privacy about UN's Biometrics.**

A growing interest in privacy and human rights issues among academics is a result of the widespread use of biometric technology in humanitarian aid. Due to their immutable nature, the use of biometrics has thrown up several human rights issues around choice, informed consent, privacy and data protection for those who need humanitarian assistance (Holloway et al., 2021). They are more sensitive than other forms of private information since they are inextricably related to the individual body (Carmona, 2018). Throughout 2021, several cases of biometric data misuse in the humanitarian setting , for example, UNHCR shared the biometric data of Rohingya refugees residing in Bangladesh to the Myanmar government—the same authority that persecuted the

Rohingya (HRW, 2021). Madianou (2019) states that biometric identification is a form of control and power over refugees' privacy. On the other hand, UNHCR acknowledges the risks of data violation, so it tackles it through policy declarations and guide books, for example, its 2015 policy on the protection of data and in 2018 "Guidance on the Protection of Personal Data of Persons of Concern to UNHCR". (Johnson & Campbell, 2020).

# CHAPTER IV

## METHODOLOGY

### **A. Discourse Analysis**

The study uses desk research to gather research studies, policy framework, legal documents, reports, policy briefs, MOU, local and international news outlet, and blogs directly or indirectly relevant to refugees in Lebanon. Accordingly, the desk review involved a comprehensive review of literature and desk research.

Literature on the:

- Biometrics and War on Terrorism.
- Marketization of Refugees
- Policy framework governing the refugees in Lebanon.
- Collection and analysis of case humanitarian technology.
- Reports, Factsheets, and operational updates by UNHCR about biometric usage and implementation in operations.
- Local and International Newspaper articles.

In the first part of my research, I will trace UNHCR adoption of biometric registration throughout the years. In order to do that I will use UNHCR's operational work reports and humanitarian governance scholars to outline the key drivers behind biometric registration becoming an official policy in UNHCR. Moreover, relying on existing literature on different humanitarian cases, I discuss the benefits and drawbacks of the usage of biometric registration in humanitarian setting. Furthermore, to highlight human rights' scholars concerns to the existing data privacy violations, I use literature that presents cases of refugees' data privacy violations. In the discussion section, I will

provide a in-depth descriptive analysis of the UNHCR biometric registration of Syrian refugees in Lebanon, while reflecting on the Lebanese political climate. In addition, I explore the data-sharing discussion between UNHCR and GoL through the function creep concept.

### **B. Semi-Structured Expert Interview.**

I am keen to identify players in refugee file in Lebanon, in particular actors familiar with the data-discussion between GoL and UNHCR. Following that, I ask them to participate in a research interview for this thesis .Five expert interviews were held with state actors to complement the desk research. The study received Institutional review board approval from AUB to conduct expert interview fieldwork. The IRB approval ensures the study's alignment with research ethics, such as informed consent, confidentiality, and social responsibility. Accordingly, each participant signed informed consent prior to initiating the interviews. Only two participant a former governmental official and an academic in International Law requested to remain anonymous. Each participants had a different template of questions to consider the interviewees' diverse experience, knowledge, and approach to the issue of refugees' in Lebanon. The interviews lasted between 20 to 45 minutes depending on the participants' openness to share and reflect on their knowledge on Syrian refugee affairs in Lebanon. All participants were interviewed based on an email invitation or phone call. Based on the participant's preference, two interviews were held via zoom.

In this section, I provide each participant's background and experience to better appreciate how their long-experience contributes to the study:

***1. Former MOSA Minister Rachid Derbas***

Dr. Rashid Derbas was born in the city of Tripoli - Lebanon in 1941 (National News Agency, 2014). Dr. Rashid holds a Lebanese Baccalaureate in 1961 and a degree in law from the University of Cairo in 1966, and another from the Lebanese University in 1967 (National News Agency, 2014). Dr. Rashid was the Former Syndicate Head of Tripoli Lawyers and a member of Tripoli poets' forum. (National News Agency, 2014).

Dr. Derbas is an active member with different groups, including Tripoli Poetic Forum and Cultural Council of North Lebanon. Since Dr. Derbas early youth, he advocated for the Arab nationalist struggle through collections of poetry, such as *Hamzat Al-Wasl* (1992).

Dr. Derbas became the Social Affairs Minister from 2014 until 2016 under the government of the Prime Minister Tammam Salam (National News Agency, 2014). This government is known for being a national unity government (The Guardian, 2014). This government witnessed the Syrian influx peak in 2014 (The Guardian, 2014). In effect, this government participated in several Syrian refugee responses, including the first ever refugee affairs policy issued on Oct 2014 by the Lebanese Cabinet; Lebanon Crisis Response Plan jointly with UNHCR; Reaching All Children with Education (RACE) I Program. Back then, the Ministry of Social Affairs closely worked with UNHCR and became the focal point for refugee affairs.



## ***2. Dr. Khalil Gebara***

Dr. Khalil Gebara is an expert and researcher in governance, local development. He is currently teaching economics at the Lebanese American University (LAU).

Between February 2014 and February 2019, he was the Policy and International Affairs Advisor to the Minister of Interior and Municipalities and he served between 2010 and 2014 as the head of the Good Governance Unit at the office of Prime Minister Saad Hariri.

Khalil Gebara holds a PhD in Political Economy from Exeter University in the United Kingdom and he is an active member of several organizations, including the Common Space Initiative.

## ***3. Former Government Official***

## ***4. Academic in International Migration Law***

## ***5. Ziad El Sayegh***

Mr. El Sayegh is a researcher on the Palestinian Refugees issue in Lebanon and Peace Negotiations in the Middle East; on Syria Refugees and on Labor Policies and Social Protection. He was a Senior Policy Fellow at the Issam Fares Institute – IFI/AUB, Member of ACT Alliance Peace and Human Security Reference Group-Geneva, Policy Advisor in Adyan Foundation. Policy and Communication Advisor for the President of the Lebanese – Palestinian Dialogue Committee in the Lebanese Presidency of the Council of Ministers (2006 - 2009). Senior National Policy and Communication Advisor to the Ministry of State for Displaced Affairs (February 2017 - January 2019). He is the executive director of Civic Influence Hub.

**C. The Political Background of the Ministry in which Expert interviewed participated in.**

Given Lebanon's confessional power-sharing system, it is critical to provide background information on each ministry in which the expert participated.

**1. Former MOSA Minister Rachid Derbas**

In light of the Lebanese government of April 2013-2016, the former Minister of Social Affairs Rashid Derbas served as an independent actor and a Sunni religious sect under Prime Minister Tammam Salam's Share.

**2. Dr. Khalil Gebara**

In light of the Lebanese government of 2014-2019, Dr. Khalil Gebara participated as a Policy and International Affairs Advisor to the Minister of Interior and Municipalities. As for the political affiliation, the ministry functioned under the March 14 Alliance, specifically the Sunni Future Movement.

**3. Ziad El Sayegh**

In light of the Lebanese government of 2016, Ziad El Sayegh served as a Senior National Policy and Communication Advisor to the Ministry of State for Displaced Affairs (February 2017 - January 2019). As for the political affiliation, the ministry functioned under President Michel Aoun, Change, and Reform Bloc Share, specifically the Druze Lebanese Democratic Party.

## CHAPTER V

### CASE OF LEBANON

In this section, I examine the particularities of Lebanon and how the issues identified in the review might play out in the Lebanese context. I describe the context; identify the important actors in the field.

This study will zoom into the Syrian Crisis in Lebanon. Lebanon being a neighboring country to Syria has exposed it to a high influx of Syrian refugees at the beginning of the 2011 Syrian War (Alabaster, 2016). The Lebanese government estimates that there are 1.5 million Syrian refugees living in Lebanon, in addition to 13,715 refugees from other countries. This makes Lebanon a nation hosting highest per capita number of refugees in the world. (Saghieh & Frangieh, 2014) This is an entirely urban refugee population (i.e. there are no refugee formal camps in Lebanon) (Saghieh, & Frangieh, 2014) with the majority of refugees concentrated around the capital and other major areas of the country, such as Bekaa, Zahle, and South of Lebanon (Kikano et al., 2021).

#### **A. Legal Context**

##### ***1. Lebanon and the 1951 Refugee Convention***

Lebanon is not a country of asylum and flatly rejects ratification of the 1951 Convention on the Status of Refugees and its 1967 Protocol, which limits any refugees' protection measures (Yahya et al., 2018). That means Syrian refugees in Lebanon are not legally recognized by the Lebanese state (Janmyr, 2018). I reflect on the concerns that have shaped the nation's decision regarding Lebanon's refusal of the 1951

convention. Political researchers attribute two interpretations to Lebanon's non-compliance with the Convention.

First, Lebanon's being home to 18 different religions makes its social cohesion fragile. Therefore, Lebanon fears a demographic threat that outbalances the demographics (Stel, 2020). With this in mind, Lebanon abides by the Taif agreement, which ensured a sectarian power-sharing system in 1989 (Stel, 2020).

