

From Party to Protector: What the End of Syria's Armed Conflict Does Not Establish

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The determination that [ended Temporary Protected Status for Syrian nationals](#) in the United States on 27 July 2026 rested on a finding, [published in the Federal Register](#), that Syria “no longer meets the criteria for an ongoing armed conflict.” Take that finding at its strongest and assume it is correct. It still cannot carry the weight placed upon it, because the [collapse of the Assad government](#) in December 2024 is being asked to answer two questions that international law deliberately keeps apart. The first is whether an armed conflict has ended. The second is whether an authority now exists that is capable of protecting those who fled. One event answers the first by definition, and the second not at all.

Termination by absorption

Ordinarily, establishing that a non-international armed conflict has ended is factually demanding. The International Criminal Tribunal for the former Yugoslavia held in [Tadić](#) that humanitarian law continues to apply until a peaceful settlement is achieved, and the International Committee of the Red Cross (ICRC) asks for a lasting cessation of hostilities without [real risk of resumption](#). Both tests look at conditions on the ground.

The ICRC recognises a second route, however. A conflict also ends when one of the parties ceases to exist. That is what occurred in December 2024. Hay'at Tahrir al-Sham neither disarmed nor negotiated a settlement. It ceased to exist as a non-state party by becoming the government, a reading reflected in the Geneva Academy's [current classification](#). The conflict terminated through the absorption of one belligerent into the government, and that route requires no reduction in violence whatsoever.

Refugee law asks something else. Under [Abdulla](#), cessation requires a significant, non-temporary change and that the state has taken reasonable steps to prevent persecution through the operation of an effective legal system. That is a prospective question about willingness and capacity to protect. Absorption cannot answer it, because absorption is a proposition about who is fighting rather than about who is safe.

Recognition rather than risk

The two inquiries collapse into one only because of an assumption buried in the doctrinal architecture. An organised armed force counts as belligerency when directed against a state and as governance when exercised by one. The distinguishing variable is the identity of the holder, not the character of the conduct. That assumption is unobjectionable in the ordinary case, where states are

presumed to protect their nationals and armed groups are presumed to threaten them. In a transition in which the belligerent has become the government, the presumption is doing work it was never designed to do.

The record shows why this is not a theoretical concern. The United Nations Commission of Inquiry found that violence along the Syrian coast in March 2025 [killed roughly 1,400 people](#), predominantly civilians, following an arrest operation launched by the interim authorities. Its [special report](#) on Suwayda in July 2025 documented more than 1,700 killed and found executions, torture and sexual violence that may amount to war crimes, implicating government forces alongside other armed actors. The organised capacity for violence did not dissolve when the conflict was declared over. It was reclassified, a movement the Security Council registered in February 2026 by [removing the group from its sanctions list](#) altogether.

For the person facing return, then, the question has not moved, which is precisely why the United Nations High Commissioner for Refugees concluded in May 2026 that [conditions have not changed durably and fundamentally](#). Cessation doctrine anticipates this difficulty. It measures change against the reasons that led to the original flight, on a case-by-case basis.

Where the error survives

That safeguard cannot operate inside a group instrument. Temporary Protected Status is designated and withdrawn for a country, not for a person, so the question of whether a particular individual faces a particular risk is never reached. In [Mullin v. Doe](#), decided in June 2026, the Supreme Court held that the statutory bar forecloses review of the Secretary's determination. Justice Alito remarked that the notice "by no means painted a rosy picture." The Court settled who decides, not whether Syria is safe. The country finding is therefore made once, administratively, for everyone, and cannot be tested afterwards.

Where individual examination survives, the finding does not. German authorities reviewed 17,767 Syrian protection cases during 2025 and [confirmed status in 96.3 per cent of them](#). Different instruments, certainly, but the same country-conditions premise, tested in one and assumed in the other. The proposition that Syria is now safe is not merely mistaken as a matter of fact. It is an artefact of instruments constructed so that the question need not be asked.

Its consequence is not mass expulsion. Those affected retain access to withholding of removal and to protection under the Convention against Torture, both of which are assessed individually and neither of which is affected by the termination. What the determination produces instead is a population moved out of lawful status and work authorisation into removability, while the risk that justified their protection goes unadjudicated. That is the characteristic operation of contemporary border control. It does not need to deport anyone in order to work. It needs only to find a question that a change of government can appear to answer.

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