

Living with Passports in Our Pockets

Brian Prsecott-Decie

My wife, Taline, and her sister Maral were born in Mar Mikhael, a suburb of Beirut, of a Lebanese family of Armenian origin. Her father and paternal grandparents were also Lebanese born and bred, but her mother, of Armenian origin, but a citizen of Egypt where she was born, became Lebanese by marriage, and her aunt, also originally from Egypt, became Lebanese by virtue of the edict promulgated in June of 1994 (Maktabi, 2000, p. 147 and Immigration and Refugee Board of Canada, n.d.). During the civil war, when my wife was a child, they lived for a couple of years in the USA, and they have relatives in the USA, Canada, Brazil, Australia, Turkey, and elsewhere. They are, in fact a quite typical Lebanese family, thoroughly at home in today's "global village". Given the circumstances, the family must have known something of the complications that my wife might face when she chose to marry me – a British citizen – but, certainly, they have found the experience far more complicated than they could ever have expected.

I was born and brought up in the UK in 1951, a British citizen, but left the country not long after my 21st birthday to live first in Greece, then more recently in Cyprus and Lebanon. In due course I declared my "non-resident" status. That is to say, I declared that I no longer had a place of residence in the UK, as a result of which I no longer had an obligation to pay taxes, but also lost my vote. My first wife, many years ago now, was Greek. Under the then British laws, after five years of marriage, she received British citizenship, and our son was born both a British and a Greek citizen. He and she consequently hold dual nationality and citizenship,



and since both citizenships are in European Community member states, their problems are very few. My son will soon have to serve in the Greek army, a condition of Greek citizenship for males, and may have some minor complications due to having received his education in British, not Greek, schools and universities, but these are on the whole very minor issues.

Since that time, however, British citizenship laws have changed. They no longer take a "hail fellow, well met" approach to spouses of British citizens. Under the present law, which was introduced during the term of Margaret Thatcher's government, a spouse must reside legally, that is with a residence permit, in the UK for a period of time, currently five years, as a condition of citizenship. There are also conditions intended to prevent marriages of convenience, most significantly that the spouse must share a single place of residence with the British citizen and that the couple must be able to show an income in the UK. The police can and do perform physical checks from time to time, and also check that the foreign spouse is not absent from the country for more than 90 days in any one calendar year, so this is not a formality. Since my current wife and I chose to make our life in the Lebanon, she has naturally not been able to become British, and therefore remains one of the few Lebanese I know to hold only one passport.

Our children, on the other hand, are not Lebanese, but British only. The British law determines that they are automatically British if either parent is British, but places some restrictions on this citizenship, of which more in due place. The current

Lebanese Citizenship Law, on the other hand, accords citizenship only to children of a Lebanese father, or to children born in Lebanon who would otherwise be stateless. Clearly, since we foolishly declared our marriage to the proper authorities, our children fall into neither category. It should be noted in passing that some couples have, by failing to declare their married status, managed to get their children registered as Lebanese citizens,¹ since they would otherwise be stateless, but that is not the case in our family. As for our children's British citizenship, however, there is a single, extremely important, restriction. They cannot pass it on in turn to their children unless they return first to the UK, reside there, and have their children there. The guiding principle is clear: If they continue to have no effective connection with Britain or with British society, then, since they do not have any obligations to the British state, the British state has none towards them. As a result, it is entirely possible that my grandchildren may, at some future date, be stateless.

My children's life is a peculiar one. They are, as far as the Lebanese Republic is concerned, not Lebanese. Yet their mother is Lebanese, they were born in Lebanon at the St. George Hospital in Achrafieh, and have lived in the Lebanon all their lives. They go to school at Brummana High School where they take Arabic lessons just like the Lebanese children. This is not obligatory for them, and we could take advantage of their foreign passports to register them for "Special Arabic" – indeed half their friends, though Lebanese by both parents, do precisely this – but it seems foolish that, growing up in Lebanon, and with a Lebanese mother, they should not take advantage of the best possible knowledge of Arabic. Thankfully, they are both good enough students to be doing well in this class, despite the fact that we speak very little Arabic at home. At school, they participate in activities which also define them as Lebanese. They salute the (Lebanese) flag, recite the meaning of its colours, sing the (Lebanese) national anthem, participate in the (Lebanese) Scouting Association and, for the May Festival, they will take their place with their classes in Lebanese dances performed to music sung by Lebanese artists. They are, understandably, a little confused. My eight-year-old daughter recently proposed that they should