Second, many Lebanese people hold Palestinian refugees accountable for the 1975–1990 civil war in their country, which exacerbates anti-refugee sentiment (Hanafi & Long, 2010; Janmyr 2017).

## ***2. Lebanon and MOU with UNHCR***

In response to host state noncompliance with the 1951 convention, bilateral Memorandums of Understanding (MOU) between UNHCR and host governments have come about as an alternative legal basis for regulating the legal status of refugees (Kagan, 2011). Hence, while Lebanon is a non-signatory of the 1951 convention mentioned, in the aftermath of the 2003 Iraqi refugee crisis, Lebanon's GS and UNHCR signed an MOU (Kheshen, 2022). In the MOU, Lebanon declared that "it was not a country of asylum, but merely a country of transit for those seeking asylum in third countries" (Kheshen, 2022, TIMEP). The rationale behind the MOU was to task UNHCR to register refugees alongside Lebanon's Directorate of General Security to provide refugees with one-year temporary residencies (Kheshen, 2022). The short residency period reflects the country's security fear of refugee presence. In addition, an academic in International Migration Law commented on the 2003 MOU by noting that the MOU "frames refugee issues as one of security. In the agreement, they establish that

Lebanon is not a country of asylum. In addition, the agreement places the entire refugee question more within GS than perhaps MOSA. I think even today we continue to see the security of refugees, which I find concerning.”

Following the Syrian Crisis in 2011, there was no MOU between UNHCR and GoL (Kheshen, 2022). In that light, the lack of an updated MOU blurs the role and rights between UNHCR and the Lebanese government (Kheshen, 2022).

Therefore, UNHCR presented a new MoU, but GoL rejected it since it was similar to the 1951 Convention (Kheshen, 2022).

### ***3. Lebanon and a formal domestic refugee legislation***

There is no formal domestic refugee legislation in Lebanon, and the provisions on asylum found in its 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country are in reality redundant (Kheshen, 2022; Janmyr, 2019).

### ***4. Lebanon's data protection and privacy legal framework***

Across the Middle East and North Africa (MENA), data protection legislation is still in its infancy, and it remains a low priority in countries where data protection laws are either very weak or non-existent (Fatafta & Samaro, 2021). Lebanon is one of the few countries in the MENA that has a legal data protection and privacy law (Fatafta & Samaro, 2021). Law No. 81 Relating to Electronic Transactions and Personal Data (E-Transactions Law), was initially suggested in 2004, and eventually approved in September 2018 (Robehmed, 2021). However, according to Privacy International (2019), the law is outdated, unclear, and lacks legal authority, respectively.

Lebanon's data protection and privacy legal framework is out-of-date because it lags behind reliable data protection frameworks like the General Data Protection Regulation of the European Union (GDPR) (Robehmed, 2021). Second, it neglects to take into account the changes in privacy and data protection brought about by the introduction of new technology (Fatafta & Samaro, 2021). Explicitly, in 2022 May, the Lebanese Cybersecurity Empowering Research Team found a dangerous count of more than 2.5 million attacks within 21 targeting Lebanon (Shoushany, 2022).

In addition, the law uses vague legal language, for example, the law neither defines biometric information nor the concept of user consent (Hage-Chahine, 2022). As a result, the biometric data of Lebanese citizens and vulnerable populations, such as migrant workers and transgender people, face the possibility of digital harm (Privacy International, 2019).

Furthermore, there is no independent data protection authority, instead the Ministry of Economy and Trade oversees the database, so there is a high risk of abuse of power due to the lack of an independent data protection authority (Fatafta & Samaro, 2021; Robehmed, 2021). Moreover, "Article 97 of the law grants the three ministries of defense, interior, and public health the authority to handle licensing of data related to external and internal state security, penal offenses, and judicial proceedings, as well as health, genetic identity, or sexual life respectively" (Fatafta & Samaro, 2021, p.17).

## **B. Host state approach context**

In this section, I outline the Lebanese government's governance policies on refugee affairs in chronological order from the start of the Syrian crisis to the present.

### ***1. GoL and “Policy of no Policy”***

Syria’s nonviolent demonstrations shifted into tension (Janmyr, 2018). The first 5000 Syrian refugees arrived in Lebanon by April 2011 (Janmyr, 2018). In this early stage, the country won significant praise from human rights groups and UNHCR for its open borders (Janmyr, 2018). In reality, open borders were open before the crisis (Kikano et al., 2021). The 1993 bilateral agreement that allowed free travel between the two countries allowed Syrians to enter Lebanon (Mourad, 2017). Syrians only needed a passport stamp, applied free of charge by officers at the border, they could remain in Lebanon for six months (Kikano et al., 2021). Those who wished to stay longer could obtain a 1-year residency permit for US\$200. That explains the historical presence of an estimated 300000–600000 Syrian economic workers in Lebanon before the Syrian crisis (Kikano et al., 2021).

Up until 2014, GoL as a host state distanced itself from refugee governance (Mourad, 2017). Lebanon was already struggling with its internal political conflicts (Badrakhan, 2013). Back then, Lebanese politics was shaped by the Iranian-backed March 8 coalition, led by Hezbollah, and the Saudi-backed March 14 coalition, led by Saad Hariri's Future Movement (Khatib, 2014). The minority government led by Prime Minister Saad Al Hariri faced sharp political divisions in the country (Khatib, 2014). One of the main challenges faced by the minority government was the Sunni-Shia disputes over the United Nations-backed tribunal (Khatib, 2014). The tribunal aimed to present draft charges regarding Rafik al-Hariri's assassination in 2005 (Khatib, 2014). As a result, in response to the anticipated accusations against the Shi'ite group for the murder of Hariri's father, Ministers from Hezbollah and its allies resigned, destabilizing Prime Minister Saad al-Hariri's government in Lebanon (Bassam, 2011). For instance,

Hassan Nasrallah, the secretary general of Hezbollah, accused the tribunal of being "politicized" and a tool to advance Israel and American interests (Badrakhan, 2013, Al Jazeera Centre for Studies).

## ***2. GoL neutral actor on the Syrian Crisis: Disassociation policy***

Following the fall of Prime Minister Saad al-Hariri's government in Lebanon, Najib Mikati was designated to form a government for the sake of the country's stability (Dionigi 2016). Before Mikati carried out his preliminary discussions to form a government, signs of a Syrian revolution emerged (Badrakhan, 2013). The Syrian war escalated the existing divisions in Lebanon among Sunni and Shia (Khatib, 2014). Hezbollah considers that Bashar al-Assad's defeat over the Syrian uprising will reinforce both its strategic military presence and Iran's political hegemony in Lebanon (Khatib, 2014). On the other hand, March 14 affirms that the Assad government overthrow halts Hezbollah's growing influence in Lebanon (Khatib, 2014). Both groups considered the Syrian conflict as a chance to grow their influence within the Lebanese political landscape. (Khatib, 2014).

The severe political divisions between March 8 and March 14 groups placed Najib Mikati in a difficult position to form a consensual government (Geukjian, 2014). By late June 2011, the Mikati government was formed (Badrakhan, 2014). It was dominated by Hezbollah, because March 14 refused to take part in a power-sharing government (Badrakhan, 2014; Naufal 2012). With the regional developments in the Arab world, Mikati adopted the disassociation policy (Geukjian, 2014). The rationale behind the adoption of the neutrality policy is to present Lebanon's official stance on the Syrian



conflict as one of nonintervention (Khatib, 2014). However, both factions continued to supply Syria with military aid and illicit weapons (Geukjian, 2014).

Amidst Lebanon's political uncertainty, between 2011 and 2014, GoL underwent three new governments, each led by a different Prime Minister (Mouard, 2017). Under those circumstances, Lebanese political actors struggled to find a common ground for management of Syrian refugee influx (Kikano et al., 2021). In respect of that, the government delegated a large part of the responsibility for the response to the international Community and UNHCR (Facon, 2022). UNHCR occupied space as a neutral actor in Lebanon (Janmyr, 2018).

With the civil war in Syria in its third year, coupled with political gridlock in GoL (Mourad, 2017), UNHCR has become a focal point for Syrian refugees in Lebanon. (Janmyr, 2017). UNHCR has jointly worked with the Government of Lebanon (GoL), in particular, the MOSA as implementing partner on different projects, such as a joint Task Force on Support to Host Communities.

### ***3. GoL shifts from passive to active on refugee governance***

By the end of 2014, the Lebanese government's "generous" stance so called by UNHCR and its interaction with the UNHCR had undergone a clear transformation (Geha & Talhouk 2019). The government's role began to change from a passive recipient to an active partner due to several political developments locally, regionally, and globally (Geha & Talhouk 2019). Contrary to the expectations of the Lebanese government, the Syrian revolt evolved into a protracted conflict that paved the way for the emergence of foreign militias and armed Islamist organizations like the Islamic State of Iraq and Syria (ISIS) and the Nusra Front (Geha & Talhouk 2019).

Following the formation of a new government in September 2014, the cabinet issued its first explicit strategy on Syrian displacement on October 23, 2014, and presented it at the Berlin international conference on the Syrian refugee situation (Saghieh & Frangieh, 2014). The October policy explicitly aimed to “reduc[e] the number of displaced Syrians” by severely limiting return to Syria or through resettlement to other countries, strengthening security provision, and “alleviating the burden” of “displaced Syrians” on the Lebanese economy and labor force (Mourad, 2017). The Lebanese government gave UNHCR the order to halt new registration at the beginning of 2015, which led to a decline in the number of Syrian refugees registered (UNHCR, 2021). According to an interview done by the Legal Agenda with Khalil Gebara, advisor to the minister of interior and municipalities, Khalil notes that October Policy “is not a terrible policy, but rather a bare minimum of political agreement that has given rise to the few refugee-related policies”.

In 2017, the General Security eliminated the \$200 annual residence fee for Syrian refugees residing in Lebanon, if they registered with the UNHCR before January 1, 2015, or obtained residency by utilizing their UNHCR certificate at least once in either 2015 or 2016. (HRW, 2017).

#### ***4. GoL calls out for a mass return plan***

Since mid-2017, the concept of "voluntary" return of Syrian refugees has been gradually incorporated into Lebanon's refugee governance discussions (AlMustafa, 2023). Given the worsening economic crisis caused by the Covid-19 pandemic and Russia's invasion of Ukraine, the call for refugee return has grown louder since mid-2021. Most recently, in July 2022, Issam Charafeddine, Lebanon's minister for displaced persons, suggested a

plan to transfer 15,000 refugees back to Syria each month because, after more than a decade of conflict, Syria had effectively achieved security (Azhari, 2022). “We are serious about implementing this plan and we hope to do so within months,” Issam Charafeddine, Lebanon’s caretaker Minister of the Displaced (Chehayeb, 2022, The Associated Press). In August, Charafeddine went to Damascus and met with Syrian Minister of Local Administration and Environment Hussein Makhoul, with whom he agreed on an arrangement for returning 15,000 refugees from Lebanon to Syria each month (Durgham, 2022). Nevertheless, the plan was unofficially postponed. Prime Minister Najib Mikati gathered a ministerial committee to follow up on the return of displaced Syrians to their country in safety and dignity, which excluded Charafeddine (Durgham, 2022). Back then, Mikati commented on Charafeddine’s acts as being out of his mandate and that the ministries of social affairs and foreign affairs were the ones in charge of it (Durgham, 2022). Mikati’s main issue was that Charafeddine’s plan did not receive approval from the committee, lightly criticizing the minister of the displaced for acting on his own (Durgham, 2022).

Following that, the prime minister and the committee reaffirmed their support for the future return of Syrian refugees (Durgham, 2022). Moreover, the Lebanese Prime Minister, Najib Mikati, has called on the UN to help authorities repatriate Syrian refugees safely back to Syria because Lebanon struggles with political instability and budgetary constraints (Morley, 2022). However, The U.N. refugee agency considers Lebanon obligated to respect the international customary legal principle of non-refoulment, which prohibits any country from deporting any person to a country where they face the threat of persecution (Khesheh, 2022). With this in mind, UNHCR

publicly denied that it is engaged in negotiations with Beirut and Damascus on refugee returns (Chehayeb, 2022).

This plan calls for Lebanese authorities to compile a list of refugees "wishing" to return to Syria using a system that was put in place in 2017, after which the Lebanese General Security sends the list of names to the Syrian intelligence services while waiting for approval (AlMustafa, 2023). However, the Lebanese authorities are advised that some of those refugees on the above-mentioned lists are not permitted to return to Syria due to their revolutionary past or because their houses are in regions governed by the rebel forces in northwestern Syria or the Syrian Democratic Forces in the northeast (AlMustafa, 2023). The Lebanese and Syrian governments decide on a return date for refugees whose return is authorized (AlMustafa, 2023). Despite the fact that the Syrian intelligence services permit some refugees to return, there is no assurance that they will not face persecution from the security services because of improper coordination between agencies (AlMustafa, 2023). Several cases of absurd and unlawful imprisonment have been reported, such as assault, sexual assault, and forced disappearance (AlMustafa, 2023).

### **C. Syrian Refugees' Registration in Lebanon**

In this section, I provide an overview surrounding the registration of Syrian refugees in Lebanon and name the key players who handled the registration of Syrian refugees.

The Higher Relief Council (HRC) was established during the Lebanese civil war to deal with emergencies and urgent matters that were beyond the capacities of ministries and public administrations (The Monthly Magazine, 2018). At the beginning of the Syrian crisis, Lebanon's Higher Relief Council (HRC), a Lebanese governmental agency, registered Syrian refugees jointly with the U.N. agency in the North (The Daily Star,

2012). “The HRC and UNHCR have so far been registering displaced Syrians through house-to-house visits in Akkar and Tripoli.” (UN Inter-Agency Update, 2012, p.3). However, due to several political and financial factors covered in detail in the discussion part, HRC stopped the registration of Syrian refugees in the North of Lebanon.

Under those circumstances, UNHCR has proceeded with the registration of Syrian refugees across Lebanon (UNHCR Global Report, 2013). UNHCR interviews Syrian refugees, so refugees receive a two years valid registration certificate which will enable refugees to access various services and assistance, including health, education, and legal counseling in Lebanon (UNHCR Global Report, 2013). UNHCR and NGOs became the key actors to meet refugees’ needs, for example, “every registered refugee receives a text message or phone call informing them about the time and place for the next round of distribution. A coordinated response that included DRC, UNICEF, World Vision, Caritas, and WFP distributed food vouchers, food kits, hygiene, and baby kits” (UNHCR Monthly Overview-September, 2012, p.3).

UNHCR work has not been shielded from Lebanese government interference, as by 2014, the number of registered Syrian refugees skyrocketed to 1.5 million (Mourad, 2017). The Lebanese government issued its first refugee policy that aimed to reduce the number of Syrian refugees and strengthen border measures (Mourad, 2017). On May 2015, the Ministry of Social Affairs’ requested UNHCR stop registering any Syrian refugees (Yahya et al., 2018). In response to MOSA’s decision, Ninette Kelly, former UNHCR’s Representative in Lebanon stated, “We hope this is a temporary decision. We do believe that registration is a very important tool, not just for us to help refugees,

but for the government as well,” (Al Jazeera, 2015). Moreover, new border management requires Syrians at the borders to justify their presence whether for work, trade, transit, or tourism among other options (Dionigi, 2015). The Ministry of Social Affairs (MoSA) and the Ministry of Interior must approve all entry applications (Kikano et al., 2021). Moreover, the 2015 residency policy provides two primary options for Syrian nationals to obtain residency: sponsorship by a Lebanese citizen or reliance on a UNHCR registration certificate (Janmyr, 2017). Because of the October policy, an estimated 74% of Syrian refugees in Lebanon do not have legal status (Janmyr, 2017).

At that point, the Ministry of Social Affairs (MOSA) become a focal point on the refugees’ affairs in Lebanon (Kikano, 2021). In addition, other actors such as municipalities conduct refugee counts and manage the sudden population influx into their areas (Yahya et al., 2018).

In light of the government’s request to stop UNHCR registration, UNHCR resorted to ‘recording’ individual refugees (Janmyr, 2017). The recording process included the collection of basic information and biometrics in UNHCR’s Refugee Assistance Information System (RAIS) database (Janmyr, 2017). Recorded individuals are eligible for resettlement (Janmyr, 2017). The main difference between those who are recorded and those who are registered is that those who are recorded do not get a UNHCR certificate (Janmyr, 2017).

#### **D. Syrian Refugees’ Biometric registration in Lebanon**

Since late 2013, UNHCR has used iris scanners as part of the registration procedure to improve the quality of data acquired from refugees in Lebanon (UNHCR Global Report, 2013).

One of the main gaps in the implementation of iris scanners is that Iris scanning did not cover refugees who came previous to its implementation, but it was planned to be accomplished in 2014 (UNHCR Global Report, 2013).