have a new flag. It should be quartered diagonally. In the upper, left hand, quarter, it should have two red horizontal bars, with half a cedar tree. In the right, lower quarter, it should have (again, halved) the red and blue crosses of St. George, St. Andrew, and St. Patrick – the Union Jack of Great Britain. This flag she proudly prepared on a large sheet of cardboard in the hopes that she might be able to fly it in a school parade. Sadly, it got left out in the rain with predictable results. The soggy remnants were somehow symbolic of the impossibility, under current circumstances, of their dream.

Under the present laws, I remain a foreigner, and must consequently every year obtain a new work permit and *iqama*, or residency permit. Should I not have work one day, my residence permit would automatically be terminated and I would be expected to vacate the country, leaving my wife and children behind, or taking them with me, despite the fact that my wife is Lebanese. The only advantage I have over other foreigners is that, since my wife is Lebanese, my work permit is issued without charge, though there is still a fee for the residence permit. My children too must have residence permits, but, for the last few years, have been able to obtain documents valid for up to three years or the life of their passports, whichever expires first. This has meant that my retirement, which is not many years off, has always been an issue of fear and foreboding in my family. It might mean that, being unemployed, I might no longer be allowed to reside in the Lebanon, or might have to put down a cash guarantee of 100,000,000 LL (\$67,000) in order to obtain a residence permit without working. My children also face the possibility that they might one day be told to leave the country (go home – but where is home?) once they attain the age of 18 unless they too, in turn, are able to obtain either student or work visas. Thankfully, it seems that this will no longer be an issue. On Wednesday, April 21, 2010, the Lebanese Cabinet approved "a draft decree granting foreigners married to Lebanese women a residency permit after one year of marriage as well as granting their children, whether adults or minors, a three-year residency". (Kawas, 2010). The edict itself, of course, is yet to pass, and the details have not been published at the time of writing, but if the

report is correct, then it will certainly ease our lives slightly and we will be duly thankful to the Ministers who have put this into effect.

However, there are other serious consequences of our status which cannot so easily be resolved. There is a law in this country forbidding foreigners to inherit property. This includes the children of a Lebanese mother. We own a house. It seems that this property, as the law currently stands, cannot be passed on to our children, which is ridiculous. The law may exist to prevent Lebanon from being bought up by foreigners, but plainly it is not having the correct effect. We all know that large parts of Lebanon, indeed whole villages like Bhamdoun, are being systematically bought up by foreigners, yet our children, with a Lebanese mother, under the current regulations cannot inherit the family home and property once their mother dies. This simply is not right.

There are other potential restrictions in store for my children, of which they have, as yet, only the dimmest inkling. If, God willing, they complete their school and university education, they will eventually have to take jobs and may wish to do so in Lebanon. However, the range of jobs they can take in this country is severely limited. Since they are considered foreigners (at least the half of their chromosomes that the Lebanese state chooses to count), they are barred from membership in any syndicate or professional union. Consequently, they cannot work in medicine or banking, or as architects, engineers, lawyers, or almost any other profession. Nor can they work in any capacity either for the government or for quasi-governmental organizations. It seems that they might, just about, qualify for a job as casual labourers. Alternatively, of course, they must seek careers outside the country. If we, in our old age, choose to stay here, we will be just two more Lebanese grandparents whose children have emigrated. The difference between us and other such Lebanese grandparents, however, is that our children will have emigrated because the law forces them to, not because they choose to.