In 2014, the government then raised the issue of data sharing with the UNHCR, arguing that it had the right to access biometric data collected by the UNHCR on its territory (Lutz 2014). The former Minister of Social Affairs stated without elaboration to the NBN television, "The Lebanese state has eye scans of refugees on record". When contacted by The Daily Star, former Minister Derbas clarified that while the government did not currently have the biometric data, it was working with UNHCR to "establish a system that would turn the data over to General Security." Despite this, the Lebanese government's pressure on UNHCR, UNHCR refused to share biometric data with the Lebanese authorities (Jacobsen, 2015)

## تصوير العين خلال التسجيل

لماذا ستقوم مفوضية الأمم المتحدة لشؤون اللاجئين بتصوير العين؟  
إن قزحية العين هي إحدى مميزات الإنسان مثل بصمة الإصبع. ستقوم المفوضية باستخدام هذه التقنية خلال تسجيل الأشخاص للتحقق من المعلومات. تهدف هذه التقنية إلى مكافحة الاحتيال لمنع الأشخاص من التسجيل أكثر من مرة أو الإدعاء بأنهم أشخاصاً آخرين مما يساعدنا على استخدام الموارد بشكل أفضل.



كيف يتم ذلك؟  
يقوم موظف التسجيل لدى المفوضية بتصوير العين من خلال الكاميرا. تستغرق هذه العملية بضعة ثوانٍ ولا تسبب أي ألم.

هل سيؤثر ذلك على صحتي؟  
إن تصوير العين آمن ولن يتسبب بأي آثار جانبية على عينيّك أو صحتك.

من سيخضع لهذا التصوير؟  
جميع الأشخاص الذين سيتسجلون لدى المفوضية والأشخاص المسجلين مسبقاً ويريدون التجديد.

هل سيتم تشارك صورة عيني مع أي جهة؟  
سيتم حفظ هذه الصور في قائمة بيانات المفوضية ولن يتم تشاركها مع أي جهة دون موافقتك.

**التسجيل لدى مفوضية الأمم المتحدة لشؤون اللاجئين مجاني.**



Figure 1. UNHCR - Protection - Lebanon - Biometrics Poster for Registration - arabic -

20/05/2014



## CHAPTER VI

### DISCUSSION

This section develops a discussion on the research question of this thesis based on the literature review, the case study of Lebanon, and expert interviews. The discussion section goes into three sections, each dealing with a different aspect of the primary research question, "What does Syrian Refugees' biometric registration by UNHCR tell about Lebanon's refugee governance?"

#### **A. Development of Partnerships**

In discussions between the host government and UNHCR, technology brings a completely new perspective to the politics of refugee protection. (Jacobsen, 2017). In the following section, I examine the politics of refugee protection discussions through three types of UNHCR partnerships: one with Lebanon as a host government and the other with other IOs/no humanitarian actors from the private sector.

##### ***1. Lebanon Host Government: a myriad of local actors on the refugee affairs.***

Lebanon as a host state adopts an exclusion approach towards Syrian which has been expressed through October Policy and the strict residency (Mourad, 2017). An academic in International Migration Law contends that, "from the perspective of Lebanese government, everything is about security. The whole refugee issue is from the perspective of the Lebanese government security". It means in case biometric data is used based on security and political narratives, then it leads to hazards risks for refugees (Jacobsen & Fast, 2019). Combined with Lebanon's exclusion approach towards Syrian

refugees, Lebanon lacks a formal national policy response to centralize Syrian crisis efforts (Mourad, 2017). As a result, the lack of a unified policy led to the fragmentation of the Syrian Crisis governance, including MOSA, Minister of State Displaced Affairs Lebanon, GS, and municipalities (El Daif et al., 2021). The involvement of “a “myriad of actors” (EL Daif et al., 2021) in the Syrian Crisis response means that each state actor approaches refugee crisis according to its mandate and data, with no unified vision. Hence, the fragmentation of the Syrian Crisis governance led to the lack of a formal national policy response (Mourad, 2017).

a. MOSA and UNHCR

Since the beginning of the Syrian crisis, MOSA marked a role in the Syrian refugee registration (El Daif et al., 2021). I will divide MOSA’s role into three phases that is early crisis, post-October Policy 2014, and post-return plan 2023.

i. Early Crisis: MOSA, HRC & UNHCR Partnership

“The first wave of refugees entered Lebanon officially as refugees in May 2011. They came from a city called Talkalakh west of Homs. This was May 2011 back then Saad Hariri was the caretaker PM he asked the higher relief council to register Syrians. The first wave of Syrians were actually registered by the Lebanese government and not by UNHCR,” notes Khalil Gebara, former advisor to the minister of interior and municipalities the former. Indeed, the Higher Relief Council (public body) jointly with UNHCR registered Syrian refugees in the Nouth of Lebanon, such as Akkar and Tripoli (UN Inter-Agency Update, 2012, p.3). Likewise, a former government official notes, “When the crisis first started it was the HRC, MOSA, and UNHCR going to the field at Akkar together.” Moreover, HRC and UNHCR utilized a unified database, and

developed referral procedures to facilitate assistance for displaced people the North. (UNHCR Lebanon Update, 2012). In that respect, a former government official adds, “registration was done by MOSA with the data remaining with the ministry and HRC, as well as a copy for UNHRC, but the ownership was completely for the MOSA”. In fact, as of April 2011, the UNHCR and HRC had registered and aided over 11,000 refugee in the North. (UNHCR Lebanon Update, 2012). Furthermore, UNHCR invested in the HRC through “technical and material support to the HRC in regards to registration, data collection and verification” (UNHCR Lebanon Update, 2012, p.9). Based on my findings, I argue that the “policy of no policy” label on the GoL early response overlooks HRC role as a public body. In the early stages of the Syrian crisis, HRC played a role in the registration of Syrian refugees that secured a national database at one point in time. More importantly, illegal Syrian refugee entry into Lebanon remained limited to the North areas. (UNHCR Lebanon Update, 2012). As a result, even if General Security at Lebanese North border checkpoints was unable to collect information on Syrian refugees who entered Lebanon illegally, the HRC was able to register Syrian refugees who entered Lebanon illegally in the north. For instances, in an interview with Kahlil Gebara notes, “In May 2011, hundreds of refugees entered from Syria to Akar. The Higher Relief Council is the one who registered them as refugees, because I do not think these refugees entered Lebanon legally. They entered through this entry point between Syria and Akkar over the river. If we continued with that we could have a national agency called HRC, similar to the department related to Palestinian refugees, with its own database over Syrian refugees, but this was stopped.” However, HRC stopped registration in 2011 (Reuters, 2013). In that respect, Ninette Kelley, representative of the United Nations High Commissioner for Refugees

(UNHCR) in Lebanon, notes that due to an increase in the number of refugees and an inability to handle them, HRC discontinued registration in 2011 (Reuters, 2013).

Given the political turmoil in the country, two key politically driven events weakened HRC role on joint registration with UNHCR on the Syrian crisis response. First, major tensions between supporters and opponents of the Syrian regime in Lebanon triggered GoL's fears of a Syrian crisis spillover in Lebanon (Badrakhan, 2013; Khatib, 2014). Consequently, pressure by March 14 led the Lebanese government to issue the Baabda Declaration in 2012, known as the dissociation a policy that officially declares Lebanon as a non-interventionist to the Syrian war (Khatib, 2014). Second, Lebanese officials expected that the Syrian crisis is temporary and Syrians will return home (Mourad, 2017). For example, the former minister of MOSA Wael Abu Faour notes, "the Syrian people will prevail one day. One, two, or three years from now, the Syrians will return home." (Al-Arabiya TV, 2013). However, in respect to that Ziad Al Sayeh argues, "Regardless if it is a temporary stay or not, these are people on your land. It means you are supposed to register, and you are supposed to collaborate with UNHCR within a clear MOU. The first thing is to unify the data. Data is more than just numbers. Data helps in answering several questions related to the crisis. Where do they (refugees) come from? Where did they (refugees) go? What is their (refugees') social and economic status? Who is the worker, and who is the displaced? Then, where do they (refugees) want to come back? That is all necessary"

My findings show that the political tension and interpretation of Syrian war as a temporary conflict shaped HRC's limited location within North of Lebanon. In that respect, a former government official notes that "There was a decision by the

government as a whole, not to expand to Beqaa. At the time, there was a huge division in the government people with regime and people against the regime. There was no clear policy where if we ignore the problem it will not affect us. They considered if we move to Beqaa then it is like admitting that we have refugees. If we open up the operation it means we have a refugee problem, so let UNHCR go and deal with it”.

Under those circumstances, “HRC stopped registration and stopped playing a role in this file. This is when UNHCR started officially registering refugees.” notes Khalil Gebara, the former advisor of the ministry of interior affairs. In other words, as the HRC, as a public body, had to step away from the refugee file, UNHCR went ahead with refugee registration (Reuters, 2011). “There is no official communique between the Lebanese Government and UNHCR regarding registration of Syrian refugees. All correspondence was verbal,” notes Dr. Khalil. The lack of an MOU update since 2003 makes the absence of an official agreement between the two bodies clear (Kheshen, 2022). With ongoing instability in Lebanon, UNHCR acted as the sole governor for Syrian refugees between 2012 and 2014 (Janmyr, 2018).

ii. Post October Policy 2014: MOSA & UNHCR

By 2014, MOSA became the focal point for refugees’ affairs. MOSA was the first governmental entity to show interest in data as management method on Syrian crisis (Jacobsen, 2015). In an expert interview, the former MOSA Rashid Derbas notes, “Once I became part of the Council of Ministers, I noted that it is not adequate to host such a large number of people without national data. I suggest creating a data program”. Minister Rashid's proposal was approved by the council of ministers, although the

minister observes that while working on the project for a short time, the primary challenge was the project's insufficient capacity.