They may also (though we hear that there may be some change soon in this department) be barred,

as I am, from participation in the Lebanese Social Security. While this is not a major issue at the moment, we do not know what the future may hold; one day the university where I teach will no longer be responsible for my private medical insurance and if, God forbid, we are at some point unable to pay the hefty premiums of our private insurance plans, we might find ourselves in need of the *daman* or social security as it is locally known. The argument that we have not contributed to this fund, and therefore should not benefit, is a specious one. My wife does contribute, but receives very little benefit and none for her children since they are foreign, despite the ratification of Law No. 343 in 2001,² and the amendment to article 14 of the social security bylaws in the following year to ensure equality of women employees, neither of which applies in her case (Center for Asia-Pacific Women in Politics, n.d.). I would willingly contribute if I could, but this is not permitted, nor, since I am non-resident, do I benefit from British Social Security except for the most basic emergency assistance.

Altogether, this is a serious list of disadvantages, especially in light of the fact that, when it comes to duties and obligations, we must fulfil all the obligations of a Lebanese citizen and more. We are obliged, like any Lebanese citizen, to pay our taxes, and to spend several days waiting in line at the offices of the Internal Security Forces to complete paperwork for which in turn there are fees. Rights, however, we have none. Though we are two adult householders, we have only one vote, not two, in the municipal elections. Do we not, as foreign residents, have the same expectations of the municipality as any other Lebanese householder? Clearly, if our road is not repaired, or our garbage not collected, we should be in a position to correct this since we pay the municipality tax, but we have less say in this than any other household on our street, simply because I am a foreigner, and consequently will not vote. Perhaps, as a non-voter, I should be excused from paying their tax.

For myself, I make few claims, but I have lived on and off in the Lebanon since 1980. I first came here during the civil war and worked with Lebanese schools throughout the country during the following ten

years. I have lived now continuously in the Lebanon for more than ten years, and have no other home. Most of my friends are Lebanese, so too my colleagues and students. There are less foreigners at the Lebanese American University today in my department than there were when I first joined, and no wonder – given the restrictions many eventually leave, and are rarely replaced by other foreigners. I pay my taxes, participate in school committees and the like, and will probably live here till I die, yet I cannot be a citizen of the country. It seems that I have all the duties and obligations of a Lebanese citizen, but none of the rights which ought to offset them.

For my wife, however, the situation is much more serious, and this on the highest ethical level. Quite apart from the inconveniences and restrictions to which she is and we are subjected, she is a Lebanese citizen. The current Constitution of the Republic of Lebanon states plainly in Article 7 that “all Lebanese are equal before the law. They equally enjoy civil and political rights and equally are bound by public obligations and duties without any distinction”. (Lebanese Constitution as amended 1990 [Lebanon]). It does not state that, to parrot George Orwell, some Lebanese (i.e. men) are more equal than others (i.e. women), nor does it state that women are not

Lebanese. If my wife is Lebanese, then she has not only obligations and duties, but also “civil and political rights”. One of these rights is plainly the right to pass on her nationality, on an equal basis, just as men do. There can be no mis-interpretation, no doubt, no distinction: the highest law in the land makes this absolutely clear. That the citizenship law denies her this right is a shameful act on the part of a state which has failed signally and consistently, since the law was first written³ (Decree No.15, 1925) to bring the act into line with the constitution. The whining of politicians who perennially hide behind antiquated sectarian and tribal positions to promote their personal interests and perpetuate a sexist law founded in 19th century legislation of the Ottoman Empire and the French Republic, and long since superceded in both France and Turkey, has driven my wife to the point of disgust with the Lebanese body politics, and recently she has begun to ask whether we too should not follow so many other Lebanese into exile. We love this country, and will not willingly leave, but if needs must, and if this situation is not rectified, then eventually my wife’s position will prevail.

Brian Prescott-Decie is an Instructor of English and Cultural Studies at the Department of Humanities at the Lebanese American University.
Email: bprescott-decie@lau.edu.lb

ENDNOTES

1. The “illegitimate” child of a Lebanese mother can exceptionally acquire Lebanese citizenship in case the identity of the father is not known.
2. Law No. 343 concerning the right of the Lebanese female employee who is married to a foreign national to extend the benefits gained from the cooperative of governmental employees to her husband and children in case they are not included in any other scheme of benefits.
3. The Nationality Law was first written not by any Lebanese authority, but by an unknown French mandate official in the Grand Serail of Beirut in 1925 acting on a decree of the French High Commissioner of Grand Syrie-Liban of 1920.

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