An academic in international law confirms that “UNHCR tried to support the Lebanese government in developing a chart registration between 2015 2016 2017, but this did not lead to anywhere.”

Later on, MOSA requested data sharing with UNHCR in the name of state sovereignty (Jacobsen, 2015). However, UNHCR refused to any joint data with the Lebanese government due to data privacy regulations, which protect refugee data from misuse and data leakage to third parties (Schoemaker et al., 2021). Following continuing discussion between GoL and UNHCR, “We have agreed that the data is shared with MOSA only and that it is not to be given to anyone else, and that if General Security requests it, we do not share it.”, stated Minister Rachid Derbas the Minister of MOSA back then. In this case, by data we mean biodata, and not biometric data.

Letters exchanged between UNHCR and MOFA govern the biodata-sharing partnership between UNHCR and MOSA. Hence, there was no legal agreement.

Despite MOSA having UNHCR biodata, still findings show that MOSA staff believed that biodata had no kind of use because there was no agreement on data usage. In an interview, a former government official narrated, “The data was sitting there on your systems. It was confidential, encrypted, and password. There was no decision from the government on what to do with the data.” However, findings show that, given the General Security mandate to collect data for the GoL, GS was interested in biodata as a border control measure. In that respect, a former government official noted, “General Security used to ask for the data daily from MOSA.” Then a former government official added that UNHCR was not in favor of data sharing with GS.

In the MOSA and GS cases, it is critical to consider the logic behind MOSA's request to comprehend the purpose of the data. To begin with, MOSA had become the focal point for the refugee governance issue by 2014 (Mourad, 2017). That explains that data is a means to fulfill MOSA's governance role in Lebanon's refugee affairs. "We were in charge of the file, the people, and the budget," Minister Rachid Derbas says of the UNHCR data request. We need information on the number of refugees."

Under these conditions, MOSA aimed to use data to improve refugee governance in Lebanon. As a result, if MOSA had shared the biodata with GS, the biodata's original purpose would have shifted to another, which would have been surveillance and security for border control.

With this incident in mind, I recall the function creep phenomenon that entails misuse of data for another purpose than that for which it was originally processed (Rahman et al., 2018).

I briefly revisit the most recent and clearest example of data misuse between UNHCR and the Bangladesh government in the registration of Rohingya refugees to illustrate how biometrics invites a new layer of refugee governance between the host government and UNHCR. This case greatly supplements my discussion of Lebanon case.

To begin with, the Bangladesh government is a non-signatory of the 1951 convention and well known for its forced refugee return operations, such as forced deportation from Bangladesh to Myanmar in 1978 and again between 1992 and 1997 (HRW, 2021).

Following the military coup in Myanmar in 2017, Bangladeshi authorities politicized the refugee narrative once more (HRW, 2017). In 2017, the Bangladesh government registered Rohingya refugees (HRW, 2021). Registration involves the collection of personal information and biometrics. Back then, UNHCR worked on the family

counting exercises through its Refugee Relief and Repatriation Commission. The next year, the government requested UNHCR to collaborate on the joint registration data collected by the government and data collected by UNHCR in collaboration with the Refugee Relief and Repatriation Commission to create “Smart Card” that gives refugees access to assistance and services (HRW, 2021).

By January 2018, the UNHCR signed a data-sharing agreement with Bangladesh (HRW, 2021). Concurrently, Myanmar and Bangladesh’s developed in November 2017 a repatriation agreement, based on it the Bangladesh government share Rohingya refugee data with the Myanmar government for repatriation purposes—the same authority that persecuted the Rohingya (HRW, 2021). From 2018 to 2021, the Bangladesh government shared a minimum of 830,000 names of Rohingya refugees to Myanmar, coupled with biometric for repatriation eligibility assessments. In effect, Myanmar agreed to allow approximately 42,000 Rohingya to return (HRW, 2021).

UNHCR received a massive backlash on the misuse of such sensitive data from human rights advocates and media outlets (Hodal, 2021). In response, UNHCR spokesperson Andrej Mahecic argues that the UN completely disclosed the objective of the data collection exercise and acquired refugee consent, so the UN rejects any misconduct (Hodal, 2021). With this in mind, HRW interviewed Rohingya refugees to learn more about their experience in the UNHCR registration process in Cox’s Bazar between September 2020 and March 2021 (France24, 2021; Hodal, 2021). HRW’s findings indicate that Rohingya refugees never consented, for example, 23 of the 24 refugees interviewed said they had no idea the data purpose expands beyond aid support



purposes (Hodal, 2021). Furthermore, HRW's findings indicate that the language barrier hampered proper refugee consent; for example, only three of the 24 refugees interviewed could read English (Hodal, 2021).

Under those circumstances, the Bangladesh authorities misused the original purpose of the biometric data as a means for the “SMART Card” to a “repatriation eligibility assessments” tool without the consent of refugees. Therefore, UNHCR-Bangladesh partnership have violated the agency’s privacy and data protection regulation to protect refugees’ data.

iii. Post-Return Plan 2023

Despite the 2014 data-sharing discussion between UNHCR and MOSA (Lutz, 2014), once again in 2023 the Lebanese Minister of MOSA Hector Hajjar pushed for data sharing between UNHCR and GoL following the ministerial meeting on 26 May 2023 on the subject of displaced Syrians in Lebanon (Al Jadeed, 2023). Minister Hajjar gave UNHCR a week to share data (biodata and iris-scan data) with the Ministry of Interior and Municipalities (Al Jadeed, 2023), which indicates that host governments frequently put pressure on UNHCR to share data gathered on their territory (Jacobsen 2015).

The rationale behind GoL’s data-sharing request is due to three reasons. First data sharing supports in the Syrian displacement response since UNHCR data is correct and contains an iris print (Annhar News, 2023; Central News Agency, 2023). Second, data serves as a means to track and control border movement, for example, status of displaced person who leaves Lebanese territory is revoked (Annhar News, 2023). Third, data allows to identify who is a displaced person or not (This is Lebanon News, 2023).

In that respect, Minister Hector noted through Sunday with Mario show aired on LBCI channel that, “We want the data because we know that over 50,000 Syrians leave and enter Lebanon through legal crossings each year. We believe these people are registered as displaced, and we want to collect data to inform the UNHCR and prevent return to Lebanon as they go and come.” In a highly politicized refugee context and an unstable political climate, data sharing between UNHCR and the host government can lead to data misuse that has grave repercussions (Madianou, 2019). To explain, Minister Hajjar states that many registered Syrians crossing back and forth show that Syrians crossing is not afraid to return to their home country, which eliminates their status as displaced. As a result, data can serve as a means to deregister Syrians who enter and exit Lebanon multiple times and prevent their return to Lebanon. In this case, data usage goes under the logic of securitization, surveillance and border control (Madianou, 2019).

This discourse indicates function creep phenomenon that is expansion of a data project's scope to include cross-matching templates against other databases (Rioseco, 2020).

Hence, data usage for discrimination and involuntary return makes refugees more vulnerable (Madianou, 2019).

However, only few days later, UNHCR rejected GoL data-sharing request (Annahar News, 2023). In response, The Minister of Social Affairs Hector Hajjar, noted, “UNHCR refuses to hand over the data of the displaced Syrians to the Lebanese state for illogical reasons.” (Annahar News, 2023; Central News Agency, 2023).

According to different news outlet sources, UNHCR provided GS a paper noting that the UNHCR refuses data-sharing with GoL only if GoL agrees to provide Syrian

refugees residency permits and governmental services, such as education and health. News outlets describe the UNHCR papers as “dangerous” since it led to a spark of political tension. In that respect, the Lebanese Minister of Interior and Municipalities Bassam Mawlawi notes that GoL rejects UNHCR paper since Lebanon is a non-signatory of the 1951 convention, and Lebanon is in the midst of an economic crisis. Other Lebanese political figures argued that UNHCR paper aims to integrate Syrian displaced persons into the Lebanese community (LBCI, 2023).

However, UNHCR denied requesting the Lebanese General Security to grant residence permits to Syrians who entered Lebanon after in return to refugee data sharing (LBCI, 2023).

b. GS and UNHCR

Aside from MOSA, there are other governmental (General Security) and non-governmental actors (municipalities) engaged in data collection from Syrian refugees, respectively (El Diaf et al., 2021). In my discussion, I only select GS as governmental local actor that collects data for GoL.

My findings reveal only two refugee data collaboration between GS and UNHCR. The first dates back to the Iraqi crisis, which is beyond the scope of this paper. The second collaboration between GS and UNHCR happened for 2-3 months in 2017. Dr. Khalil Gebara explains the short-termed partnership, “GS to share with UNHCR the border movement of Syrians for 2-3 months in Lebanon. Also, it asked UNHCR to check these names and match them with the names registered with them. Under the idea that if you do more than 1-2 crossing it becomes a regular crossing it means you are not under any

fear to go back to your own country. UNHCR did that, as a result UNHCR deregistered thousands of refugees”. Dr. Kahlil considers this pilot collaboration as extremely successful. However, a former government official argues that the pilot did not change much in the illegal entry scenario.

In light of the rare partnership between UNHCR and GS on data sharing, findings show two cases where GS has limited ability and capacity to collect data from refugees. To begin with, Lebanon's Directorate of General Security (GS) is tasked with gathering information for the government on political, economic, and social issues, equally important concerns associated with media censorship and maritime, air, and land borders (NRC, 2014). My study focuses on the GS task on border checkpoints. A major problem that the GS face on checkpoints with the Syrian refugees is the fake documentation (NRC, YEAR). “There was a lot of fake IDs” confirms, Dr. Khalil Gebara. Several reasons drive Syrian Refugees entering Lebanon to use fake IDs, such as limited legal status or Syrian males avoid military service (NRC, 2014). My focus is on documentation. IDs are at high risk to be faked and copied, while biometric data is accurate and unique overtime (OCHA, 2021). Indeed, biometrics turns the “body into a readable ID” (Lewkowicz, 2021, p.6). Furthermore, as some Syrian refugees avoid checkpoints by using alternative roads or by paying for higher transportation costs (NRC, 2014). Subsequently, GS is unable to collect information on illegal Syrian refugees (NRC, 2014).

Most recently, the February Turkey-Syria earthquake has led to the increase movement of entry and exit to and from Syria (LBCI, 2023). As a result, General Security numbers, the latest of stated by Major General Abbas Ibrahim in November last year, totaling two million and 80 thousand displaced, remain unstable (LBCI, 2023).

c. Minister of State of Displaced Affairs

Another key player in the response to the Syrian crisis is the Ministry of State Displaced Affairs. In 2016, the former PM Saad Al Hariri established the minister of state for the displaced affairs in Lebanon, and appointed Mueen Merhebi as the minister. The three main objectives of the Ministry of State for Displaced Affairs established in 2016 are to “develop a public policy on Syrian displacement, act as a focal point for coordination mechanism among all the ministries involved in the displacement file, and participate in the inter- ministerial committee”, notes Ziad Al Sayegh, former senior advisor in the Ministry of Displaced Affairs. Merhebi notes that the refugee registration data can greatly aid the safe repatriation process (Naharnet, 2018). Moving on, 2018 marked a turning point in the ministry's policy agenda toward Syrian refugees, as the appointment of Minister Saleh Gharieb, an advocate of the GoS, pushed for a forced return plan of Syrian refugees in coordination Syrian Officials (Basmeh & Zeitooneh NGO, 2019). With this in mind, the Minister of State of Displaced Affairs perception of data misaligns with UNHCR’s perception of data. The UNHCR Handbook on Voluntary Repatriation states that refugee registration data never to be directly used to determine forced return (HRW, 2021).

Moreover, “there was a conflict of interest between the Ministry of State of Displaced Affairs and the Ministry of Social Affairs, despite both ministers coming from the same political parties. They tried to work together, but there was no specific framework to organize the rights and duties of each.” notes Ziad El Sayegh.

## ***2. Cooperation with private sector as an external expertise: UNHCR cooperation with Iris Guard Tech Company***

Jacobsen and Fast (2019) state that donors pressure aid agencies like the UNHCR to cooperate with non-humanitarian parties to improve humanitarian response. Since UNHCR's biometric registration and identification of refugees and asylum seekers responses is heavily reliant on technology (Londinova, 2016). As a result, UNHCR works with Iris Guard, a private tech company based in UK (Jacobsen, 2019). The U.N. refugee agency purchased iris-scanning equipment from a company called IrisGuard. Iris-Guard is a UK-based electronic payment solutions company and the leading supplier of end-to-end iris recognition biometric technology (IrisGuard Website). The refugee agency collects iris scans of Syrian refugees in Lebanon using the British-Jordanian company Iris Guard's system in Lebanon (Chehade et al., 2020). In addition, UNHCR and other IOs such as WFP and UNICEF collaborate with Iris Guard for refugee card verification (Chehade et al., 2020). However, scholars argue that marketization and profiting from the cost of refugees' biometric data allows new forms of governmentality and non-humanitarian third parties (Londinova, 2016). Similarly, UNHCR's business networks endanger "the institution's autonomy and legitimacy." Machacek (2018, p.217). Especially since IrisGuard dates back as a border control company (Lemberg-Pedersen & Haioty, 2020). Marwa Fatafta, a Middle East and North Africa policy manager at tech human rights advocacy group Access Now notes, "There are companies that are happy to provide these technologies and profit off of those situations."

### ***3. Cooperation with other IOs: UNHCR and WFP***

Cash and voucher assistance (CVA) has played a central role in the response to the Syrian refugee crisis and, starting in 2014 (Chehade et al., 2020). Biometric iris-scanner was piloted for some CVA programs as both a payment instrument and authentication mechanism (Chehade et al., 2020).

In the case of Lebanon, UNHCR and WFP jointly work on the multi-purpose financial assistance (Chehade et al., 2020). For example, November 2017, the World Food Programme (WFP) received US\$100 million (£77 million) from the United Kingdom's Department for International Development (DFID) (Chapman, 2018). That money was channeled towards a new phase of WFP programming in Lebanon—multi-purpose cash for the most vulnerable Syrian refugees (Chapman, 2018). The Department for International Development notes that the programme helped the poorest families (Chapman, 2018). Penny Mordaunt, who was made Secretary of State for International Development in November, said "UK aid is giving refugee families in Lebanon an allowance so they can buy essential items. Our support is giving them dignity, so they can improve their own dire situation". (Chapman, 2018, Daily Express) She also, said "The results are remarkable. We are empowering refugees to transform their lives and helping them to stamp out child labor so the most vulnerable can get the education they deserve." (Chapman, 2018, Daily Express) The programme uses the latest biometric technology to eliminate fraud and make sure aid goes only to those who need it most (Chapman, 2018). The Department says regular, rigorous checks are carried out to make sure support is used appropriately (Chapman, 2018). "Cash transfers get aid to those who need it. Every £1 of UK support for Syrian refugees is providing £1.20 worth of

traditional aid. Robust checks, including biometric technology, are eliminating fraud."  
(Chapman, 2018, Daily Express)

## **B. Benefits of UNHCR's biometric refugee data**

Since late 2013, UNHCR has been rolling out iris Scanners in Lebanon as part of Syrian refugees' registration processes because biometrics is an integral part of registration process (UNHCR Global Report, 2013). The biometrics (eye print) brought benefit for UNHCR and Syrian refugees residing in Lebanon. In this section, I aim to list and discuss how biometric registration became beneficial for refugees and UNHCR in Lebanon.

### ***1. Benefit: Refugee Biometric Registration Preserves Identities.***

In the light of the Lebanese political actors struggling to find common ground for handling the Syrian refugee influx (Mourad, 2017), UNHCR refugee biometrics registration has provided refugees with a reliable way to prove their legal identity, even in the absence of other documentation (Farraj, 2010). In addition, biometric registration increases the legitimacy of projects intended for the beneficiaries by enhancing precision and preventing deception (Farraj, 2010). In other words, biometrics close the gap between unidentified recipients and the particular aid they are due (Rahman et al., 2018).

By October 2014, GoL issued a refugee policy requesting to stop UNHCR registration due to the number of Syrian refugees in Lebanon hitting 1.5 million (Mourad, 2017). The October policy was put into force in 2015. As a result, despite the October policy, UNHCR continues to check and update the data of Syrian refugees who registered with



UNHCR before 2015 (UNHCR Lebanon Factsheet, 2019). In addition, UNHCR resorted to recording Syrian refugees after the 2015 decision (Janmyr, 2019). The recording process includes the collection of basic information and biometrics in UNHCR's Refugee Assistance Information System (RAIS) database (Janmyr, 2019). The main difference between those who are recorded and those who are registered is that those who are recorded do not get a UNHCR certificate (Janmyr, 2019).

## ***2. Benefit: UNHCR Biometric Data Improves the Quality of Database***

On the subject of the quality of the database, it is crucial to identify and discuss the technical and financial capacities of actors involved in data collection from Syrian refugees in Lebanon, because this discussion helps in understanding technical skills and financials shape the data governance of refugees' affairs.

Based on my findings and previous discussion, I argue that in the early stages of the Syrian crisis, HRC played a role in the registration of Syrian refugees that secured a national database at some point.

However, several financial and political factors restricted HRC's role as a local actor in accessing and governing quality refugee data. On a financial level, HRC's limited capacity and registration sites only in North Lebanon left it unable to accommodate the fast-paced influx of refugees all over Lebanon (Reuters, 2013). To illustrate HRC's limited capacity back then, a former government official said, "government didn't have enough money to forward registration, especially that the staff that was doing registration were staff from a different project within the MOSA".

Given that UNHCR is, has the resources, infrastructure, and support to respond effectively to refugee crises in host states (Nah, 2019). As a result, UNHCR continued the registration of Syrian refugees by dedicating country-scale registration sites across Lebanon. UNHCR developed centralized registration locations intending to monitor the number of Syrian refugees and increase the scale of humanitarian assistance. The registration response maintained a three-pronged strategy. First, fixed registration centers in Beirut, Tripoli, and Bekaa to ensure a fast and effective process (UNHCR Update, 2012).. Second, UNHCR collaborates with NGOs and local partners to transport refugees who on border towns to Tripoli for registration. Third, mobile registration missions to South Lebanon, Wadi Khaled, and the Bekaa, are being planned to reach refugees who continue to face protection or mobility concerns (UNHCR Update, 2012). Later on, the UNHCR and the Lebanese Armed Forces (LAF) began providing transportation to recently arrived refugees from the border town of Chebaa to the registration center in Tyre (2013) (UNHCR Update, 2012). However, the main challenges that UNHCR faced included the geographical spread of the targeted area and the reluctance of the displaced to disclose information (UNHCR Update, 2012). The element of photo capturing every individual during the registration process is working to further elevate fears and increase hesitation. UNHCR teams have incorporated awareness-raising elements in their information campaign and are attempting to counter any misconceptions about the registration process, especially as to how and with whom information is shared. (UNHCR Update, 2012).

Furthermore, unlike HRC's registration which only involved in-depth assessment and questioners, UNHCR rolled out iris scanners from Syrian refugees' registration to

improve the quality of data acquired from refugees in Lebanon by late 2013 (UNHCR Global Report, 2013). That means UNHCR is the only actor mandated to collect and access such sensitive, accurate, and unique biometric data from refugees. With this in mind, in an interview, the former MOSA Rashid Derbas notes that “Lebanon has a problem with data. The UNHCR has data and biometric information. I visited UNHCR sites and witnessed UNHCR's professional work, as they recorded everything. They work professionally.”

### ***3. Benefit: Improvement in the delivery of aid.***

Integration of refugee biometrics as part of the aid delivery procedure provides an opportunity for both the recipient and humanitarian organizations; it improves aid delivery for beneficiaries and increases accountability for the organization (Rahman et al., 2018). Since 2013, UNHCR Lebanon has been at the forefront of the delivery of assistance to refugees via cash and ATM cards and established a multi-purpose cash assistance program (Chehade et al., 2021).

MCAP in Lebanon serves as one of the most extensive UNHCR cash assistance programs in the world, targeting those who are the poorest refugees (UNHCR Lebanon Fact Sheet, 2021). Most importantly, UNHCR maintains an effective delivery and monitoring of cash assistance through periodic biometric identity updates and recipient identity authentication to eliminate fraud and multiple registrations (UNHCR Lebanon Fact Sheet, 2021). For example, “UNHCR/WFP joint validation exercise of MPCA beneficiaries took place in March-April and served to ensure that the right person owned the right card. This exercise was conducted across the country in UNHCR and WFP-dedicated sites using biometric tools such as facial recognition and iris scanning

to ensure accuracy, timeliness, and alignment with data protection standards. The final rate of no-shows, i.e. families failing to attend the validation, was 5%.” (UNHCR Operational Update, 2019, p.6).

MCAP enables Syrian refugees to meet their own basic needs, including housing, food, and healthcare (Chehade et al., 2021). As a result, refugees are at a lower risk of engaging in dangerous practices and being exploited (UNHCR Lebanon Fact Sheet, 2021). Refugees can withdraw their UNHCR cash assistance through the common LOUISE card at any ATM in Lebanon” (UNHCR Lebanon Operational Update, 2019, p.7).

With this in mind, Syrian refugees in Lebanon seriously face exploitation, given the strict residency requirements that push refugees to choose between working illegally or finding a Lebanese sponsor (Mourad, 2017). Both options expose refugees to exploitation, including difficult working conditions, low wages, and the risk of violence (Mourad, 2017).

Furthermore, by 2020 Lebanon witnessed an unprecedented economic crisis, defined by the World Bank as one of the world’s worst national economic depressions. Also, Lebanon’s recent political turmoil, the COVID-19 pandemic, and Beirut’s port blast, which killed nearly 200 people and caused billions of dollars in damage in 2020, have all deepened Lebanon’s financial inclusion (Karasapan & Shah, 2021, Brookings).

Under these conditions, "Syrian refugees in Lebanon are a crisis within a crisis," as Brookings News (2021) puts it. Basic goods prices have skyrocketed, and supplies have become scarce (Sheikhsaraf, 2022, UNHCR). Syrian refugees' vulnerability and poverty have worsened. Nonetheless, MCAP was able to reduce refugees financial burden

among registered refugees. According to the UNHCR's Cash Programmes Factsheet (2021), 80% of refugee households reported a significant or mild reduction in their financial burden and anxiety levels.

### **C. Drawbacks of UNHCR's biometric refugee data in Lebanon**

Despite the benefits of biometric refugee data in Lebanon, it is important to emphasize that biometrics is not a technical solution isolated from political discussions (Jacobsen, 2019). Given the highly politicized refugee narrative in Lebanon, biometrics tells the refugee governance story in Lebanon.

#### ***1. Lebanon and UNHCR's shift of responsibility over biometric data***

To comprehend Lebanon and UNHCR's shift of responsibility over biometric data, it is critical to mention that early on Syrian crisis delegated refugee response to the UNHCR (Mourad, 2017). “By 2011 GoL remained without any data by choice”, said a former government official in an interview.

To explain, up until 2014, the Lebanese government rehabilitated interest in the data of Syrian refugees by requesting to access UNHCR biometric data in the name of state sovereignty (Robbin, 2022). In 2014, then Social Affairs Minister Rashid Derbas said the government “was working with UNHCR to establish a system that would turn the data over... Why wouldn't they [UNHCR] give it to us? They are working on Lebanese territory”. An academic in International Migration Law notes, “Obviously as a host government the Lebanese government wants full control on who is in the country and as much information as possible. From the perspective of the Lebanese government, of course, it does not make sense to them that an external actor such as the UN sits on so much information on the people that they are hosting. It is understandable that the

Lebanese government also wants access to this data.” However, UNHCR denied biometric data sharing with the Lebanese government for data protection and privacy concerns, including forced repatriation to the country of origin (Jacobsen, 2019).

One of the main debates that marked the data sharing discussion between UNHCR and the Lebanese government was that refugee data could be shared with the Syrian regime since March 8 political parties known to be Pro-Assad supporters dominated the Lebanese government (Robbin 2022). UNHCR acknowledges the risks of data-sharing with the country of origin and notes “UNHCR should not share any [individual case] information with the authorities of the country of origin.” (HRW, 2021) Therefore, Syrian refugees’ feared for their privacy and safety from abuse and persecution (Robbin, 2022)

## ***2. Lebanon non-compliance to the 1951 Refugee Convention***

One of the main challenges that intensify the relationship between the Lebanese government and UNHCR is that Lebanon is a non-signatory of the 1951 Refugee Convention which limits the UNHCR mandate. As aforementioned in the legal context section, Lebanon’s refusal of the 1951 convention relates to fears of a change in the country’s demographics and a threat to the power-sharing agreements. Second, many Lebanese people hold Palestinian refugees accountable for the 1975–1990 civil war in their country, which exacerbates anti-refugee sentiment (Hanafi and Long 2010; Janmyr 2017).

Under those circumstances, Lebanon avoids at all costs compliance or even the mere association with the 1951 convention (Moayerian & Stephenson, 2023). In light of the anti-refugee sentiment, GoL policies address Syrian refugees residing in Lebanon as displaced people rather than refugees, which makes Syrian refugees lose their status as

refugees and are put them in danger (Janmyr, 2019) My findings show that Lebanon's sharp rejection on the 1951 convention influence its perception of Syrian refugee data. "GoL fears that signing à MOU with UNHCR, registration, collection, and access to data can lead to the ratification of 1951 Convention, although this is just a matter of a Sovereign Good Governance," notes Ziad El Sayegh.

### ***3. Lack of MOU between UNHCR and Lebanese government***

Since their previous MOU in 2003, the UNHCR and GoL have not had a new one until now (Kheshen, 2022). I argue that the MOU absence makes it more difficult for the host state and UNHCR to collaborate on biometric data. Since there is no MOU, it is unclear what each party's responsibilities are (Kheshen, 2022). If data sharing occurs between them, the absence of an MOU calls into question the use and purpose of the data, leaving it open to abuse and leakage. As a result, "every single interaction between UNHCR and the government is negotiated." according to an expert in international law.

### ***4. Lebanon's data protection legal framework***

"UN guidelines specify that states must ensure accountability and remedy for privacy violations by data processing entities through effective judicial or non-judicial state-based grievance mechanisms" (Rioseco, 2020, p. 21). Findings indicate that Lebanon's data protection legal framework falls short of UN guidelines on biometric protection.

I explain the three reasons behind that. First, the legal terminology used in the Lebanese data protection framework is ambiguous, as evidenced by the lack of the concept of informed consent (Fatafta & Samaro, 2021). Hence, Lebanese data practices do not identify with the UNHCR mandate to obtain refugees' informed consent during

the registration process. Second, Lebanon's data protection law is inconsistent with reliable data protection frameworks such as the European Union's General Data Protection Regulation (GDPR) (Robehmed, 2021). Third, the Ministry of Economy and Trade oversee the database, which increases the risk of abuse of power (Fatafta & Samaro, 2021; Robehmed, 2021). As a result, in contrast to UNHCR biometric data guidelines, Lebanon's data legal tools fail to ensure independent and effective data-processing entities.



## CHAPTER VII

### CONCLUSION

The study starts by asserting that biometrics gained prominence as a means of surveillance for effective governance in the aftermath of the September 11 attacks. While previous scholarship has predominantly examined the use of biometrics in security contexts, such as the war on terror, airports, and asylum centers, the United Nations High Commissioner for Refugees (UNHCR) initiated a pilot project to integrate biometric data collection into the refugee registration process in the early 2000s. Subsequently, UNHCR officially adopted biometric registration as a policy in 2010, leading to its widespread adoption in humanitarian settings. Given the extensive use of biometrics in these contexts, scholars should undertake thorough investigations to evaluate their potential implications, which extend beyond technological limitations.

The conceptualization of biometrics is heavily influenced by the contextual factors of each country, resulting in variations in their implementation across different regions. This research takes Lebanon as a case study to examine the impact of UNHCR biometrics on the governance model in Lebanon, and vice versa, relying on a descriptive analysis of the UNHCR biometric registration landscape in response to the Syrian crisis. Furthermore, the study explored the ongoing debate surrounding data-sharing practices between UNHCR and Lebanon, shedding light on the complexities of implementing biometric registration systems in humanitarian settings.

Methodologically, I used biometrics and the function creep phenomenon as a conceptual framework. Moreover, I conducted desk research that includes different sources, such as research studies, local/international news, case studies, UNHCR publications, legal documents, and Lebanese government policies. In addition, I conducted five expert interviews. The interview targeted individuals familiar with or who worked on the Syrian refugee file in Lebanon.

To understand the intersection between UNHCR biometric operation in Lebanon and the governance of Syrian refugees in Lebanon, I had to reflect chronologically on the Lebanese political climate concerning the Syrian refugees since the beginning of the crisis. GoL has gone through several stages throughout the Syrian Refugees influx. In early 2011, the GoL viewed the Syrian war as temporary. In addition, there was sharp disagreement among Lebanese politicians about the Syrian conflict. As a result, the GoL was unable to respond to the influx of Syrian refugees. Between 2011 and 2014, the UNHCR played a significant role in the affairs of Syrian refugees in Lebanon.

However, by 2014 with the new GoL, GoL rehabilitated interest in refugee affairs due to several development changes, such as the skyrocketing increase in the number of Syrian refugees in Lebanon. The October policy resulted in the suspension of UNHCR refugee registration by 2015. However, as of 2022, the GoL has publicly endorsed a refugee return plan, marking a significant shift in its approach towards addressing the refugee crisis.

Given Lebanon's fluctuating political climate that fosters a refugee exclusion approach, I aimed to examine how UNHCR's biometrics add a new layer of complexity to refugee

governance in Lebanon. To answer that, the initial part of the analysis centered on identifying the types of actors involved in the UNHCR's partnership on biometric activities. In addition, how the presence of many actors affects Lebanon's governance on refugee affairs. This section covered UNHCR's partnership on biometrics with three different actors: Lebanon as a host state, WFP as an IO, and IrisGuard as a private company.

Findings show that collaboration between UNHCR and GoL on biometrics data sharing forms an inconsistent relationship due to two main factors. First, the many Lebanese governmental actors involved in the Syrian Crisis governance led to a lack of centralized effort (Mourad, 2018). I listed the Ministry of Social Affairs, General Security, and Ministry of Displaced Affairs as key actors in the refugee response. Each entity brings in its agenda, which impacts the perception of UNHCR biometric data. For example, MOSA needed data for refugee management purposes, while GS for border measure purposes. In light of this, the variety of uses for biometric data raises “function creep” that is the risk of data misuse or leakage because data usage goes beyond its original purposes. Second, Lebanon's exclusion approach towards refugees expressed through the October policy and current refugee return plan raises fears around the possibility of data sharing. The risks of function creep, data repurpose, and data misuse are heightened in the case of a host country that advocates for forced return and lacks clear policy. Data used for discrimination and refugee involuntary return to country of origin exposes refugees to high risks of vulnerability, such as surveillance.

Furthermore, UNHCR collaborates with WFP as IOs through cash assistance projects to ensure accountability and improve its humanitarian aid response for Syrian refugees.

In addition, UNHCR works with Iris Guard, a private tech company based in the UK (Jacobsen, 2019). Iris Guard strengthened its position as the sole provider of iris scanners in the region. Scholars argue that private actors cause the marketization of refugees in a host state.

The second part of the analysis focused on the benefits of UNHCR's biometric refugee data in Lebanon. I listed and explained the benefits as I reflected on the political climate in Lebanon as a host state. Findings indicate that in light of the Lebanese political actors' divisions over the Syrian refugee influx (Mourad, 2018). UNHCR refugee biometrics registration has provided refugees with an accurate identity and access to cash aid through ATM cards. Moreover, findings show that UNHCR ensured a quality database (biodata and biometric data) on Syrian refugees residing in Lebanon.

However, the third part of the analysis argued that despite UNHCR biometrics benefits, still UNHCR biometrics is not merely a technical solution since it is part of the Lebanon's highly politicized refugee discussion. Findings show that Lebanon's unstable political climate pushes further for a shift of responsibility between UNHCR and GoL, in which UNHCR is responsible for biometric data collection. Moreover, Lebanon's incomppliance with 1951 Refugee Convention pushes some Lebanese political actors to reject any act that entails alignment with the

conventions. Fieldwork shows that several political actors fear that access or collection of biometric data leads to the confirmation of the 1951 convention. In the same vein, the absence of an updated MOU between GoL and UNHCR that organizes each entity's rights/duties entails that any data sharing requires continuous negotiation.

Finally, the results of this study isn't a judgment over the Lebanese governance on refugee affairs, but it is a reflection on how UNHCR's biometrics throughout time creates a mode of governance that threatens and weakens the host state role on refugee registration and access to refugee data. The study confirms that UNHCR biometric operation in Lebanon has invited new actors to increase the efficiency of UNHCR operation. However, these new actors, such as UNHRC, WFP and Iris Guard, occupy space on the governance of Syrian refugees in Lebanon. This shift in responsibility between GoL and these new actors happened due to political and financial reasons. First, these new actors are financially autonomous due to their resources, capabilities, and knowledge. On the other hand, Lebanon, as a host state, has constrained resources and a limited budget for refugee registration, as described in the HRC case. As a result, the imbalance of power in expertise among actors allows the UNHCR to own a comprehensive nationwide database of Syrian refugees living in Lebanon. Second, the unstable political climate in Lebanon regarding the Syrian conflict and the Syrian refugees residing in Lebanon limits the state's role in refugee registration. A highly politicized refugee narrative fuels the Lebanese political climate, demonstrating Lebanon's compliance with the 1951 Refugee Convention and the lack of an MOU between UNHCR and the GoL. As a result, the data-sharing conversation between UNHCR and GoL fell short.

Based on fieldwork, the 2014 data-sharing discussion between MOSA and UNHCR demonstrated that MOSA gained access to refugee biodata, but this data was deemed useless and was never used. Recent local news on the 2023 data-sharing discussion between UNHCR and GoL, describe the data-shared in 2014 as unusable. It means even if data sharing happen, the imbalance of power in autonomy and expertise among actors pushes for data-sharing falling short. Without addressing openly the UNHCR biometric registration in Lebanon influence on the refugee governance in Lebanon and the factors causing so, then the current 2023 data-sharing discussion between UNHCR and GoL will fall short like 2014 discussions. However, more research is needed, to determine the long-term effects of UNHCR biometric data on the refugee return plan.

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